# Millville
# Board of Education

# POLICY MANUAL

**The Policies of the Millville Board of Education are filed herein. These documents are to be considered to be copies and they are current. However, the Official Policy Manual of the Millville Board of Education is on file with the Superintendent of Schools. Documents on this compact disk must be compared to the Official Policy Manual to ensure accuracy.**

# Important Notice

**The documents filed in the accompanying file are the property of the Millville Board of Education and no unauthorized copies, editing, changing, altering or deleting of any of the material contained herein is permitted without the express written permission of the Millville Board of Education.**

**The policies included on the accompanying file should be considered to be current, however, before considering any policy contained on it, verification must be made by consulting the "Official Copy of the Millville Board of Education Policy Manual" on file with the Superintendent of Schools of the Millville School District.**

# Millville
# Board of Education
# District Policy Manual

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The Millville Board of Education has adopted the policies contained in the accompanying file. The format of the policies is Adobe Acrobat® and you will need the Adobe Reader® to view them. If the computer you are using does not currently have the Adobe Reader® installed on it, you may obtain the appropriate Adobe Reader, which is available at **www.adobe.com**. This is a free download and it takes up very little disk space.

Once loaded, you can view any and all policies of the Millville Board of Education District Policy Manual. The manual is divided into 8 sections or series. In brief, the content of each series is as follows:

- Series 1000 – Community Relations
- Series 2000 – Administration
- Series 3000 – Business & Non-instructional Operations
- Series 4000 – Instructional & Support Personnel
- Series 5000 – Students
- Series 6000 – Instructional Program
- Series 7000 – Property
- Series 9000 – Bylaws of the Board

Instructions for Researching Policies

There are 2 "search engines" or "search tools" included on this CD. The first one is the "Find" or "Search" feature provided by Adobe. To use it, follow the instructions below:

Open the manual. You will be looking at the Title Page. Following a graphic, the next page will be the Table of Contents for the 1000 Series. Scroll through the Table of Contents to find the

policy you wish to view. At this point, you may scroll through the pages of that series until you locate the policy you wish to view or you can find the policy or topic by using the embedded Adobe search engine, known as "Search" or "Find."

If you are looking for a policy and you want to see if there is any reference to remodeling a facility, all you have to do is click on the "Edit" tab on the tool bar, then click on "Search" or "Find." A dialog box will open and you can type in the word "remodeling" in the window. Then click on the "Search" button and Policy 7110 will open with the word "remodeling" highlighted. You will then be able to scroll through all of the policies in which the subject "remodeling" appears.

The second "search tool" is provided is a topical search tool that will help you search for a policy based on the topic you are seeking rather than a particular word. Again, click on the "Edit" tab on the tool bar, then click on "Find." In the dialog box, type in a word that represents a topic you are looking for, such as, "meeting." When using this search tool, you <u>must</u> add an exclamation mark (! i.e., meeting!) immediately after the topic word – meeting! This will take you to all policies that deal primarily with meetings.

If you wish to research a topic that may be found in several series, using these search tools will help you accomplish this task quickly and efficiently.

The <u>only</u> Official Policy Manual for the Millville School District is on file with the Superintendent of Schools. Only policies in the Official Policy Manual should be considered accurate and up-to-date.

Please refer to the Official Policy Manual to assure accuracy.

The Superintendent of Schools is responsible for maintaining the Official Policy Manual.

# Millville
# Board of Education

# Policy Manual

# Community Relations

# Series 1000

# Millville Board of Education
# District Policy Manual

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**Community Relations** **Series 1000**

**Mission Statement / Vision Statement** **Policy 0200**

| Date Adopted: November 3, 2008 | Date Revised: November 2, 2009 | Page 1 of 1 |
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Mission Statement

The mission of the Millville School District, in partnership with the community, is to assure that each and every student develops the skills, knowledge, and attitudes necessary to succeed in life.

As partners in this mission, we will provide an engaging and challenging curriculum, as reflected in the NJCCCS as well as a safe and secure teaching and learning environment with an active commitment to ensure trust, mutual respect, communication, effective collaboration, and good citizenship.

Vision Statement

To create a world class district involving all stakeholders where every child can learn.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

NJAC 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)

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

The Board of Education believes a school-community communications 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 of Schools 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 pupils;
F. Develop and maintain the confidence of the community in the school Board and 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; and,
I. Evaluate past procedures in order to make improvements in future communications.

The Superintendent of Schools shall be responsible for developing programs, techniques and channels for implementing this policy.

<u>Relations with Parents/Guardians</u>
The Board believes that the education of children is a joint responsibility, one it shares with the parents/guardians of the school community. To insure 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.

The Board directs that the following activities be implemented to encourage parent-school cooperation:

A. Parent-teacher conferences to permit two-way communication between homes and school;
B. Open house activities in the district schools to provide parents/guardians the opportunity to see the school facilities, meet the faculty and sample the program on a first hand basis. The school will hold an open house at least once annually;
C. Meetings of staff members and groups of parent/guardians of those students having special abilities, disabilities, needs or problems;
D. Any meetings required by the State Department of Education to add additional community for input.

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;
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 school 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 Board of Education that strong lines of communication be maintained by the district with other districts and institutions that provide programs, training, or services not available to children residing in this district.

In order to maintain cordial and constructive relationships with other education institutions:

In the case of the regional school district school the Superintendent of Schools shall:

- Cooperate with the professional staff in articulation studies to ensure that pupils of this district are properly prepared to enter the school of the receiving district;
- Inform pupils in their final year in this district of program options in the receiving district and counsel them regarding their program choices;
- Provide an orientation program to pupils in their final year in this district to familiarize them with the facilities, procedures and rules of the receiving district;
- Develop procedures to follow the progress of the pupils of this district during their careers in the receiving school(s).

In the case of parochial and private schools, the Superintendent of Schools 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 of parochial schools.

In the case of institutions of higher education, the Superintendent of Schools shall:

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

Legal References

NJSA 10:4-6 et seq. Open Public Meetings Act
47:1A-1et seq. Examination and copies of public records ("Open Public Records Act")

NJAC 6A:30-1.4(a)1 Evaluation process for the annual review
6A:32-2.1 Definitions
6A:32-12.1 Reporting requirements
6A:32-12.2 School-level planning

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3510, 3542, 3570, 4131/4131.1, 5020, 5131.6, 6010, 6142.1, 6142.2, 6142.13, 6171.1, 6171.3, 6171.4, 6300, 7110, 9322, 9323/9324, 9326

# Millville Board of Education
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**Community Relations** **Series 1000**

**Communicating with the Public** **Policy 1100**

| Date Adopted: March 15, 1993 | Date Revised: May 11, 1998, March 19, 2007, April 21, 2008, March 9, 2009, May 16, 2011 | Page 1 of 2 |
|---|---|---|

The Board of Education will keep the community informed of the status of the school 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 of Schools, 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 school's 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; pupil progress toward achievement of the Core Curriculum Content Standards; graduation statistics and any other information shall be communicated to the public as required by law.

The Board of Education'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.

Each year by September 30th, the Superintendent of Schools shall oversee the compilation of a report card of each school in the district that includes all statistical information specified by the State Department of Education and any additional information required by federal law. The report card shall be disseminated to staff and parents/guardians and made available to the media and other interested members of the school community.

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 of Schools/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 of Schools/designee 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 of Education members is prohibited within 90 days of any district election.
C. Excessive public relations activities that are not part of the instructional program are prohibited.

Legal References

NJSA 10:4-6 et seq. Open Public Meetings Act
18A:7E-2 through -5 School report card program
47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")

NJAC 6A:8-3.1(a)3 Curriculum and instruction
6A:23A-5.2 Public relations and professional services
6A:23-8.1 et seq. Budget Review and Approval
6A:23-8.3 Commissioner to ensure achievement of CCCS
6A:30-1.4(a)1 Evaluation process for the annual review
6A:32-12.1 Reporting Requirements
6A:32-12.2 School-level planning

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)
No Child Left Behind Act of 2001
Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
New Jersey Core Curriculum Content Standards

Possible Cross References

1000/1010, 1120, 2232, 2240, 3570, 6142.6, 6142.10, 6171.1, 6171.3, 6171.4, 6300, 9160

# Millville Board of Education
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**Community Relations** **Series 1000**

**Media** **Policy 1110**

| Date Adopted: March 15, 1993 | Date Revised: May 11, 1998, March 19, 2007, April 21, 2008 | Page 1 of 1 |
|---|---|---|

Every effort shall be made to assist all local communications media 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 media simultaneously. There shall be no exclusive releases except as media representatives request information on particular programs, plans, or problems.

The Superintendent of Schools shall bear responsibility for establishing relations with news media, and providing particular information to each through the means found most suitable.

The Board of Education encourages public presentation of the programs, policies and progress of the school through press, radio and television. The staff member in charge shall clear all proposed presentations and/or press releases with the Superintendent of Schools/designee. The staff member in charge shall also ensure that the parents of pupils who participate in such events are informed.

The Superintendent of Schools 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.

Legal References

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

NJAC 6A:30-1.2 Definitions
6A:32-12.1 Reporting requirements
6A:32A-12.2(a)1i School-level planning

Possible Cross References
1100, 9020

# Millville Board of Education
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**Community Relations** **Series 1000**

**School News Releases** **Policy 1110.2**

| Date Adopted: May 11, 1998 | Date Revised: December 17, 2001, March 19, 2007, April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board will determine which of its official actions have sufficient community impact and interest to warrant special releases; it alone will authorize release to the media of those matters of importance.

Matters of lesser importance may be released by the Superintendent of Schools or supervisor of school and community relations as they have been recorded in the minutes of the Board meetings and upon request of media representatives.

All other publications, releases, photographs and the like depicting the accomplishments of pupils and staff of the district shall be approved by the Superintendent of Schools and/or designee. Copies of all releases shall be sent to the designated school and community relations person, whenever possible, in advance.

The appropriate administrator shall direct an information program designed to acquaint the citizens of the community and public generally with the achievements and the needs of the schools. This shall include, generally, news releases and photographs of school activities for publication, a newsletter and annual report/calendar.

The Superintendent will develop guidelines to be observed in matters of taste, relevance and observation of individual privacy.

Legal References

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

NJAC 6A:30-1.2 Definitions
6A:32-12.1 Reporting requirements
6A:32A-12.2(a)1i School-level planning

Possible Cross References

1100, 9020

# Millville Board of Education
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**Community Relations** **Series 1000**

**District Publications** **Policy 1111**

| Date Adopted: March 15, 1993 | Date Revised: May 11, 1998, March 19, 2007, April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Superintendent of Schools/designee shall direct development and review of informational newsletters and handbooks for parents/guardians, pupils, staff and the general community as deemed necessary by the Board. The district annual report may 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 shall be designed to ensure that their contents reflect district-wide policies and regulations accurately. All matters representing the official position of the district prepared for publication by any of its employees shall be approved by the Superintendent of Schools prior to release to the public press.

In accordance with law, the Superintendent of Schools/designee shall prepare procedures to ensure that the district website 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 a form that shall contain a statement describing the potential dangers of posting personally identifiable information about students on the Internet.

Legal References

NJSA 18A:11-1General mandatory powers and duties
18A:17-20 Superintendent; general powers and duties
8A:23-1 et seq. audits and Auditors
18A:36-35 School internet web sites; disclosure of certain student information prohibited
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:30-1.4(a)1 Evaluation process for the annual review
6A:32-12.1 Reporting requirements
6A:32-12.2 School-level planning

Possible Cross References

1111.1

Official school publications shall reflect the judgment of the faculty sponsors and student editors. This entails the obligations to be governed by the standards of responsible journalism such as avoidance of libel, obscenity, defamation, false statements or material advocating violation of laws and racial or religious prejudice. The Superintendent of Schools is responsible for the development of a standard operating procedure in regard to all school publications.

Code of Ethics for School Publications

Administration

1. The Superintendent of Schools is ultimately responsible for all activities taking place within the school, and thus has final authority over all school publications.
2. As a matter of administrative necessity, the Superintendent of Schools delegates his authority to the faculty advisor(s) of the publication. It thus becomes the advisor's responsibility to ensure that the publications under his or her control adhere to the letter and spirit of this code. When in doubt about the propriety of any specific article or issue, he or she is to consult the Superintendent of Schools for final decision.
3. The advisor may, in turn, grant to his or her student editors, the authority to ensure adherence to this code, although the responsibility still must rest with the advisor.
4. It is incumbent upon student editors to understand in full the provisions of this code. They can assume the editorship only when they have subscribed completely to the principles and provisions of this code in word and practice. Failure of the editors to follow the principles and provisions of this code will constitute grounds for dismissal for the publication staff.

Specific Provisions Governing All School Publications

1. The faculty advisor(s) of publications shall review the code of ethics with all students.
2. The stories and articles shall not contain any language that is profane, obscene, offensive or suggestive.
3. The stories and articles shall not deal with any subject that by its nature would offend the taste and sensibilities of the community.
4. No individual student or faculty member may ever be singled out for censure, criticism or ridicule in a school publication.
5. No group of individuals may similarly be identified in print for such censure, criticism or ridicule in a school publication, although positive suggestions may be made in editorial columns or letters for the improvement of such organizations.
6. No religious, racial or national group shall be held up to ridicule by statement or innuendo in the school publications.
7. As a matter of courtesy and as a guarantee of accuracy, all news stories concerning a faculty member should be cleared with that faculty member; and all stories dealing with a school organization should be cleared with the sponsor of that organization.
8. No article may covertly or overtly advocate the overthrow of our democratic system of government.

Specific Provisions Regarding Special Kinds of Writing

1. Editorials are always unsigned and as a matter of newspaper tradition, reflect the opinions of the entire editorial staff, not one individual. They may make constructive suggestions for improvement, although they should do so in a positive fashion and must not hold up to ridicule, censure, or criticism any group or individual. The school newspaper should not indulge in political controversy, or support any one political party.
2. Columns of opinion (sports opinion, editorial opinion, literacy opinion, etc.) represent the thinking of one individual; as such, they must always be signed with the proper name of the student-author. He or she is held personally responsible for such opinions and must conform in all particulars with the provisions of this code.
3. Reviews of student performances (in sports, shows, etc.) present special issues and require special provisions. Sure reviews are opinions, not news, and as such belong in signed opinion columns. Negative comments can have a deleterious effect on team or group achievement. In view of these considerations, no individual may ever be singled out for condemnation or criticism of such reviews.
4. Letters to the editor – student letters to the editor may be published only after the student editor has checked their authenticity and only when they are signed by the senders' name, and conform in full to the provisions of this code.

Legal References

NJSA 18A:11-1General mandatory powers and duties
18A:17-20 Superintendent; general powers and duties
18A:36-35 School internet web sites; disclosure of certain student information prohibited
18A:54-20 Powers of board (county vocational schools)

Possible Cross References

1110, 1111, 1111.2

It is the intent of this policy to clarify student rights and responsibilities in regard to the publication and distribution of literature other than official school publications.

The Board of Education recognizes that each student has the right of free speech and free press under the First Amendment of the United States Constitution.

The Board, in an attempt to guarantee and protect the aforementioned rights of students, as well as assuring the continual orderly process of the educational program, establishes the following guidelines for the publication and distribution of newspapers, magazines, petitions, leaflets and other written materials which are not official school publications. However, such publications which are nonschool items are not encouraged and are subject to the guidelines below.

Acceptable Materials
Materials not proscribed as "unacceptable" per this policy, unless the Superintendent of Schools is convinced that the item would materially disrupt class work or involve substantial disorder or the invasion of rights of others.

Unacceptable Materials

- "So-called 'hate' literature which scurrilously attacks ethnic, religious and racial groups, other irresponsible publications aimed at creating hostility and violence, hardcore pornography and similar materials are not suitable for distribution in the schools." [From a decision of the Commissioner of Education in Goodman vs. Board of Education, June 18, 1969, p.3]
- Materials that denigrate specific individuals in or out of the school; materials designed for commercial purposes to advertise a product or service for sale or rent and materials that are designed to solicit funds, are prohibited unless approved by the Superintendent of Schools.
- "Literature which in any manner and in any part thereof promotes, favors or opposes the candidacy of any candidate for election at any annual school elections, or the adoption of any bond issue, proposal, or any questions submitted at any general municipal or school election…"

[Decision of the New Jersey Commissioner of Education in Goodman vs. Board of Education, June 18, 1969, p.3]

Special Note
Students who edit, publish, post or distribute printed, handwritten or duplicated material among fellow students within the school are responsible for the content of such publications. Libel, obscenity, profanity, personal attacks and encouragement of the violation of laws are prohibited, as is conduct that interrupts school activities or infringes on the rights of others.

Identification
All materials submitted for approval must identify the author, editor and publisher.

Approved Materials
Materials must be submitted to the Superintendent of Schools or designee for approval the previous day or earlier. For materials not readily classifiable or approvable, more than one day but not more than five (5) schools days should be allowed.

Places of Distribution
Acceptable materials (newspapers, magazines, petitions, leaflets), which have been defined, judged and approved as such, may be distributed on the schools' sidewalks in front of main entrances to the building. In case of bad weather, two pupils only will be permitted in front of the main lobby. Specific approval to distribute material inside must be obtained from the Superintendent of Schools on each occasion. Distribution may be by pupils enrolled in the school in front of which material is being distributed.

Times for Distribution
Distribution of approved literature must be restricted to the following time periods unless a more definite time is designated by the Superintendent of Schools.

A. Fifteen minutes prior to the beginning of the school day (first class).
B. Fifteen minutes after the school day ends (last class).

Littering
All distributed materials, which are dropped in the immediate area on sidewalks to the street, inside lobbies and down adjacent corridors must be removed by persons distributing material.

Appeal
Pupils denied approval may appeal to the Superintendent of Schools who, with a student representative from each class, will review the matter. Should the petition be denied, the petitioner may still appeal to the Board of Education.

Legal References
NJSA 18A:11-1General mandatory powers and duties
18A:17-20 Superintendent; general powers and duties
18A:36-35 School internet web sites; disclosure of certain student information prohibited
18A:54-20 Powers of board (county vocational schools)

Possible Cross References
1110, 1111, 1111.1

# Millville Board of Education
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**Community Relations** **Series 1000**

**News Conferences & Interviews;**
**Sports & Special Events** **Policy 1112.4**

| Date Adopted: December 17, 2001 | Date Revised: April 21, 2008 | Page 1 of 1 |
|---|---|---|

All rights for radio and television broadcasting of any school-sponsored events of the Millville Board of Education are the property of the Millville Board of Education. Schools authorities have both legal and implied obligations that are inherent in the *in loco parentis* (in the place of the parent) relationship towards pupils while under the jurisdiction of the Board of Education.

All radio and television broadcasting of athletic games and events sponsored by the Millville Board of Education shall be prohibited unless arranged and conducted in accordance with official Board of Education policies.

Arrangements for radio broadcasting of school-sponsored events other than athletic games and contests, exclusive of regularly scheduled newscasts, shall be prohibited, unless presented to the administration and in compliance with this policy, each event being considered individually and in accordance with the authority and responsibility of the Board of Education.

There shall be no advertisement of tobacco, beer or other alcoholic beverages or other offensive materials or services in connection with any radio or television broadcast of any event originating in Millville and involving teams or organizations representing the district.

Broadcasts shall be arranged and conducted without cost to the district. Failure by a station to comply with the terms of this policy and its procedures shall be considered due cause for the termination of all agreements between the station and the Board of Education.

Legal References

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

NJAC 6A:30-1.2 Definitions
6A:32-12.1 Reporting requirements
6A:32A-12.2(a)1i School-level planning

Possible Cross References
1100, 9020

# Millville Board of Education
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|---|---|
| **Community Relations** | **Series 1000** |
| **Board of Education Meetings** | **Policy 1120** |

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|---|---|---|
| Date Adopted: March 15, 1993 | Date Revised: May 11, 1998, April 21, 2008, May 16, 2011 | Page 1 of 3 |

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 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.

At each public meeting of the Board, the presiding officer shall administer the rules of the Board for public participation and comments. Where his/her 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 rules:

A. Public participation shall be permitted only as indicated on the order of business or agenda.
B. Each participant must be recognized by the presiding officer and must preface his/her comments by an announcement of his/her name, address 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 other 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 regular meetings may deal with any topic related to the Board's conduct of the schools. Comments at special meetings must be related to the call of the meeting. Advance announcement of all regular, scheduled special, and specially called meetings of the Board is made through newspapers.

The following information will be presented at regularly scheduled meetings of the Board and will be advertised to the public:

A. Discussion of state rules and local procedures for implementation of district goals, objectives and standards;
B. Presentation of audit report;
C. Presentation of budget;
D. Report on pupil progress, including testing program results;
E. Annual plans for special education, bilingual/ESL, and basic skills programs;
F. Graduation and dropout statistics.

Two times each school year between September 1st and January 1st and between January 1st and June 30th, the Board of Education shall hold a public hearing at which the Superintendent of Schools 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.

Legal References

NJSA 10:4-6 et seq. Open Public Meetings Act
18A:7C-7 School administrators report on students awarded or denied diplomas
18A:10-6 Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
18A:12.21 School Ethics Act
18A:17-46 Act of violence; report by school employee; notice of action taken; annual report
18A:22-10 Fixing day, etc., for public hearing
18A:22-13 Public hearing; objectives; heard, etc.
18A:23-5 Meeting of board; discussion of report

NJAC 6A:8-5.2(e) High school diplomas
6A:14-1.1 et seq. Special Education
6A:16-5.1 et seq. School safety plans
6A:16-5.2, 5.3 N.J.A.C. 6A:26 Educational Facilities
6A:26-2.2(a)7 Completion of long range facilities plans
6A:26-9.1(d) Capital reserve accounts
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:30-2.4, -3.1 N.J.A.C. 6A:32-3.2 Requirements for the Code of Ethics for district board of education members and charter school board of trustee members
6A:32-12.1 Reporting requirements
6A:32-12.2 School-level planning
6A:32-13.1 School attendance
6A:32-13.2 Dropouts
6A:32-14.1 Review of mandated programs and services
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1100, 2240, 3100, 3570, 3571.2, 5145.4, 6142.2, 6142.6, 6171.1, 6171.3, 6171.4, 9322, 9323/9324, 9326

The Board believes public meetings for specific purposes held in individual schools can be a valuable means of gaining community interest.

Principals shall advise the Superintendent of their plans to hold such meetings.

Whenever possible, notices of and reports on these meetings shall be published in school and district publications.

Legal References

NJSA 18A:11-1General mandatory powers and duties

# Millville Board of Education
# District Policy Manual

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|---|---|
| **Community Relations** | **Series 1000** |
| **Distribution of Materials by Pupils & Staff** | **Policy 1140** |

| | | |
|---|---|---|
| Date Adopted: May 11, 1998 | Date Revised: April 21, 2008 | Page 1 of 1 |

The participation of pupils in disseminating public information materials shall be encouraged with the understanding that:

A. Pupils shall not be exploited for the benefit of any individual, group, or profit-making organization;
B. Pupils shall participate only in appropriate situations as approved by the Superintendent of Schools/designee or the Board of Education;
C. Pupils shall participate in fund raising activities for school activities only;
D. Pupils shall not be used to distribute partisan materials or information pertaining to a school election, budget or bond issue, or negotiations.

Any nonprofit service organization which is based solely within the boundaries of this district and has no relationship or responsibility to a parent/guardian organization on a regional, county, state, or national level, that raises its operating budget through donations and provides a service directly to this community and its children shall be permitted to utilize the schools communication systems to alert the community to its fund-raising activities.

All publicity or materials to be disseminated by pupils shall be presented to the Superintendent of Schools or designee for approval prior to distribution.

All surveys, questionnaires or other similar items requiring pupil or parent response shall be reviewed and approved by the Superintendent of Schools prior to dissemination. The Superintendent of Schools may inform the Board of Education of any such communications at its next regular meting.

Legal References

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

34 CFR 98.1 - Pupil 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)

Possible Cross References

1100, 1315, 1322, 4135.16, 4235.16, 5136, 6142.10, 6145.3, 6162.5

Citizen Volunteers

The Board of Education encourages citizen assistance to school personnel in ways that will enhance the school program. Volunteers shall be designated by and serve at the discretion of the Superintendent of Schools or designee. They will be supervised by the appropriate certified professional staff member to whom they are assigned and under no circumstances will citizen volunteers provide the direct instruction of pupils.

Citizen volunteers may be invited to act as advisors both as groups and individually in:

A. Clarifying the general ideas and attitudes held by residents about the school;
B. Determining the purposes of courses of study and special services to be provided by present practices;
C. Offering suggestions on a specific problem or set of closely related problems about which the Board must make a decision; and/or,
D. Coordinating the delivery of social services to students.

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

All school volunteers who assist in the school more than 10 hours per week must:

A. Undergo a criminal background check and be fingerprinted at their expense.
B. Provide documentation that a Mantoux test has been administered.

The Board, Superintendent of Schools, 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 issues. The Board, Superintendent of Schools, and staff shall use their own best judgment in arriving at decisions.

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

Volunteer Athletic Coaches

The Board of Education recognizes the unique services and skills of volunteer athletic coaches bring to the district, enrich the athletic program, assist the district's coaching staff members in the performance of their duties, and enhancement of the relationship between the school district and the community. The Board directs a program for the utilization of volunteer athletic coaches.

The Superintendent of Schools will be responsible for the recruitment and screening of volunteer athletic coaches and their assignments. The district is not obligated to utilize the proffered services of a volunteer athletic coach whose abilities or interests do not serve the needs of the school district as determined by the Superintendent of Schools. Coaching volunteers must be persons of known character, responsibility, and integrity and must be recommended by the Superintendent of Schools and approved by the Board of Education prior to assuming any coaching responsibilities.

The Superintendent of Schools will prepare and promulgate rules of conduct for volunteer athletic coaches. Each volunteer athletic coach will be given a copy of this policy and 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 only in a support capacity and 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 exercise discretion in disclosing any confidential pupil matters the coach becomes aware of as a result of their volunteer responsibilities;
F. Must consult with the Superintendent of Schools regarding any matters or questions regarding their duties and responsibilities;
G. Shall receive no financial remuneration;
H. May be immediately relieved of their volunteer responsibilities, with or without cause, by the Superintendent of Schools with such action to be recommended to the Board by the Superintendent of Schools at the next Board of Education Meeting following the action by the Superintendent of Schools.

The Superintendent of Schools shall report annually to the Board on the number of volunteer coaches serving in the district, the duties performed by volunteer coaches and the number of volunteer hours served, by school athletic program.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools
NJAC 6A:10A-53 et seq Establishment of School Leadership Council
6A:32-12.1 Reporting requirements
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1000/1010, 1120, 1210, 5020, 6162.4

# Millville Board of Education
# District Policy Manual

**Community Relations** **Series 1000**

**Community Organizations** **Policy 1210**

| Date Adopted: May 15, 1989 | Date Revised: May 11, 1998, January 28, 2002, April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education appreciates the efforts of concerned citizens who form or belong to organizations that contribute funds or equipment for district approved pupil extracurricular activities, or for recognition of pupil achievement.

The Superintendent of Schools shall formulate a procedure for review of the proposed use of such funds. Proposed equipment must be approved for safety and specification in the same manner in which district-purchased equipment is reviewed.

The Board encourages active support of and cooperation with community associations by teachers and other district employees.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools

Possible Cross References

1000/1010, 1100, 1210, 1330, 3280, 4136, 5020, 5136, 6010

Community and/or parent advisory committees can be particularly useful both in keeping the Board and administration informed with regard to community opinion and in representing the community in the study of specific school issues and concerns. 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 pupils 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 what business, labor, and other organizations have to offer in developing vocational, technical and enrichment programs and in providing pupils 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 of Schools. 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 of Schools 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 Business Administrator/Board Secretary, to the Superintendent of Schools, 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.

Legal References

NJSA 10:4-6 et seq. Open Public Meetings Act
18A:10-6 Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum

NJAC 6A:16-4.2(a) Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse
6A:32-12.1 Reporting requirements

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)
34 C.F.R. 200.1 to 200.89 - Part 200
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2240, 6142.1, 6142.12, 6144, 6162.4, 6171.3, 9020, 9130

# Millville Board of Education
# District Policy Manual

**Community Relations** **Series 1000**

**Other School-Connected Organizations – PTA, PTO, PTSA** **Policy 1230**

| Date Adopted: October 18, 1993 | Date Revised: May 11, 1998, January 28, 2002, April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education recognizes the importance and benefits of the active participation and cooperation of parent-school organizations. To this end, the following guidelines have been established for the creation and operation of parent-school organizations:

A. Any organization consisting of parents, school staff and/or friends of the school shall be a Board-approved voluntary organization.
B. The parent/school organization shall have as its 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 pupil in the community the best kind of educational program possible for his physical, mental, social and moral development.
C. The parent/school organization may not establish educational policy, participate in the administration of the school, or authorize management and direction of school affairs.
D. The Superintendent of Schools or another professional staff member designated by the Superintendent of Schools shall serve as advisor to the parent/school organization.
E. All members of the school's professional staff shall be encouraged to join the organization and actively cooperate in its projects and on committees. All professional staff shall be encouraged to support PTA, PTO and/or PTSA-sponsored activities, as appropriate.
F. 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.
G. The Board shall make it a practice not to interfere in the internal workings of such groups.
H. Permission to hold regular meetings of such associations in school facilities will be extended by the Board of Education for a particular school year in accordance with Policy 1330.
I. The Board may select one of its members to participate with general parent/teacher organizations.
J. All banquets fund raising and other activities involving students must be approved by the appropriate school administration.
K. Formation of these school affiliated parent/community booster clubs is subject to approval of the Board of Education.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools

Possible Cross References

1000/1010, 1100, 1210, 1330, 3280, 4136, 5020, 5136, 6010

# Millville Board of Education
# District Policy Manual

**Community Relations** **Series 1000**

**Raffles on School Property** **Policy 1230.1**

| Date Adopted: November 23, 1998 | Date Revised: January 28, 2002, April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education will consider approval of raffles or 50/50's held on school property providing:

A. The proceeds directly benefit students of Millville Public Schools.
B. The organization sponsoring the raffle shows proof that it has met all applicable state and local requirements.
C. The raffle is not held during regularly scheduled school hours.
D. Tickets are sold in a central location to which the public are obliged to go to purchase same. There will be no selling of tickets to persons seated in the stands at outdoors events or persons in the audience at indoor events.

All such raffles will be held in a centrally-located, designated area of the appropriate school property.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

# Millville Board of Education
# District Policy Manual

**Community Relations** **Series 1000**

**Door-to-Door Sales** **Policy 1230.2**

| Date Adopted: February 25, 2002 | Date Revised: April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education shall not permit a student to sell items door-to-door in programs sponsored by school-connected organizations unless the student is accompanied by a parent or guardian. The Board strongly discourages the public from purchasing items from students who are unaccompanied by a parent or guardian.

Failure to comply with this policy may result in the withdrawal of Board sanctioning of the sales program and the withholding of this privilege in future years.

It is the responsibility of staff members coordinating such programs to inform parents and students of this policy and to monitor compliance.

The Superintendent of Schools or his/her designee shall investigate any reports of violations of this policy and recommend appropriate action to the Board.

This policy shall be communicated with any information concerning any fund-raiser.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

The Board of Education welcomes and encourages visits to school by parents, Board members, other adult residents of the community, and interested educators, when appropriate. 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 following procedures have been established:

A. All visitors shall be required to report to the school office upon entering the building, and to sign in and secure a visitor's pass.
B. A "visitor" is anyone other than a student enrolled in or a staff member employed in the school. Visitors may not consult with the teaching staff or pupils during class time without the permission of the Superintendent of Schools or designee.
C. 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 related to visitations. The Superintendent of Schools shall seek confirmation of legal custodianship where necessary.
D. Persons may not visit the school during school hours for the purpose of recommending or exhibiting books, maps, etc. to staff.
E. No visitor shall be allowed to deliver any address, lecture or provide instruction on any subject unless authorized by the Superintendent of Schools or designee.
F. All visitors to the school must obey no smoking regulations and any other regulations designed to ensure orderly operating of the school. All persons violating this policy shall be considered "disorderly persons" and subject to appropriate action.

<u>After Hours Visits to the School</u>

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.

In order to protect pupil, district and staff property, and to ensure pupil safety and anonymity, no visitor shall be permitted to enter the school building, classrooms or other school rooms unless accompanied by an authorized 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 termination.

Visitors who violate this policy may be considered to be trespassing and may be subject to prosecution.

School Visitation Procedure

1. Any person wishing to visit a classroom during the school day must request permission from the building Principal or designee 24 hours in advance.
2. The Principal or designee will consult the classroom teacher regarding the convenience of the proposed visit, and arrange accordingly.
3. The time limit of visits shall be set by the Prinicpal.
4. No visitor shall interrupt the presentation of a lesson, talk to the students or distract the teacher's attention from the students.
5. For the safety and security of our students and staff, a visitor must report to the office before visiting a classroom. It is the duty of every teacher and staff member upon seeing a stranger in the building to ask if they have been to the office. If the visitor has not, he/she should be directed to the office and the teacher should notify the office of the presence of the visitor, immediately.
6. All bags and vehicles of a visitor are subject to being searched.

Legal References

NJSA 2C:18-3 Unlicensed entry of Structures, defiant trespasser; peering into dwelling places; defenses
2C:33-2 Disorderly conduct
18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools) N.J.S.A.
26:3D-55 et seq. New Jersey Smoke-Free Air Act

Possible Cross References

1220, 3327, 3515, 4131/4131.1, 5020, 5124, 5125, 5142, 5145.11, 6144, 9010

# Millville Board of Education
# District Policy Manual

**Community Relations** **Series 1000**

**Loitering or Causing a Disturbance** **Policy 1251**

| Date Adopted: May 11, 1998 | Date Revised: April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board subscribes to the fundamental law that all children of school age have a right to attend public schools and to receive a suitable education.

Therefore, violence, vandalism, seizure of school buildings or any other disruption to the education process will not be condoned or tolerated.

Any person who is not a member of the school staff or student body and who loiters in or about the school building or grounds without written permission or who causes disturbances may be prosecuted according to the law.

Also, unauthorized persons who enter onto school premises or grounds and cause a disruption shall be prosecuted. Pupils who are guilty of continued and willful disobedience or of open defiance of the authority of any teachers or person having authority over them, shall be liable to suspension or expulsion from school.

Any pupil leading or instigating an illegal or unauthorized demonstration or walkout shall be liable to immediate suspension consistent with due process. Re-entry into the school program shall be permitted only after satisfactory consultation with the pupil and parents/guardians.

Disturbances at School Events

The Board welcomes the attendance of members of the community at athletic and other public events held by the school, but the Board also acknowledges its duty to maintain order and preserve the facilities of the district during the conduct of these events.

The Board holds the legal authority to bar the attendance of any person whose conduct may constitute a disruption at a school event. In compliance with law, the Board directs that no alcoholic beverage be consumed at any function on school property and that no betting occurs on school premises.

Legal References

NJSA 2C:18-3 Unlicensed entry of Structures, defiant trespasser; peering into dwelling places; defenses
2C:33-2 Disorderly conduct
18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools) N.J.S.A.
26:3D-55 et seq. New Jersey Smoke-Free Air Act

Possible Cross References

1220, 3327, 3515, 4131/4131.1, 5020, 5124, 5125, 5142, 5145.11, 6144, 9010

# Millville Board of Education
# District Policy Manual

**Community Relations** **Series 1000**

**Public Activities Involving Staff, Pupils or School** **Policy 1300**

| Date Adopted: January 28, 2002 | Date Revised: April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education, or as authorized, the Superintendent of Schools shall determine the extent of district participation in activities and functions of civic, charitable and other organization by approving pupil participation or by appointing official district representatives.

Only officially appointed representatives, whether Board Members or appropriate staff or pupils, shall be reimbursed for approved expenses.

Legal References

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

# Millville Board of Education
# District Policy Manual

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| **Community Relations** | **Series 1000** |
| **Relations Between Public & District Personnel** | **Policy 1310** |

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|---|---|---|
| Date Adopted: January 28, 2002 | Date Revised: April 21, 2008 | Page 1 of 1 |

All professional and non-teaching personnel have an important obligation toward the total school-community relations program. It should be emphasized that school-community relations are largely determined by what happens in the classroom. Therefore, the attitudes of the teaching staff are an integral part of public acceptance.

To this end, the Board of Education expects all district employees to maintain the following standards:

A. The maintenance of just and courteous professional relationships with pupils, parents/guardians, citizens and staff members.
B. The maintenance of their own efficiency and keeping abreast of developments in their fields of work.
C. The placement of the welfare of the children as the first concern of the school system.
D. The proper use and protection of all school properties, equipment and materials.
E. The willing participation in school and community affairs, including membership and participation in various civic and service organizations and committees.
F. A demonstrated willingness to learn all they can from citizens in the community that will help them with the education of the children in Millville Public Schools.

Legal References

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

# Millville Board of Education
# District Policy Manual

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| **Community Relations** | **Series 1000** |
| **Community Complaints & Inquiries** | **Policy 1312** |

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| Date Adopted: February 22, 1982 | Date Revised: March 15, 1993, May 11, 1998, April 21, 2008 | Page 1 of 2 |

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

Complaints, questions, and suggestions concerning school personnel or the operation of the schools should follow the established "chain of command" – teacher, supervisor, Superintendent of Schools, Board of Education.

The Superintendent of Schools 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 and pupils will be informed of the proper avenues to follow in the school.

When a Board member is confronted with an issue, he/she will withhold comment, commitment and/or opinion and refer the person with the complaint to inquiry to the appropriate authority.

Only in those cases where satisfactory adjustment cannot be made by the Superintendent of Schools and the staff shall communications and complaints be referred to the Board of Education for resolution.

All signed complaints shall be acknowledged promptly. No anonymous letters will be considered by the Board.

In carrying out the policy for the handling of complaints, the following procedures will be used:

A. Neither the Board as a whole, nor any individual Board Member, will entertain or consider communications or complaints from school employees, parents, students, or other citizens, but shall refer such communications to the Superintendent of Schools;
B. Complaints and inquiries should be written, in as brief a form as possible and sent to the Superintendent of Schools;
C. The Superintendent of Schools will make every effort to resolve the problem with the person(s) immediately involved;
D. When satisfaction has not been received at this level, the Board will accept complaint or inquiries submitted in writing;
E. Persons requesting a hearing of the Board shall present their complaint or grievance in written form to the Board Secretary/Business Manager in sufficient detail to permit a full understanding of the matter. After hearing the evidence submitted by the Superintendent of Schools, the Board will, if it deems advisable, grant a hearing to the parties interested;

F. School employees who are employed under a bargaining unit contract shall follow the provisions of that contract for the filing of complaints or grievances;
G. Decisions regarding complaints and inquiries presented initially to the Board at a public meeting may be deferred, at the discretion of the Board.

It is hoped that citizens of the community will make every effort to resolve problems involving teachers or administrators with the personnel involved. The Superintendent of Schools must be consulted on all matters involving school personnel and the community.

Legal References

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

Possible Cross References

1120, 3570, 4112.6, 4116, 4148, 4212.6, 4248, 5145.6, 6144, 6161.1, 6161.2, 6163.1, 9010, 9020, 9123

# Millville Board of Education
# District Policy Manual

**Community Relations** **Series 1000**

**Gifts to School Personnel** **Policy 1313**

| Date Adopted: December 17, 2001 | Date Revised: April 21, 2008 | Page 1 of 1 |
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No school employee is to accept any commission of gift from individuals or companies seeking to sell equipment or materials required in the district's operations. These operations include the purchase of materials and supplies for the construction, repair and maintenance of the school plant; for the conducting of classes; for school organizations, such as club, etc.

This prohibition shall not be construed to prevent vendors from paying reasonable costs of providing opportunities for school officers and employees to see or hear about new ideas, equipment and/or materials.

The Board of Education shall consider as always welcome and in most circumstances more appropriate the writing of letters to staff members expressing gratitude or appreciation.

The acceptance of gifts shall be subject to the provisions of Policy 7230 – Gifts, Grants & Donations.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

Possible Cross References

7230

# Millville Board of Education
# District Policy Manual

**Community Relations** **Series 1000**

**Fund Raising by Outside Organizations** **Policy 1314**

| Date Adopted: May 11, 1998 | Date Revised: April 21, 2008 | Page 1 of 1 |
|---|---|---|

The district may cooperate in furthering the work of any non-profit, community wide social service agency provided such cooperation does not restrict or impair educational programs. As a matter of policy, the Board expects such activities to be kept to a minimum.

No organization may solicit funds from staff members within the schools, nor may anyone distribute flyers or other materials related to fund drives through the school, without the approval of the Superintendent of Schools, nor shall any staff member be made responsible, or assume responsibility for, the collection of any money or distribution of any fund drive literature without such activity being approved by the Board on the recommendation of the Superintendent of Schools.

The Superintendent of Schools shall seek direction from the Board in instances where prior practice has set no policy as to a particular fund drive.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
52:14-15,(9c)1 Public Employee Charitable Fundraising Act

Possible Cross References

1314.1, 3453

Solicitations by Staff
Staff members must refrain from using their positions in the school district for personal gain and for soliciting support of parents/guardians or pupils in the district for projects or enterprises in which the staff member is directly or indirectly involved, except as may be approved by the Superintendent of Schools.

Solicitations of Staff
In the interest of preventing the exploitation of staff, solicitation of staff by whatever source is prohibited during the school day on school grounds unless approval in writing is obtained from the Superintendent of Schools.

Solicitation by Pupils
It is the policy of the Board to permit in-school sponsorship of only those solicitations that have educational value for the pupil and which do not interfere with the educational program. All activities must have the approval of the Superintendent of Schools.

Solicitations of Pupils
In the interest of preventing the exploitation of pupils, solicitations by outside organizations, commercial enterprises and individuals are prohibited on school grounds both during and after school hours.

Outside organizations are not permitted to advertise events or sell products through the schools or use the children to sell tickets and/or products except those events jointly sponsored with a school and school-approved parents-teacher activities, and those specifically approved by the Superintendent of Schools.

Legal References
NJSA 18A:11-1 General mandatory powers and duties
52:14-15,(9c)1 Public Employee Charitable Fundraising Act

Possible Cross References
1314, 3453

Posting of Non-School Related Materials

The Millville Board of Education shall permit posting of non-school materials with the approval of the Superintendent of Schools.

The Board of Education will permit posting of such materials in an area designated for community information for:

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

The Board of Education will permit distribution of materials under the following conditions:

A. No organization may distribute materials to students or staff without prior approval of the Superintendent of Schools. Superintendent's approval will typically be granted for the distribution of materials to students from organizations whose members' ages are comparable to the ages of our students. It is preferred that organizations have national sponsorship, and the information to be distributed must directly involve/benefit the students who are to receive it. Organizations approved for distribution are limited to: The Girls Scouts of America; Little League Baseball, local soccer, etc.
B. Students may not distribute materials to other students that advertise the activities of outside organizations without the permission of the Principal;
C. Students may not distribute materials, including personal invitations, during class time.

The posting or distribution of non-school related materials shall not be granted for the advantage of any commercial or profit-making organization, partisan organization, individual, private social functions or any purpose which is prohibited by law.

The Superintendent of Schools or Board of Education may refuse to grant permission to post or distribute materials whenever in their judgment there is good reason why permission should be refused. They shall not be required to give a reason for such refusal.

Authorization for posting or distributing materials shall not be considered as an endorsement of or approval of the activity, person, group or organization nor the purpose they represent.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:42-4 Distribution of Literature

Community Service

The Superintendent of Schools shall review and approve or deny all proposals for pupils' involvements in civic or charitable activities that are to be considered part of school-sponsored programs. He/she may inform the Board of Education of all such proposals and their disposition.

Pupil Participation in Public Events

The Board of Education 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:

A. They constitute a learning experience which contributes to the educational program;
B. They do not interfere with other scheduled activities of the schools;
C. The circumstances of the event do not pose a threat to the health, safety and well-being of the pupils who will be involved.

Public Performances by Pupils

School groups may, with the permission of the Superintendent of Schools, participate in local public events that may be classified as:

A. Educational events in which the schools serve as hosts;
B. Community functions organized in the interests of the schools;
C. Noncommercial occasions of a community, county, state or national interest of sufficient breadth to enlist general sympathy and cooperation;
D. Patriotic events, such as Veteran's Day or Memorial Day;
E. Charity benefit activities, provided such activity has been specifically approved in advance by the Superintendent of Schools;
F. Programs sponsored by established character-building agencies, or programs sponsored jointly by the school system and mass communications media where the time and space given to the programs are of a public nature.

School groups may not participate in events that may be classified as:

A. Events that are for the purpose of private gain or primarily for the advertising of any commercial project or product. A school name, the names of school-sponsored groups or equipment shall not be exploited in events of a commercial nature;
B. Events that are for the furtherance of any politically partisan interest. In questionable cases, the matter shall be referred to the Board of Education;
C. Events that are primarily for the furtherance of any sectarian concern;
D. 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.

The Superintendent of Schools shall ensure that:

A. Parent/guardian permission is sought and received before pupils may participate;
B. No pupil shall be compelled to participate in a public performance or penalized in any way for failure to do so, except when the performance is tied to an academic requirement of the course. When an academic requirement applies, an alternative assignment may be substituted at the discretion of the Principal or his/her designee;
C. No pupil or group of pupils receives compensation for their performance in public in an organized school activity. Donations may be given to the general school funds by sponsoring organizations;
D. Sponsoring organizations pay the expenses of transportation when appropriate; and
E. Pupils who participate in public performances make prior arrangements with teachers of classes to be missed in order to make up their work.

The Superintendent of Schools shall develop regulations for screening requests for performances and assigning priorities to them.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

The Superintendent of Schools shall approve participation in extracurricular contests sponsored by organizations outside the schools, as long as participation does not interfere with the instructional program. When such contests involve promotional aid, school time, or faculty assistance to pupils in essay writing, poster making, or other activities, the Superintendent of Schools shall determine whether the experiences are closely enough allied to and in support of the instructional work of the school and will clearly serve to advance the educational aims of the district. The worthiness of the sponsoring agency's cause or the opportunity for individuals to win prizes shall not in themselves constitute sufficient reason for approving a contest.

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

A. For the benefit of the pupil;
B. Open to all pupils regardless of race, creed, color, national origin, ancestry, age or sex;
C. Consistent with district objectives;
D. Judged by disinterested parties;
E. Properly supervised with safety precautions in place;
F. Voluntary for pupils and teachers.

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

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:42-2 School orchestra not to compete with civilian musicians; exceptions
18A:54-20 Powers of board (county vocational schools)

Possible Cross References

1314, 1320, 3280, 5126, 6145, 6145.1/6145.2, 6145.4, 6153

The Millville Board of Education strongly supports the concept of community use of school facilities. There are many areas in which it is important for school buildings to be used, including:

- Community Adult Education
- Continuing Education
- High School Equivalency Programs
- Vocational Education
- Recreational Programs
- School use outside of regular school hours
- Use by community organizations
- Use by business and industry
- Concerts, plays, lectures, forensics, etc.
- Any other use that promotes the well being of the citizens of the community

General Requirements

The school and facilities shall be made available to the public as freely as is consistent with state statutes and policies of the Board of Education. The buildings will not normally be available during holidays or vacations, or if the programs interfere with cleaning and maintenance schedules.

All groups and organizations must submit a completed application form for approval.

Applicants must satisfy the Superintendent of Schools that:

A. they are responsible persons and officially represent responsible organizations;
B. they will guarantee orderly behavior and safety and will underwrite any damages due to their use of the premises;
C. the proposed activity is lawful and in conformity with regulations of the Board of Education.

Responsibility for use of facilities and observance of regulations shall rest upon the applicants. Custodians or other designated representatives of the Board of Education, on duty in the schools at the time, are required to report all irregularities to the Superintendent of Schools.

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.

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. A certificate of insurance coverage should be presented at the time of application for facilities use. Insurance coverage must be at least $1,000,000.

Applications not covered by these policies will be referred to the Board of Education for action.

Special Requirements and Restriction on Use

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

The Board of Education may refuse to grant the use of a school building whenever in their judgment there is good reason why permission should be refused. The Board shall not be required to give a reason for such refusal.

Smoking is not permitted in any school facility or on any school grounds. 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. All facility use shall comply with state and local fire, health, safety and police regulations. Responsibility for these controls rests upon the party signing the application.

Political Activities

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 section 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.

All meetings involving children must be in the charge of responsible adults, the number of supervisors varying 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.

Use of school facilities for games of chance or the use any scheme or device, which encourages or suggests gambling or games of chance, is prohibited.

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.

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.

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 the start of the school day on the day after the building has been used, unless prior permission is granted.

User shall assume responsibility for securing necessary police supervision, if so directed by the school administration.

User shall be fully responsible for all damage or loss of school property, including that belonging to students and employees, as well as his/her own property, occurring during the time the building is in use under the permit.

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.

Future school facility use will not be permitted if charges are not paid within 30 days after statement has been rendered.

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:

Class A-No fee for facilities – only custodial and/or cafeteria worker costs, and energy fees. Security costs will be charged if a non-school group. School sponsored programs, clubs, student or employee organizations, PTA groups, which have a direct affiliation with the school district or its municipality's recreational program are included in the Class A group. This also includes other public groups such as civic associations, youth, local agencies, etc., character-building organizations, not operating for profit.

Class B – Commercial Rental Rates

This classification includes meetings called for commercial or semi-commercial purposes or group benefit and organized groups within the community dedicated to personal or private use for meetings or entertainment. This class must pay a facility usage fee plus custodial overtime.

This fee will be determined by the Director of Facilities when it approves the use of the facility.

Application Procedures

A. Any individual group conforming to Class A of the preceding section which 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 group is deemed to conform to Class A status and the requested facilities are available, the Superintendent of Schools or designee will notify the group prior to the event. The Superintendent of Schools or designee shall act as a central clearinghouse for reserving and checking dates. The Board may request a report of all facility use. Those groups refused Class A status may appeal in writing to the Board of Education through a letter to the Superintendent of Schools.

B. An application for a permit to use public school facilities by groups conforming to Class B status shall be filed and submitted to the office at least forty days prior to the date for which the building is to be used. The application shall include the time of the opening and closing of the event, the date and time of rehearsal, if any, and the materials, rooms and outside equipment, such as extra and special lighting to be used. The application shall contain the name, address and telephone number of the person in charge, who shall assume responsibility of the group, the purpose and scope of the activity and the number and description of the individuals to be involved. The Board of Education reserves the right to limit or deny the use of facilities if the Board feels in its judgment there is good reason for refusal.

Fees

Annually, the Board will set fees for the following:

A. Gymnasium/Multi-Purpose Room
B. Cafeteria
C. Classrooms
D. Custodian
E. Cafeteria workers
F. Stage hands
G. Stage advisor
H. Security costs
I. Any group shall be responsible for any damage that is attributable to the group's negligence.

Payment

Upon approval of the Superintendent of Schools or designee 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 person in charge of the group by the Business Administrator.

A. A check, made payable to the Board of Education shall be paid for the rent at the time of the approval of the contract.
B. Custodians/cafeteria workers/stage advisor will be paid through the 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.

Legal References

NJSA 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
18A:11-1 General mandatory powers and duties
18A:20-34 Use of schoolhouse and grounds for various purposes
26:3D-55 et seq. New Jersey Smoke-Free Air Act
19:44A-19.1 solicitation on state property; prohibited – political activity

NJAC 6A:26-12.2(a)4 Policies and procedures for school facility operation

20 U.S.C.A. 4071 – 4074 – Equal Access Act
GOALS 2000: Educate America Act (Pro Children Act of 1994), Pub. L. 103-227
No Child Left Behind Act of 2001, Pub. L. 107-110,
USCA 6301 et seq
Resnick v. East Brunswick Twp. Bd. of Ed., 77 N.J. 88 (1978)
Good News Club v. Milford Central School, 121 S.Ct. 2093 (2001)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)
The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

Possible Cross References

1330, 1420, 3220/3230, 3320, 5125, 5131.5, 5131.6, 5141.1, 5141.4, 5141.6, 5145.11, 5145.12, 6114, 6122, 6145.1/6145.2, 6172, 7110, 7150

The Board of Education wishes to cooperate as fully as possible with other public agencies in the community, which deal with pupils. Whenever feasible, the Superintendent of Schools shall develop positive working relationships with such agencies, including but not limited to investigative committees, pooled resources, and information exchange.

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.

Relations with Police and Fire Authorities
Cooperation with law enforcement agencies is desirable. This cooperation must recognize the functions of the schools, be in harmony with the Constitution of the United States, the laws of New Jersey, and recognize the potential enrichment that law enforcement agencies can make in the educational program.

Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (MOA)
Pursuant to the provisions of NJAC 6A:16-6 et seq, the Board of Education and the Superintendent of Schools shall ensure cooperation between school staff and law enforcement authorities as defined therein.

Annually, the Superintendent of Schools and the Board of Education shall discuss the implementation of and the need for revising the MOA and review the effectiveness of the policies and procedures adopted by the Board of Education and implemented by the district in accordance with the requirements of NJAC 6A:16-6, Law Enforcement Operations for Alcohol, Other Drugs, Weapons and Safety.

The annual review must include input from the Executive County Superintendent, community members, Board of Education Members, and meetings with the County Prosecutor and the law enforcement officials designated by the County Prosecutor.

The MOA must be approved and signed by the following school and law enforcement officials:

- President of the Board of Education;
- Superintendent of Schools;

- Appropriate Law Enforcement Agency (Chief of Police, Station Commander, etc.);
- Executive County Superintendent;
- County Prosecutor.

Each of these individuals shall sign and received a signed copy of the MOA annually, subsequent to the annual discussion of the MOA.

Procedures
The following procedures shall be followed:

- The Superintendent of Schools shall schedule meetings with the Appropriate Law Enforcement Agency Leader to discuss the MOA and/or revisions to it;
- All copies of the MOA shall be signed by the Superintendent of Schools and the Appropriate Law Enforcement Agency (Chief of Police, Station Commander, etc.);
- Any and all additional approved MOA provisions and all school and law enforcement contacts are to be attached to each signed copy of the MOA;
- All copies of the MOA are then to be forwarded to the Executive County Superintendent for approval and signature;
- The Executive County Superintendent signs all copies of the MOA and forwards them to the County Prosecutor for approval and signature;
- The County Prosecutor signs all copies of the MOA, retains one copy and arranges for the delivery of one copy to the Appropriate Law Enforcement Agency (Chief of Police, Station Commander, etc.) and the remaining copies to the Executive County Superintendent;
- The Executive County Superintendent retains one copy of the MOA and arranges for the delivery of the remaining copies to the Superintendent of Schools and the President of the Board of Education.

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 pupils are enrolled in programs in this district.

The district in which pupils are in attendance has responsibility and authority for those pupils. In order that those pupils 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 of Schools shall participate in the coordination of such areas as research, exchange of information and data, coordination of curriculum, coordination of school calendar and activities, and any others where it may be advantageous to serve a broader area than this school district.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
18A:11-1 General mandatory powers and duties
18A:18A-11 Joint purchases by districts, municipalities; counties; authority
18A:20-4.2 Acquisition, improvement, lease, etc., of property for school purposes; authority of board of education
18A:20-9 Conveyance of unneeded real estate for nominal consideration; qualified recipients; reversion
18A:20-34 Use of schoolhouse and grounds for various purposes
18A:36-25 Early detection of missing and abused children; policies of school districts
18A:38-30 Assistance of sheriffs, police officers, etc
18A:40A-1 et seq. Substance abuse
18A:40A-11, -12, -15, -16, -17, -18 N.J.S.A. 18A:41-1 Fire drills
18A:41-5 Reporting fires
40:8A-3 et al. Authority to enter into contract for joint provision services
40:55D-8 et al. Municipal fees; exemptions

NJAC 6A:14-7.1 et seq. Receiving Schools
6A:14-8.1 et seq. Programs Operated by the Departments of Corrections and Human Services, and the Juvenile Justice Commission
6A:16-1.1 et seq. Student Development Programs
6A:16-4.1(b)(c),5.2, 6.1, 6.2, 10.2
6A:32-9.1(c) Athletics Procedures (General requirements)
6A:32-12.1 et seq. Annual Reporting and Planning Requirements

The New Jersey School Search Policy Manual,
Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1330, 1420, 3220/3230, 3320, 5125, 5131.5, 5131.6, 5141.1, 5141.4, 5141.6, 5145.11, 5145.12, 6114, 6122, 6145.1/6145.2, 6172, 7110, 7150

The Board of Education believes that cooperation between the school district and other organizations concerned with youth, career development and mental health will enhance the opportunities of the district's pupils. Such cooperation will also enable the district to serve its pupils better through appropriate referrals as in drug/alcohol programs, special needs, etc. The Superintendent of Schools 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 of Schools to seek and maintain working relationships with local colleges and universities in such areas as student teaching, in-service staff development, school-college liaison and advanced placement.

Relations With Non-Public Schools

The 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 purpose, is not within the authority of the Board and is, therefore, prohibited.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:17-14.1 Appointment of school business administrators; may act as secretary; duties, etc.
18A:17-15 Appointment of superintendents; terms; apportionment of expense
18A:17-24.1 Sharing of personnel by school boards
18A:20-9 Conveyance of unneeded real estate for nominal consideration; qualified recipients; reversion
18A:20-34 Use of schoolhouse and grounds for various purposes
18A:36A-1 et seq. Charter schools
18A:54-20 Powers of board (county vocational schools)
18A:58-37.1 et seq. Textbook aid to public and nonpublic schools
18A:61C-1 Program promoting cooperation between high schools and institutions of higher education; establishment; objective; increased availability of college-level instruction; scope
18A:61C-4 Program providing college credit courses for high school students on high school campuses; establishment
40:8A-1 et seq. Interlocal Services Act
52:14-15.9cl et seq. Public Employees Charitable Fund-raising Act

NJAC 6A:8-3.1(a)2 Curriculum and instruction
6A:8-3.3(a) Enrollment in college courses
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:11-1.1 et seq. Charter Schools
6A:14-7.1 et seq. Receiving Schools
6A:16-1.1et seq. Student Development Programs
6A:23-6.1 et seq. Purchase and Loan of Textbooks
6A:32-12 et seq. Annual Reporting and Planning Requirements

Zelman, Superintendent of Schools of Public Instruction of Ohio, et al. v. Simmons-Harris et al, 536 US 232
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

# Millville Board of Education
# District Policy Manual

**Community Relations** **Series 1000**

**School / Business Partnerships** **Policy 1600.1**

| Date Adopted: December 17, 2001 | Date Revised: April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education recognizes that the contributions of persons and organizations outside the schools may from time to time take the form of materials, activities and awards that tend to serve the interests of the contributor as well as benefit the school district generally and pupils individually.

It is the policy of the Board of Education that pupils, staff members and district facilities not be used for advertising or promoting the interests of any non-school agency or organization, public or private, without the approval of the Superintendent of Schools. Any such approval granted for whatever cause or group shall not be construed as an endorsement of said cause of group by this Board of Education.

The following considerations shall apply to matters of advertising and promotion:

1. Any requests from commercial business enterprises, civic institutions, religious or other special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and/or by pupils, sending promotional materials home with pupils, graduation prizes, fund raising and free teaching materials, must be carefully reviewed to insure that on balance such activities promote pupil interests without advancing the special "interests of any particular group.
2. All materials or activities proposed by outside sources for pupils or staff use or participation shall be reviewed by the Superintendent of Schools on the basis of their educational value in the total school program, their benefit to pupils and their good taste. No such approval shall have the primary purpose of advancing the name, product or special interest of the proposing group.
3. No materials may be used or circulated in the school of this district which are deemed to be primarily advertising materials with the following exceptions:
   - Imprinted materials solicited by teachers as being suitable for a project or purpose of their class with the approval of the administration.
   - Flyers of direct educational and cultural interest and of an essentially non-commercial nature.
   - Films bearing only the name of the sponsoring firm.
4. District publications shall contain no advertising, but advertising is permitted in school newspapers and yearbooks, which are published by pupil organizations with the permission of the Superintendent of Schools.
5. No staff member or pupil representing an outside organization may distribute or post literature on that organization's behalf on district property either before or after school hours without the permission of the Superintendent of Schools and/or school Principals.

Legal References

| | |
|---|---|
| NJSA | 18A:11-1 General mandatory and duties |
| NJAC | 6A:16-1.1 et seq. Programs to Support Student Development |
| | 6A:30-1.4 Evaluation process for the annual review |
| | 6A:32-12.1 Reporting requirements |

# Millville Board of Education
# District Policy Manual

**Community Relations** **Series 1000**

**Cooperative Arrangements & Other Relationships with other School Districts** **Policy 1650**

| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

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

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:17-14.1 Appointment of school business administrators; may act as secretary; duties, etc.
18A:17-15 Appointment of superintendents; terms; apportionment of expense
18A:17-24.1 Sharing of personnel by school boards
18A:20-9 Conveyance of unneeded real estate for nominal consideration; qualified recipients; reversion
18A:20-34 Use of schoolhouse and grounds for various purposes
18A:36A-1 et seq. Charter schools
18A:54-20 Powers of board (county vocational schools)
18A:58-37.1 et seq. Textbook aid to public and nonpublic schools
18A:61C-1 Program promoting cooperation between high schools and institutions of higher education; establishment; objective; increased availability of college-level instruction; scope
18A:61C-4 Program providing college credit courses for high school students on high school campuses; establishment
40:8A-1 et seq. Interlocal Services Act
52:14-15.9cl et seq. Public Employees Charitable Fund-raising Act

NJAC 6A:8-3.1(a)2 Curriculum and instruction
6A:8-3.3(a) Enrollment in college courses
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:11-1.1 et seq. Charter Schools
6A:14-7.1 et seq. Receiving Schools
6A:16-1.1et seq. Student Development Programs
6A:23-6.1 et seq. Purchase and Loan of Textbooks
6A:32-12 et seq. Annual Reporting and Planning Requirements

# Millville Board of Education
# District Policy Manual

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| **Community Relations** | **Series 1000** |
| **Evaluation of the Community Relations Program** | **Policy 1700** |

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|---|---|---|
| Date Adopted: December 17, 2001 | Date Revised: April 21, 2008 | Page 1 of 1 |

The Board of Education directs the Superintendent of Schools to develop and implement short-range and long-range plans for the annual assessment of the progress of the community relations program toward its established goals and objectives.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

# Millville
# Board of Education

# Policy Manual

# Administration

# Series 2000

# Millville Board of Education
# District Policy Manual

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# Millville Board of Education
# District Policy Manual

**Administration** **Series 2000**

**Concepts & Roles in Administration:**
**Goals & Objectives** **Policy 2000/2010**

| Date Adopted: February 25, 2002 | Date Revised: April 21, 2008 | Page 1 of 1 |
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The Board of Education shall establish policies that govern all aspects of district operations. The Board expects the educational administration to direct, coordinate and supervise pupils and staff in their efforts to reach the 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:

1. Provide up-to-date information and sound professional advice to the Board, as an aid in rational decision making;
2. Plan, organize, implement and evaluate the educational programs established by Board policy, in order to provide optimum educational opportunities to the pupils of the district;
3. Provide these optimum educational opportunities at a reasonable cost;
4. Use efficient administrative and management procedures, pursuant to law and regulations, and developed after consultation with and among the Board, administrators and appropriate staff members;
5. Coordinate the resources of the community and the district.
6. 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.

Legal References

NJSA 18A:7A-3 et al. Public School Education Act of 1975
18A:7F-1 et seq. Comprehensive Education Improvement and Financing Act of 1996
18A:11-1 General mandatory powers and duties
18A:12-21 et seq. School Ethics Act
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:8-1.1 et seq. Standards and Assessment
6A:28-1.1 et seq. School Ethics Commission N.J
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-1.1 et seq. School District Operations

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References
2131, 2210, 3293.1, 4111, 4115, 4116, 4211, 4215, 9000, 9313

Definitions

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

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

A. Requires certification with the endorsement of school administrator, principal or school business administrator;
B. 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;
C. 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.

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

"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.

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

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

Code of Ethics

No administrator or member of his/her immediate family shall have an interest in a business organization or engage in any 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 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 others who are 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 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.

Legal References

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| NJSA | 18A:11-1 General mandatory powers and duties |
| | 18A:12-21 et seq. School Ethics Act |
| | 18A:54-20 Powers of board (county vocational schools) |
| NJAC | 6A:9-12.3 Authorization |
| | 6A:9-12.4 School administrator |

The School System shall operate under a unit control system headed by the Superintendent of Schools.

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

School Leadership Council

The Board of Education believes that strong partnership among parents, teachers and administration leads to greater cooperation and better decision-making for students, staff, community and the district as a whole. The Board of Education directs the Superintendent of Schools to develop a plan for the selection, training and operation of a School Leadership Council (SLC) for each school. The plan shall be implemented upon approval of the Department of Education. The membership of the School Leadership Council, and members' training and responsibilities shall be in accordance with administrative code.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:8-1.1 et seq. Standards and Assessment
6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-1.1 et seq. School District Operations

The Board of Education supports the "Administrative Team" concept in the administration of the Millville Public Schools. Under this concept, it is considered that the Board of Education, as the policy making body and the administrators defined to the Superintendent of Schools, Assistant Superintendent, and Directors, as the administrative team, constitute a single team in charge of the organization and administration of the Millville Public Schools. Specifically, then, it is the belief of the Board of Education that the Board and the administration serve on the "same team." Accordingly, the concept of "binding arbitration" will not be necessitated as both sides of the management teamwork cooperatively to ultimately solve any problem that may arise.

In implementing this philosophy, the Board adopts as policy the following considerations:

1. The Board and the administration constitute a "management team for the Millville Public Schools.
2. The members of the Administrative Team seek the advice and counsel of each other.
3. It shall be the purpose of the Administrative Team to seek cooperative solutions to all problems incident to the operation of the Millville Public Schools.
4. It shall be the purpose of the Board of Education to provide the necessary support for the administrators in several areas:
   a) Board support for administrative action taken by the administrators in the pursuance of their duties.
   b) Board provision for in-service experience designed to provide a continuing up-grade of the administrative staff. The policy should include courses, seminars, institutes, and conventions appropriate for the several administrative members.
   c) Reimbursement for expenses incurred by the administrators in the pursuance of their assigned duties.
   d) "Fringe benefits," "Rights," and "Privileges" comparable to all those provided for all other professional employees in the Millville Public School System.
   e) Other appropriate benefits as may appropriately arise in the future.
   f) The continuance of present "Benefits," "Rights," and "Privileges" as are currently established will be continued by the Millville Board of Education while the Millville administrators will continue carrying through all their obligations as currently exist.
   g) A salary structure comparable to the prevailing salaries being paid to administrators in the South Jersey area, with annual review.
   h) Twelve month employment for all present members of the administrative group.
5. It shall further be the option of either segment of the Administrative Team (Board or Administrators) to request and be granted the right to negotiate a complete contract if so desire at any future time.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:8-1.1 et seq. Standards and Assessment
6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-1.1 et seq. School District Operations

Among the criteria used in annual evaluation of members of the administrative team, Board of Education policy includes personal professional growth; keeping the public and the Board informed about modern educational practices and trends; maintaining and enhancing the districts standing in all its major internal and external relationships.

The Board recognizes that a valuable source of the information necessary to accomplish these objectives is attendance and participation by district staff at state, regional and national educational conferences, conventions, workshops and seminars.

Therefore, the Superintendent of Schools shall develop forms and regulations to permit each administrative team member to attend such events at district expense subject to the following conditions:

1. Superintendent of Schools approval of the relevancy and value of the event;
2. Duration of total absence not to exceed six consecutive school days;
3. Mileage allowance as approved by the Board of Education;
4. Coach accommodation when traveling by train or plane;
5. Mid-fare accommodation at hotels and motels; when pairs of team members are of the same sex, shared accommodations;
6. Participation must be approved by the Board.
7. Ensure that the New Jersey Department of Education travel requirements are met.

These conditions shall apply to travel accommodations and reimbursement procedures for all district-paid attendance at such events.

<u>Legal References</u>

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:8-1.1 et seq. Standards and Assessment
6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-1.1 et seq. School District Operations

In accordance with the provisions of NJSA 52:14-7 (PL 2011, c. 70), otherwise known as the "New Jersey First Act," which became effective on September 1, 2011, employees are expected to have their primary residences within the confines of the State of New Jersey, with the exceptions noted within this policy.

A candidate for employment within this district is granted up to 365 days of the effective date of hire to establish his/her principal residence in the State of New Jersey and maintain this principal residence throughout their employment.

For the purposes of this policy, a principal residence shall be defined as:

1. The primary domicile or home location of the employee or employment candidate;
2. The location that is designated as his/her legal address and legal residence for voting;
3. The place where he/she spends the majority of his/her non-working time;
4. The place that is most clearly the center of his/her domestic life;

A New Jersey mailing address shall not, by itself, constitute a principal address in New Jersey.

Current Employees

Any current employee who relocates his/her principal residence outside of the State of New Jersey, shall forfeit his/her employment with this district.

New Employees and/or Employment Candidates

Any and all newly hired or contracted employee of this district must, as a condition of employment, be a resident of the State of New Jersey.

Exemptions

Current employees living outside of the State of New Jersey as of September 1, 2011 are exempted from the residency requirements of this law and as long as the current employee remains an employee of this district, he/she will continue to be exempted from these residency requirements.

A newly hired employee shall be granted up to 365 days to establish his/her principal residence in New Jersey.

Current employees, new employees and/or employment candidates may apply for an exemption on the basis of "critical need or hardship" to the residency requirements of this policy and state law by filing an "Application for Exemption from the Provisions of NJSA 52:14-7a. of the New Jersey First Act" with the Employee Residency Review Committee, NJ Department of Labor and Workforce Development, Office of Legal and Regulatory Services, PO Box 110, Trenton, NJ 08625-0110. Copies of this application shall be available from the appropriate District Office.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
18A:6-6 No sex discrimination
18A:6-7.1, -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:13-40 General powers and duties of board of newly created regional districts 18A:16-1 Officers and employees in general
18A:26-1, -1.1, -2 Citizenship of teachers, etc.
18A:27-1 et seq. Employment and Contracts
52:14-7 New Jersey First Act
52:14-7a Exemptions

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:9-8.1 et seq. Requirements for Instructional Certification
6A:9-11.1 et seq. Exceptions for the Requirements for the Instructional Certificate
6A:9-12.1 et seq. Requirements for Administrative Certification
6A:10A-1.1et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 Employment of teaching staff
6A:32-4.8 Support residencies for regularly certified, inexperienced first-year principals
6A:32-5.1 Standards for determining seniority

Possible Cross References

4111.4, 4211.4

# Millville Board of Education
# District Policy Manual

**Administration** **Series 2000**

**Organizational Chart** **Policy 2120**

| Date Adopted: March 2, 1976 | Date Revised: December 12, 1979, October 18, 1982, February 24, 1997, February 25, 2002, March 19, 2007, April 21, 2008 | Page 1 of 1 |
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The administration organization of the district shall be considered as an orderly means of achieving the district's primary objective: An effective program of instruction for pupils.

Organization or function charts for the district shall be prepared by the Superintendent of Schools and approved by the Board of Education to designate clearly the relationships of all employees within the district organization. The organization or function charts shall be kept up-to-date and changes shall be approved by the Board of Education.

Legal References

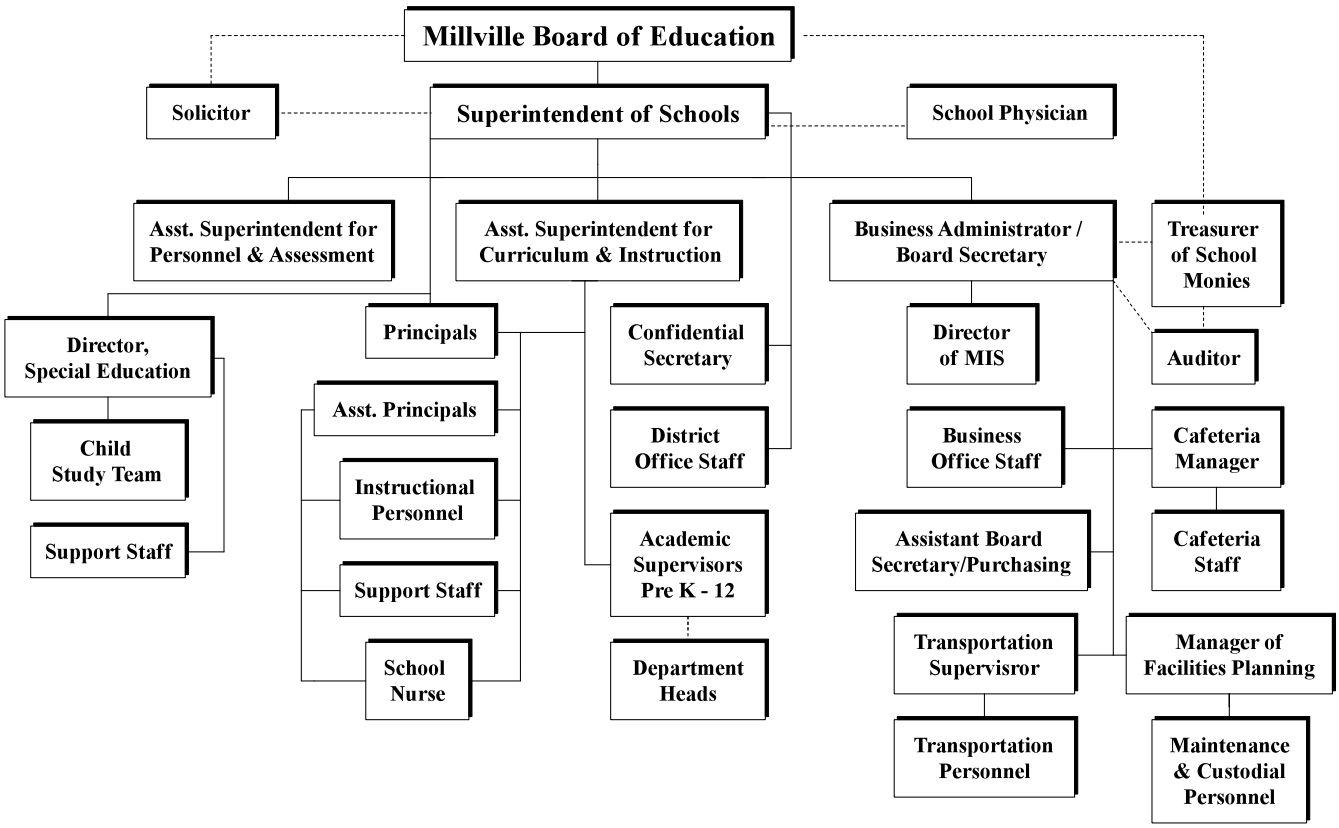
NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:32-1.1 et seq. School District Operations

Possible Cross References

1312, 2100, 2131, 2210, 3000/3010, 9123, 9313

# Organizational Chart of the Millville School District



# Millville Board of Education
# District Policy Manual

**Administration** **Series 2000**

**Lines of Responsibility** **Policy 2121**

| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |
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The Board of Education shall operate under a unit control system headed by the Superintendent of Schools.

The authority of the Board of Education is transmitted through the Superintendent of Schools along specific paths from person to person as illustrated in the organization chart of the school district (See Policy 2120 – Organizational Chart). 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 Building Principal/ immediate supervisor who in turn will refer the matter to the Superintendent of Schools. Personnel are expected to keep the administration informed of their activities by appropriate means.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:17-5 through -14.3 Secretaries, Asst Secretaries and School Business Administrators
18A:17-15 through -23 Superintendents and Assistant Superintendent of Schools
18A:17-24.1 et seq. Shared Administrators, Superintendents
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:9-12.7 School business administrator
6A:32-2.1 Definitions (superintendent)

Possible Cross References

1312, 2100, 2131, 2210, 3000/3010, 9123, 9313

The 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 Common Core State Standards for mathematics and language arts and literacy and the Core Curriculum Content Standards.

The Board of Education 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 pupil learning and growth; and provide a basis for the review of performance.

The Board of Education is committed to establishing educator evaluation rubrics for the evaluation of administrative staff members' effectiveness 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. District personnel decisions.

<u>Training</u>

Principals, assistant principals and vice principals shall be provided:

A. Training on the teacher and principal practice instruments. Training shall be provided for any supervisor who will conduct observations for the purpose of evaluation of teachers, principals, assistant principals, or vice principals. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;
B. Annual updates and refresher training on the teacher and principal practice instruments. Training shall be provided for any supervisor who will observe teaching and/or principal practice for the purpose of increasing accuracy and consistency among observers.

Principal Evaluation

Principals, vice principals, or assistant principals shall be evaluated according to an evaluation rubric. The evaluation rubric shall be submitted to the Commissioner by June 1st for approval by August 1st of each year.

The components of the principal evaluation rubric shall apply to teaching staff members holding the position of principal, vice principal, or assistant principal and holding a valid and effective standard, provisional, or emergency administrative certificate.

The principal evaluation rubric shall meet the standards provided in NJSA 18A:6-123, including, but not limited to:

A. Measures of student achievement pursuant to NJAC 6A:10-5.2 including:
   - The median school wide student growth percentile measure; and/or
   - The measure of the average student growth objective for all teachers; and
   - The measure of the administrator goals, which shall be developed in consultation with their supervisor and specific and measurable to his or her job description. Administrator goals and the criteria for assessing performance based on those objectives shall be determined and recorded in the principal, vice principal, or assistant principal's personnel file by October 15 of the school year.
B. Measures of principal practice including the following components:
   - A measure determined through a Commissioner-approved principal practice instrument; and
   - 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 NJAC 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 of Schools, or his or her designee, shall conduct observations for the evaluation of principals. The Superintendent of Schools shall be trained according to law on the components of the evaluation rubric including student achievement measures and all aspects of the practice instrument.

A principal, or a Superintendent of Schools 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 NJSA 18A:27-3.1.

A post-observation conference shall follow each observation. 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 for the purpose of evaluation to discuss the data collected in the observation.

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 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 of Schools 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 principals and supervisors shall fulfill the professional development requirement through the creation, implementation, and completion of a professional development plan that:
A. Aligns with the Professional Standards for School Leaders (NJAC 6A:9-3.4) and the Standards for Professional Learning (NJAC 6A:9-15.3);
B. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the Superintendent of Schools, principals, or supervisors;
C. Identifies professional goals that address specific individual, school, or district goals; and
D. 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.

If a principal, assistant principal or vice-principal has a corrective action plan, the corrective action plan shall replace content of the individual professional development plan until the next annual summary conference.

Corrective Action Plans
A corrective action plan shall be developed for each principal, assistant principal or vice-principal rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics. The plan shall be developed by the principal, assistant principal or vice-principal evaluated and the Superintendent of Schools or principal's, assistant principal's or vice-principal's supervisor.

A Superintendent of Schools, or his or her 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/her most recent annual summative evaluation. If the corrective action plan was created before the start of the year, the mid-year evaluation shall occur before February 15; if the corrective action plan was created after the start of the academic year, the mid-year evaluation shall occur before the annual summary conference. The mid-year evaluation shall include, at a minimum:

A. One observation in addition to the observations required for the regular evaluation process;
B. One post-observation conference in addition to the post-observation conferences required for the regular evaluation process. During this post-observation conference progress toward the principal's, assistant principal's or vice principal's goals outlined in the corrective action plan shall be reviewed.

The content of the corrective action plan shall replace the content of the individual professional development plan until the next annual summary conference.

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, NJSA 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 NJSA 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

Legal References

NJSA 18A:4-15 General rule making power
18A:4-16 Incidental powers conferred
18A:6-20 et seq Dismissal and reduction in compensation of persons under tenure
18A:6-117 et seq Teacher Effectiveness & Accountability for the Children of NJ (TEACHNJ) Act
18A:27-3.1 through -3.3 Nontenured teaching staff; observation and evaluation, conference, purpose
18A:27-10 et seq Nontenured teaching staff member, offer of employment or notice of termination
18A: 28-5 Tenure of teaching staff members

NJAC 6A:9-15.7 Implementation of professional development
6A:9-15.8 Requirements for school leader professional development in ethics, law and governance
6A:10-1.1 et seq Educator effectiveness
6A:10-5.1 et seq Components of principal evaluation

Possible Cross References

2131, 4112.6, 4115/4116, 4117.41, 4131/4131.1, 4212.6, 4215/4216, 4231/4231.1, 6143.1

The Board of Education shall employ appropriately trained and qualified administrators as it determines they are necessary for the administration and supervision of the district.

All administrative and supervisory positions shall be established initially by the Board of Education upon recommendation of the Superintendent of Schools. Prior to creating a new position, the Board will approve a statement of job requirements as prepared by the Superintendent of Schools.

The Board directs the Superintendent of Schools to maintain a comprehensive, coordinated set of job descriptions for all positions to promote efficiency in the administration of the schools.

The Superintendent of Schools shall present to the Board of Education for approval job descriptions, qualifications and evaluation criteria for positions required for the efficient and economical administration of Education programs or management of district operations. The Superintendent of Schools shall maintain a current file of Board of Education approved job descriptions for all administrators. Job descriptions shall include provisions for formal written evaluation.

Evaluation of Administrators

The Board of Education recognizes the trend in evaluation that provides for a combination of evaluative criteria applicable to all and performance objectives tailored to each individual. The Superintendent of Schools is directed to identify common standards by which the performance of every administrator and supervisor can be judged and, at the same time, individual differences in the contributions made by individuals are recognized.

The Superintendent of Schools shall supervise development and implementation of the procedures necessary for evaluation of certified and non-certified administrators and supervisors. Tenured certified administrators and supervisors shall be evaluated annually by appropriate procedures consistent with NJ statutes and the Administrative Code. Non-tenured certified administrators shall be evaluated by appropriate procedures consistent with NJ statutes and the Administrative Code.

The Board of Education directs that performance evaluations be based upon the fulfillment of the objectives developed by the employee and his/her immediate superior and approved by the Superintendent of Schools. The Board of Education establishes the following guides to be used in evaluating administrative and supervisory personnel:

A. Each administrator or supervisor shall have a job description which has been approved by the Superintendent of Schools and the Board of Education and which clearly names the person to whom he/she reports.

B. The administrator or supervisor shall participate in the development of his/her performance objectives for the coming year.
C. The performance objectives established for each administrator or supervisor shall be consistent with the goals and objectives established by the Board of Education and with the priorities set by the Superintendent of Schools. A diversity of performance objectives among administrators and supervisors shall be encouraged.
D. The Superintendent of Schools shall consult with administrators and supervisors concerning the evaluative criteria that they feel are of greatest significance in the evaluation of administrative personnel.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:32-1.1 et seq. School District Operations

Any compensation paid by the Millville Board of Education including but not limited to travel and mileage and other than approved base salary received by an employee of the Millville Public Schools shall be recorded, in writing, and approved by the Board of Education.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:32-1.1 et seq. School District Operations

# Millville Board of Education
# District Policy Manual

**Administration** **Series 2000**

**Confidential Support Staff** **Policy 2130.2**

| Date Adopted: April 22, 2002 | Date Revised: April 21, 2008 | Page 1 of 1 |
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The Millville Board of Education may hire and keep in its employ personal secretary/administrative staff to the school administrators and/or the chief financial officers.

These employees shall be considered "confidential" and shall negotiate compensation and benefits with the Board of Education.

They shall be made aware that their work is confidential and sensitive. They shall be evaluated annually.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:32-1.1 et seq. School District Operations

In compliance with New Jersey state law, the Board of Education shall evaluate the Superintendent of Schools at least annually. Every newly appointed or elected Board Member shall complete the New Jersey School Boards Association's training program on evaluation of Superintendents within six (6) 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 of Schools;
B. To improve the quality of the education received by the pupils served by the public schools of the district;
C. To provide a basis for the review of the job performance of the Superintendent of Schools.

<u>Role & Responsibility of the Board in the Evaluation of the Superintendent of Schools</u>
The role and responsibility of the Board in this evaluation shall be:

A. To complete a New Jersey School Boards Association training program on the evaluation of the Superintendent of Schools within six months of the commencement of newly appointed or elected district Board Member's term of office in accordance with the provisions of NJSA 18A:17-20.3.b;
B. To review, revise and adopt procedures suggested by the Superintendent of Schools for implementation of this policy;
C. To 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 of Education. The evaluation itself shall be the responsibility of the Board;
D. To adopt an individual plan for professional growth and development of the Superintendent of Schools based in part upon any needs identified in the evaluation. The Board of Education and the Superintendent of Schools shall mutually develop this plan. The duration of the plan will be three to five years, depending on the Superintendent of Schools' contract with the school district;
E. To hold an annual summary conference between a majority of its total membership and the Superintendent of Schools. The annual summary conference shall be held before the written performance report is filed. The conference shall be held in private, unless the Superintendent of Schools requests that it be held in public. The conference shall include, but not be limited to, review of the following:

- Performance of the Superintendent of Schools based upon the job description;
- Progress of the Superintendent of Schools in achieving and/or implementing the school district's goals, program objectives, policies, instructional priorities, State goals, and statutory requirements; and
- Indicators of student progress and growth toward program objectives.

F. By July 1st, subsequent to the annual summary conference, an annual written performance report, approved by a majority of the full membership of the Board of Education. This report shall include:
   - Performance areas of strength;
   - Performance areas needing improvement based upon the job description and evaluation criteria in "E" above;
   - Recommendations for professional growth and development;
   - A summary of available indicators of pupil 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 of Schools;
   - Provision for performance data which have not been included in the report prepared by the Board of Education to be entered into the record by the Superintendent of Schools within 10 working days after the completion of the report.

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

Role & Responsibility of the Superintendent of Schools

The Board of Education shall determine the role and responsibility in consultation with the Superintendent of Schools. The Superintendent of Schools shall be to provide information and propose procedures for:

A. 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 of Schools. The evaluation criteria shall include but not be limited to available indicators of pupil 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 of Schools' 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 of Education's adoption 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.

The policy shall be delivered to the Superintendent of Schools upon adoption. Amendments to the policy shall be distributed within 10 working days after adoption.

Legal References

NJSA 18A:4-15 General rule-making power
18A:6-10 through -17 Dismissal and reduction in compensation of persons under tenure in public school system
18A:12-21 et seq. School Ethics Act
18A:17-15 through -21 Appointment of superintendents; terms;
18A:17-20 Tenured and non-tenured superintendents; general powers and duties
18A:17-24 Clerks in superintendent's office
18A:17-24.1 Shared Administrators, Superintendents
18A:27-4.1 Appointment, transfer, removal or renewal of officers and employees; exceptions
18A:28-3 through -6.1 No tenure for noncitizens
18A:29-14 Withholding increments; causes; notice of appeals
40:8A-1 et seq. Interlocal Services Act

NJAC 6A:9-12 Requirements for Administrative Certification
6A:28-1.1 et seq. School Ethics Commission
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 et seq. Employment and Supervision of Teaching Staff
6A:32-4.3 Evaluation of tenured and nontenured superintendent
6A:32-4.4 Evaluation of tenured teaching staff members
6A:32-4.5 Evaluation of nontenured teaching staff members

8 U.S.C. 1101 et seq. - Immigration and Nationality Act
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

The Superintendent of Schools shall have general supervision over the schools of the district.

General Powers and Duties

The Superintendent of Schools is the chief advisor to the Board of Education, the executive officer of the school district, and the educational leader of the community. He/she shall have the power to issue instructions to effectuate Board policies and regulations. In matters of immediate importance not covered by Board policy or where and emergency exists, the Superintendent of Schools shall act at his/her own discretion after consultation with the Board President and shall report his/her action(s) officially to the Board of Education as soon thereafter as possible but not later than at the next regularly scheduled Board of Education meeting. He/she shall keep the Board informed of all developments affecting the control and direction of school affairs and of matters to the relationship with the local government. He/she shall perform such other duties and the Board may determine or direct.

Educational Objectives

In relation to educational objectives, the Superintendent of Schools shall:

1. Devote the major portion of he/her time to instructional leadership;
2. Recommend and submit to the Board for approval, the best methods of arranging the curriculum, courses of study, and all textbooks to be purchased.
3. Revise the bulletin that contains the general administrative rules and regulations of the school system, to be approved annually by the Board of Education; and
4. Develop and implement, with the help of his/her staff, all state-mandated programs.

Board of Education

In relation to the Board of Education, the Superintendent of Schools shall;

1. Attend all public meetings of the Board of Education, workshops and other meetings where his/her presence is requested, except as excused by the Board of Education when the terms and conditions of his/her own employment are being considered or at his/her own request. He/she shall not have the right to vote;
2. Formulate and present to the Board, policies, plans, programs and proposals to improve school conditions;
3. Keep the Board fully and regularly informed as to the effectiveness of existing policies;
4. In cooperation with the Board Secretary/Business Administrator, prepare and submit the annual school budget to the Board and administer the budget as approved by the Board and the voters of the district; and,
5. Express his/her opinion in Board or committee meetings and make recommendations on any subject that will, in any way, affect the administration of his/her office and the operation of the school system.

Administrative Staff

In relation to the administrative staff, the Superintendent of Schools shall:

1. Nominate and assign, subject to Board appointment, all persons in a supervisory or administrative capacity;
2. Coordinate the work of all administrative personnel;
3. Be responsible for the preparation of a job analysis, operating philosophy and procedures for each area or department in the school system; and,
4. Conduct administrative staff meetings concerning the development, and modification and evaluation of any or all parts of the educational program.

Personnel

In relation to personnel, the Superintendent of Schools:

1. Shall be responsible for the recommendation to the Board of Education of all appointments, reappointment, suspensions, dismissals and transfers of personnel;
2. With the approval of the Board President, may suspend any Assistant Superintendent, School Business Administrator, Principal, Assistant Principal or Teacher and shall report suspension to the Board, after which, the Board, by a majority vote of all members, may take whatever action it deems proper, subject to tenure laws, and negotiated agreements;
3. Shall assign teachers to schools and grades; and,
4. Shall maintain a positive working relationship within the school system by keeping the staff informed.

Evaluation

In programs of evaluation, the Superintendent of Schools shall:

1. Maintain a continuous program of evaluation with recommendations regarding continuation of employment of non-tenured employees and the granting of salary adjustments and increments to all employees; and,
2. Maintain a continuous program of evaluation of the effectiveness of all phases of the total educational program.

Public Relations

In the program of public relations, the Superintendent of Schools shall:

1. Keep the citizens of the district informed of the activities, successes and needs of the schools; and,
2. Maintain a wholesome and cooperative working relationship between the schools and the community.
3. Act as spokesperson for the district. The Superintendent of Schools may delegate this responsibility to another appropriate staff member as he/she deems appropriate.

Delegation

The Superintendent of Schools may delegate any of the aforesaid provisions to the responsible personnel subject to review by the Board of Education.

Evaluation of the Superintendent of Schools

The Board of Education shall be responsible for the annual evaluation of the Superintendent of Schools. It is recommended that the Board follow the timeline suggested by the New Jersey School Boards Association; however, the evaluation will be completed no later than the date set for the election of the new Board Members. The evaluation shall provide the means to improve the quality of Education for the pupils and to promote professional excellence and improved skills of the Superintendent of Schools. After the Board Members complete the evaluation, a summary of all evaluations should be made by the President of the Board or by committee. The summary will then be approved by the Board and presented to the Superintendent of Schools.

The evaluation procedure and process shall be a joint effort between the Board and the Superintendent of Schools. The procedure shall include the specific criteria utilized for the evaluation of performance to the job description and the methods of data collection for review. The procedure shall also include the preparation of a plan for professional growth and development of the Superintendent of Schools based on the needs identified in the evaluation.

The Superintendent of Schools evaluation procedure shall also include an annual summary conference between the Superintendent of Schools and a majority of the Board. The conference shall be held in private, unless the Superintendent of Schools requests that it be held in public. The evaluation procedure shall include and annual written performance report based on the evaluation and summary conference between the Board and the Superintendent of Schools. The report shall be prepared by a majority of the Board and shall include performance areas of strength, areas requiring improvement, recommendations for professional growth, a summary of available indicators of pupil progress and growth and a provision for the Superintendent of Schools to include data relative to job performance.

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.

NJSA 18A:4-15 General rule-making power
18A:6-10 through -17 Dismissal and reduction in compensation of persons under tenure in public school system
18A:12-21 et seq. School Ethics Act
18A:17-15 through -21 Appointment of superintendents; terms;
18A:17-20 Tenured and non-tenured superintendents; general powers and duties
18A:17-24 Clerks in superintendent's office
18A:17-24.1 Shared Administrators, Superintendents
18A:27-4.1 Appointment, transfer, removal or renewal of officers and employees; exceptions
18A:28-3 through -6.1 No tenure for noncitizens
18A:29-14 Withholding increments; causes; notice of appeals
40:8A-1 et seq. Interlocal Services Act

NJAC 6A:9-12 Requirements for Administrative Certification
6A:28-1.1 et seq. School Ethics Commission
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 et seq. Employment and Supervision of Teaching Staff
6A:32-4.3 Evaluation of tenured and nontenured superintendent
6A:32-4.4 Evaluation of tenured teaching staff members
6A:32-4.5 Evaluation of nontenured teaching staff members

8 U.S.C. 1101 et seq. - Immigration and Nationality Act
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

# Millville Board of Education
# District Policy Manual

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| **Administration** | **Series 2000** |
| **Acting Superintendent of Schools** | **Policy 2133** |

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| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |

In the absence of the Superintendent of Schools, without designee, an Acting Superintendent of Schools is automatically assigned according to the following order, unless otherwise designated by the Board of Education:

1. Board Secretary / School Business Administrator
2. Assistant Superintendent for Personnel
3. Assistant Superintendent for Curriculum
4. Director of Special Services

The role of Acting Superintendent of Schools shall be the same as for the Superintendent of Schools.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:32-2.1 Definitions (superintendent)

Possible Cross References

3516, 4135.16, 4235.16, 5131.6, 5141.1, 5141.2, 6114, 9311, 9313

In accordance with NJAC 6A:23A-3.1, the Executive County Superintendent shall review and approve the following items relative to the contracts of the Superintendent of Schools and the Business Administrator:

- New employment contracts, including contracts that replace expired contracts for existing tenured and non-tenured employees;
- Renegotiations, extensions, amendments or other alterations of the terms of existing employment contracts that have been previously approved by the Executive County Superintendent; and,
- 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 the absence of an 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 NJSA 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 NJSA 18A:30-3.5, 18A:30-9, 18A:17-15.1 and 18A:11-12.

The public notice and public hearing required pursuant to NJSA18A:11-11 is applicable to the Board of Education, when it renegotiates, extends, amends, or otherwise alters the terms of an existing contract with the Superintendent of Schools or Business Administrator. It does not apply to new contracts, including contracts that replace expired contracts for existing employees in one of these positions, whether tenured or not tenured. Nothing precludes the Board of Education from issuing a public notice and/or holding 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 of Education 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.
The contract review and approval shall be consistent with the following additional standards:

1. 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 districts in the region with similar enrollment, academic achievement levels and challenges, and grade span.

2. No contract shall include provisions that are inconsistent with the travel requirements pursuant to NJSA.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.
3. 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, 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.
4. 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 proration for partial years, not to exceed 12 months, or the remaining salary amount due under the contract.
5. 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 that employee and the district.
6. Contractual provisions regarding accumulation of sick leave and supplemental compensation for accumulated sick leave shall be consistent with NJSA 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 NJSA 18A:30-3.2, a new Board of Education contract may include credit of unused sick leave days in accordance with the new Board of Education's policy on sick leave credit for all employees.
7. Contractual provisions regarding accumulation of unused vacation leave and supplemental compensation for accumulated unused vacation leave shall be consistent with NJSA 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 NJSA 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
8. Contractual provisions that include a calculation of per diem for 12 month employees shall be based on a 260 day work year.

9. 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 this section, 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.
10. No provision for payment at the time of separation or retirement shall be made for work not performed except as otherwise authorized above.
11. 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 NJAC 6A:23A-6.12 and be supported by detailed justification. No contract can include a provision of a dedicated driver or chauffeur.
12. All Superintendent contracts shall include the required provision pursuant to NJSA 18A:17-51 which states that in the event the Superintendent's certificate is revoked, the contract is null and void.
13. Any actions by the Executive County Superintendent undertaken pursuant to this subchapter may be appealed to the Commissioner pursuant to the procedures set forth in NJAC 6A:3.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:11-12 Travel
18A:17-15.1 Superintendent's contract
18A:30-3.2 Unused sick leave
18A:30-3.5 Payment for unused sick leave
18A:30-9 Payment for accumulated vacation
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:3 Controversies and disputes
6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:23A-3.1 Accountability Regulations
6A:23A-6.12 Accountability Regulations
6A:32-2.1 Definitions (superintendent)

# Millville Board of Education
# District Policy Manual

**Administration** **Series 2000**

**Administrative Leeway in Absence of Board Policy** **Policy 2210**

| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |
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In cases where emergency action must be taken within the school system and where the Board of Education has provided no guides for administrative action, the Superintendent of Schools shall have the power to act, but those decisions shall be subject to review by the Board of Education at its next regular meeting.

It shall be the duty of the Superintendent of Schools to inform the Board of Education promptly of such action and of the need for possible additional policies or revisions of existing policies.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:17-20 General powers and duties
18A:30-3.2 Unused sick leave
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:32-2.1 Definitions (superintendent)

Possible Cross References

3516, 4135.16, 4235.16, 5131.6, 5141.1, 5141.2, 6114, 9311, 9313

The Board encourages staff and community participation in decision making. The superintendent shall recommend and the Board shall establish such committees as are necessary to make recommendations for the proper functioning of the district. The superintendent shall consult staff in the development of in-school groups as councils, cabinets and committees for the ready intercommunication of ideas regarding the operation of the school. The superintendent shall weigh with care the counsel given by members of the staff, and shall inform the Board of all such counsel in presenting reports of administrative action and in presenting recommendations for Board action.

School Leadership Council

The Millville Board of Education believes that educational improvement is most effective and long lasting when developed and implemented by those members of the educational community with the greatest sense of ownership and responsibility for this process. The Board further believes that the quality of its effectiveness as the legislated governing Board of the district will be enhanced through increasing the involvement of a broad base of members of the educational community.

The Board supports the concept that those most affected by educational decisions ought to play a significant role in the decision-making process. Development of School Leadership Councils (SLCs) offers a rare opportunity for stakeholders in the educational process to work together in a formal capacity to provide comprehensive school improvement. The Board encourages the development of SLCs that will include representation of staff, administration, Board members, parents, other community members and, when appropriate, students.

The ultimate success of our schools will be determined by the ability of each school to deliver services that align with the needs of their unique student- parent constituency. To this end, the Millville Board of Education supports the development of SLCs. The Superintendent of Schools is charged to ensure development of SLCs in all district schools, as well as ensuring development of necessary district and school-level operational guidelines.

Schools shall be held accountable for the quality and effectiveness of their school climate, curriculum and instruction. This accountability will be accompanied by involvement in making key school-level instructional and operational decisions that directly impact on the programs of schools. The superintendent of schools will communicate annually with the Board regarding the status and progress of compliance with the intent of this policy.

The Board of Education recognizes its responsibility for development and maintenance of successful SLCs. The Board will make every effort to provide the resources necessary to meet operational and staff development needs.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:17-20 General powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:32-2.1 Definitions (superintendent)

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

State and federal statues and regulations prohibit school districts from discriminatory practices in employment or educational opportunity against any person by reason of any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq. or any other federal or state law(s) and/or statutes., 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 Board of Education will continue to support its Affirmative Action Resolution of, and implement the districts 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 comprehensive equity plan as mandated by the New Jersey Department of Education 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. A copy of the districts affirmative action/equity plans and self-evaluation of their achievement shall be available in the district office.

Affirmative Action Officer(s)

The Board shall appoint annually a certified member of the staff as Affirmative Action Officer(s) and a 504 Compliance Officer. The Board shall adopt the job description of the Affirmative Action Officer(s), and 504 Compliance Officer, granting to them the responsibility to facilitate, oversee and ensure the development of implementation of school and classroom practices plans, employment and contract practices plan, school and classroom practices plan, school desegregation plan and section 504 plans, as well as related inter-program coordination. The Affirmative Action Officer(s) shall ensure that the district upholds all regulations, codes and law related to equity in the schools.

The Affirmative Action Officer(s) shall monitor compliance with this policy. 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.

Harassment

The 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, pupils and vendors that harassment is prohibited. Sexual harassment shall be specifically addressed in the affirmative action in-service 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 of the conduct or communication is made a term or condition of employment;
B. Submission to, or rejection of the conduct or communication is the basis for decisions affecting employment and assignment;
C. The conduct or communication has the purpose or effect of substantially interfering with an individuals work performance;
D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the school. Harassment by Board members, employees, parents, students, vendors and others doing business with the district if 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 of Schools 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 of Schools/Board. This policy on sexual harassment shall be distributed to all staff members.

Staff or pupils 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 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

In implementing affirmative action, the district shall:

A. Identify and correct the denial of equity of Educational opportunities for pupils solely on the basis of any classification protected by law;
B. 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; availability of programs for children; and equal access of all eligible pupils to all extracurricular programs.

These topics are included in the pupil and instructional policies or the district of #5145.4 Equal education opportunity, #6121 Nondiscrimination/affirmative action, and #6145 Extracurricular activities.

Contract/Employment Practices

The district directs the Superintendent of Schools to ensure that appropriate administrators implement the districts affirmative action policy by:

A. Adhering to the administrative code on selection of vendors and suppliers, informing vendors and suppliers that their employees are bound by the districts affirmative action policies in their contracts with district staff and pupils;
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 which furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding in-service programs on affirmative action for all staff in accordance with law.

These topics are included in the business and non-instructional operations, and the personnel policies of the district at #3320, #3327.

Disabled

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

Report on Implementation

The Superintendent of Schools shall devise regulations, including grievance forms and procedures to implement the districts affirmative action policies. He/she shall report to the Board annually on the effectiveness of this policy and implementing procedures.

Legal References

NJSA 2C:16-1 Bias intimidation
2C:33-4 Harassment
10:5-1 et seq. Law Against Discrimination
18A:6-5 Inquiry as to religion and religious tests prohibited
18A:6-6 Sexual discrimination
18A:18A-17 Facilities for handicapped persons
18A:26-1 Citizenship of teachers, etc
18A:26-1.1 Residence requirements prohibited
18A:29-2 Equality of compensation for male and female teachers
18A:37-14 through -19 Harassment, intimidation, and bullying defined
18A:36-20 Discrimination; prohibition
26:8A-1 et seq. Domestic Partnership Act

NJAC 5:23-7.1 et seq. Barrier free subcode of the uniform construction code
6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services

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
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)
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., 240F. 3d 200 (3d Cir. 2001)
L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007),
Comprehensive Equity Plan, New Jersey Department of Education

Possible Cross References

3320, 4111, 4111.1, 4131/4131.1, 4211, 4211.1, 4231, 4231.1, 5145.4, 6121, 6145

In all matters affecting employees and pupils, the regular channels of communication should be utilized by organizations, their representatives and individual employees and pupils prior to directly approaching the Board of Education.

Staff Communications to the Board

Understanding is a cornerstone of good personnel relations. It is important the Board, staff and administration work harmoniously in achieving the commonly shared goal of educating our youth. As the executive officer of the district the Superintendent of Schools shall be an integral part of all discussions of school business that may involve Board action.

All communications or reports to the Board or any Board committee from administrators, teachers, or other staff members shall be submitted through the Superintendent of Schools. Members of the staff or administration may, however, communicate directly to the Board or Board committees when the Superintendent of Schools/designee is present or if designated by the Superintendent of Schools to do so.

Administrators shall communicate the substance of their meetings/conversations to the Superintendent of Schools. All correspondence to or from the Board shall be shared with the Superintendent of Schools.

Board Communications to Staff

All official communications, policies, and directives of staff interest and concern shall be communicated through the Superintendent of Schools. He/she shall employ all such media, including teachers' handbooks, as are appropriate to keep staff fully informed of the Boards problems, concerns, and actions. Board members who are parents/guardians of pupils may communicate with staff and administrators involved with the pupil. Board members should use sound judgment in discussions at school functions and social functions.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:17-20 General powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:32-2.1 Definitions (superintendent)

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

The Superintendent of Schools shall direct development and review of handbooks, directives, announcements, bulletins, etc. for staff to ensure that their contents reflect district-wide policies and regulations accurately.

The district shall publish annual reports or catalogs detailing the programs of the schools and special brochures on separate programs as necessary.

In making information available about these programs, the administration may use paid advertisements in newspapers as regulated or as deemed necessary. It shall also publicize such programs and courses through literature distributed to businesses, industries and other interested groups in the area.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:17-20 General powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-12.3 Authorization
6A:9-12.4 School administrator
6A:32-2.1 Definitions (superintendent)

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

# Millville Board of Education
# District Policy Manual

**Administration** **Series 2000**

**Research, Evaluation & Planning** **Policy 2240**

| Date Adopted: December 21, 1991 | Date Revised: October 22, 2002, April 21, 2008 | Page 1 of 1 |
|---|---|---|

As required by New Jersey Quality Single Accountability Continuum (NJQSAC), the Superintendent of Schools 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 districts plans shall be discussed at a public meeting before the date required by law.

Further, the Superintendent of Schools 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.

Legal References

NJSA 18A:7A-10 Evaluation of performance of each school
18A:7A-11 Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills
18A:7A-14 Review of evaluation of district performance
18A:7F-4 Periodic review of core curriculum content standard by state board; establishment of thoroughness and efficiency standards and cost per pupil
18A:7F-6 Approval of budget by Commissioner

NJAC 6A:8-1.1 et seq. Standards and Assessments
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:26-2.1 et seq. Long-Range Facilities Plans
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-12.1 Reporting requirements
6A:32-12.2 School-level planning
6A:32-13.1 et seq. Student Behavior
6A:32-14.1 Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A., 6301 et seq
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1120, 1220, 2255, 3510, 5020, 6142.2, 6171.34, 7110, 9130

# Millville Board of Education
# District Policy Manual

**Administration** **Series 2000**

**Needs Assessment of the District**
**& the Individual Programs / Facilities** **Policy 2241**

| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

The Superintendent of Schools shall monitor continuously the program and equipment needs of the district and the individual programs/facilities. To this end he/she shall devise appropriate instruments to identify and prioritize these needs, and report them to the Board as necessary, but at least annually before the budget is finalized.

Legal References

NJSA 18A:7A-10 Evaluation of performance of each school
18A:7A-11 Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills
18A:7A-14 Review of evaluation of district performance
18A:7F-4 Periodic review of core curriculum content standard by state board; establishment of thoroughness and efficiency standards and cost per pupil
18A:7F-6 Approval of budget by Commissioner

NJAC 6A:8-1.1 et seq. Standards and Assessments
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:26-2.1 et seq. Long-Range Facilities Plans
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-12.1 Reporting requirements
6A:32-12.2 School-level planning
6A:32-13.1 et seq. Student Behavior
6A:32-14.1 Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A., 6301 et seq
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1120, 1220, 2255, 3510, 5020, 6142.2, 6171.34, 7110, 9130

The Superintendent of Schools shall be responsible for assembling all necessary documentation to meet state certification requirements.

He/she shall ensure the districts 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.

In the event that the district, or a program/facility within the district, does not receive full approval in classification by the Commissioner of Education, the Board of Education shall cooperate in undertaking corrective action by the development of a remedial plan pursuant to the New Jersey Administrative Code.

Certification requirements for teaching staff members shall not be violated.

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:

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;
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
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 signed by the Superintendent of Schools and approved by the Board of Education.

Alternative Monitoring

If the district meets the standards set out in the administrative code in student performance and attendance, the Board of Education may decide on an alternative method of evaluation in compliance with code and statute.

Legal References

NJSA 18A:7A-10 Evaluation of performance of each school
18A:7A-14 Review of evaluation of district performance
18A:7F-1 et al. Comprehensive Educational Improvement and Financing Act
18A:26-2 Certificates required; exception

NJAC 6A:5-1.1 et seq. Regulatory Equivalency and Waiver
6A:8-1.1 et seq. Standards and Assessments
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott Districts
6A:23-8.3 Commissioner to ensure achievement of the Core Curricular Content Standards
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-12.1 Reporting requirements
6A:32-12.2 School-level planning
6A:32-14.1 Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A., 6301 et seq
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1120, 1220, 2240

The 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 managements;
E. Personnel.

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

District Performance Review form shall be completed by the district committee. The Superintendent of Schools shall determine the total number of people that will serve on the committee. The Superintendent of Schools 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:

A. Superintendent of Schools;
B. One or more members of the administrative staff;
C. One or more teaching personnel, representative of different grade levels and/or;
D. The business administrator and assistant superintendent for curriculum and instruction, as well as other appropriate personnel;
E. 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 "C" above; and
F. One or more members of the Board selected by the Board.

The Superintendent of Schools shall:

A. Ensure that the process used by the committee in completing the District Performance Review provides for participation and input by all committee members;
B. Consult with the committee in formulating a response to all weighted quality performance indicators of each component of school district effectiveness;
C. Ensure that the responses in District Performance Review encompass and reflect the circumstances that exist in the school district; and

D. 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. In accordance with the provisions of NJAC 6A:30-3.2 District Performance Review.

Additionally, the Superintendent of Schools 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 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 in accordance with the provisions of NJAC. 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.

<u>Equivalency & Waiver Procedures</u>
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 NJAC 6A:5-1.4 and shall be signed by the Superintendent of Schools and approved by the Board of Education.

Legal References

NJSA 18A:7A-10 Evaluation of performance of each school
18A:7A-14 Review of evaluation of district performance
18A:7F-1 et al. Comprehensive Educational Improvement and Financing Act
18A:26-2 Certificates required; exception

NJAC 6A:5-1.1 et seq. Regulatory Equivalency and Waiver
6A:8-1.1 et seq. Standards and Assessments
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott Districts
6A:23-8.3 Commissioner to ensure achievement of the Core Curricular Content Standards
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-12.1 Reporting requirements
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6A:32-14.1 Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A., 6301 et seq
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

# Millville Board of Education
# District Policy Manual

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|---|---|
| **Administration** | **Series 2000** |
| **Holiday Observance** | **Policy 2260** |

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|---|---|---|
| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |

The Superintendent of Schools and teachers of the school will be responsible for a suitable observance of legal holidays as outlined in Title 18A:36-6 to 36-13.

Appropriate exercises shall be held in all schools as established in New Jersey Administrative Code.

Should the holiday fall on a day that school is closed, the in-school observance shall be held as close to the actual holiday as possible.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:36-6 through 18A:36-13.1 Various observances
18A:54-20 Powers of board (county vocational schools)

# Millville
# Board of Education

# Policy Manual

# Business &

# Non-Instructional

# Operations

# Series 3000

# Millville Board of Education
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The Board of Education recognizes the goals and objectives in the following areas:

1. Fiscal Management

The 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 pupil expenditure sufficient to provide high quality education.

2. Internal Controls / Standard Operating Procedures

The Board of Education is committed to financial integrity and directs the Business Administrator 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 NJAC 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).

3. 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 NJAC 6A:23A-6.8.

4. 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 pupils 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 goals:

A. To provide a physical environment for teaching and learning that is safe and pleasant for pupils, staff and public;
B. To provide safe transportation for eligible pupils;
C. To make nutritious meals available to pupils;
D. To provide resources, facilities and assistance to meet the needs of the educational program as they develop.

5. Long Range Plans

In compliance with law, the Superintendent of Schools, with input from the School Business Administrator, 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 of Schools.

Legal References

NJSA 2C:30 4 Disbursement of public moneys, incurrence of obligations in excess of appropriation
18A:4 14 Uniform system of bookkeeping for school districts
18A:17 14.1 Appointment of school business administrator; through 14.3 duties; subcontracting; tenure acquisition
18A:17-24.1 Sharing of superintendent, school business administrator; procedure
18A:18A-1 et seq. Public School Contracts Law
18A:20-1 et seq. Acquisition and Disposition of Property
18A:33-1 et seq. Facilities in general
18A:39-1 et seq. Transportation to and from schools
40:8A-1 et seq. Interlocal Services Act

NJAC 2:36-1.1 et seq. Child Nutrition Programs
6A:9-12.1 et. seq. Requirements for administrative certification ,
6A:23-1.1et seq. Finance and Business Services
6A:26-1.1et seq. Educational Facilities
6A:27-1.1et seq. Student Transportation

Possible Cross References

3100, 3200, 3300, 3400, 3500, 3510, 3530, 3542, 3543, 3570, 3600, 9123/9124

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, County Superintendent and the Board of Education.

Since the budget is the legal basis for the establishment of the school tax rate, the annual school budget process is an important means of communication within the school organization and with the residents of the district.

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 of Schools to develop a schedule of events associated with the development, presentation and adoption of the budget by the Board. This calendar of events shall conform to all dates set out in statute and shall be reviewed and adopted by the Board annually.

It shall be the policy of this Board to inform the citizens of the community about the proposed annual school budget and provide citizens with the opportunity to discuss such budget with the Board at a public meeting of the Board. The Board shall hold at least one public meeting on the proposed budget prior to final action and in accordance with the law. Notices of the public hearing shall be made in accordance with the New Jersey Open Public Meetings Act. Legally required public hearing on the proposed budget shall be held after the County Superintendent of Schools has approved the budget. The community shall be notified of and encouraged to attend all Board Meetings at which preliminary budget discussions will be held.

If, as a result of the public hearing, it should be determined that changes in the budget are necessary the changes shall be made before the budget is adopted. The budget should evolve primarily from the schools' current needs, but should also consider the data collected in long-range budget planning. The budget shall provide sufficient resources for curriculum and instruction that are designed and shall be delivered in such a way that all students will have the opportunity to achieve the knowledge and skills defined by the core curriculum content standards, as well as locally defined standards.

In preparing budget requests, the responsible administrator shall include the following costs by program area:

A. Staff
B. Textbooks, equipment and supplies
C. Cost and maintenance of facilities and equipment
D. Other costs associated with the operation of each program

The district's operating budget, when presented to the Board for review, shall contain:

A. The proposed expenditure for each line item requested for the ensuing year;
B. The anticipated expenditure for each existing line item in the current school year;
C. The actual expenditure for each then-existing line item from the immediately completed school year;
D. A description of each line item;
E. An estimate of the pupil population for the coming school year by grade;
F. The current pupil population by grade;
G. An estimate of the staff needed for the coming school year by grade and/or by subject;
H. Actual staff for the current year;
I. Anticipated revenue by sources and amounts;
J. Amount of surplus anticipated at the end of the current school year including accumulated surplus;
K. All other expenses projected for the coming year, anticipated for the present year, and incurred in the preceding year, on the district level;
L. Projected impact on tax rate.

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 core curriculum content standards and a thorough and efficient education.

The adoption of the budget shall be made by roll call vote and the resolution adopting the budget shall be incorporated into the official minutes of the meeting 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.

The Board shall adopt any such questions by a recorded roll call majority vote of the full Board. Upon Board approval of the tentative school budget, it shall be advertised in accordance with New Jersey State Law and copies shall be made available to the public.

The proposed budget as accepted by this Board shall be set forth in detail, using the form prescribed by the state department of education, and shall be made available to the public as required by law. A brochure will be published by the Board Secretary/Business Administrator to explain the annual school budget and will be distributed to district taxpayers, if the Board of Education deems it necessary.

The brochure should include:

A. A summary of the proposed expenditures and anticipated revenues;
B. General information which may enable district taxpayers to understand the proposed budget better; for example, present and projected school enrollments and assessed valuations, state aid, and teachers' salaries;
C. An explanation of significant changes in the budget.
D. An explanation of the tax impact of the proposed budget.

In addition, the district will publish the budget on the district website.

Legal References

NJSA 18A:7F-1 et seq. Comprehensive Education Improvement and Financing Act of 1996
18A:13-17, -19, -23 Submission of budget; annual regional school election
18A:22-7, -8 through -13 Preparation of budgets
18A:22-8.6 Transportation (budget line item)/hazardous routes
18A:22-14 Fixing appropriations to be made; notice of intent to appeal (Type I districts)
18A:22-25 Borrowing against appropriations on notes (Type I districts
18A:22-26 through -31 Type II district with board of school estimate; determination; certification and raising of appropriations; notice of intent to appeal amount of appropriation
18A:22-32, -33 Type II districts without board of school estimate; determination of appropriation
19:60-1 School elections, adjustments, ballots

NJAC 6A:8-1.1 et seq. Standards and Assessment
6A:23-8.1 et seq. Annual Budget Development, Review and Approval
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:26-10.1 et seq. Purchase and lease Agreements
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Abbott v. Burke, 149 NJ 195 (1999)
Manual for the Evaluation of Local School Districts (September 2002)
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3160, 3220/3230, 3326

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Determination of Budget Priorities** **Policy 3113**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

The Board of Education can meet only a limited number of educational needs and desires with the finite resources available to it. The laws of the State of New Jersey require that the school system be operated so that expenditures do not exceed revenues. The Superintendent of Schools and Board Secretary/Business Administrator are directed to formulate the annual budget, taking into consideration the following criteria:

A. At all times, district resources, shall be used to produce the most positive effect on the students' opportunities to gain a sound basic education;
B. The budget shall be in accord with statutory and regulatory mandates promulgated by the federal government, the state legislature, the State Board of Education, County Superintendent of Schools and the Board of Education;
C. The budget shall be consistent with contracts between the Board and its employee groups.

In reviewing the proposed budget, the Board will consider priorities to be accomplished during the subsequent year, based upon the needs identified through the district's planning process. Funds and resources shall be provided for their accomplishment in amounts determined by the constraints of the budget.

Legal References

NJSA 18A:7F-1 et seq. Comprehensive Education Improvement and Financing Act of 1996
18A:11-1 General powers of the Board
18A:13-17, -19, -23 Submission of budget; annual regional school election
18A:22-7, -8 through -13 Preparation of budgets
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18A:22-32, -33 Type II districts without board of school estimate; determination of appropriation
19:60-1 School elections, adjustments, ballots

NJAC 6A:8-1.1 et seq. Standards and Assessment
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6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:26-10.1 et seq. Purchase and lease Agreements
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Transfers of Funds Between Line Items / Amendments / Purchases Not Budgeted** **Policy 3160**

| Date Adopted: October 19, 1998 | Date Revised: December 16, 2002, June 2, 2008 | Page 1 of 1 |
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Appropriate fiscal controls shall ensure that the Board does not spend more than authorized funds. The Business Administrator/Board Secretary shall keep the Board informed of the district's financial status according to law.

Except in the case of federal funds, the Board designates the Superintendent of Schools to approve transfers among line items and programs as are necessary between meetings of the Board. Transfers approved by the Superintendent of Schools shall be reported to the Board, ratified by a 2/3 vote of the Board, and recorded in the minutes at the next subsequent monthly meeting of the Board..

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. In such cases, a 2/3 vote of the Board of Education shall be required for approval.

The Board may, by resolution, designate the Superintendent of Schools to approve such transfers as are necessary between meetings of the Board. Transfers approved by the Superintendent of Schools shall be reported to the Board, ratified by a 2/3 vote of the Board of Education and duly recorded in the minutes at the next subsequent monthly meeting of the Board.

Legal References

NJSA 2C:30-4 Disbursing moneys, incurring obligations in excess of appropriations
18A:17-9 Secretary; report of appropriations, etc.; custodial duties, etc.
18A:18A-7 Emergency purchases and contracts
18A:22-8.1 Transfer of amounts among line items and program categories
18A:22-8.2 Prohibited transfers
18A:24-48 through -54 Application of proceeds to new purpose;

NJAC 6A:23-2.1 et seq. Double Entry Bookkeeping & GAAP Accounting in Local School Districts
6A:23-2.2, -2.11 N.J.A.C. 6A:30-1.1 et seq.
Evaluation of the Performance of School Districts
Hawkins-Stafford Elem & Secondary School Improvement Act of 1988 (Pub. L.100-297)
Guidelines for Development of Application--Basic Skills Improvement Plan--New Jersey State Department of Education, revised annually
Guidelines for Development of Program Plan--Bilingual/ESL Education Programs--New Jersey State Department of Education, revised annually
Manual for the Evaluation of Local School Districts (September 2002)
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3000, 3100/3110, 3320, 9127

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 of Schools shall inform the Board about specific assurances that 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 of Schools and the Business Administrator/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 of Schools 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.

Drawdown of Federal Grant Funds

The New Jersey Department of Education (NJDOE) has implemented a reimbursement request system of payment. The procedures as outlined in the NJDOE Policies and Procedures for Reimbursement of Federal and Other Grant Expenditures shall be followed by this district in submitting reimbursement requests.

Reimbursement requests by the Board Secretary/Business Administrator/designee shall be made for individual titles and awards shall be made using the NJDOE's Electronic Web-Enabled Grant System (EWEG) system.

Reimbursement requests shall be made for individual titles and awards and only one reimbursement request per month may be submitted for an individual title or award. Reimbursement requests may only be for expenditures that have already occurred or will occur by the last calendar day of the month in which the request is made.

The submission of a reimbursement request shall constitute a certification by the Board Secretary/Business Administrator that the district has previously made the appropriate expenditures and/or will make the expenditures by the last calendar day of the month in which the request is made and that the expenditures are allowable and appropriate to the cost objective(s) of the subgrant. Reimbursement requests must be in accordance with the approved grant applications.

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

In order to comply with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as amended by the No Child Left Behind Act of 2001, *Section 1120A(a)*, 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 free public education in the Local Education Agency (LEA) 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 year.

Equivalence Comparability of Materials and Supplies

To be in compliance with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as amended by the No Child Left Behind Act of 2001, *Section 1120A(c)*, the Board of Education directs the Superintendent of Schools to distribute curriculum materials and instructional supplies to the schools in such a way that the equivalence of such material is ensured appropriately within the school.

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 pupils, if state and federal funds were not available.

Parent Participation

The district shall implement parent consultation and participation, advisory councils, etc., as mandated for the specific program.

Legal References

NJSA 18A:7F-1 et seq. Comprehensive Improvement and Financing Act of 1996
18A:7G-1 through -44 et al. Educational Facilities Construction and Financing Act
18A:11-1 General mandatory powers and duties
18A:34-1 Textbooks; selection; furnished free with supplies; appropriations
18A:38-7.7 through -7.14 Legislative findings and declarations (impact aid)
18A:54-20 Powers of board (county vocational schools)
18A:58-7.1 School lunch program
18A:58-7.2 School lunch program; additional state aid
18A:58-11 Emergency aid
18A:58-11.1 Loss of tuition to district due to establishment of regional district; state aid for one year
18A:58-33.6 through -33.21 Additional State School Building Aid Act of 1970
18A:58-37.1 through -37.7 Textbook Aid to Public and Nonpublic Schools
18A:59-1 through -3 Federal aid

NJAC 6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:14-1.1 et seq. Special Education
6A:23-5.1 et seq. State Aid
6A:23-8.1 et seq. Annual Budget Development, Review and Approval
6A:23A-5.3 Accountability Regulations
6A:26-1.1et seq. Educational Facilities
6A:27-8.1et seq. State Aid
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

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 80 (7-1-05) monitoring districts' use of federal grant funds
Education Department General Administrative Regulations (EDGAR)
34 CFR Part 85, Government-wide Debarment and Suspension (non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)
34 CFR 200.1 et seq.
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Possible Cross References

3100, 3160, 3570, 3542.31

The Board of Education shall charge and assess tuition for attendance in the schools of the district pupils not entitled to receive a free public education in this district and whose enrollment has been approved by the Board.

Tuition rates will be determined and approved annually and will represent the cost per pupil in average daily enrollment in accordance with law. Rates will be published to the sender before the beginning of the school year or before the pupil's attendance commences.

The Board Secretary/Business Administrator shall be responsible for the assessment and collection of tuition. Tuition billing will be made annually in advance of the period for which the billing is made with payment on an approved schedule.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:38-3 Attendance in school by nonresidents
18A:11-1 Tuition of pupils attending schools in another district
18A:46-21 Tuition

Possible Cross References

5117.7, 5118, 6178

The Board authorizes the imposition of fines for the loss, damage, or defacement of textbooks and other instructional materials.

The Superintendent of Schools shall oversee preparation of a schedule of fines for lost or damaged textbooks and/or equipment.

The Business Administrator shall ensure that funds collected as fees or fines are properly recorded and safeguarded. The Superintendent of Schools shall be responsible for funds donated by the Parent Teacher Association to the school and also those generated by student activities that are deposited in the designated bank.

All charges to pupils shall be kept to a minimum. No pupil 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 of Schools, shall approve reasonable charges for admission to school-sponsored events.

Legal References

NJSA 18A:34-1 Textbooks; selection; furnished free with supplies; appropriations
18A:34-2 Care and keeping of textbooks and accounting
18A:37-3 Liability of parents or guardian of minor for damage to property
18A:58-37.3 Purchase and loan of textbooks

NJAC 6A:23-2.14 Student activity funds
6A:23-2.15 School store business practice
6A:23-6.6 Charge for textbook loss or damage
Ballato v. Long Branch Board of Education 1990 S.L.D. (August 20)

Possible Cross References

3453, 3517, 5131.5, 6153, 6161.3, 6200

The Board of Education may authorize the sale, exchange, trade or other disposition of real or personal property of the school district, when it is determined that it is no longer needed for school purposes.

Real estate property shall be leased or disposed of by sale or otherwise, in accordance with law and Board resolution. Property, the value of which does not exceed the legal limit in any one sale, and 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.

Property, the value of which exceeds the legal limit in any one sale and is neither livestock nor perishable nor is to be sold to the United States, the State of New Jersey or to any body politic in the state, shall be sold at public sale to the highest bidder in accordance with law.

All bids may be rejected if it is determined by the Board that doing so would be in the public's interest. Where the Board has rejected all bids, it may be re-advertised for subsequent public sale. If at the second sale all bids are again rejected, the personal property may be sold without additional public notice. In no event shall the negotiated price at a private sale be less than the highest price of any bid that was rejected at the preceding two public sales, and in no event may the terms or conditions of sale be changed or amended.

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.

The Superintendent of Schools or designee shall develop procedures for the disposition of district property which include:

A. The review of the continued usefulness of all property periodically;
B. Recommendation for Board designation of property for sale, donation or discard;
C. Rules for the disposition of property that ensure that all sales and donations are conducted in a fair and open manner in accordance with the public interest.

<u>Federally Funded Equipment and Property</u>

When equipment and/or property procured with federal grant funds is no longer needed for the original project, or is obsolete or unusable, it shall be disposed of in strict accordance with applicable federal law and regulation.

Textbooks
In accordance with NJSA 18A:34-3, the district will notify the NJ Department of Education regarding any textbooks it intends to discard. It is the responsibility of the Department of Education to create and maintain a statewide textbook database to facilitate the transfer of used textbooks from one district to another.

Although textbooks published 10 years prior to the year the district wishes to discard them will not be entered into this database, the district will take appropriate measure to share or recycle, if applicable or dispose, if necessary those textbooks.

Textbooks published within 10 years may be recycled by the district to students, parents, educational agencies, institutions, others, or by selling them or posted to the database.

The law regarding used textbooks does not apply to those textbooks that are "worn out or useless due to damage or mutilation." Such textbooks can be disposed of without posting, regardless of publication date.

Legal References

NJSA 18A:7F-7(e) Appropriation by school district of undesignated fund balance; amounts allowable
18A:18A-45 Manner and method of sale (personal property)
18A:20-2 Purchase and sale of property in general
18A:20-5 Disposition of property and title of purchaser
18A:20-6 Sale at public sale; exceptions
18A:20-7 Sale at fixed minimum prices; rejection of bids
18A:20-8.1 Transfer of land for vocational school purposes
18A:20-8.2 Lease of land, or part or all of school building not necessary for school purpose; resolution; procedure
18A:20-9 Conveyance of unneeded real estate for nominal consideration; qualified recipients; reversion
18A:20-9.1 Conveyance of certain sewer lines to a municipality
18A:20-9.2 Sale of school property to nonprofit schools for the handicapped
54:4-3.6 Exemption of property of nonprofit organizations

NJAC 6A:26-7.4 Approval for the disposal of land

Possible Cross References
3220/3230, 3280, 3440, 6171.3, 7110

The Board of Education recognizes that individuals and organizations in the community may wish to contribute money, supplies, equipment, or property to enhance or extend the district's programs and facilities.

Only the Board of Education may accept, for the school district, any bequest or gift or money, property or goods. At the discretion of the Board, the gift may be used on a particular school project.

All gifts (over) equal to $5,000 or of real property are subject to school board approval. The board must approve acceptance of such gifts by a majority vote. The Board must also be notified of any gifts denied by the district.

The Board may accept proposed gifts to the district only if they meet the following criteria. The gift shall:

- Be for a purpose consistent with the mission, objectives and goals of the school district;
- Be appropriate to the best interest of students;
- Be subject to the normal curriculum approval process (if gift consists of curriculum materials);
- Be in support of those programs deemed a priority of the district;
- Not create significant, ongoing inequity of programs and/or facilities available to students within or between schools in the district;
- Not obligate the district to financial support or continuing costs without the Board approval;
- Not unreasonably add to staff workload;
- Not place unreasonable restrictions on the school programs or district operations;
- Not imply endorsement of any business or product; and
- Comply with all provisions of Board policy, collective bargaining agreements, and district standards and specification; and be in compliance with all Federal, State and local laws and regulations.

In no event shall staff members or others make any commitment, obligation or offer in exchange for any gift to the district.

All gifts, once accepted by the Board, except as otherwise agreed, shall become district property and shall be accepted without obligation relative to use or disposal.

The Board reserves the right to refuse to accept any gift which does not contribute toward the achievement of the goals of this district or the ownership of which would tend to deplete the resources of the district.

Any gift accepted by the Board or the Superintendent of Schools 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 utilize 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 to be 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 all gifts accepted by the Board of Education. Such appreciation shall in no case be considered as a testimonial or endorsement by the school system 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 of Schools, who shall investigate the conditions of such grants and gifts and make recommendations to the Board regarding the advisability of seeking and or accepting them.

A complete budget breakdown must be submitted to the business office prior to drawing moneys from the grant.

Solicitation of Gifts on District Websites

The availability of Internet access provides an opportunity for the district to raise funds for specific educational causes through the websites of the district. These websites provide information to individuals and groups about curriculum, instruction, school-authorized activities and other general information relating to the schools and the district as a whole.

Information posted on these websites may, under specific and limited conditions, include the solicitation of funds to support the mission of the school district.

Guidelines for Solicitation on District Websites

Building and district administrators and the Technology Director are responsible for approval for any and all additions and modifications to the district webpages. In addition, the following are required guidelines that include, but are not limited to:

- All posted information must comply with Board Policy 6142.10 – Acceptable Use of Internet;
- No commercial material, other than recognition of support, may be incorporated in the posting;
- No personal information (pictures, e-mail addresses, home addresses or phone numbers), of staff members or students may be posted without written permission by the staff member, adult student, or the parent/guardian of the students;
- Published e-mail addresses are restricted to staff members or to a general group e-mail address where arriving e-mail is forwarded to the responsible staff member or administrator;
- The posting may not include any statements that imply or state district or school endorsement of other organizations, products or services;
- Links to other websites are to be approved by the district Technology Director to ensure that they are appropriate;
- Copyright laws must be adhered to;
- Webpage postings should be free of spelling and grammatical errors;
- Documents posted may not contain objectionable material or point (link) to objectionable material or websites, and;
- All software used to create the posting must be approved by the Technology Director.

The Board of Education may be consulted by the Superintendent of Schools for final approval of solicitations posted on the district websites as he/she deems appropriate.

Legal References

NJSA 18A:6-33.1 through -33.12 Incentive Grants
18A:18A-15.1 Payment for goods or services; funds received from a bequest, legacy or gift
18A:20-4 Acceptance and use of gifts
18A:20-11 through -16 Property devised in trust
18A:29A-1 through -7 Governor's Annual Teacher Recognition Act
18A:71A-1 et seq. Authority Structure and General Provisions
18A:71B-1 et seq. Student Financial Aid
18A:71C-1 et seq. Student Loans

NJAC 6A:26-7.4 Approval of land acquisition

Possible Cross References

1230, 3200, 3220/3230, 3453, 5126, 6163.1

When the Board, due to unforeseen contingencies in the current account because of the 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, bond of certain federal agencies as specified by law, bonds or obligations of 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.

The Business Administrator/Board Secretary shall include in the monthly report to the Board revenue of account of the previous month as well as all investment assets of the Board.

The use of student activities funds shall be limited to activities directly related to educational functions sanctioned and authorized by the Board of Education. Organizations such as parent-teacher associations or parent-citizen booster clubs, and groups that conduct events not sponsored by the Board of Education shall be expected to account for funds separately.

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.

Legal References

NJSA 18A:17-34 Receipt and disposition of money
18A:20-37 et seq Investments

Possible Cross References

1314

At its annual reorganization meeting or as necessary thereafter, the Board shall select one or more banks or bank and trust companies to serve as the depository or depositories of school funds.

Upon recommendation of the Business Administrator/Board Secretary, the Board may change its designated depositories.

Legal References

NJSA 18A:10-5 Organization meeting of the board
18A:11-1 General mandatory powers and duties

The Board shall name the persons who are authorized to sign checks on its accounts at the annual organization meeting and as becomes necessary during the year.

In order to expedite the signing of warrants issued by the district and to be signed by the official designated by law, signature plates for use in a facsimile signature machine shall be purchased. Such facsimiles shall be used only to sign approved warrants, and the plates shall be kept in safe custody.

The Business Administrator/Board Secretary shall notify the depositories the facsimile signatures will be used.

Legal References

NJSA 18A:10-5 Organization meeting of the board
18A:11-1 General mandatory powers and duties
18A:17:31 Treasurer of school moneys
18A:19-1 Expenditure of funds

Possible Cross References

3326.1, 9121, 9123, 9125

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Expenditures / Expending Authority** **Policy 3300**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The authority to spend money for district operations rests with the Board of Education, although authority to purchase goods or engage services not covered by the Board-approved contracts may be delegated within limits established by law and the Board.

The budget as approved by the voters constitutes the district spending plan for the year. The New Jersey Administrative Code (NJAC) forbids the district to operate at a deficit. When expenditure will overspend a line item within either current expense, capital outlay or debt service, available funds may be transferred from another line item within the same category. This must be done by Board resolution before the expenditure is made and requires approval by a 2/3 affirmative vote of the authorized membership of the Board of Education.

The Board of Education shall not knowingly enter into a contract with any company that does not subscribe to and implement an affirmative action policy.

If the district anticipates an over-expenditure of one of three major accounts - current expense, capital outlay, or debt service - the procedures required by NJAC shall be initiated.

Legal References

NJSA 18A:4-14 Uniform system of bookkeeping
18A:11-1 General mandatory powers and duties
18A:17-9 Secretary; report of appropriations; custodial duties
18A:18A-7 Emergency contracts
18A:19-1 et seq Expenditures
18A:22-8.1 Transfer of funds
18A:22-8.2 Transfers prohibited

NJAC 6A:23 Finance and business services

Possible Cross References

3000, 3100, 3160, 3320, 3326, 3571, 3571.2

The 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 Business Administrator/Board Secretary, who shall be familiar with and perform all activities within the limitations prescribed by law, Board policy and legal opinions.

The Board of Education encourages the administration to:

A. Seek advantages in savings that may accrue to this district through cooperative pricing or joint agreements for the purchase of work, materials or supplies with the governing body of other contracting units within county or adjoining counties;
B. Evaluate any savings which might result from the purchase of any materials, supplies or equipment under contracts entered into by the state treasury department, division or purchase and property; and
C. Solicit contracts without competitive bidding if price quotations lower than the state contract price are obtained as provided by law.

Nothing may be ordered by any school personnel without the approval of the Superintendent of Schools.

The Business Administrator/Board Secretary shall be responsible for so informing all prospective suppliers of work or materials.

<u>Soliciting Prices/Bids and Quotations</u>
Whenever the amount of the contract requires, by law, submission for bids, the Board of Education shall authorize the Business Administrator/Board Secretary to initiate the bidding procedure. Legal ads shall be placed and all bids shall be opened at the place and time designated in the advertisement.

The Business Administrator/Board Secretary shall:

A. Analyze and tabulate all bids;
B. Bring recommendations and all supporting materials before the Board at its next regular meeting.

Quotations shall be solicited when they are required by law. The Business Administrator/Board Secretary shall maintain a file of all quotations.

The Board will make all final decisions, including, when advisable, rejection of all bids.
The Board Secretary/Business Administrator shall make every effort to obtain at least two and preferably three bids for each prospective purchase.

The Board of Education shall not knowingly enter into contract with any company that does not subscribe to and implement an affirmative action policy. The Board of Education shall not enter into any contract with a person, agency, or organization if it has knowledge that such person, agency or organization discriminates on the basis of race, color, creed, religion, sex, ancestry, national origin, age, social or economic status, or non-job-related handicap or disability, either in employment practices or in the provisions of benefits or services to pupils or employees. The district will seek bidders that who comply with the affirmative action requirements of the federal and state governments and the policies of this district.

When emergency situations arise between Board meetings and funds are properly budgeted, the Superintendent of Schools, in consultation with the Board Secretary/Business Administrator and Board President shall be authorized to make such purchases as necessary. The Superintendent of Schools shall be authorized to make such purchases in the Board Secretary/Business Administrator's absence.

Every transaction between a buyer and seller involving the transfer of property shall be by purchase order or formal contract signed by both the Board Secretary/Business Administrator and the Superintendent of Schools.

Specifications governing materials are a joint responsibility of the Superintendent of Schools and the Board Secretary/Business Administrator.

Multiple Year Contract/Bid Cycle

The Business Administrator/Board Secretary will establish a multiple year contract/bid cycle, the purpose of which is to ensure that the district is receiving the most efficient and economical services available. These services consist of, but are not limited to:

- Auditing
- Food Service
- Transportation
- Insurance
- Custodial
- HVAC
- Electrical
- Plumbing
- Landscaping and Grounds
- Trash Removal
- Snow Plowing

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:18A-1 et seq. Public Schools Contracts Law
18A:19-1 et seq. Expenditure of Funds; Audit and Payment of Claims
52:32-44 Business registration for providers of goods and services (definitions)

NJAC 6A:7-1.8 Equity in employment and contract practices
6A:23-1.2 Definitions
6A:23-2.6 Supplies and equipment
6A:23-6.1et seq. Purchase and Loan of Textbooks
6A:23-7.1et seq. Management of Public School Contracts
6A:27-9.1et seq. Contracting for Transportation Services
6A:30-1.1et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2224, 3300, 3326, 3327, 3570, 3571

The Board has established a careful system of purchasing and accounting to help provide an effective program of education.

Therefore, except as otherwise provided in these policies, no individual Board Member or member of the administration or other district employee shall commit the Board to expenditures for which the Board has not given prior approval.

In the event of emergencies requiring expenditures, the Superintendent of Schools 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.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:18A-1 et seq. Public Schools Contracts Law
18A:19-1 et seq. Expenditure of Funds; Audit and Payment of Claims
52:32-44 Business registration for providers of goods and services (definitions)

NJAC 6A:7-1.8 Equity in employment and contract practices
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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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2224, 3300, 3326, 3327, 3570, 3571

The Board of Education 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:

1. The Board Secretary/Business Administrator shall identify and investigate the reason(s) for any increase to a purchase order.
2. 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.
3. If it is found that such an increase is not warranted, the purchase order shall be canceled and the returned to the appropriate vendor.
4. 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.

The Board Secretary/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 made are properly authorized.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:18A-1 et seq. Public Schools Contracts Law
18A:19-1 et seq. Expenditure of Funds; Audit and Payment of Claims
52:32-44 Business registration for providers of goods and services (definitions)

NJAC 6A:7-1.8 Equity in employment and contract practices
6A:23-1.2 Definitions
6A:23-2.6 Supplies and equipment
6A:23-6.1et seq. Purchase and Loan of Textbooks
6A:23-7.1et seq. Management of Public School Contracts
6A:23A-6.10 Financial system and payment approval process
6A:27-9.1et seq. Contracting for Transportation Services
6A:30-1.1et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2224, 3300, 3326, 3327, 3570, 3571

Written Price Quotations
When a single item or service or group of like times cost or exceed 15% of the bid threshold as established by the Governor, two (2) written quotations are required.

Bid Process
When a single item or service or group of like times costs or exceeds the bid threshold as established by the Governor, formal bid process through the Business Office is required. Administrators are responsible for providing the Business Office with detailed specifications and a list of vendors for each item or service being purchased.

The legal process takes four to six weeks from the date the Business Office receives the specifications.

Other Items
The purchase of any single item or service not falling into one of the above categories must be processed on a purchase order that has been authorized prior to purchase. This means that there shall be no confirming purchase orders, except in the case of an emergency, and those shall be authorized by the Board Secretary/Board Secretary prior to the commitment of any funds.

Approval
All copies of quotes and forms must be forwarded to the Board Office for approval before a purchase order number will be authorized.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:18A-1 et seq. Public Schools Contracts Law
18A:19-1 et seq. Expenditure of Funds; Audit and Payment of Claims
52:32-44 Business registration for providers of goods and services (definitions)

NJAC 6A:7-1.8 Equity in employment and contract practices
6A:23-1.2 Definitions
6A:23-2.6 Supplies and equipment
6A:23-6.1et seq. Purchase and Loan of Textbooks
6A:23-7.1et seq. Management of Public School Contracts
6A:23A-6.10 Financial system and payment approval process
6A:27-9.1et seq. Contracting for Transportation Services
6A:30-1.1et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

Possible Cross References
2224, 3300, 3326, 3327, 3570, 3571

Contracts shall be awarded to the lowest responsible bidder upon resolution of the Board unless the Board chooses to reject all bids, to re-advertise, or to purchase under a state contract.

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.

The Board shall consider the advantages of entering into a contract for more than one year when and as the law permits.

Multiple Year Contract/Bid Cycle

The Business Administrator/Board Secretary will establish a multiple year contract/bid cycle, the purpose of which is to ensure that the district is receiving the most efficient and economical services available. These services consist of, but are not limited to:

- Auditing
- Food Service
- Transportation
- Insurance
- Custodial
- HVAC
- Electrical
- Plumbing
- Landscaping and Grounds
- Trash Removal
- Snow Plowing

Legal References

NJSA 18A:18A-1 et seq. Public Schools Contracts Law
18A:19-1 et seq. Expenditure of Funds; Audit and Payment of Claims
52:32-44 Business registration for providers of goods and services (definitions)

NJAC 6A:7-1.8 Equity in employment and contract practices
6A:23-1.2 Definitions
6A:23-2.6 Supplies and equipment
6A:23-7.1et seq. Management of Public School Contracts
6A:23A-6.10 Financial system and payment approval process
6A:27-9.1et seq. Contracting for Transportation Services

Possible Cross References

3320, 3323

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Payment for Goods & Services** **Policy 3326**

| Date Adopted: January 27, 2003 | Date Revised: June 2, 2008< March 7, 2011 | Page 1 of 1 |
|---|---|---|

The Board of Education will authorize payment for goods and services.

Before warrants signed by the Board President and/or the Board Secretary/Business Administrator 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 Business Administrator/Board Secretary and approved by the Board. 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 reviewed and recommended by the Superintendent of Schools for items previously approved by the Board or provided for in the budget may be approved by the Superintendent of Schools. 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 reviewed and recommended by the Superintendent of Schools and presented for Board approval.

Legal References

NJSA 18A:19-1 Expenditure of funds on warrant only; requisites
18A:19-2 Requirements for payment of claims; audit of claims in general
18A:19-3 Verification of claims
18A:19-4 Audit of claims, etc., by secretary; warrants for payment
18A:19-4.1 Account or demand; audit; approval
18A:19-9 Compensation of teachers, etc., payrolls
18A:22-8.1 Transfer of amounts among line items and program categories

NJAC 6A:23-2.9 Petty cash funds
6A:23A-6.10 Financial system and payment approval process

Possible Cross References

3320, 3451,3453, 4142, 4242

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 – Visits to the School. Teachers or supervisors of instruction who have invited vendors to call should notify the school 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 that solicits or gains business through the school system shall use school facilities for this purpose.

All vendors, suppliers, contractors and/or any other business organizations that do business with the Board of Education shall be registered with the State of New Jersey and provide proof of that registration to the Business Administrator before the Board may enter into a contract with that business. Proof of registration shall be in the form of a copy of the "State of New Jersey Business Registration Certificate." The Business Administrator shall keep a copy of the registration certificate on file.

Affirmative Action

The Board of Education directs the Superintendent of Schools and/or the Business Administrator to develop regulations that address the requirement of assurance that vendors satisfy NJAC 6A:7-1.8(b) which states that the "Board of Education shall not enter into any contract with a person, agency, or organization that discriminates on the basis of race, creed, color, gender, religion, disability, or socioeconomic status, either in employment practices or in the provision of benefits or services to the students or employees" of the district.

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.

Disbarred Vendors

When acquiring goods and services under federally sponsored programs, the 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 district /charter school contracting specialist 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 Board Secretary/Business Administrator's office will notify the Superintendent of Schools of this finding and will place a hold on the supplier's registration within the district school financial system.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:6-8 Interest of school officers, etc., in sale of textbooks or supplies, royalties
18A:11-1 General mandatory powers and duties
18A:12-2 Inconsistent interests or office prohibited
18A:12-21 et seq. School Ethics Act
18A:18A-1 et seq. Public Schools Contracts Law
18A:54-20 Powers of board (county vocational schools)
52:32-44 Business registration for providers of goods and services

6A:7-1.8 Equality in employment and contract practices
6A:23A-6.3 Accountability regulations
6A:28-1.1 et seq. School Ethics Commission
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

Comprehensive Equity Plan, New Jersey State Department of Education

Possible Cross References

1250, 1313, 1330, 2224, 3320, 4119.21, 4219.21, 9270

Plans for the Building Trades House

January through February - Administrator in charge of Vocational Education and his staff will:

- Select plans for next year's house.
- Determine type of heating system, as per market conditions, and provide back-up information supporting such selection.
- Determine size of house, also by market demand and ability to complete on time.

March and April

- Six completed (6) copies of plans, including lot number, amount of funds requested, and all other back up information, then submit tot the Board Secretary by March 30th each year.
- Board Secretary will submit to Board of Education for approval at April Board meeting.

May and June

- Approved plans returned to the Administrator in charge of Vocational Education by May.
- Director and staff prepare material list for each trade area involved.
- Materials list to bed submitted to the Chief of Administrative Service, as per our purchasing policy for bid preparation. (No later than May 20th) the following materials and supplies will be bid each year.
    - all masonry supplies and materials;
    - all carpentry/cabinetry supplies and materials;
    - all plumbing supplies and materials; and
    - all electrical supplies and materials.
- Quotes will be requested for the following items:
    - sod
    - portable sanitary facilities
    - appliances – range, dishwasher
    - Carpeting and other floor covering
    - Evacuation work and hauling of vegetative matter
    - There are often small items of a miscellaneous nature that, from time to time, need to be purchased, and usually on an as need now basis. There will be charged to the miscellaneous account set up for the house project.

      Color selections (carpets, appliances, wood cabinets) shall be neutral as possible, so that anyone's color preference can be used to decorate the remainder of the house.

      Bids are to be advertised in a timely fashion, so that they are ready for board approval at the regular June board meeting.

July and August

- Contracts awarded to successful bidders.
- Supplies and materials to be ordered in a timely fashion, so work can begin on the first of the school year.

  Supplies and materials to be delivered to site in quantities that do not leave large amounts of materials on the job for long periods of time.

  Administrator in charge of Vocational Education obtains all necessary permits from city.

September through May

- House is constructed by Vo-Tech teacher and classes.
- House should be completed by last week in May.
- Administrator in charge of Vocational Education to secure all warranty (H.O.W.) and other needed materials and information needed for sale of house. (Deliver to School Business Administrator)
- Administrator in charge of Vocational Education shall account for, and assign surplus materials to the appropriate high school building trades class. (Any materials that are returnable shall be returned for credit.)

June

- Open House to be held the second Saturday and Sunday of June
- All materials for sale of house submitted to school business administrator. Includes H.O.W. warranties.
- Open public auction for the house, conducted by the School Business Administrator, the Board Solicitor and the Administrator in charge of Vocational Education, held at 6:00 p.m. preceding the regular meeting of the board of education in June.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:18A-1 et seq. Public Schools Contracts Law
18A:19-1 et seq. Expenditure of Funds; Audit and Payment of Claims
52:32-44 Business registration for providers of goods and services (definitions)

NJAC 6A:7-1.8 Equity in employment and contract practices
6A:23-1.2 Definitions
6A:23-2.6 Supplies and equipment
6A:23-6.1et seq. Purchase and Loan of Textbooks
6A:23-7.1et seq. Management of Public School Contracts
6A:27-9.1et seq. Contracting for Transportation Services
6A:30-1.1et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2224, 3300, 3326, 3327, 3570, 3571

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Direct Deposit of Payroll** **Policy 3333**

| Date Adopted: March 24, 2014 | Date Revised: | Page 1 of 1 |
|---|---|---|

In accordance with the provisions of P.L. 2013, C. 38, each employee of the district shall have his/her net pay deposited in a banking institution in a checking account, savings account or share savings account specified by the employee, as of the date specified in the Board of Education Resolution authorizing direct deposit of employee net pay and/or the date of the adoption of this policy.

Each employee shall notify the Payroll Department on the forms provided with the name of the employee's specified banking institution, account number and routing number for direct deposit of the employee's net pay funds.

The Payroll Department shall develop forms as may be necessary and to be used by employees to specify the banking institution's name, the specific account number and routing number for direct deposit of the employee's net pay funds.

The Board of Education shall make available all 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 district's website with restricted access for the employee only.

The Payroll Department 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.

Legal References

NJSA 18A:16-9 Responsibility of board
18A:19-9 et seq Compensation of teachers; payroll
18A:66-19 Payroll deductions
18A:66-127 Employees agreement to reduce salary for purchase of annuity
18A:66-128 Reduction of salary for obtaining certain benefits
43:3C-9 Payroll deductions
52:18A:107 et seq, Payroll deductions

The Board of Education recognizes that as a part of its responsibility for the financial operation of the school district, all reimbursable expenses incurred by district employees and Board Members may be subject to audit and scrutiny.

All travel by district employees and Board Members shall be educationally necessary and fiscally prudent and all travel and expense reimbursements shall be:

1. Directly related to and within the scope of the employee's and/or Board Member's current responsibilities;
2. For travel that promotes the delivery of instruction or furthers the efficient operation of the school district; and
3. In compliance with NJ State travel reimbursement guidelines as established by the Department of Treasury in NJOMB circular letter 06-02, except that those guidelines that conflict with the provisions of Title 18A of the New Jersey Statutes shall not be applicable.

Reports Following Travel

Following any authorized and reimbursable travel, all employees are required to submit a report to their immediate supervisors detailing the primary purpose for the travel and the key issues that were addressed at the event and their relevance to improving instruction or the operation of the school district within 10 working days of returning from the event. Board Members shall submit similar reports to the Board President and the Board Secretary/Business Administrator by the next regular Board Meeting.

Approved Types of Travel

1. Staff Training and Seminars – include all regularly scheduled, formal residential or non-residential training functions, conducted at a hotel, motel, convention center, residential facility, or at any educational institution or facility.
2. Conventions and Conferences – are distinct from formal staff training and seminars, although some training may take place at such events. These are general programs, sponsored by professional associations on a regular basis, which address subjects of particular interest to an agency or are convened to conduct association business. The primary purpose of employee and/or Board Member attendance at conferences and conventions is the development of new skills and knowledge in a particular field related to the educational program of the school district.

3. Regular District Business – includes all regular official business travel, including attendance at meetings, conferences and any other gatherings that are not covered by the definitions included above.
4. Retreats – includes meetings with school district employees and Board Members, held away from the normal work environment at which organizational goals and objectives are discussed. School district facilities shall be utilized for this type of event, if available.

Travel Methods

When used in these regulations, the term "transportation" is meant to include all necessary official travel on railroads, airlines, buses, taxicabs, rental cars and other usual means of transportation. The provisions of this section apply to all travel, whether for regular district business or attendance at conventions, conferences, staff training and/or seminars.

Air Travel

Air travel is authorized when it is determined that air transportation is advantageous to the conduct of district business. The most economical air travel must be used, including the use of discounted and special rates. Charges for classes of service other than economy (i.e., Business or First Class) are to be considered privileged and ineligible except when travel in such classes is less expensive than economy, avoids circuitous routings or excessive flight duration and/or would result in overall transportation cost savings.

Rail Travel

When it has been determined to be advantageous to the conduct of district business, the most economical scheduling of rail travel is to be utilized.

Ground Travel

Necessary taxicab charges are permitted. However, travel to and from airports and downtown areas should be confined to regularly scheduled shuttle service, whenever such service is less costly than taxicab service. If shuttle service between the airport and downtown destinations is not available, taxicabs may be used.

The district shall not bare the costs for car rentals, limousine services, and/or chauffeuring costs to or during the event, as well as costs for employee attendance for coordinating other attendees' accommodations at the event.

Transportation by Personal Vehicle (Mileage Basis)

Mileage is reimbursable according to the current contract rate, plus tolls and parking.

All district travel reimbursement shall be in accordance with the rate stipulated in the OMB Travel Circular. Tolls and parking fees are also reimbursable.

Reimbursement for travel to points outside of the state, by automobile shall be permitted when such arrangements prove to be more efficient and economical than other means of transportation. In determining the relative costs, all associated costs (i.e., tolls, taxicabs, airport or station transfer, etc.) should be considered.

Routing of Travel

All travel must be by the most direct, economical and usually traveled route. Travel by other routes is allowed when official necessity is satisfactorily established in advance of such travel.

In any case where a person travels by indirect route for personal convenience, the extra expense must be borne by the individual.

Reimbursement for expenses must be based only on charges that do not exceed what would have been incurred by using the most direct, economical and usually traveled route.

Lodging, Accommodations, Meals and Miscellaneous Expenses

When travel is deemed necessary, district employees and Board Members may be reimbursed for allowable and reasonable expenses for lodging, accommodations, meals and miscellaneous expenses incurred. Annually, the Board of Education will establish reasonable and fiscally responsible rates for lodging, accommodations and meals. Unless approved in advance by the Board or the Superintendent of Schools, no expenses in excess of these rates will be eligible for reimbursement.

Meal Expenses Allowable Limits

In accordance with the provisions of Circular 16-11-OMB, which supersedes Circular 12-14-OMB, the following limits for meal expenses per individual shall not be exceeded:

- Breakfasts $7.00
- Lunches $10.00
- Dinners $15.00

One-day trips that do not involve overnight lodging are not 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 and the going rate of the hotel is no longer available, lodging may be paid for similar accommodations at a rate not to exceed the hotel rate for the event;
3. Detailed receipts are required for all hotel and meal expenses;
4. Payment or reimbursement is approved for the full cost of an official convention meal that the employee and/or 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.

Waivers Granted by the Commissioner of Education

In accordance with the provisions of NJAC 6A:23A-7.11 (c), the New Jersey Commissioner of Education is authorized to grant waivers for overnight travel for Board Members and district employees to attend in-State conferences. Such waivers will be granted in only extremely limited circumstances, where the sponsoring organization can demonstrate that the conference is broad and multi-disciplinary in scope, incorporates content offerings from numerous specialty areas, and includes important professional development opportunities and/or required training. In addition, the sponsoring organization must demonstrate that the conference's content, structure, scheduling and anticipated attendance necessitate that it be held on multiple consecutive days with overnight lodging. When such waivers are granted, individual school districts or individuals will not be required to submit waiver requests for attendance at these conferences.

When the Commissioner of Education grants such waivers, the district shall pay expenses for lodging and subsistence of Board Members and district employees. All such expenses shall conform to the other provisions stipulated in this policy, the OMB Circulars and New Jersey State Laws and Statutes.

Out-of-state travel events shall be limited to the fewest number of Board Members or affected employees needed to acquire and present the content offered to all Board Members or staff, as applicable, at the conclusion of the event. Where the event is sponsored by a New Jersey-based organization and targeted to employees and/or Board Members of the school district, reimbursement for lodging may be permitted only where the sponsoring organization obtains a waiver pursuant to the provisions of NJAC. 6A:23A-7.11. Where the event is national or regional in scope and targeted to school district employees and/or Board Members from multiple states, reimbursement for lodging may only be provided if the event occurs on two or more consecutive days and where home to event commute exceeds fifty (50) miles.

Where a travel event has a total cost that exceeds $5,000, regardless of the number of attendees, or where more than five (5) individuals from the district are to attend a travel event out-of-state, the district shall obtain the prior written approval of the Executive County Superintendent. The Executive County Superintendent shall promptly review the request and render a decision within ten (10) working days.

For all employee and Board Member travel events out of the country, regardless of cost or number of attendees, the school district shall obtain the prior written approval of the Executive County Superintendent. Such requests must be supported by detailed justification. The Executive County Superintendent shall promptly review the request and render a decision within ten (10) working days. It is expected that approvals will be rare.

Documentation for Reimbursement of Expenses
In all cases, district employees and Board Members shall complete a voucher for any and all expenses being submitted for reimbursement, along with original, dated receipts for these expenses.

The Board directs the Business Administrator/Board Secretary to review all expenses submitted for reimbursement by district employees and Board Members to ensure that they are reasonable and fully documented according to the provisions of this policy.

Filing of Documentation
The Board of Education requires that detailed documentation demonstrating compliance with this policy, including travel approvals, reports and receipts for all school district funded expenditures, as appropriate, shall be maintained on file with the Board Secretary/Business Administrator.

Reimbursement
Reimbursement will only be made upon demonstrated compliance with this policy provisions and approval requirements. The Board of Education will not ratify or approve payments or reimbursements for travel after completion of the travel event.

No employee of the Board of Education or Board Member shall receive an amount for travel and travel-related expenses in advance of the travel pursuant to NJSA 18A:19-1 et seq.

Conflict of Interest

A Board Member shall recuse himself/herself from voting on travel if the Board Member, 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 may reasonably be expected to impair his/her objectivity or independence of judgment.

No Board Members shall act in his/her official capacity in any matter in which 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 immediate family or undertake any employment or service, whether compensated or not, that may reasonably be expected to prejudice his/her independent judgment in the execution of his/her official duties**.**

Annual Review

As a part of the annual budget making process, the Board Secretary/Business Administrator shall determine and the Board will approve a maximum expenditure amount allotted for travel and expense reimbursement for district employees and Board Members. In establishing this maximum expenditure amount, the Board Secretary/Business Administrator will take in to consideration that costs vary depending on the location of the off-site event. Following the adoption of the maximum annual expenditure for the district, should it become appropriate, the Board may alter the established maximum expenditure due to unforeseen costs.

The Board of Education may, at its discretion, approve at any time prior to an event, travel for multiple months as long as the Board approval, as detailed in the minutes of an official meeting of the Board, itemizes the approval by event, total cost, and number of employees and/or Board Members attending the event. General or blanket pre-approval for travel is not authorized. Approval shall be itemized by event, event total cost, and number of employees and/or Board Members attending the event.

Any person who approves any travel in violation of this policy shall be required to reimburse the district in an amount equal to three (3) times the cost associated with attending the event

An employee or Board Member who travels in violation of this policy shall be required to reimburse the district in an amount equal to three (3) times the cost associated with attending the event.

Exclusions

Any travel caused by or subject to contractual provisions, other statutory requirements of federal regulatory requirements or travel that does not otherwise comply with the requirements set forth in this policy, but that is deemed by the Board to be necessary or unavoidable shall be excluded from the requirements of this policy. In such cases, the reason(s) for such exclusion shall be clearly set forth in detailed documentation and approved by the Board of Education.

Legal References

NJSA 18A:2-1 Power to effectuate action
18A:4-23 Supervision of schools; enforcement of rules and 24 Determining efficiency of schools; report to state board
18A:11-1 General mandatory powers and duties
18A:12-4 Compensation of members
18A:12-24 School Ethics Act and 24.1 Code of Ethics

NJAC 6A:23B-1.1 et. seq. Travel and Related Expense Reimbursement (Non-Abbott Districts)
6A:23A-5.9 Out of state and high cost travel

P.L.. 2005, c.132 Appropriations Act
P.L. 2007, c. 52 District accountability measures
NJ Department of Treasury NJOMB Circular A-87
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3300, 3330, 3571, 4131/4131.1, 4233, 4231/4231.1, 4233, 9200, 9250, 9270

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Accounts** **Policy 3400**

| Date Adopted: January 27, 2003 | Date Revised: June 2, 2008 | Page 1 of 1 |
|---|---|---|

The school district shall use a standard accounting system as legal in the State of New Jersey and recommended by the School Auditor.

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.

Legal References

NJSA 18A:4-14 Uniform system of bookkeeping for school districts
18A:17-8 Secretary; collection of tuition and auditing of accounts
18A:17-35 Records of receipts and payments
18A:22-8 Contents of budget; program budget system
18A:34-2 Care and keeping of textbooks and accounting

NJAC 6A:23-2.1 et seq. Double Entry Bookkeeping and GAAP Accounting in Local School Districts
6A:23-8.1 et seq. Annual Budget Development, Review and Approval

Handbook 2R2 - Financial Accounting for Local and State School Systems
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3100, 3326, 3450, 3451, 3453, 3570, 3571, 3571.4

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Inventories** **Policy 3440**

| Date Adopted: November 25, 1961 | Date Revised: January 27, 2003, June 2, 2008 | Page 1 of 1 |
|---|---|---|

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.

Major discrepancies in inventories which are not resolved by proper accounting procedures shall be reported to the board.

The Business Administrator/Board Secretary shall determine when it is necessary to hire an outside service to assist in appraisal.

Legal References

NJSA 18A:11-2 Power to sue and be sued; reports; census of school children
18A:17-9 Secretary; report of appropriations, etc.; custodial duties, etc.
18A:4-14 Uniform system of bookkeeping for school districts

NJAC 6A:23-2.1 et seq. Double Entry Bookkeeping and GAAP Accounting in Local School Districts

Possible Cross References

3530, 3570

All funds from athletic events or other activities of pupil organizations collected by school district employees and by pupil treasurers under the auspices of the Board shall be handled and accounted for pursuant to prudent business procedures and rules of the State Board of Education.

The Principal/designee shall be responsible for the receipt and deposit of all funds collected in the school and shall administer an accounting system for all such moneys.

In no case shall money be left overnight in the schools except in the school safe provided for safekeeping of valuables.

The school cannot assume responsibility for money left in an individual teacher's classroom overnight. Money brought to the school office must be handled directly to the secretary.

Lost money shall be replaced by the person responsible.

Legal References

NJSA 18A:17-34 Receipt and disposition of moneys
18A:19-13 Petty cash funds
18A:19-14 Funds derived from pupil activities
18A:23-2 Scope of audit

NJAC 6A:23-2.9 Petty cash fund
6A:23-2.14 Student activity funds
6A:23-2.15 School store business practices

Possible Cross References

3250, 3293, 3400, 3451, 3453, 3571, 3571.4, 5136, 6145.4

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Petty Cash Funds** **Policy 3451**

| Date Adopted: January 27, 2003 | Date Revised: June 2, 2008 | Page 1 of 1 |
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The Board of Education authorizes the establishment of petty cash funds in accordance with this policy and directs the implementation of appropriate controls to protect the funds from abuse.

The Board will establish petty cash funds and name custodians and amounts annually.

Petty cash funds may be disbursed only for the immediate payment of comparatively small expenditure and may not be used to circumvent the regular purchasing procedures of this district. The Board of Education, in consultation with the Board Secretary/Business Administrator shall annually establish a maximum single expenditure amount permitted from any petty cash fund.

Each request for petty cash funds must be in writing and must be signed by the person making the request. Supporting document, if any, will be affixed to the request.

The custodian of a petty cash fund shall submit a request the Board Secretary/Business Administrator for replenishment when the moneys available in the fund have declined to 50% or less than the authorized amount of the fund. The Board Secretary/Business Administrator shall prepare a voucher for approval by the Board. The voucher will include disbursement slips to support the amount of the replenishment and its allocation to any account.

The petty cash must be secured daily. All petty cash funds will be closed out for audit at the end of the school year, and unused funds will be returned to the depository. The custodian of each petty cash fund will report to the Board on amounts disbursed from the fund not less than once per year.

Legal References

NJSA 18A:19-13 Petty cash funds
18A:23-2 Scope of audit

NJAC 6A:23-2.9 Petty cash fund

Possible Cross References

3320, 3326, 3571, 3571.3

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Athletic Fund** **Policy 3452**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The Board of Education directs the establishment of an athletic fund for he financial administration of an interscholastic athletic program and game officials. 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 he administration of the athletic fund.

The fund will be audited annually and will be administered under appropriate accounting controls. 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.

Legal References

NJSA 18A:19-13 Petty cash funds
18A:19-14 Funds derived from pupil activities
18A:23-2 Scope of audit

NJAC 6A:23-2.1et seq. Double Entry Bookkeeping and GAAP Accounting in Local School Districts

Possible Cross References

3280, 3450, 3571, 3571.4, 5136

# Millville Board of Education
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**Business & Non-Instructional Operations** **Series 3000**

**School Activity Funds** **Policy 3453**

| Date Adopted: January 27, 2003 | Date Revised: June 2, 2008 | Page 1 of 1 |
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The Board 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 fun 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 on the day they are received.

The annual school district audit shall include an audit of student organization funds. Payment for the audit shall be made from district funds.

Reserves may be carried over from year to year as necessary for the beginning of the following year's operation.

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 class or activity will, upon the graduation of that class or the discontinuance of the activity, revert to the student activity fund.

Legal References

NJSA 18A:19-13 Petty cash funds
18A:19-14 Funds derived from pupil activities
18A:23-2 Scope of audit

NJAC 6A:23-2.1et seq. Double Entry Bookkeeping and GAAP Accounting in Local School Districts

Possible Cross References

3280, 3450, 3571, 3571.4, 5136

The Superintendent of Schools, Business Administrator and Facilities Manager shall develop a multi-year comprehensive maintenance plan for Board approval, to be updated annually.

In addition, the Superintendent of Schools shall develop and implement a maintenance program that shall include:

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 by July 1, 2010 for prioritizing, performing and recording all maintenance and repair request for all district buildings and grounds.

A. The Superintendent of Schools 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 carryout 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 students and/or staff:
    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 Procedure (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 man 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 NJSA 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 NJSA18A: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.

F. The Business Administrator 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 1st 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.

Legal References

NJSA 13:1F-19 through -33 "School Integrated Pest Management Act"
18A:17-49 through -52 Buildings and grounds supervisors to be certified educational facilities managers
18A:22-8 Contents of budget; program budgeting system
34:5A-1 et seq. Worker and Community Right to Know Act
34:6A-25 et seq. New Jersey Public Employees Occupational Safety and Health Act

NJAC 5:23 Barrier free subcode of the uniform construction code
6A:26-12.1 et seq. Operation and Maintenance of Facilities
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
7:30-13.1 et seq. Integrated Pest Management

Possible Cross References

3000/3010, 3516, 7110, 9130

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Equipment** **Policy 3514**

| Date Adopted: February 24, 2003 | Date Revised: June 2, 2008, August 31, 2009 | Page 1 of 1 |
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Equipment purchased by the Board of Education is intended for support of the educational program.

The Superintendent of Schools shall oversee the maintenance of all district educational and non-educational equipment in safe working condition. No employee or pupil shall use equipment that is found in an unsafe condition. 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 shall not be loaned or rented for community use or use by employees unless a written request is made to and approval granted by the Superintendent of Schools. Such use shall be for the benefit of the educational program of the district or in instances in which the community as a whole benefits.

Under no circumstances shall district owned equipment be loaned to employees or community members for their personal use.

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 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 pupils or staff members only when such equipment is necessary to accomplish tasks arising from their school or job responsibilities. The consent of the Superintendent of Schools is required for such removal.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:20-34 Use of schoolhouse and grounds for various purposes
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:26-12.2 Policies and procedures for school facility operation

Possible Cross References

1330, 1410, 3250, 3510, 3516, 4143, 4147, 4243, 4247, 5142

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Supervision of District Property** **Policy 3514.1**

| Date Adopted: March 9, 2009 | Date Revised: | Page 1 of 1 |
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The Board of Education has the responsibility through the Superintendent of Schools to supervise and monitor the performance of district equipment, facilities and property to ensure their proper use so as to attain the educational goals of the district.

To that end, no guest on district property or district student or employee may use district equipment, facilities or property for any illegal conduct or for conduct or purposes in violation of district policies or assigned job duties. The administration shall have the authority to supervise and monitor all district equipment, facilities and property in order to implement this policy.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:20-34 Use of schoolhouse and grounds for various purposes
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:26-12.2 Policies and procedures for school facility operation

Possible Cross References

1330, 1410, 3250, 3510, 3516, 4143, 4147, 4243, 4247, 5142

Weekend Use of Building
Permit continued use of buildings during weekends, but at reduced temperatures. Those organizations using the buildings weekends will be advised that the temperatures will be reduced.

Evening Use of School Buildings
Educational programs taking place at night in school buildings will be continued. Night use of buildings by outside groups at reduced temperatures.

Student Transportation
Bus contracts are presently set up for the year, based upon 1 1/2 mile for elementary students and 2 miles for high school students, except for hazardous conditions.

Student Driving
Encourage students to ride school buses, rather than drive private cars

Car Pools
Encourage car pools for administrators and staff

Pupil Transportation
Our present pupil transportation is set up on the basis of the efficient use of load capacities and routes.

Temperatures
Maintain temperatures so as to save energy but not jeopardize the health of staff and pupils.

Lighting
Reduce lighting in each building where possible, by using alternate light in corridors and turning lights off in unused spaces.

Superintendent
The Superintendent is authorized to make policy adjustments as necessary in maintaining a sound educational program.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:20-34 Use of schoolhouse and grounds for various purposes
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:26-12.2 Policies and procedures for school facility operation

Possible Cross References
1330, 1410, 3250, 3510, 3516, 4143, 4147, 4243, 4247, 5142

Tobacco Use & Possession

No student, faculty/staff member or school visitor is permitted to use any tobacco product or electronic smoking device or similar product or device:

- In any building, facility, or vehicle owned, leased, rented or chartered by the district;
- 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;
- At any school-sponsored or school-related event on-campus or off-campus (e.g., field trips, proms, sporting events off campus, etc).

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.

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.

Definition of Tobacco Products & Tobacco Use

For the purposes of this policy, "tobacco product" is defined to include but not limited to cigarettes, cigars, blunts, bidis, pipes, chewing tobacco and all other forms of smokeless tobacco, rolling papers, or electronic smoking device or similar product or device and any other items containing or reasonably resembling tobacco or tobacco products (excluding quit products). "Tobacco use" includes smoking, chewing, dipping, or any other use of tobacco products.

Prohibition of Smoking by Pupils

A. Pupils 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.
B. Pupils are not permitted to possess tobacco products or smoking paraphernalia while on school property.
C. Pupils who are found exhaling smoke or possessing tobacco products or smoking paraphernalia shall be subject to school discipline codes approved by the Board of Education.

Compliance for Students

In recognition that tobacco use is a public health issue and that tobacco is a gateway drug and highly 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 counselor (SAC), guidance counselor, a school nurse, or other health or counseling services for all offenses for health information, counseling, and referral. 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 refused to participate in other outlined measures.

Prohibition of Smoking for Persons Other Than Pupils

A. No person is permitted to smoke at any time in any building, on any school property or any school vehicle owned by the Board of Education.
B. Sanctions for violations

- First offense: Issuance of a verbal warning, documented in writing, if address of the offender is known. For employees the warning will include a suggestion to participate in a smoking cessation program.
- Second offense: Issuance of a written warning if the offender's address is known. For employees this written warning will be placed in the personnel file.
- Third or more offenses: Written complaint to the local Board of Health and/or municipal court/prosecutor. If the offender is an employee of the complainant, the documentation will be placed in the personnel file.

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.

Employees who fail to comply with NJSA. 26:3D-15 and this policy are subject to standard employee discipline procedures, in addition to the sanctions noted in B(1-3) above.

The Superintendent of Schools and/or designee is authorized to report violations, in accordance with the law to the County Board of Health and/or local municipal court/prosecutor.

Signs and Reminders

A. Signs will be posted in a manner and location that adequately notify students, faculty/staff and visitors about the Comprehensive Tobacco-Free School Policy.
B. At the beginning of activities that involve large numbers of visitors (e.g. athletic events, concerts, awards, ceremonies) an announcement will be made which state that smoking is prohibited in this building or on these grounds.

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.

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.

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.

Prevention Education for Students

The Board of Education will enforce the laws of New Jersey requiring a program of drug, alcohol, steroid, and tobacco education. The Superintendent of Schools shall prepare and submit to the Board of Education for its approval a comprehensive curriculum for such instruction in grades seven through 12 offering a minimum of 10 clock hours per school year of alcohol and other drug education in accordance with department of education chemical health guidelines, pursuant to NJSA 18A:40A-1 et seq. Drug, alcohol, steroid, and tobacco education shall be integrated with the health curriculum

Faculty Education & Inservice Training

All district personnel shall be alert to signs of tobacco use by pupils and shall respond to those signs in accordance with procedures established by the Superintendent of Schools of schools. The Board of Education will provide inservice training to assist teaching staff members in identifying the pupil who uses tobacco and in helping pupils with tobacco-related problems in a program of rehabilitation. The Superintendent of Schools will ensure that all district employees receive annual inservice training to make them aware of their responsibilities in accordance with Board of Education policies and NJAC 6A:16-3.1.

Legal References

NJSA 26:3D-55 et seq. New Jersey Smoke-Free Air Act
30:5B-5.3 Smoking in child care centers prohibited

NJAC 6A:16-1.3 Definitions
6A:16-3.1(a)7 Establishment of comprehensive alcohol, tobacco and other drug abuse programs
6A:26-1.2 Definitions
6A:26-12.2(a)4 Policies and procedures for school facility operation

No Child Left behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Possible Cross References

1250, 1330, 4119.23, 4219.23, 5131.6

It is the intention of the Board of Education to implement a safety program which is designed to protect and safeguard its pupils and employees; to set standards of safety and delineate procedures designed to maintain these standards; and to develop procedures to be following in case of accident or other physical incapacitation.

The Superintendent of Schools and Business Administrator/Board Secretary shall prepare rules and programs for safety and the prevention of accidents; instruct pupils in safety and accident prevention; provide protective devices where they are required for the safety or pupils and employees; and provide suitable and safe equipment where such equipment is necessary for the conduct of the educational program and the operation of the school.

The rules and programs shall include but not be limited to; pupil safety in school; employee job safety; vehicle safety programs; care of injured pupils; plant safety emergency procedures; pupil traffic safety in transit to and from school; and eye protection. They shall address minimum requirements of law and the applicable rules and regulations of various departments of state government along with the guidelines mandated by the annual insurance report and this policy.

The Superintendent of Schools and Business Administrator/Board Secretary shall be responsible for the promulgation of such rules to all personnel concerned.

Use & Storage of Hazardous Substances

The 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.

For the purposes of this policy, “hazardous substance” means any substance, or substance in a mixture, included on the hazardous substance list developed by the Department of Health and Senior Services pursuant to the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.).

In accordance with NJSA 34:5A-10.1, "hazardous substance" shall not include:

1. Any article containing a hazardous substance if the hazardous substance is present in a solid form which does not pose any acute or chronic health hazard to any person exposed to it;

2. Any hazardous substance constituting less than one percent of a mixture unless the hazardous substance is present in an aggregate amount of 500 pounds or more in a container in a public school building;
3. Any hazardous substance which is a special health hazardous substance constituting less than the threshold percentage established by the Department of Health and Senior Services pursuant to P.L.1983, c.315 (C.34:5A-1 et seq.), for that special health hazardous substance when present in a mixture;
4. Any hazardous substance present in the same form and concentration as a product packaged for distribution and use by consumers and which is not a product intended primarily for commercial use;
5. Any fuel in a motor vehicle;
6. Tobacco or tobacco products;
7. Wood or wood products;
8. Foods, drugs, or cosmetics;
9. Hazardous substances which are an integral part of a building's structure or furnishings;
10. Products which are personal property and are intended for personal use; and,
11. Any substance used in the routine maintenance of a school building or its grounds, any substance used in a classroom science laboratory, any substance used in a school occupational training facility, including laboratories and shops, and any substance used in the normal operation of the classrooms or administrative offices of a public or private school or child care center, including any substance used in the heating or cooling of the school.

If any hazardous substance is stored on any school site, the Superintendent of Schools shall make available the hazardous substance fact sheet for that substance to any one who requests it.

At least two days prior to the start of any construction activity involving hazardous substances, the district shall post on a bulletin board at the school a notice that such activity will take place. The notice will state the activity to be conducted and the hazardous substance(s) to be used.

Soil Contamination on School Property
The administration 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:

1. A description of the soil contamination and the conditions under which a student or staff member may be exposed to the contamination;
2. 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;
3. 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:

1. Written notice sent home with the student and provided to the staff member;
2. Telephone call;
3. Direct contact;
4. 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.

Implementation

Rules and procedures implementing this policy shall be reviewed and adopted by the Board of Education as required by law and shall be disseminated to staff and pupils annually, and whenever any changes are made.

Legal References

NJSA 18A:6-2 Instruction in accident and fire prevention
18A:11-1 General mandatory powers and duties
18A:17-42 et seq. Public School Safety Law
18A:40-12.1, -12.2 Protective eye devices required for teachers, pupils and visitors in certain cases
18A:41-1 et seq. Fire Drills and Fire Protection
18A:54-20 Powers of board (county vocational schools)
34:5A-1 et seq. Worker and Community Right to Know Act

NJAC 5:23 Barrier free subcode of the uniform construction code
6A:16-1.4 District policies and procedures
6A:19-10.1 et seq. Safety and Health Standards
6A:26-1.1et seq. Educational Facilities
6A:26-12.1et seq
6A:27-12.2 Accident reporting
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References
5141.1, 5142, 5142.1

Police Informant on School Property

Chapter 39 of the NJSA provides as follows:

> 39:4-1 The provisions of this chapter to the drivers of vehicles on the highways shall also apply to the drivers of all vehicles owned or operated by this state, the United States, any territorial of Federal district, any other State or county, municipality or any other political subdivision thereof, subject to such specific exceptions as are set forth in this chapter.
>
> This provisions of this chapter shall apply to the owners and drivers of vehicles on the highways, including roadways or driveways, upon grounds owned and maintained by the State of New Jersey, or any State department or agency, the counties, the municipalities and the school district boards of education of the State.
>
> This chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work on the surface of a highway, but shall apply to such persons and vehicles when traveling to and from work.

The Millville Board of Education requests the supervision and enforcement by the appropriate law enforcement agency of specific areas as follows:

1. Regulation and enforcement of traffic patterns on school properties.
2. The prohibition of use of motorbikes, skateboards, inline skates, mini bikes, motorcycles, and other similar motorized vehicles on improved grassy areas, sidewalks, and parking lots.
3. Enforcement of safety regulations in connection with crowd control and supervision for all events taking place on school property.

Legal References

NJSA 18A:17-42 et seq. Public School Safety Law
18A:40-12.1, -12.2 Protective eye devices required for teachers, pupils and visitors in certain cases
18A:41-1 et seq. Fire Drills and Fire Protection
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:16-1.4 District policies and procedures
6A:19-10.1 et seq. Safety and Health Standards
66A:27-12.2 Accident reporting
6A:32-12.1 Reporting requirements

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Property Records** **Policy 3518**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The Board of Education shall maintain an accurate and complete inventory of all buildings, fixed equipment and contents, and the valuation thereof in order to offer proof of loss in the event of an insurance claim. Every five years the Board shall contract an outside independent appraisal agency to conduct a reappraisal of all school property.

Property shall be inventoried to coincide with the re-issuance of policies. Valuations shall be placed thereon in conformity with insurance requirements. Property records shall also be updated by reference to purchase orders and withdrawals.

Legal References

NJSA 18A:4-14 Uniform system of bookkeeping for school districts
18A:7A-11 Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills
18A:17-28(e) Duties of business manager
18A:17-35 Records of receipts and payments
18A:17-36 Accounting; monthly and annual reports
18A:17-46 Act of violence; report by school employee; notice of action taken; annual report
47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")
47:3-15 et seq. Destruction of Public Records Law

NJAC 6A:23-2.1 et seq. Double Entry Bookkeeping and GAAP Accounting in Local School Districts
6A:27-7.9 Vehicle records
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
15:3-2.1 et. seq. Records Retention

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Workers' Compensation** **Policy 3523.3**

| Date Adopted: March 6, 1967 | Date Revised: March 18, 1975, October 17, 1977, August 7, 1981, September 19, 1994, March 17, 2003, June 2, 2008, May 5, 2014 | Page 1 of 2 |
|---|---|---|

Worker's compensation is a form of insurance that provides both medical benefits and wage replacement to an employee who is injured in the course of his/her employment.

Employees are asked to adhere to the following procedure(s) when a work-related injury is sustained:

- The employee must report all accidents/injuries in the workplace to an immediate supervisor by the end of the workday;
- All accidents/injuries must be documented on a district Accident Report;
- In the event that the employee needs immediate care, he/she will be referred for evaluation by a school nurse;
- In instances where a school nurse is not available, or the worksite is not school based, a supervisor will direct the employee where to receive care;
- In the event that an injury requires more than the first aid provided by the school nurse or that is available at the worksite, the Workers' Compensation Carrier must be notified. Every employee has up to 90 days from the date of injury to notify workers' compensation of a work related injury;
- In case of an emergency, the employee should go directly to the emergency room for treatment or 9-1-1 will be accessed;
- Once an injury is reported to the Worker's Compensation Carrier, an adjuster will be assigned to manage the claim and direct medical treatment. Both the employer and employee will receive notification that a claim was received and assigned;
- All employee injuries requiring continuing care are managed by the Board-approved worker's compensation physician.

Any employee, who is receiving compensation for loss of time, must pick up his/her paycheck at the Board of Education Office. If the employee is unable to pick up his/her paycheck due to injury, then his or her designee may pick up the check for the employee.

Purchase or rental of medical equipment related to the employee's injury must be approved and managed through the Worker's Compensation Carrier.

Prescription medications related to the injury are paid for by the Prescription Management Service as coordinated by the Worker's Compensation Carrier. The employee will not utilize his/her employee sponsored prescription benefit when the medication is related to a Worker's Compensation claim.

In the event that an employee suffers a fatal injury or there is an in-patient hospitalization of three or more workers, the district will report the matter to the Department of Labor both orally and by facsimile within eight (8) hours of the occurrence.

This policy conforms to the statutes of the State of New Jersey as found in NJSA 34 and NJSA 18A.

Compensation for claims is paid at the minimum allowed by statute applicable to that employee.

Light duty assignments, as prescribed and/or approved by the worker's compensation physician will be assigned as applicable.

Legal References

NJSA 18A:16-2 through -5 Health examinations
18A:11-1 General mandatory powers and duties
18A:16-4 Records of examinations
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:30-1, -2 Sick leave
18A:30-16 Prolonged absence beyond sick leave
34:11B-1 et seq. Federal Family Medical Leave Act

NJAC 6A:16-2.1 et seq Health services policy and procedural requirements
6A:16-2.2 Required health services
6A;16-2.3 Health services personnel

29 USCA 2601 et. seq. (Family Medical Leave Act)
Nevada Dept. Human Resources, et. al v. William Hibbs, et. al, 538 US 721

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 or student of the district in the performance of district business.

Legal References

NJSA 18A:12-20 Indemnification of board members
18A:16-6 Indemnity of officers and employees
18A:20-25 through -33 Insurance

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Property Insurance** **Policy 3532.2**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

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:

A. Review the insurance program of the district, consider alternatives, and 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. Provide annually safety and fire inspections;
E. Process all claims; and,
F. Recommend such measures as may reduce the cost of insurance premiums including assumption of risk, loss prevention, and transfer of risk

Legal References

NJSA 18A:12-20 Indemnification of board members
18A:16-6 Indemnity of officers and employees
18A:20-25 through -33 Insurance

The 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 Board 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 Board shall provide indemnification to any person holding any office, position or employment under the jurisdiction of the Board, including any student teacher/intern, or person assigned to other professional pre-teaching field experience, for damages, losses and costs incurred as a result of a civil or administrative action or other legal proceeding brought against any such persons for any acts or omissions arising out of and in the course of their employment, student teaching, or other assignment to profession field experience with this Board. 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 Board. Indemnification for exemplary or punitive damages is not required and will be governed by the standards and procedures stet forth in statute.

The Board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

The Board shall provide indemnification to any person holding any office, position or employment under the jurisdiction of the Board, including any student teacher/intern, or person assigned to other professional pre-teaching field experience, for the costs of defense against any criminal or quasi-criminal action for any such act or omission when such prosecution is dismissed or results in a final disposition favorable to the officer or employee. This indemnification will include 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 Board.

The Board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

The Board may insure against any major liability arising from the use of a motor vehicle by an employee or pupils of the district in the performance of district business.

The Board 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 moneys shall be bonded. The Board 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.

Legal References

NJSA 18A:12-20 Indemnification of board members
18A:16-6 Indemnity of officers and employees

Transportation

The Millville Board of Education recognizes that an effective pupil transportation program with concise policies and guidelines is mandatory for the operation of transportation services within the district for both public and non-public school students. Students who are provided transportation services by the district are expected to obey all the rules established for the safety and welfare of all students.

General Statements

It is the intention of this policy to transport safely, economically and in reasonable comfort, the children living in this community, taking into consideration the relation of the locations of the pupils' homes and the school under the following conditions:

A. The distance to be traveled to and from school;
B. The hazards involved over the route to be traveled;
C. The state of the child's health;
D. Provisions for transportation to meet the requirements of the instructional program.

The Board of Education shall transport eligible pupils to and from school and school-related activities in accordance with law and this policy. Transportation shall be provided only to eligible public and non-public school pupils, authorized school staff members, and adults serving as approved chaperones.

The Board will not be responsible for the transportation of non-resident pupils to or from school, except for transportation required for homeless children for whom this district is determined to be the district of residence.

The Board will also transport resident children who attend a non-public school in the State of New Jersey within thirty miles from their residence, but not a lesser distance from their residence than that required for the transportation of pupils enrolled in the schools of this district.

The Board will consider the provision of transportation to those pupils not otherwise provided transportation by this policy when the Board determines walking conditions to be hazardous.

Safety & 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. It is mandatory that all Millville students wear seat belts while being transported to and from school and on all school-related activities. Seat belts shall be fastened when the driver and passengers board the vehicle and shall be kept fastened at all times while on board the vehicle. Seat belts may be unfastened only when the individual is departing the vehicle. The Board further requires that drivers and passengers using private vehicles to transport pupils wear seat belts in the same manner.
B. Use of cell phones by students, school personnel and bus drivers I prohibited on school buses.
C. All eating and drinking is prohibited on the school bus.
D. Smoking is prohibited within the school bus.
E. Students must enter or leave the bus when the door is fully opened and only at the stop to which they are assigned.
F. Avoid pushing upon entering or leaving the bus.
G. Take assigned seat, fasten seat belt and remain seated until the bus arrives at the stop.
H. Students' feet and belongings shall be kept under the seat including books and clothing.
I. Keep hands off the property and person of other students.
J. Do not throw items while in the bus or out of the window at any time.
K. Avoid boisterous, loud talk and other noises that might distract the driver.
L. Do not tamper with the emergency door or other bus fixtures.
M. Conscientiously observe all rules and respond quietly to the driver's instructions.
N. 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.

Bus Stops

A. Eligible busing students will be assigned to a designated bus stop which shall be the same stop both morning and afternoon. In areas of sparse population or residences located on roads considered by the Board to be hazardous, a pupil's home may be a bus stop.
B. Transportation for those students who are granted babysitting privileges will only be on a five day a week basis. Once babysitting is approved, the home bus stop is relinquished and the babysitting address becomes the primary residence with a new designated stop for morning pickup and afternoon drop off. It is the responsibility of the babysitter to escort the students in their care safely to and from the assigned bus stop.
C. Children will only be discharged at their assigned bus stops. In case of emergency, when a temporary stop is required a request in writing by the pupil's parent/guardian shall be submitted to the school principal for approval.

D. Preschool students must be accompanied by a parent or guardian (18 years of older) at the bus stop during pickup and drop off times. If there is no parent or guardian present when the student is dropped off, the preschooler will be returned to their school and it is the responsibility of the parent to make arrangements to pick them up.
E. If the person designated to meet the preschool student at the bus stop is not recognizable by the bus driver the student will be returned to the school.
F. Routes and operating schedules shall be coordinated with the overall school program, especially in regard to opening an dismissal times of the schools.

Monitoring Devices on School Vehicles

The Board of Education recognizes that safe and secure conditions for all pupils transported in a school-owned or contracted school vehicle is paramount. Pupils must maintain proper discipline in the vehicle at all times.

To maintain these safe and secure conditions, the Board may use devices to monitor and/or observe student behavior and school bus driver discipline procedures. The device may be a sound video camera, a voice monitoring device or other appropriate devices. Each school vehicle will have a sign clearly posted in the school vehicle stating that a monitoring device is being used.

The recording may be used in incidents involving students to determine appropriate disciplinary action by the administration for inappropriate actions.

Availability of video tapes to the public will be in accordance with the New Jersey Open Public Records Act (OPRA) and with the Federal Family Educational Rights and Privacy Act (FERPA).

Disciplinary Action

A. The driver shall be in full charge of the bus at all times and shall be responsible for order; he/she shall never exclude a pupil from the bus, but if unable to manage any pupil, shall report the student to the Superintendent of Schools/designee in writing on the proper forms.
B. A pupil may be excluded from the bus according to the provisions of the school disciplinary code.
C. The transportation to school of any pupil whose bus privileges have been suspended shall be the responsibility of the pupil's parent or legal guardian.

The school bus driver is responsible for the safety of his or her pupils and shall rigorously observe all motor vehicle laws and regulations and the New Jersey State Board of Education rules in the operation of his or her school bus. In the event of an emergency, the school bus driver shall follow procedures established by this Board.

Changes in Bus Routes

A. When conditions develop that make necessary the changing of the established bus routes, such changes shall be approved by the Superintendent of Schools.
B. Route changes may be made by the transportation coordinator with the approval of the Superintendent of Schools and the Board.
C. 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

A. School activities such as field trips, and other instruction or extracurricular requirements will necessitate the making of arrangements for special bus trips.
B. Parent Approval – Whenever a pupil trip is contemplated, where transportation is involved, it is mandatory that written permission be obtained from the parent or guardian. Also, the consent of the Superintendent of Schools and the Board of Education will be required.
C. School Sponsored Curriculum Trips
    1. The Board of Education will approve all school sponsored curriculum trips.
    2. Arrangements and costs are to be arranged with the transportation contractor in advance.
    3. The Superintendent of Schools/designee shall make arrangements for special buses, etc.

Responsibilities

A. The responsibility for the operation of the transportation system shall be that of the Superintendent of Schools who will be responsible to the Board.
B. This responsibility shall include the formation of all bus routes, changes in routes, bus evacuation drills, inspections, establishment of bus stops, and other related matters.
C. The transportation contractor shall work with and be responsible to the Superintendent of Schools.
D. The Superintendent of Schools shall continuously evaluate the transportation operation including routes, timing, drivers, road conditions, performance of contract, etc.

Legal References

NJSA 18A:7F-25 Transportation aid
18A:22-8.6 Transportation (budget line item)
18A:39-1 et seq. Transportation To and From Schools
18A:46-19.6 Transportation to location or maintenance of vehicular classrooms to obtain services; payment of cost
18A:46-23 Transportation of pupils; special classes; handicapped children; state aid
39:3-10.9 et al. New Jersey Commercial Drivers License Act
39:3-27 Free registration of certain vehicles; transfer to other motor vehicles

NJAC 6A:27-1.1et seq. Student Transportation
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

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 Procedure Manual for Pupil Transportation NJ State Department of Education
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Transportation Routes & Services** **Policy 3541.1**

| Date Adopted: June 30, 1998 | Date Revised: February 24, 2003, May 19, 2003, June 2, 2008 | Page 1 of 2 |
|---|---|---|

The Board of Education directs the Superintendent of Schools to supervise the development and provide safe and reasonably expeditious transportation for:

A. Pupils who live remote from the school as defined by New Jersey law;
B. Educationally handicapped pupils in accordance with their IEP;
C. Pupils participating in Board approved extracurricular activities or field trips;
D. Pupils whose route to the school is deemed hazardous by the Board;
E. Other pupils as required by law.

The criteria to be used in designing routes and assigning pupils 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 such as, but not limited to:
    1. No sidewalks and
       Speed limit in excess of 35 miles per hour and/or
       Traffic volume of a main thoroughfare
    2. With sidewalks but,
       Speed limit in excess of 40 miles per hour and/or
       Traffic volume of a main thoroughfare
    3. In addition to the above situations, unsafe road hazards include:
        a. Blind curves
        b. Steep inclines
        c. Bridges
        d. Railroad tracks
        e. Roadways with no shoulders
        f. Adverse roadway conditions (heavy crowning, poor lighting and maintenance)
        g. Higher crime rate
    4. Unsafe roadways to cross:
        a. Any roadway with four or more lanes
        b. Divided highways
        c. Main thoroughfares with speed limits of 35 miles per hour
        d. State highways
        e. County highways
        f. Railroad tracks

Transportation to and from school shall be provided by law to eligible nonpublic school pupils. All pupils riding on district buses shall be required to observe the district's bus conduct regulations or risk loss of the privilege of such transportation.

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 office of the County Superintendent of Schools.

Legal References

NJSA 18A:7F-25 Transportation aid
18A:22-8.6 Transportation (budget line item)
18A:39-1 et seq. Transportation To and From Schools
18A:46-19.6 Transportation to location or maintenance of vehicular classrooms to obtain services; payment of cost
18A:46-23 Transportation of pupils; special classes; handicapped children; state aid
39:3-10.9 et al. New Jersey Commercial Drivers License Act
39:3-27 Free registration of certain vehicles; transfer to other motor vehicles

NJAC 6A:27-1.1et seq. Student Transportation
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

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 Procedure Manual for Pupil Transportation NJ State Department of Education
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

The Board of Education, upon the recommendation of the Superintendent of Schools may authorize, at its discretion, 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 organization for pool use according to the following classifications:

1. Vehicles may be assigned permanently and individually to the Superintendent, Board Secretary/Business Administrator 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.
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.
3. Board Members or employees may be temporarily assigned a district vehicle for travel events.
4. The Board of Education directs that the Board Secretary/Business Administrator or his/her designee is assigned the functions of district vehicle coordinator.
5. 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.
6. All complaints of a potential misuse shall be investigated and appropriate disciplinary action taken.
7. 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.
8. No luxury vehicle, one which exceeds the greater of $30,000 or any current dollar limit established in Internal Revenue Service law or regulation, shall be purchased, lease-purchased or leased by the district. If a vehicle is assigned to the Superintendent of Schools, 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.
9. The district vehicle shall be used primarily for business purposes, however, incidental and reasonable personal use is permitted.
10. 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.
11. No physical alterations shall be made to a vehicle without prior Board approval.
12. Drivers of district vehicles shall possess a valid driver's license to operate a vehicle in New Jersey.

13. 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.
14. A driver assigned a district vehicle shall be responsible for the security of the vehicle and its contents.
15. Drivers shall be personally responsible for all fines accrued as a result of traffic violations related to operation of district vehicles.
16. 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.
17. 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.
18. 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.
    - Frequent violation of traffic laws,
    - Flagrant violation of the traffic laws.
    - Operation of a vehicle which the police or insurance company determined was the cause of an accident.
    - Use of a vehicle for unauthorized use whether personal use, business use, or commuting.
    - 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.
    - Operation of a vehicle while impaired to any degree, or under the influence of alcohol or narcotics as defined by State statutes.
    - Use of a district vehicle by an unauthorized individual while assigned to an employee.
    - Use of a district vehicle to transport any person or child, other than in the course of their assigned duties and responsibilities.
    - Use of radar detectors in district vehicles.

District motor vehicles shall be used to support the educational program and business of the district and only district employees are authorized to operate them. The Board of Education directs the Board Secretary/Business Administrator to develop a list of employees who may operate district vehicles for district business during regular school hours.

Employees are not authorized to take district owned motor vehicles home or to use them for personal use without the express written permission of the Board Secretary/Business Administrator.

In order to be authorized to operate a district owned motor vehicle, employees must:

A. Possess a valid New Jersey Motor Vehicle Commission Auto Driver License consistent with the vehicle they operate (i.e., C.D.L., etc.);
B. Maintain a safe driving record;
C. Be in a position that requires the use of a district motor vehicle to successfully complete their duties; and,
D. Submit a photocopy of their valid New Jersey Motor Vehicle Commission Auto Driver License to the Board Secretary/Business Administrator.

The Board Secretary/Business Administrator/designee will forward a copy of the employees' driver's licenses to the appropriate district insurance carrier, who will then verify the validity of the licenses at least annually. In the event that the district insurance carrier cannot verify the validity of an employee's driver's license, the Board Secretary/Business Administrator is authorized to require that the employee obtain documentation from the New Jersey Motor Vehicle Commission that will confirm the status of the employee's driver's license.

In addition, the Board Secretary/Business Administrator, at his/her discretion, is authorized to request such documentation from any district employee who operates a district vehicle at any time.

Should the employee's license be revoked or suspended for any reason, it shall be the responsibility of that employee to report this to the Board Secretary/Business Administrator immediately. In such cases, the employee shall be forbidden to operate any district motor vehicle until his/her license has been restored and a copy of the valid license is on file with the Board Secretary/Business Administrator.

The Board of Education directs the Board Secretary/Business Administrator to secure driver license abstract checks on all employees who are authorized to operate district owned vehicles and to secure the abstract checks annually to reauthorize each employee use. Each authorized employee shall be made aware that the license abstract check is a part of their authorized use of district owned vehicles.

Any vehicle damage or mechanical problems observed or caused by an employee operator to district vehicles shall be reported to the Board Secretary/Business Administrator immediately.

The Board shall establish a policy for progressive, uniform, and mandatory disciplinary actions to be applied as necessary.

Vehicle Security Devices & GPS Units in District Vehicles

At its sole discretion, the Board of Education may direct the Board Secretary/Business Administrator to purchase and install security devices for some or all district vehicles to ensure the safety and security of district equipment and vehicles.

The Board may also direct the Board Secretary/Business Administrator to purchase and install Global Positioning System (GPS) devices in some or all district vehicles. These units may be used to assist employees who use the vehicles in navigating to and from assigned destinations or as a means of tracking the use of district vehicles by the administration. Such units may be rotated through the district fleet as the Board Secretary/Business Administrator deems necessary.

Use of District Vehicles – Public Emergency

The Superintendent of Schools, on behalf of the Board of Education, may authorize the use of district owned motor vehicles during any local, state or national emergency when requested by any governmental authority.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

NJAC 6A:23A-6.12 Vehicle assignment and use

Possible Cross References

4117.27, 4217.27

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**District Vehicle Tracking, Maintenance & Accounting** **Policy 3541.25**

| Date Adopted: July 20, 2009 | Date Revised: | Page 1 of 1 |
|---|---|---|

The Board of Education directs the Board Secretary/Business Administrator to develop a system for the management, control and regulatory supervision of school district vehicles including, but not limited to, the following:

1. Vehicle inventory control record including:
   - Vehicle make, model and year,
   - Vehicle identification numbers (VIN),
   - Original purchase price,
   - Date purchased,
   - License plate number,
   - Person assigned or pool if not individually assigned,
   - Driver license number of person assigned and expiration date,
   - Insurer and policy number of person assigned, and
   - Usage category such as regular business, maintenance, security or pupil transportation.
2. Driving record of operators of district vehicles including:
   - Name of driver,
   - Driver license number and expiration date,
   - Insurer and policy number of person assigned,
   - Motor vehicle code violations,
   - Incidents of improper or non-business usage,
   - Accidents, and
   - Other relevant information.
3. Record of maintenance, repair and body work for each district vehicle including:
   - Vehicle make, model and year,
   - Vehicle identification numbers (VIN),
   - Original purchase price,
   - Date purchased,
   - License plate number,
   - Usage category such as regular business, maintenance, security or pupil transportation,
   - Manufacturer's routine maintenance schedule,
   - Category of work performed (routine maintenance, repair or body work),
   - Purchase order number,
   - Date work was performed,
   - Detailed description of work performed,
   - Mileage on date work was performed, and
   - Cost of work performed.

Legal References

NJAC 6A:23A-6.11 Vehicle tracking, maintenance and accounting
6A:23A-6.12 District vehicle assignment and use

In recommending arrangements for pupil transportation to and from school-related activities, the Superintendent of Schools shall consider the type of activity, the total number of pupils involved, and the availability of appropriate vehicles. Groups of students too small in number to make economical use of Type I or Type II vehicles may be transported in privately owned passenger vehicles driven by qualified school personnel, state employees and parents/guardians.

Transportation by Volunteer Drivers

The Business Administrator and Superintendent of Schools may supplement the transportation recourses of the district by identifying qualified school personnel and parents/guardians who are willing to provide transportation for district pupils to and from school-related activities.

Qualifications shall include:

A. A private passenger vehicle of eight or fewer capacity, with a current New Jersey or other state inspection sticker; and a private passenger vehicle with a seat belt for each passenger; and
B. Evidence of at least statutorily required insurance coverage.

The Business Administrator and Superintendent of Schools shall develop and the Board shall adopt detailed regulations to ensure that:

A. District approval of activities involved;
B. District determination of drivers and assignment of pupils to them;
C. Pupil safety in pickup, transit and drop off;
D. Adequate supervision of pupils at the activity.

Transportation of Pupils by District Employees as Part of Assigned Duties

District employees who transport pupils in a private vehicle during working hours as a part of their assigned duties shall:

A. Have a current New Jersey (or other state) 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 state inspection sticker; and a private passenger vehicle with a seat belt for each passenger; and
C. Conform to all safety practices set forth in the regulations of this policy.

Implementation of this policy shall be in conformity with applicable negotiated contract.

Board of Education Members, the school administrators, teachers, and other employees who routinely or by special assignment use their personal vehicles for any school purpose shall be held harmless from any liability that may be incurred because of such transportation, while working within the scope of employment, except that the school district shall not be liable to reimburse the employee for any additional premiums due to his/her vehicle's insurance, that results from an accident that occurs during such transportation.

Cost of damage to a Board Member's, administrator's, teacher's or employee's vehicle resulting from and accident or vandalism while he/she is performing designated school missions, shall be defrayed within the limits of the Board's insurance policy coverage.

Employees are not authorized or expected to transport students in their personal automobiles unless explicitly authorized by the Superintendent of Schools.

Legal References

NJSA 18A:16-6 Indemnity of officers and employees against civil actions
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

NJAC 6A:27-7.6 Transportation to and from related school activities
6A:27-7.7 Parent transporting his or her own child or children

Possible Cross References

5020, 6131.1, 6145, 6145.1, 6145.2, 6153

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Educationally Disabled Transportation** **Policy 3541.32**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

The transportation of educationally disabled students shall be the responsibility of the school district. Bus routes shall be developed in cooperation with the receiving district.

The Superintendent of Schools shall annually formulate and promulgate to all staff members and students and their parents rules and regulations to govern the safety of the children on the buses and at points of embarkations and debarkation. Rules for the acceptable conduct of pupil passengers will be created and disseminated and the bus drivers will be instructed to report infractions of those rules to the appropriate administrator.

Vehicles used to transport educationally disabled children shall comply with the requirements of statute and the rules of the State Board of Education. Bus drivers shall observe the procedures established therein.

Legal References

NJSA 18A:25-2 Authority over pupils - bus driver
18A:39-1 et seq. Transportation to and from schools
18A:39-22.1 School bus used to transport developmental disabilities client permitted
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

NJAC 6A:27-5.1 Special needs students transportation
6A:27-7.6 Transportation to and from related school activities
6A:27-7.7 Parent transporting his or her own child or children

Possible Cross References

3516, 5142

The safety and welfare of pupils shall be the first consideration in all matters pertaining to transportation. The Board directs the Superintendent of Schools to provide regulations and forms for the immediate reporting of all incidents involving any vehicle used to transport students 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 vehicle during operations, even if no injury or damage results

It shall be the responsibility of the Superintendent of Schools to direct an investigation on the report and to comply with the law. The information gained shall be considered in evaluating subcontractor performances, and in scheduling inspection of vehicles.

Emergency evacuation drills shall be conducted regularly throughout the school year to acquaint the pupil 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.

All 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 vehicles used to transport children, shall conform with state standards for such vehicles.

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.

Drivers of all Type I and Type II school vehicles used to transport district pupils must be licensed by the State of New Jersey as bus drivers and meet all other requirements of law. Bus drivers are responsible for the safety of pupils entering, riding, and departing their vehicle.

Legal References

NJSA 18A:6-7.1 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:25-2 Authority over pupils
18A:39-1 et seq. Transportation To and From Schools
39:3-10.9 et seq New Jersey Commercial Driver License Act
39:3B-1.1 et seq. School Buses, Equipment and Regulations

NJAC 6A:27-1.1et seq. Student Transportation

34 CFR Part 85.100 et seq., Government-wide Debarment and Suspension (non-procurement) and Government-wide 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
Policies and Procedures Manual for Pupil Transportation, N.J. State Department of Education

Possible Cross References

3516, 5142

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Monitoring Devices on School Vehicles** **Policy 3541.36**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

The Board of Education recognizes that safe and secure conditions for all pupils transported in school-owned or contracted school vehicles is paramount. Pupils transported in a school-owned or contracted school vehicle must maintain proper discipline in the vehicle at all times.

To maintain the safe and secure conditions for all pupils transported on school-owned or contracted school vehicles, the Board may use devices to monitor and/or observe student behavior, teacher and support staff behavior, school bus driver discipline procedures and/or school bus driver driving techniques. The device may be a sound video camera, a voice monitoring device or other appropriate devices. Each school vehicle will have a sign clearly posited in the school vehicle stating that:

> "Video And/Or Audio Monitoring Devices Are Used On School-Owned And Contracted Vehicles And This Vehicle May Be Monitored At Any Time"

The recording may be used in pupil and staff discipline matters, driver evaluations or for driver discipline or training. Notice of this policy will be provided to parents/guardians and all transportation personnel each year in staff, pupil and/or parent handbooks.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

20 USCA 1231g
30 CFR 300.571 Part 99, 300.572, 300.5773

The Board of Education within its financial means, endeavors to provide a nutritious food service program in a manner that allows the food service facilities and programs to be used to provide a nourishing lunch to all school children.

The Superintendent of Schools shall ensure that pupils and parents are informed concerning good nutrition practices in an effort to promote better nutrition in food service operations.

In planning menus for the food service operations, the different nutritional needs and problems of various groups should be considered, and information about nutritional and calorie content of foods offered should be both posted and distributed with school menus.

The School Lunch Program shall:

A. Operate on a nonprofit basis, with prices to be approved by the Board as necessary;
B. 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;
C. Charge school personnel a price in accordance with state school nutrition guidelines;
D. 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. Nutritious snacks, such as fresh fruit, fruit juice, nuts, seeds, yogurt, cheese, raisins and skim milk, shall be made available where possible. The sale of foods of low nutritional value (candy and other "junk foods") for fund raising projects must be approved by the Building Principal.

The Business Administrator/Board Secretary has overall responsibility for the administration and operation of the school lunch program in keeping with federal and state laws and the policies and directives of the Board.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:18A-5 Exceptions to requirement for advertising
18A:18A-6 Standards for purchase of fresh milk; penalties; rules and regulations
18A:33-3 through -5 Cafeterias for pupils
18A:54-20 Powers of board (county vocational schools)
18A:58-7.1 through -7.2 School lunch program

NJAC 2:36-1.1 et seq. Child Nutrition Programs
6A:23-2.6 Supplies and equipment
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References
3542.31, 5131

The Board of Education 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.

Therefore, the Board of Education is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity, and will ensure that:

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*, the *Healthy, Hunger-Free Kids Act of 2010* and the USDA nutrition standards for National School Lunch, School Breakfast and/or After School Snack Programs.
C. Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
D. Meal periods shall be scheduled at appropriate times (Lunches will be served between 10:00 AM and 2 PM).
E. All food preparation areas shall have had regular health inspections and received satisfactory approvals.
F. To the maximum extent practicable, all schools in the district will participate in available federal school meal programs (including the School Breakfast Program, National School Lunch Program including- after-school snacks, Summer Food Service Program, Fruit and Vegetable Snack Program, and Child and Adult Care Food Program).
G. 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.
H. 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.

The Superintendent of Schools shall develop regulations consistent with this policy, including a process for measuring the effectiveness of its implementation, and designating personnel within the school with operational responsibility for ensuring the school is complying with the policy. In addition, the Superintendent of Schools shall designate a district administrator to oversee and ensure that each school in the district complies with the provisions of this policy and that the policy is implemented correctly for each are beverages are offered, including vending machines (if applicable) and the school store(s).

The Superintendent of Schools shall be responsible to providing support for staff members so they have the skills and knowledge to implement the provisions of this policy.

The Board of Education will support the implementation of nutrition education throughout the school day and during after school programs, in order to promote a consistent message to parents/guardians and students.

Advisory Committee

The Superintendent of Schools shall oversee the formation and support of an advisory committee comprised of teachers, parents, coaches, school administrators and community partners working to promote awareness of the requirements of this policy and to make suggestions for improvements to the nutrition of students and this policy. The committee shall also undertake additional tasks as consistent with the wellness policy guidelines issued by the USDA.

The Board of Education recognizes that child and adolescent obesity has reached epidemic levels in the United States and that poor diet combined with the lack of physical activity negatively impacts on students' health, and their ability and motivation to learn.

The Board of Education is committed to:

1. Providing students with healthy and nutritious foods;
2. Encouraging the consumption of fresh fruits and vegetables, low fat milk and whole grains;
3. Supporting healthy eating through nutrition education;
4. Encouraging students to select and consume all components of the school meal; and,
5. Providing students with the opportunity to engage in daily physical activity.

All reimbursable meals shall meet federal nutrient standards as required by the U.S. Department of Agriculture Child Nutrition Program regulations. All items served, as part of the After School Snack Program shall meet the standards as outlined within this policy.

The following items may not be served, sold or given out as free promotion anywhere on school property at anytime before the end of the school day:

- Foods of minimal nutritional value (FMNV) as defined by U.S. Department of Agriculture regulations;
- All food and beverage items listing sugar, in any form, as the first ingredient;
- All forms of candy; and,
- Schools shall reduce the purchase of any products containing trans fats. Federal labeling of trans fats on all food products is required by January 1, 2006.

All snack and beverage items sold or served anywhere on school property during the school day, including 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 following standards:

1. Based on manufacturers nutritional data or nutrient facts labels:
    - No more than 8 grams of total fat per serving, with the exception of nuts and seeds.
    - No more than 2 grams of saturated fat per serving.
2. All beverages shall not exceed 12 ounces, with the following exceptions:
    - Water.
    - Milk containing 2% or less fat.
3. Whole milk shall not exceed 8 ounces.

In elementary schools 100% of all beverages offered shall be milk (non-fat or unflavored 1%), water or 100% fruit or vegetable juices.

In middle and high schools at least 60% of all beverages offered, other than milk (non-fat or unflavored 1%) and water, shall be 100% fruit or vegetable juices. Any “other” beverages that are offered must meet the standards set forth in this policy.

Healthy Snack Guidelines

The following additional nutrient requirements shall also apply:

1. Calorie Limits – Snack Items ≤ 200 calories; Entrée Items ≤ 350 calories
2. Sodium Limits - Snack Items ≤ 230 mg.*; Entrée Items ≤ 480 mg.
3. Fat Limits - Snack Items ≤ 35% of calories; Entrée Items ≤ 10% of calories;
   Trans fat: zero grams
4. Sugar Limit - ≤ 35% of weight from total sugars in foods
   * On July 1, 2016, snack items must contain ≤ 200 mg. sodium per item.

Accompaniments such as cream cheese, salad dressing and butter must be included in the nutrient profile as part of the food item sold. This helps control the amount of calories, fat, sugar and sodium added to foods.

For the health and safety of students and staff members, all beverages distributed, sold or brought to school must be in sealed containers.

Classroom celebrations shall not include any food items defined by the regulations of the USDA as "foods of minimal nutritional value." Occasionally, however, classroom celebrations and curriculum-related activities may be exempt form the provisions of this policy, however, strong effort shall be made to include healthy choices when planning such activities.

Food items are not to be used as a reward for academic performance or behavior unless noted as part of a student's Individualized Education Plan. Withholding food as a punishment is strictly prohibited.

This policy does not apply to medically authorized special needs diets pursuant to 7 CFR Part 210, school nurses using Foods of Minimal Nutritional Value (FMNV) during the course of providing health care to individual students or special needs students whose Individualized Education Plan (IEP) indicates their use for behavior modification.

Adequate time shall be allowed for student meal service and consumption. Schools shall provide a pleasant dining environment. The Board of Education recommends that physical education or recess be scheduled before lunch whenever possible.

Nutrition Education and Promotion

This school district's curriculum shall incorporate nutrition education and physical activity consistent with the New Jersey Department of Education Core Curriculum Standards.

Students will receive consistent nutrition messages throughout schools, classrooms, cafeterias, and other appropriate means as follows:

- Teachers will integrate nutrition education into core curricula;
- Nutrition promotion may include participatory activities such as contests, promotions, farm visits, and experience working in school gardens;
- The nutrition education program will be linked to school meal programs, , cafeteria nutrition promotion, after-school programs, and school breakfast programs;
- Nutrition education will be offered in the cafeteria as well as the classroom, with coordination between the foodservice staff and teachers;
- Nutrition education will promote fruits, vegetables, whole-grain products, low-fat dairy products, healthy food preparation methods, and accurate portion sizes;
- Students will have opportunities to taste foods that are low in saturated and transfats, sodium and added sugar;
- Staff members responsible for nutrition education will regularly participate in relevant professional development (e.g., training on the Dietary Guidelines for Americans and how to teach them);
- Staff will only use approved nutrition curriculum in the classroom. Curriculum developed by corporate interests is prohibited;
- Nutrition education will be provided to families via handouts, newsletters, postings on the web site, presentations, and workshops. The school menu may be posted online;
- Staff members are strongly encouraged to model healthful eating habits, and discouraged from eating in front of children/sharing food with children during regular class time, outside of activities related to the nutrition education curriculum. Staff members are not permitted to eat or drink out of branded packaging in front of children (e.g., coffee containers with specific company logos);
- Families will be requested to pack lunches and snacks that meet district nutrition standards and will be provided with written guidance on how to accomplish this.

Specifically, the nutrition curriculum will encompass:

- Promotion of adequate nutrient intake and healthy eating practices;
- Skill development, such as reading labels to evaluate the nutrient quality of foods, meal planning, analysis of health information;
- Examination of the problems associated with food marketing to children;
- Nutrition themes including, but not limited to USDA's MY Plate, Dietary Guidelines for Americans, adequate nutrient intake (such as carbohydrates, proteins, fats), body image and food safety.

Physical Activity

All students will have opportunities for physical activity beyond physical education class on a daily basis. Classroom health education will reinforce the knowledge and skills needed to maintain a physically active lifestyle. Students will be encouraged to reduce sedentary time. It is recommended that students not be required to engage in sedentary activities for more than two hours without an opportunity to stretch and move around. Short (3-5 minute) "energy release" physical activity breaks are recommended between classes to incorporate short activity breaks into the day.

Teachers are expected to incorporate opportunities for physical activity in the classroom whenever possible and will be encouraged to serve as role models by being physically active alongside the students.

Fundraising Activities

Any and all fundraising activities that include food items shall encourage healthy eating habits by promoting the sale of healthy food and/or beverage items. All fundraising involving the sale of food and/or beverage items shall take place outside of the regular school day.

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.

The Superintendent of Schools will provide a report to the Board of Education annually. The following information will be included in this report:

- The extent to which each school is in compliance with the wellness policy;
- The progress made in attaining the goals of the policy;
- Any recommend changes to this policy;
- A detailed action plan for the following school year to achieve annual goals and objectives; and,
- Any additional information required by the USDA.

Revisions to this policy will take into account new research and evidence on health trends, new national and state standards and guidelines, new state and federal initiatives, local evaluation data, changing district priorities, and other issues.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:18A-4.1 f.,h. Use of competitive contracting in lieu of public bidding; boards of education
18A:18A-6 Standards for purchase of fresh milk; penalties; rules and regulations
18A:33-3 through -5 Cafeterias for pupils
18A:33-9 through -14 Findings, declarations relative to school breakfast programs
18A:58-7.1 through -7.2 School lunch program

NJAC 2:36-1.1 et seq. Child Nutrition Programs
6A:16-5.1(b) School safety plans
6A:23-2.6 Supplies and equipment
6A:32-12.1 Reporting requirements
6A:32--14.1 Review of mandated programs and services
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Healthy, Hunger-Free Kids Act of 2010
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 Act
42 U.S.C. 1771 et seq. Child Nutrition Act of 1966
7 C.F.R. Part 210 Medically authorized special needs diets
7 C.F.R. Part 210.10 Foods of minimum nutritional value
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References
1200, 1220, 3000/3010, 3450, 3510, 3542, 3542.31, 3542.44, 4222, 5131, 9123, 9124

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Free or Reduced-Price Lunches / Milk** **Policy 3542.31**

| Date Adopted: May 15, 1989 | Date Revised: June 30, 1998, February 24, 2003, June 2, 2008 | Page 1 of 1 |
|---|---|---|

It is the policy of the Board of Education that this school district participates in any federal or state subsidized food program for the benefit of eligible pupils.

Eligibility shall be as determined by the guidelines of the subsidizing agency. The Board requires that all regulations of the subsidizing agency be observed, especially those that preserve the privacy of eligible pupils.

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.

Legal References

NJSA 18A:33-3 Cafeterias for pupils
18A:33-4 School lunch; availability to all children
18A:33-5 Exemptions
18A:33-10 Establishment of school breakfast program in certain schools
18A:33-11 Implementation of school breakfast program by district
18A:58-7.1 through -7.2 School lunch program

NJAC 2:36-1.2 Policy and agreement for school nutrition programs
2:36-1.8 Review and evaluation

Offer Versus Serve
In order to reduce plate waste and food costs relating to reimbursable meals, the district will participate in the Offer Versus Serve program, as described in this policy.

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; and,
- Meat/Meat Alternate.

Students may decline two (2) of the five (5) required food components, but must select at least ½ cup of either fruit (or fruit combination) or a ½ cup of vegetable (or vegetable combination) or ½ cup of a fruit/vegetable combination.

After selecting the ½ cup of fruit or vegetable requirement, students must select at least two (2) additional full components in the full amounts (per age/grade grouping) required amount to count toward the 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.

Legal References

NJSA 18A:33-3 Cafeterias for pupils
18A:33-4 School lunch; availability to all children
18A:33-5 Exemptions
18A:33-10 Establishment of school breakfast program in certain schools
18A:33-11 Implementation of school breakfast program by district
18A:58-7.1 through -7.2 School lunch program

NJAC 2:36-1.2 Policy and agreement for school nutrition programs
2:36-1.8 Review and evaluation

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Food Services Account** **Policy 3542.35**

| Date Adopted: June 30, 1998 | Date Revised: February 24, 2003, June 2, 2008 | Page 1 of 1 |
|---|---|---|

The 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.

The Board Secretary/Business Administrator is authorized to disburse funds from the Food Services Account in accordance with law.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:18A-4.1 f.,h. Use of competitive contracting in lieu of public bidding; boards of education
18A:18A-6 Standards for purchase of fresh milk; penalties; rules and regulations
18A:33-3 through -5 Cafeterias for pupils
18A:33-9 through -14 Findings, declarations relative to school breakfast programs
18A:54-20 Powers of board (county vocational schools)
18A:58-7.1 through -7.2 School lunch program

NJAC 2:36-1.1 et seq. Child Nutrition Programs
6A:16-5.1(b) School safety plans
6A:23-2.6 Supplies and equipment
6A:32-12.1 Reporting requirements
6A:32--14.1 Review of mandated programs and services
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Possible Cross References

3542.31, 5131

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Biosecurity Management Plan** **Policy 3542.40**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

The Board of Education recognizes its responsibility to protect the health of the pupils, staff, and visitors to this school district as well as providing a safe school environment and secure foodservice program. Therefore, the Board hereby directs the establishment of a Biosecurity Management Plan designed to keep school meals free from intentional contamination and enable the administration and foodservice personnel to respond to threats or incidents of bioterrorism.

The Biosecurity Management Plan:

- Establishes lunch program policies and procedures that minimize the risk of intentional contamination of food and reduce the risk of illness or death in the school community;
- Assigns key personnel to specific roles and duties pertaining to the Biosecurity Management Plan;
- Sets procedures aimed at preventing threats and incidents of product tampering and food contamination;
- Includes appropriate response actions to be taken should an incident occur,
- Provides documentation of actions planned and/or taken;

Implementation of the Biosecurity Management Plan shall be the responsibility of the food service director with the oversight of the Superintendent of Schools/designee.

Legal References

NJAC 2:36-1.13 Biosecurity for School Food Service

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Food Service - Purchasing** **Policy 3542.44**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

The Board of Education authorizes and directs the Board Secretary/Business Administrator or his/her 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.

Legal References

NJSA 18A:18A-5(a)6 Exceptions to requirements for advertising
18A:18A-6 Standards for purchase of fresh milk; penalties; rules and regulations

NJAC 6A:23-2.6 Supplies and equipment

Possible Cross References

3542, 3542.31, 5131

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Copyrighted Materials** **Policy 3543.11**

| Date Adopted: May 15, 1989 | Date Revised: June 2, 2008 | Page 1 of 1 |
|---|---|---|

It is the intent of the Board of Education to adhere to the provisions of the current copyright laws and Congressional guidelines.

The Board recognizes that unlawful copying and use of copyrighted 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 educational goals of this school system.

The Board of Education directs that district employees adhere to all provisions of Title 17 of the United States Code, entitled "Copyrights", and other relative federal legislative and guidelines related to the duplication, retention, and use of copyrighted materials.

The Board further directs that:

A. Unlawful copies of copyrighted materials may not be produced on district owned equipment.
B. Unlawful copies of copyrighted materials may not be used with district owned equipment, within district owned facilities, or at district-sponsored functions.
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 supervisor, upon request, the justification under The Copyright Act of 1976, as amended, is codified at 17 U.S.C. Sec.101 et seq. 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 Education and a record of the purchase exists.
B. The materials are copies covered by licensing agreement between the copyright owner and the Board of Education 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.

Although there continues to be controversy regarding interpretation of the copyright laws, this policy represents a sincere effort to operate legally.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
The Copyright Act of 1976, as amended and codified as 17 U.S.C. Sec.101 et seq.
Section 107 or 110 of United States Code 17

In accordance with the provisions of P.L. 2001, c.404, the Board of Education will provide reasonable access, inspection, copying and examination of all public records except those specifically exempted by law.

For the purpose of this policy, Board records shall be defined as, "any paper, written or printed book, document drawing, map, plan, photograph, microfilm, data processed or image processed, stored or maintained electronically or by sound-recording or in a similar device or any copy thereof, that has been made, maintained or kept on file in the course of the Board's official business and/or that has been received in the course of the Board's official business."

Exemptions

Documents, records and/or information that are exempted from public access include:

1. In general, the portion of any document that discloses the social security number, credit card number, unlisted telephone number or driver license number of any person;
2. Personnel or pension records, except that an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received are considered government records;
3. Inter-agency or intra-agency advisory consultative or deliberative material;
4. Any record within the attorney-client privilege;
5. Administrative or technical information regarding computer hardware, software or networks that, if disclosed, would jeopardize computer security;
6. Emergency or security information or procedures for any building or facility that, if disclosed, would jeopardize security;
7. Information that, if disclosed would give an advantage to competitors or bidders;
8. Information relating to any sexual harassment complaint;
9. Information relating to any grievance filed by or against an individual in connection with collective negotiations;
10. Information that is a communication between the Board and its insurance carrier, administrative service organization or risk management office; and
11. Information that is to be kept confidential pursuant to a court order.

Custodian of Board Records

The Custodian of Board Records shall be the Board Secretary/Business Administrator.

Responsibility of the Custodian of School Records

The Custodian of Board Records must permit Board records to be inspected, examined, and copied during regular business hours. The district position of Board Secretary/Business Administrator is officially designated by this action custodian of Board records. The Board Secretary/Business Administrator is required to keep and maintain all records and documents belonging to the Board.

Timely Access
In general, the Custodian of Board Records has a duty to provide access to a Board record immediately. However, there may be instances where the requested record(s) may be archived. In that case, the Custodian of Board Records will attempt to provide the requested record(s) within seven (7) business days after receiving the request. In general, failure to respond within seven (7) business days may be deemed a denial of the request.

Redaction of Records
In general, before providing public access, the Custodian of School Records has a duty to redact any information that discloses the social security number, credit card number, unlisted telephone number, driver license number and/or other exempted information.

Form for Requesting Records
The custodian shall adopt a form for the public to use to make requests for Board records. The form must provide the following:

1. Space for the name, address and telephone of the requestor;
2. Space for a brief description of the record sought;
3. Space for the custodian to indicate which record will be made available, and fees (if any), to be charged;
4. Specific directions and procedures for requesting the record;
5. A statement as to whether prepayment of fees (if any) are required;
6. An indication that, in general, the custodian has seven (7) business days after receiving the request to respond;
7. A statement of the requestor's right to challenge a decision denying access and the procedure for filing an appeal;
8. Space for the requestor to sign and date the form;
9. Space for the custodian to sign and date the form if the request is fulfilled or denied.

Fees Charged for Copying Records
The Board may assess fees for providing copies of records. If the Custodian of School Records can demonstrate that the actual cost for duplicating a record exceeds these rates, he/she shall charge the actual cost per page. Under certain circumstances, special service fees may also be charged.

Appeal of Denial or Access to Records
A person who is denied access to a Board Record may file suit in Superior Court or may file a complaint with the newly created Government Records Council within the New Jersey Department of Community Affairs.

Legal References

NJSA 10:4-6 et seq. Open Public Meetings Act
18A:4-14 Uniform system of bookkeeping for school districts
18A:7A-11 Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills
18A:11-2 Power to sue and be sued; reports; census of school
18A:11-2b N.J.S.A. 18A:17-7 through -12 Secretary to give notices and keep minutes, etc.
18A:17-28(e) Duties of business manager
18A:17-35 Records of receipts and payments
18A:17-36 Accounting; monthly and annual reports
18A:17-46 Act of violence; report by school employee; notice of action taken; annual report
18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")
47:3-15 et seq. Destruction of Public Records Law

NJAC 2:36-1.1 et seq. Child Nutrition Programs
6A:16-5.3 Incident reporting of violence, vandalism and substance abuse
6A:23-2.1 et seq. Double Entry Bookkeeping and GAAP Accounting in Local School Districts
6A:27-7.9 Vehicle records
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A: 32-7.1 et. seq. Student Records
6A:32-12.2 School level planning
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.)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

4112.6, 4212.6, 5125, 9330

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Audit** **Policy 3571.4**

| Date Adopted: February 24, 2003 | Date Revised: June 2, 2008 | Page 1 of 1 |
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An audit of the accounts of the school district shall be made annually by a public school accountant selected by the 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.

The Auditor must provide a copy of the most recent review to the Board of Education.

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Legal References

NJSA 18A:6-68 Bookkeeping and accounting system (educational services commission)
18A:18A-1 et seq. Public School Contracts Law
18A:23-1 et seq. Audits and auditors

NJAC 6A:23-1.2 Definitions
6A:23-2.2(i) Principles and directives for accounting and reporting
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.2 School level planning

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References
4112.6, 4212.6, 5125, 9330

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 of Education directs the Superintendent of Schools to implement Integrated Pest Management (IPM) procedures to control pests and minimize exposure of children, faculty, and staff to pesticides. In addition, the Board of Education shall adopt and maintain an IPM plan developed by the Superintendent of Schools/designee as part of this policy.

Definition

For the purposes of this policy, Integrated Pest Management shall be defined as a sustainable approach to managing pests by using all appropriate technology and management practices in a way that minimizes health, environmental, and economic risks. IPM includes, but is not limited to, monitoring pest populations, consumer education, and when needed, cultivation practices, sanitation, solid waste management, structural maintenance, physical, mechanical, biological and chemical controls.

Integrated Pest Management Procedures

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.

In preparing the IPM, the Superintendent of Schools will consider the full range of management options, including no action at all. Non-pesticide pest management methods are to be used whenever possible. The choice of using a pesticide shall be based on a review of all other available options and a determination that these options are not effective or not reasonable. When it is determined that a pesticide must be used, low impact pesticides and methods are preferred and shall be considered for use first.

Development of IPM Plans

The school IPM plan is a blueprint of how the school system will manage pests through IPM methods. The IPM plan states the district'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 of Schools, in collaboration with the building Principal, shall be responsible for the development of the IPM plan for the school.

IPM Coordinator

The Superintendent of Schools shall designate an integrated pest management coordinator, who is responsible for the implementation of the school integrated pest management policy. The Board of Education shall approve the selection of the named IPM Coordinator upon recommendation of the Superintendent of Schools.

Education /Training

All school personnel 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 Board of Education.

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 of Schools, under the direction of the Board of Education, 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, the Superintendent of Schools will report to the Board of Education on the effectiveness of the IPM plan and make recommendations for improvement as needed.

The Board of Education directs the Superintendent of Schools to develop regulations/procedures for the implementation of this policy.

Legal References

NJSA 13:1F-19 through -33 "School Integrated Pest Management Act"
18A:17-49 through -52 Buildings and grounds supervisors to be certified educational facilities managers
18A:22-8 Contents of budget; program budgeting system
34:5A-1 et seq. Worker and Community Right to Know Act
34:6A-25 et seq. New Jersey Public Employees Occupational Safety and Health Act

NJAC 5:23 Barrier free subcode of the uniform construction code
6A:26-12.1 et seq. Operation and Maintenance of Facilities
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
7:30-13.1 et seq. Integrated Pest Management

The School Integrated Pest Management Act of 2002

Possible Cross References

3000/3010, 3516, 7110, 9130

# Millville Board of Education
# District Policy Manual

**Business & Non-Instructional Operations** **Series 3000**

**Evaluation of Business & Non-Instructional Operations** **Policy 3600**

| Date Adopted: September 21, 2009 | Date Revised: | Page 1 of 1 |
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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 do not provide a 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 districts' position control logs, including, but not limited to, the business, human resources and information management functions.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

NJAC 6A:23A-6.5 Segregation of duties

Possible Cross References

3000/3010, 3200, 3300, 3400, 3500, 3510, 3530, 3541, 3542, 3542.1, 3570, 7110, 9330

# Millville
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# Millville Board of Education
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# Millville Board of Education
# District Policy Manual

# Instructional Personnel

Preamble

The educators, both teachers and administrators, employed by the Board of Education believe in the worth and dignity of man. Each educator recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic citizenship. All educators regard as essential to these goals the protection of the freedom to both learn, and to teach; and the guarantee of equal educational opportunity for all. The educator accepts personal responsibility to practice the profession according to the highest ethical standards.

All educators recognize the magnitude of the responsibility they have accepted in choosing a career in education, and engage themselves, individually and collectively with other educators to judge their colleagues, and to be judged by them in accordance with the provisions of this code.

Principle 1—Commitment to the Student and Parents/Guardians

All educators measure their success by the progress of all students toward realization of their potential as worthy and effective citizens. The educator, therefore, works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. Educators recognize the concerns of parents/guardians and attempt to demonstrate these concerns in the best interest of children.

In fulfilling their obligation to the students and parents/guardians, educators:

1. Shall not deliberately suppress or distort subject matter for which they bear personal responsibility;
2. Shall respect the confidence of each pupil; information given in confidence should be passed only to authorized persons or agencies that are attempting to aid the pupil unless disclosure is required by law;
3. Shall respect the basic responsibility of parents/guardians for their children, seek to establish friendly and cooperative relationships with the home, and shall be discreet with information received from parents/guardians;
4. Shall not use classroom privileges and prestige to promote personal gain, selfish interests, partisan politics, or sectarian religious views;
5. Shall strive to help pupils develop sound moral, ethical, emotional, social and intellectual foundations;
6. Shall strengthen the democratic activities of the school and show all pupils that American citizenship involves responsibilities as well as privileges;
7. Shall demonstrate their primary responsibility is to the pupil;
8. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety;
9. Shall conduct professional business in such a way that they do not expose the student to unnecessary embarrassment or disparagement;

10. Shall not on the grounds of race, color, creed, or national origin exclude students from participation in, or deny them benefits under any program, nor grant any discriminatory consideration of advantage;
11. Shall not tutor for remuneration students assigned to their classes.

Principle II --Commitment to the Public

Educators hold a position wherein the public trust is embodied. As a trustee of democratic ideals and of the American heritage, the educator strives to strengthen appreciation for education and its potential service in the making of a strong country.

In fulfilling their obligation to the public, educators:

1. Shall not misrepresent an institution or organization with which they are affiliated, and shall take adequate precautions to distinguish between personal views and institutional/organization policy;
2. Shall not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions;
3. Shall strive to maintain a positive public image in the educational program of the school;
4. Shall perform the duties of citizenship and participate in community activities;
5. Shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities;
6. Shall not use institutional privileges for private gain or to promote political candidates or partisan political activities;
7. Shall accept no gratuities, gifts or favors, nor offer any favor, service, or thing of value to obtain special advantage.

Principle III –Commitment to the Profession

In fulfilling their obligations to the profession, educators:

- Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities;
- Shall not use coercive means or promise special treatment in order to influence professional decisions of colleagues;
- Shall withhold, protect and safeguard information acquired about colleagues in the course of employment, unless disclosure serves legitimate professional purposes;
- Shall not misrepresent any professional qualification;
- Shall not knowingly distort evaluations of colleagues;
- Shall endorse the principle that the profession must accept responsibility for the conduct of its members and understands that as educators own individual conduct will be regarded as representative of the profession;
- Shall maintain an attitude and personal appearance that strengthens public respect for the teaching profession and for the school;
- Shall properly and efficiently use and protect all school properties, equipment and materials;
- Shall be loyal to the nation, the state and the school system;

- Shall adhere to the conditions of a contract until the contract has been terminated by mutual consent, or has otherwise been legally modified;
- Shall exercise their right to participate in the democratic processes, which help determine school policy. Once policy is determined, all educators are then obligated to support it;
- Shall conduct school affairs through defined channels of the school system;
- Shall be considerate and loyal in their relationships with fellow educators and take pride in their achievements;
- Shall regard public criticism of fellow educators as unprofessional;
- Shall report to the appropriate school authority any matters which involve the best interests of the school;
- Shall seek continued professional growth.

Principle IV—Commitment to Professional Employment Practices

The educator regards the employment agreement as a pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. All educators believe that sound professional relationships with governing Boards are built upon personal integrity, dignity and mutual respect.

In fulfilling their professional obligations to education, all educators:

1. Shall apply for, accept, offer or assign a position or responsibility on the basis of professional preparation and legal qualifications;
2. Shall apply for a specific position only when it is known to be vacant, and shall refrain from underbidding or commenting adversely about other candidates;
3. Shall not knowingly withhold information regarding a position from an applicant or misinterpret an assignment or conditions of employment;
4. Shall not prompt notice to the employing agency of any change in availability of service, and the employment agent shall give prompt notice of change in availability;
5. Shall adhere to the terms of a contract or appointment, unless these terms have been legally terminated, falsely represented, or substantially altered by unilateral action of the employing agency;
6. Shall conduct professional business through legitimate channels;
7. Shall not delegate tasks of a certified professional unqualified personnel;
8. Shall use all work time for the purpose for which it is intended.

Principle V—Commitment to Confidentiality

It is the desire of all educators and the Board to rectify any misunderstanding between the teachers, the Board of Education, and the school district by direct discussions informally among the affected parties. It is only when such informal discussions fail to resolve the differences, shall either party employ more formal procedures. Before more formal procedures are employed, at least 15 days written notice should be given to the other party.

Principle VI—Commitment to High Standards

It is the intent of this policy to prescribe our commitment to high ethical standards, but it is not feasible to describe every possible infraction, which violates those standards. Our commitment to high ethical standards means, therefore, that since each educator must be a mature, responsible decision-maker, the propriety or impropriety of any action depends not only on the goodness of the ends sought, but also upon the efficacy of the means used to achieve those ends. In short, each educator must apply the criterion, "what would a reasonable person do?" in each decision-making situation.

Legal References

NJSA 18A:6-75 through -78 Establishment and operation; teacher performance evaluation project
18A:16-1 Officers and employees in general
18A:27-3.1 Nontenured teaching staff; observation and evaluation; conference; purpose
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:27-5 Written contracts of employment required

Possible Cross References

4112.8, 4117.5, 4118.2, 4119.22, 4138, 4138.2

Any full time school employee who is summoned for jury duty or subpoenaed as a witness must, apply through the office of the Superintendent of Schools to be granted leave for such purpose. The Superintendent of Schools may, at his/her discretion and as circumstances warrant, rearrange the employee's work schedule and/or grant leave with pay, minus any remuneration received for such court duty that coincides with the hours for which the employee is being paid by the Board.

Legal References

NJSA 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

Creating Positions

The 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 of Schools 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, to the maximum extent possible, confirm 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 Board of Education will provide the professional staff necessary for the economical and efficient implementation of the educational program of the district. 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 of Schools 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.

Legal References

NJSA 18A:16 Employment in general
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:28-9 Reduction in force

The Board of Education believes that the quality of the professional staff in large part determines the quality of the education offered district pupils. Therefore, the Superintendent of Schools shall have the responsibility of locating and recruiting the best-qualified candidates to provide for the identified needs of district pupils.

Provisional teaching candidates shall be given equal consideration with all other candidates for teaching positions. The Superintendent of Schools shall follow all requirements of the administrative code in providing the necessary training program for all teachers hired with provisional certificates.

Beginning in the 2002-2003 academic year, all teachers newly employed by the Board of Education for programs in a district supported with Title 1, Part A funds shall be highly qualified, as defined by federal law. All teachers employed by the Board before 2003 shall be highly qualified according to federal regulations for the subjects they teach by 2005-2006.

It shall be the duty of the Superintendent of Schools to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the initiation 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 of Schools shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes.

The Superintendent of Schools, in determining the candidates to be nominated shall seek information from the candidate's prior employers.

The Superintendent of Schools 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 Board shall affirm employment and initial placement on the salary guide by a majority vote of the full membership of the Board.

The Board will appoint teaching staff members only from nominations made by the Superintendent of Schools. Should a nominee be rejected, it shall be the duty of the Superintendent of Schools to make other nominations.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
18A:6-5 Inquiry as to religion and religious tests prohibited
18A:6-6 No sex discrimination
18A:6-7.1, -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:6-76.1 Deadline for notification to students of requirements of provisional certificate and induction program
18A:16-1 Officers and employees in general
18A:26-1, -1.1, -2 Citizenship of teachers, etc.
18A:27-1 et seq. Employment and Contracts
26:8A-1 et seq. Domestic Partnership Act
6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:9-6.1 et seq. Types of Certificates
6A:9-8.1 et seq. Requirements for Instructional Certification
6A:9-11.1 et seq. Exceptions for the Requirements for the Instructional Certificate
6A:9-12.1 et seq. Requirements for Administrative Certification
6A:10A-1.1et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 Employment of teaching staff
6A:32-4.8 Support residencies for regularly certified, inexperienced first-year principals
6A:32-5.1 Standards for determining seniority
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)
No Child Left Behind Act of 2001, Pub. L. 107-110 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

The Board of Education guarantees to all persons equal access to all categories of employment, retention and advancement in this district, regardless of any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes.

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; 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.

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 in-service training for all employees, and shall be clear and specific (see policy 2224). When harassment has been determined to have taken place, 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.

A. Sexual harassment shall consist of unwelcomed sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when made by any member of the school staff to a student when made by any member of the school staff to another staff member or when made by any student to another student or when made by a student to a staff member, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or when
2. Submission to or rejection of such conduct by an individual is used as the basis of academic or employment decisions affecting that individual, or when
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or education environment.

B. Sexual harassment, as set forth in Section A, may include, but is not limited to the following:
   1. verbal harassment or abuse
   2. pressure for sexual activity
   3. repeated remarks to a person with sexually demeaning implications
   4. unwelcomed touching suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.

The Board of Education must 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. Such accommodations that cause an undue hardship in the operation of the school district are not required.

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, 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 non-supervisory personnel is also prohibited.

Staff may file a formal grievance related to sexual harassment. The Board 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.

Students may also file formal grievances related to sexual harassment (refer to Parent/Student Handbook – grievance policy).

A substantiated charge against a staff member in the school district shall subject such staff member to disciplinary action, such as a letter of reprimand, withholding of an increment or possible discharge.

A substantiated charge against a student in the school district shall subject that student to student disciplinary action, including suspension or expulsion, consistent with the student disciplinary code.

Notice of this policy will be circulated to the school and departments of the school district on an annual basis and incorporated in teacher and parent handbooks. It may also be distributed to all originations in the community having cooperative agreements with the public schools. Failure to comply with this policy may result in termination of the cooperative agreement. Training sessions on this policy and the preventions of sexual harassment shall be held for teachers and students in the school on an annual basis.

<u>"Whistleblower" Protection</u>
The Board prohibits discrimination or retaliation against any school employee who does any of the following:

A. Disclose 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;
B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, rule or regulation established pursuant to law by the Board; or
C. Objects to, or refuses to participate in any activity, policy, or practice which the employee reasonable believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare.

The Board shall ensure that notices are posted conspicuously in each school, informing employees that they are protected under the "Conscientious Employee Protection Act".

<u>Report on Implementation</u>
The Superintendent of Schools 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.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:6-5 Inquiry as to religion and religious tests prohibited
18A:6-6 No sex discrimination
18A:18A-17 Facilities for handicapped persons
18A:26-1 Citizenship of teachers, etc.
18A:26-1.1 Residence requirements prohibited
18A:29-2 Equality of compensation for male and female teachers
26:8A-1 et seq. Domestic Partnership Act
34:19-1 et seq. Conscientious Employee Protection Act

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

Executive Order 11246 as amended
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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2130, 2131, 2224, 3320, 4111, 4112.2, 4112.4, 4112.5, 4112.6, 4112.8, 4121, 4147, 5120, 5145.4, 6121

The Board of Education recognizes that all newly prepared teachers are required to serve their first year of employment under provisional certification and in a district induction program designed to train and guide new teachers and to identify those teachers who qualify for standard certification.

The Board will approve a plan for the induction of new teaching staff members and submit the plan to the New Jersey Department of Education as required by law.

Professional Support Team

The Board shall, in accordance with New Jersey State Board of Education rules, provide provisional teachers with the training and supervision of a professional support team composed of the Superintendent of Schools/designee, and experienced mentor teacher, a college faculty member or comparable staff member, a curriculum supervisor or comparable staff member, and such additional members as the Superintendent of Schools may recommend and the Board approve.

Members of the professional support team shall be approved by the Board and recommended by a committee composed of representatives of the constituent staff organizations. Support team members shall be appropriately certified, experienced, and cooperative staff members recognized for their discretion and helpfulness. Support team members shall be appropriately trained for participation in the induction program.

Mentor teachers shall, whenever possible, be in the same instructional area as the provisional teacher.

Evaluation of Provisional Teachers

Provisional teachers shall be formally evaluated at least three times, at ten week intervals during the first year of employment, by two or three members of the support team other than the mentor teacher. The support team may conduct additional evaluations.

Role of Mentor Teachers

Mentor teachers shall not participate in any way in decisions that may have a bearing on the employment or certification of provisional teachers. They shall not assess or evaluate the performance of provisional teachers unless they are appropriately certified administrators. Interactions between provisional teachers and experienced mentor teachers are formative in nature and considered a matter of professional privilege. Mentor teachers shall not be compelled to offer testimony on the performance of provisional teachers.

Compensation for Support Team Members

Members of the professional support team shall be compensated in accordance with the fee schedule approved by the New Jersey State Board of Education.

The provisional teacher shall be assessed the entire amount of the fee(s).

The amount of the assessment shall, on the written request of the teacher, be deducted from the provisional teacher's salary in amounts prorated throughout the first year of service.

Legal References

NJSA 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

18A:40A-4 Preservice training of future teachers; teaching certificate requirements

In accordance with the provisions of NJSA 52:14-7 (PL 2011, c. 70), otherwise known as the "New Jersey First Act," which became effective on September 1, 2011, employees are expected to have their primary residences within the confines of the State of New Jersey, with the exceptions noted within this policy.

A candidate for employment within this district is granted up to 365 days of the effective date of hire to establish his/her principal residence in the State of New Jersey and maintain this principal residence throughout their employment.

For the purposes of this policy, a principal residence shall be defined as:

1. The primary domicile or home location of the employee or employment candidate;
2. The location that is designated as his/her legal address and legal residence for voting;
3. The place where he/she spends the majority of his/her non-working time;
4. The place that is most clearly the center of his/her domestic life;

A New Jersey mailing address shall not, by itself, constitute a principal address in New Jersey.

Current Employees

Any current employee who relocates his/her principal residence outside of the State of New Jersey, shall forfeit his/her employment with this district.

New Employees and/or Employment Candidates

Any and all newly hired or contracted employee of this district must, as a condition of employment, be a resident of the State of New Jersey.

Exemptions

Current employees living outside of the State of New Jersey as of September 1, 2011 are exempted from the residency requirements of this law and as long as the current employee remains an employee of this district, he/she will continue to be exempted from these residency requirements.

A newly hired employee shall be granted up to 365 days to establish his/her principal residence in New Jersey.

Current employees, new employees and/or employment candidates may apply for an exemption on the basis of "critical need or hardship" to the residency requirements of this policy and state law by filing an "Application for Exemption from the Provisions of NJSA 52:14-7a. of the New Jersey First Act" with the Employee Residency Review Committee, NJ Department of Labor and Workforce Development, Office of Legal and Regulatory Services, PO Box 110, Trenton, NJ 08625-0110. Copies of this application shall be available from the appropriate District Office.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
18A:6-6 No sex discrimination
18A:6-7.1, -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:13-40 General powers and duties of board of newly created regional districts 18A:16-1 Officers and employees in general
18A:26-1, -1.1, -2 Citizenship of teachers, etc.
18A:27-1 et seq. Employment and Contracts
52:14-7 New Jersey First Act
52:14-7a Exemptions

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:9-8.1 et seq. Requirements for Instructional Certification
6A:9-11.1 et seq. Exceptions for the Requirements for the Instructional Certificate
6A:9-12.1 et seq. Requirements for Administrative Certification
6A:10A-1.1et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 Employment of teaching staff
6A:32-4.8 Support residencies for regularly certified, inexperienced first-year principals
6A:32-5.1 Standards for determining seniority

Possible Cross References

2111.4, 4211.4

# APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF N.J.S.A 52:14-7a. OF THE NEW JERSEY FIRST ACT

| | | |
|---|---|---|
| Employee Residency Review Committee<br>C/O NJ Department of Labor and Workforce Development<br>Office of Legal and Regulatory Services<br>PO Box 110<br>Trenton, NJ 08625-0110 | Tel. (609) 777-2960<br>Fax (609) 292-8246 | OFFICIAL USE ONLY:<br>Application #: |

The New Jersey First Act (the Act) states in pertinent part that any person may apply for an exemption from the provisions of subsection a. of the Act (a.k.a., the residency requirement) on the basis of "critical need or hardship." All such applications are to be submitted to the Employee Residency Review Committee, a five-member committee composed of three persons appointed by the Governor, a person appointed by the Speaker of the Assembly, and a person appointed by the President of the Senate.

***Instructions: Complete this form and answer all questions. Type or print legibly. Attach any other documents that may support your application. Mail or fax all documents to the address listed at the top of this page.***

## APPLICANT INFORMATION

| | | | |
|---|---|---|---|
| First Name | Last Name | M.I. | Daytime Telephone No. |
| Mailing Address | | Floor/Apt. No. | Cell No. |
| City | State | ZIP Code | Alternate Telephone No. |

## EMPLOYER OR PROSPECTIVE EMPLOYER INFORMATION

| | |
|---|---|
| Employer Name | Business Telephone No. |
| Employer Street Address | Fax No. |
| | e-mail |
| Employer Mailing Address (if different from street address) | Name and Title of Contact Person |
| | Contact Telephone No. |

Do you wish for the Committee to notify your employer or prospective employer of this application and provide the employer an opportunity to make a written submission to the Committee regarding your application? YES ❐ NO ❐

Would you like an opportunity to appear in-person before the Committee and make a statement in support of your written application? YES ❐ NO ❐

## APPLICATION DETAILS

Explain the hardship and/or critical need which is the basis for your exemption request. Attach additional sheets if necessary.

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Contract – Nontenured Personnel** **Policy 4112**

| Date Adopted: March 18, 1985 | Date Revised: June 2, 2008, April 11, 2016 | Page 1 of 1 |
|---|---|---|

In accordance with law and for the mutual protection of the district and the employee, every teaching staff member who has not achieved tenure shall be required annually to sign an employment contract. The contract shall be executed by the President of the Board of Education on behalf of the Board and shall contain a termination clause of 30 days' notice.

Each employment contract shall include:

A. The term of employment, including beginning and ending dates;
B. The salary at which the person is employed;
C. The intervals at which the person is employed;
D. A provision for termination of contract on notice duly given;
E. Such other matters as may be necessary to a full and complete understanding of the contract.

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.

The Superintendent of Schools shall issue salary notification to all tenured and non-tenured personnel indicating the name of the employee and giving a concise explanation of their contractual salary for the coming year. All salary notification statements shall be signed by the Board Secretary/Business Administrator and the Board of Education.

All terms and conditions of the contract shall conform with requirements of state law and the State Board of Education.

Legal References

NJSA 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc; employment thereunder
18A:27-5 Written contracts of employment required
18A:27-6 Contents of contracts
18A:27-7 Contract forms
18A:27-8 Filing of contracts
18A:28-8 Notice of intention to resign required

Camden Board of Education v. Nelson Alexander, et als. (A-34/35-02)
Cresskill Bd. Of Ed. v. Cresskill Ed. Assn., 362 NJ Super. 7 (App.Div. 2003)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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. All personnel hired shall have proper certification as required by the New Jersey State Board of Education. The Superintendent of Schools will take appropriate steps to avoid employment of teachers with revoked or suspended certificates.

Validity of certification must be verified with the office of the Executive County Superintendent.

The Superintendent of Schools must receive valid evidence of proper certification or qualifications to pursue the alternative route to certification before presenting a candidate to the Board of Education.

District Reporting Requirements

Pursuant to the provisions of NJAC 6A:9-17.4(a), the Superintendent of Schools shall notify the New Jersey Board of Examiners when:

- Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
- Nontenured teaching staff members who are accused of criminal offenses or unbecoming conduct, resign, retire or are removed from their positions;
- A certificate holder fails to maintain any license, certificate or authorization pursuant to the provisions of NJAC 6A:9-4.1(b) that is mandated in order for the holder to serve in a position; or
- He or she becomes aware that a certificate holder has been convicted of a crime while in the district's employ;
- The Superintendent of Schools has received a report from the Division of Child Protection and Permanence (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.

Provisionally Certified Teachers

The Board of Education encourages the employment of provisionally certified teachers for service in their first and second years of employment. The building principal or other appropriately certified administrator shall observe and evaluate all provisionally certified teachers in the first year of employment in conformance with the schedule described in the administrative code.

Mentoring Novice Teachers

In order to enhance student achievement of the Core Curriculum Content Standards by enhancing the skills of inexperienced teachers, identifying exemplary teaching skills and practices necessary for excellent teaching and assist novice teachers in adjusting to the challenges of teaching, the Board of Education shall ensure the development of a mentoring plan for all novice teachers employed in the district.

The plan shall provide each novice teacher with in-person contact with a mentor teacher (who may be a retired teacher or administrator) who shall provide confidential support and guidance to the novice teacher. The plan shall be developed by the local Professional Development Committee, approved by the Board of Education, and aligned with the professional standards for teachers as set forth in administrative code. Included in the plan shall be criteria for selection and training of mentor teachers. Implementation of the district mentor plan shall be in compliance with the administrative code and included in the district annual report.

The Board of Education shall annually submit a report with required data to the State Department of Education on the effectiveness of the local mentoring plan. State funds appropriated for the novice teacher mentoring program shall be applied in accordance with law and code.

Special Education

All personnel serving students with disabilities shall be appropriately certified and licensed, where a license is required.

Legal References

NJSA 18A:6-38 Powers and duties of the board; issuance and revocation of certificate; rules and regulations
18A:6-39 Issuance of certificates to non-citizens
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
18A:26-1, -2,-8.1,-9 Citizenship of teachers, etc.
18A:26-2.1 et al. Supervisory certificate required for appointment as director of athletics
18A:27-2 Employment without certificate prohibited
18A:29-1 Uncertified teacher denied salary
18A:40A-4 Preservice training of future teachers; teaching certificate requirements

NJAC 6:30-2.1(a)8 Purpose and program descriptions (Adult education programs
6A:9-1.1 et seq. Professional Licensure and Standards
6A:9-17.4 District reporting responsibilities
6A:10A-2.2 Preschool programs
6A:14-1.1 et seq. Special Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1(d) Employment of teaching staff
6A:32-12.1et seq. Reporting requirements

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2131, 4010, 4111, 6130, 6141, 6142.1, 6156, 6163.1, 6164.2, 6171.4, 6200

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Placement on Guide When Hiring** **Policy 4112.25**

| Date Adopted: October 18, 1982 | Date Revised: June 2, 2008 | Page 1 of 1 |
|---|---|---|

It shall be left to the discretion of the Superintendent regarding the initial placement of staff members on the salary guide. In the absence of public law or contract language to the contrary, the Board of Education recognizes the need to be competitive in salary when recruiting and hiring teachers. Therefore, the Superintendent may recommend credit (i.e. steps on the salary guide) to a teacher for work or other related experience when, in his/her judgment, the teacher is worthy of such credit.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc; employment thereunder
18A:27-5 Written contracts of employment required
18A:27-6 Contents of contracts
18A:27-7 Contract forms
18A:27-8 Filing of contracts
18A:28-8 Notice of intention to resign required
18A:28-9 Reduction in force

Camden Board of Education v. Nelson Alexander, et als. (A-34/35-02)
Cresskill Bd. Of Ed. v. Cresskill Ed. Assn., 362 NJ Super. 7 (App.Div. 2003)

# Millville Board of Education
# District Policy Manual

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|---|---|
| **Instructional Personnel** | **Series 4000** |
| **Tax Shelter Annuities** | **Policy 4112.3** |

| | | |
|---|---|---|
| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |

The Board of Education recognizes the importance of providing the opportunity for employees to participate in a tax shelter annuity through the districts payroll process.

The guidelines for tax shelter annuities in the district shall be as follows:

1. The approved agency or agencies shall be designated by the Board.
2. The Board shall direct the Board Secretary to make payroll deductions and transmit such to the agency.
3. Any questions or clarifications of these programs shall be addressed by employees to the Board Secretary/Business Administrator. 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.

Legal References

NJSA 17B:17-5 Annuity defined
18A:66-127 Employees of board of education, agreement to reduce salary for purchase of annuity
18A:66-128 Reduction of salary for obtaining certain benefits

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 of Schools 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 Board 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 order to protect the pupils 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 members 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.

In the event that the prospective employee in question had, as a condition of employment in another NJ school district during the same school year, undergone an identical physical examination and can provide the Superintendent of Schools a copy of a certificate to verify this, then, in that case, the Superintendent of Schools, at his/her discretion, may excuse the prospective from obtaining a new physical examination.

Each school employee shall submit an updated health history with an assurance statement presented within a time frame established by the Board of Education.

An employee who refuses to submit an updated health history with an assurance statement shall undergo a physical examination pursuant to applicable state laws and regulations.

Confidentiality of employee medical records including computerized records shall be assured. The school district shall regulate access, compilation and maintenance of employee health records in compliance with federal and state statutes governing the collection, maintenance, disclosure and security of employee medical records. It shall be the responsibility of the Superintendent of Schools to establish procedures to ensure the security of employee health records maintained in this school district.

The section of the medical record which contains the health history, e.g. medications or current health status to assure ready access in a medical emergency, may be shared with the Superintendent of Schools/designee and school nurse with the consent of the employee.

When an employee is requested to submit to any physical examination, he/she shall be provided with:

A. A written statement of reasons for the request;
B. An opportunity for a Board hearing, if so requested (said hearing shall be in private and confidential unless the employee requests otherwise);
C. Adequate prior notice of the date of the hearing;
D. Copies of statements or affidavits relied on by the Board prior to the hearing;
E. An opportunity to be represented at the hearing by counsel or other persons of the employee's choice;
F. An opportunity to present witnesses on his/her behalf.

Reports of these examinations 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 creating a risk to the health or welfare of pupils or other employees, or a statement that no such condition exists.

All records and report of such 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.

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 of Schools 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.

Legal References

NJSA 2C:35-1 et seq. Comprehensive Drug Reform Act of 1987
18A:16-2 Physical examinations; requirement
18A:16-3 Character of examinations
18A:16-4 Sick leave; dismissal
18A:16-5 Records of examinations
18A:40-10 Exclusion of teachers and pupils exposed to disease
18A:66-39 Disability retirement
26:4-1 "Communicable disease" defined
26:4-6 Prohibiting attendance of teachers or pupils
26:4-15 Reporting of communicable diseases by physicians
26:5c-1 et seq. AIDS Assistance Act

NJAC 6A:16-1.4 et seq. District policies and procedures
6A:16-2.1 Health services policy and procedure requirements
6A:32-6.1 et seq. School Employee Physical Examinations
8:61-1.1et seq. Participation and Attendance at School by Individuals with HIV Infection
12:100-4.2 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 Pathogen Standard
School Board of Nassau County v. Arline, 480 U.S. 273 (1987)
Warren v. Warren 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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

4111, 4112.6, 4117.50, 4117.52, 4119.23, 4150

Pursuant to N.J.S.A. 18A:6-7.1 et. seq. and N.J.S.A. 18A:39-19.1, all employees of a public school district under the supervision of the State Department of Education who hire or contract for the services of any employees having regular pupil contact must submit a criminal background check. This mandate shall apply to all employees hired or contracted by the school district after October 8, 1986.

In order to provide for the proper security of the children of this district by prohibiting employment of unfit persons in the schools, the Board of Education directs the Superintendent of Schools to establish procedures necessary for the implementation of the school employee criminal history review consistent with statute and code.

Further, the Board directs that all employees subject to the criminal history check successfully clear this process prior to appointment unless the Superintendent of Schools determines that the circumstances and/or needs of the district warrant an exception.

Legal References

NJSA 18A:6-7.1 et seq Criminal history record checks for final candidates for school employee positions
18A:39-19.1 Criminal records of school bus drivers; effect

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 Board of Education recognizes that there is a distinction between those personnel records which are clearly a matter of public concern, and those which must be considered privileged until such time as they are opened to the public by the NJ Commission of Education or the courts.

The Superintendent of Schools may 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 of Schools 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 of Schools 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 1 funds and who provides instruction to their children.

The Superintendent of Schools shall establish the necessary regulations for maintaining both public and confidential employee records.

A. 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 of Schools shall devise procedures for making this file available to the public in accordance with the Open Public Records Act.
B. The confidential file shall consist of an individual personnel folder for each current employee. The information in this file shall include all records mandated by state and federal law; evaluation of performance; record of attendance; original application filed by the employee; transcript of certification; original salary and increments; date of tenure; notations of commendation and disciplinary actions consistent with law. This file is available for examination:
    1. At any time, by the Superintendent of Schools or the supervisory personnel he/she designates;
    2. During regular business hours, by the employee or his 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 in connection with any assigned Board responsibility or duty.

C. 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 of Schools shall have access to an employee's medical file. To assure ready access in a medical emergency, the section of the medial record that contains the health history may also be shared with the building principal and the school nurse with the consent of the employee.

D. Staff emergency contact cards for all employees shall be maintained by the Superintendent of Schools/designee and updated annually.

Legal References

NJSA 18A:6-7 Oaths of persons employed in teaching capacities
18A:6-7a Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
18A:6-11 Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice
18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)
47:1A et seq. Examination and copies of public records ("Open Public Records Act")
47:3-15 et seq. Destruction of Public Records Law

NJAC 6A:32-6.1 et seq. School Employee Physical Examinations
12:100-4.2 Safety and health standards for public employees occupational exposure to bloodborne pathogens (Adoption by reference)
29 CFR 1910.1030 - Bloodborne Pathogen Standard
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974
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., 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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3570, 4111, 4112.4/, 4115/4116, 5141.4

In order to avoid the reality and the appearance of conflict of interest in its employment, and in accordance with NJAC 6A:23A-6.2, the Board of Education will not 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 chief school administrator.

"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 of Schools 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.

A person employed by the district on the effective date of this policy or the date a relative becomes a Board Member or administrator shall not be prohibited from continuing to be employed in the person's current position or, in the case of a reduction in force, in any position to which that person has a legal entitlement.

The district may seek approval from the Executive County Superintendent to promote such an existing employee where such promotion is justified by the needs of the district to ensure implementation of the Core Curriculum Content Standards and upon a demonstration that the existing employee is the most qualified candidate for the position after full advertising and interviewing has occurred;

Pursuant to NJSA 18A:27-4.1, the Superintendent of Schools shall not recommend to the Board of Education any relative of a Board Member or Superintendent of Schools unless the person is subject to the exception noted above.

Employment and Supervision of a Relative

The Board of Education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not initially appoint a relative of a Board Member or of the Superintendent of Schools to any employment position in this district.

The Superintendent of Schools shall not recommend to the Board for initial hire any relative of a Board Member or of the Superintendent of Schools, 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 it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternate supervision/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.

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 of Schools 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 of Schools may recommend those employees for reemployment, transfer, promotion or removal.

A relative of a Board Member or Superintendent of Schools 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 of Schools, principal or any administrator or supervisor(s) in the chain of command between the employee and Superintendent of Schools.

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 of Schools Participation in Negotiations

In-District Bargaining Units

When a Board Member or school administrator is in a conflicted relationship that 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 of Schools are similarly precluded from participation in negotiations with any bargaining unit whose members have supervisory authority over a family member or other conflicted connection.

Out-of-District Similar Statewide Bargaining Units

When a Board Member or school administrator is in a conflicted relationship with an individual 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:

- Developing negotiation parameters;
- Being a member of the negotiating team;
- Receiving confidential negotiations information updates prior;
- Voting on the contract; and
- 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.

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:

- Officer;
- Grievance chairperson;
- Building representative;
- 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.

Legal References

NJSA 18A:12-2 Inconsistent interests or office prohibited
18A:12-21 et seq. School Ethics Act
18A:16-1 Officers and employees in general
18A:27-4.1 Appointment, transfer, removal or renewal of officers and employees; exceptions

NJAC 6A:4-1.1 et seq. Appealable decisions
6A:23A-1.2 et seq. Fiscal accountability; definitions
6A:23A-6.2 et seq. Fiscal accountability; nepotism
6A:28-1.1 et seq. 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 Cnty
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,
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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)
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, A107-94
School Ethics Commission, Advisory Opinion, A33-95
School Ethics Commission, Advisory Opinion, A03-95
School Ethics Commission, Advisory Opinion, A01-98
School Ethics Commission, Advisory Opinion, A14-00
School Ethics Commission, Advisory Opinion, A01-93
School Ethics Commission, Advisory Opinion, A03-13
School Ethics Commission, Advisory Opinion, A01-13
School Ethics Commission, Advisory Opinion, A15-93
School Ethics Commission, Advisory Opinion, A22-13
School Ethics Commission, Advisory Opinion, A10-14
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

Possible Cross References

4111, 4119.21, 4212.8, 9270

The Superintendent of Schools shall make certified staff assignments in the manner best calculated, in his/her judgment, to enhance the educational program.

Teaching, supervisory and administrative personnel are subject to assignment and transfer after recommendation of the Superintendent of Schools and approved by the Board of Education. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law.

In accordance with the law of New Jersey, the Board of Education directs the Superintendent of Schools to assign teachers, administrators and auxiliary personnel to the school in such a way that equivalence of personnel is ensured within the school.

The Superintendent of Schools may use his/her 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 will be in the best interest of the school district and its pupils.

It is the policy of the Board that twelve-month employees are expected to 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 of Schools may dismiss twelve-month employees after less than a full school day's work in any situation where he/she deems their 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 of Schools and in the case of emergency school closings, part-time teachers may be scheduled to work on alternate days than those on which they would have been scheduled in order to effect no loss of instructional time due to school closing.

Any staff member appointed to an extra duty position is expected to serve unless excused for 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.

Legal References

NJSA 18A:25-1 Transfer of teaching staff members
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions
34:13A-1 et seq. New Jersey Employer-Employee Relations Act

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

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 Amendments of 1988 (P.L. 100-297)
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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2224, 4111, 4111.1, 5145.4, 6160

To be in compliance with the requirements of P.L. 103-382 as amended, Section 1120A of Title I, Part A, the Board of Education of the Millville Public Schools directs the Superintendent of Schools to assign teachers, administrators, and auxiliary personnel to the school in such a way that equivalence of personnel is ensured among the schools.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

PL 103-382 as amended, Section 1120A of Title I, Part A

Supervision

The Superintendent of Schools shall develop procedures for the 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 Board acknowledges that the purpose of supervision is to ensure that the curriculum is taught in every classroom and to improve teacher performance in the classroom so that all students have an opportunity to achieve the New Jersey Common Core Content Standards / Core Curriculum Content Standards. Supervising practices will include, but not be limited to, effective feedback from administrators to enhance the opportunities for student achievement of the New Jersey Common Core Content Standards / Core Curriculum Content 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 per year of state-approved professional development. Each teacher's 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 Common Core Content Standards / Core Curriculum Content 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, daylong workshops, and classes on certain instructional approaches. Although supervisors shall develop professional development plans in collaboration with teachers, the Superintendent of Schools shall maintain final authority in determining their appropriate content.

Supervisory assistance and support in achieving the 20 hours per year of state-approved continuing education shall be offered in the context of the district's evaluation process, negotiated agreements, other policies, student safety and well-being, continuity of instruction, and budgetary constraints.

The Superintendent of Schools shall develop procedures for supervision of the teaching and administrative staff in the 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.

This policy shall be distributed to each teaching staff member at the beginning of his/her employment.

Evaluation

The 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 Common Core Content Standards / Core Curriculum Content Standards. The purpose of this evaluation shall be to promote professional excellence and improve the skills of teaching staff members; improve pupil learning and growth; and provide a basis for the review of staff performance.

The Board encourages a positive working environment in which the professional growth that results from staff participation in the evaluation process is considered of major importance. Therefore, the administration shall develop evaluation instruments flexible enough to identify the needs, strengths, and improvement objectives of each staff member.

The Superintendent of Schools shall develop and evaluation instrument.

Criteria must include but need not be limited to consideration of pupil progress; instructional skills; subject knowledge; professional conduct and growth; human relations skills; classroom management skills. These criteria shall also apply to requirements for continuing education and shall be incorporated into each teacher's professional development plan. The individual professional development plans shall be aligned to professional development standards for teachers.

The evaluation procedures shall provide continuous, constructive, cooperative interaction and communication between the teaching staff member and his/her supervisor/evaluator, thus ensuring a valid basis for performance review. All procedures for the evaluation of teaching staff members shall be in compliance with law and regulation.

All evaluative procedures shall include review of each teacher's progress toward achievement of the state-required goal of 20 hours per year of professional development. Evaluative procedures shall recognize that the purpose of this goal is to assist teaching staff in obtaining and maintaining the knowledge and skills essential to student achievement of the New Jersey Common Core Content Standards / Core Curriculum Content Standards. In any instance where an individual teacher fails to make annual progress toward meeting the 20 hours per year requirement, or where a professional fails to satisfy the requirement fully, the district administration shall take appropriate remedial action, applying sound and accepted principles of progressive supervision as well as by using existing laws and rules to the fullest extent.

The district administration shall annually report all instances of noncompliance and actions taken to address them to the State Department of Education. The Board of Education shall cooperate with the County Professional Development Board and the Executive County Superintendent in evaluating its program and progress toward goals.

The Superintendent of Schools shall provide each teaching staff member with a copy of the evaluation instrument prior to the first day of class in accordance with current negotiated agreement.

The Superintendent of Schools shall report at least annually on the effectiveness of the evaluation system and shall recommend means to improve it whenever desirable.

The Superintendent of Schools shall, in the implementation of this policy, develop procedures in consultation with teaching staff members for:
The collection and reporting of data that are appropriate to the job description and minimally include the observation of classroom instruction;

A. Observation conferences between the teaching staff member and the supervisor; the preparation of a written evaluation for each of the observations of nontenured staff members; and a written evaluation for each of the observations of a tenured staff member;
B. The preparation of individual professional development plans that include specific guidance to the teacher on activities that would contribute to his/her obtaining and maintaining the knowledge and skills essential to student achievement of the New Jersey Common Core Content Standards / Core Curriculum Content Standards;

C. The preparation by the supervisor of an annual written performance report which shall include areas of strength, areas needing improvement based upon the job description; a professional development plan developed by the supervisor and teacher; a summary of available indicators of pupil progress and growth; a statement of how the indicators relate to the effectiveness of the teacher's overall program and performance; and a provision allowing the staff member, ten days after signing the report, to enter into the record performance data which is not included in the report by the supervisor;
D. The conduct of the annual summary conference which shall include a review of the staff member's performance based upon his/her job description; a review of the staff member's progress toward the professional development plan objectives; a review of available indicators of pupil progress; and a review of the annual written performance report that will signed within five working days of the review;
E. The signing of the annual written performance report by the properly certified supervisor/evaluator and the staff member.

All such procedures shall conform to law.

This policy and related procedures shall be reviewed at least yearly, and any necessary revisions made before re-adoption by the Board.

Evaluation of Tenured Teaching Staff
The Board of Education recognizes that a program of continuous evaluation of tenured teaching staff members is essential to the improvement of the educational program. Therefore a program for the evaluation of all tenured teaching staff members shall be established in accordance with the rules of the New Jersey State Board of Education and state law.

In accordance with New Jersey law, tenured teachers shall be subject to a minimum of three classroom observations annually as described in detail below.

The purpose of the evaluations shall be to:
1. Promote professional excellence and improve the skills of teaching staff members;
2. Improve student learning and growth;
3. Provide a basis for the review of performance of tenured teaching staff members.

The Superintendent and the professional staff shall have the responsibility for developing and implementing a plan for the evaluation of tenured teaching staff members in accordance with this policy and the guidelines.

Guidelines for the Evaluation of Tenured Teaching Staff

1. Rules and Regulations: Only certified administrative and supervisory personnel shall assume the responsibility for collecting and reporting data concerning the performance of tenured teaching staff members. If necessary and/or appropriate, additional supervisory personnel shall be used for this purpose.
2. Job Descriptions and Evaluation Criteria: The Superintendent shall develop job descriptions and evaluation criteria based upon goals, program objectives and instructional priorities and shall submit them to the Board of Education for approval.
3. Data Collection and Reporting: The Superintendent/designee shall collect and report data concerning the performance of teaching staff members by observation of classroom instruction, visitation to an assigned work station, other appropriate observations of performance, and from teacher conferences. Such data shall be in writing and filed in the personnel file of each tenured teaching staff member.
4. Observation conferences: Observation conferences between the Superintendent/designee and teaching staff members shall be conducted following each formal observation within 10 days after the formal observation is completed.
5. Annual Summary Conference: An annual summary conference between the Superintendent/ Principal and teaching staff members shall be held before a written performance report is filed. The conference shall include, but not be limited to:
    - Review of the performance of the teaching staff member based upon the job description;
    - Review of the teaching staff member's progress toward the objectives of the professional development plan written at the previous annual conference;
    - Review of available indicators of students' progress and growth toward the program objectives;
    - Review of annual written performance report and the signing of said report within 5 working days of review.
2. Annual Written Performance Report: The annual written performance report shall be prepared by the Superintendent or Principal who has been delegated the responsibility for, and has participated in the evaluation of the teaching staff member. The performance report shall include but not be limited to the following:

- Performance areas of strength:
- Performance areas needing improvement based upon the job description:
- An individual professional development plan written by the Superintendent or Principal and the teaching staff member;
- A summary of available indicators of student progress and growth, and a statement of how these indicators relate to the effectiveness of the overall program and the performance of the individual teaching staff member;
- Provision of performance data that have not been included in the report prepared by the Superintendent or Principal to be entered into record by the evaluator within10 working days after the signing of the report.

A copy of the annual written performance report shall be retained by the tenured teaching staff member and a copy shall be retained in the personnel file of the teaching staff member.

Definitions

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

1. Appropriately certified personnel means personnel holding a supervisor's, principal's or school administrator's certificate from the New Jersey Department of Education.
2. Indicators of student progress and growth means the results of formal and informal assessment of students. Indicators of student progress shall be multiple measures and shall include but not be limited to, teacher observation, parental or guardian interview, formal and informal evaluation techniques, cumulative student performance data and state testing results.
3. Individual professional development plan is a written statement of actions developed by the Superintendent or Principal and the teaching staff member to correct deficiencies that may be present or to continue professional growth, timelines for the their implementation and the responsibilities of the individual teaching staff member and the district implementing the plan.
4. Job descriptions means a written specification of the function, duties and responsibilities, the extent and the limits of authority, and work relationships within and outside the school and district.
5. Observation conference means a discussion between the Superintendent/Principal and teaching staff member to review a written report of the performance data collected in formal observations and its implications for the teaching staff member's annual evaluation.

6. Observation means a formal visitation to an assigned work station by a certified individual for the purpose of formally collecting data on the performance of a teaching staff member's assigned duties and responsibilities and of a duration appropriate to the same.
7. Performance report means a written appraisal of the teaching staff member's performance prepared by an appropriately certified individual.
8. Teaching staff member means a member of the professional staff who holds a valid certificate issued by the New Jersey State Board of Examiners, which is appropriate to the position for which the individual is employed.
9. Evaluation criteria means the knowledge, disposition and performances included in the Professional Standards for Teachers.

Evaluation of Nontenured Teaching Staff

Performance evaluation is an essential professional activity and is part of the teaching/learning process. The major process of the district's program of non-tenured teacher evaluation shall be to assist nontenured teachers to develop and to strengthen their professional abilities through an assessment of their strengths and weaknesses. Evaluation shall be a process that will offer nontenured teachers professional guidelines, suggest ways to overcome difficulties, make recommendations and provide a determination of the progress of their professional performances.

Each nontenured teacher in the district will be involved in the evaluation process conducted by the administration according to this policy, administrative guidelines, and negotiated agreement.

The administration has the responsibility of making a thorough, fair and objective evaluation of all nontenured teachers. In addition to promoting the growth and effectiveness of each nontenured teacher, the evaluation shall lead to the strengthening of the entire staff and the total educational program.

Nontenured teacher evaluations shall be ongoing and shall consider the following aspects of the teaching and learning process:

1. Teachers shall understand the central concepts, tools of inquiry, structures of the discipline, especially as they relate to the New Jersey Common Core Content Standards / Core Curriculum Content Standards, and design developmentally appropriate learning experiences making the subject matter accessible and meaningful to all students;

2. Teachers shall understand how children and adolescents develop and learn in a variety of school, family and community contexts and provide opportunities that support their intellectual, social, emotional and physical development;
3. Teachers shall understand the practice of culturally responsive teaching;
4. Teachers shall understand instructional planning, design long and short-term plans based upon knowledge of subject matter, students, community and curriculum goals, and shall employ a variety of developmentally appropriate strategies in order to promote critical thinking, problem solving and the performance skills of all learners;
5. Teachers shall understand and use multiple assessment strategies and interpret results to evaluate and promote student learning and to modify instruction in order to foster the continuous development of students;
6. Teachers shall understand individual and group motivation and behavior and shall create a supportive, safe and respectful learning environment that encourages positive social interaction, active engagement in learning and self-motivation;
7. Teachers shall adapt and modify instruction to accommodate the special learning needs of all students;
8. Teachers shall use knowledge of effective verbal, nonverbal and written communication techniques and the tools of information literacy to foster the use of inquiry, collaboration and supportive interactions;
9. Teachers shall build relationships with parents, guardians, families and agencies in the larger community to support students' learning and well-being; and,
10. Teachers shall participate as active, responsible members of the professional community, engaging in a wide range of reflective practices, pursuing opportunities to grow professionally and establishing collegial relationships to enhance the teaching and learning process.

In accordance with New Jersey law, nontenured teachers shall be subject to a minimum of three classroom observations annually, as described in detail below. All nontenured teachers shall be provided with copies of the statute and administrative code upon initial employment.

As soon as possible, after each observation, but in no instance more than 10 days, the nontenured teacher will be provided with a copy of the evaluation at a conference with the administration.

The conference will present the nontenured teacher and the administrator with an opportunity to discuss matters pertaining to the nontenured teacher's growth and development in professional abilities and to make an assessment of the nontenured teacher's strengths and weaknesses. The conferences may also include a discussion of student growth and achievement. Whenever specific deficiencies have been noted and further evaluations determine their continued existence, nontenured teachers shall have the right to meet with the administration to discuss said evaluations.

Satisfactory evaluations shall be a prerequisite to the granting of increments in salary and the continued employment of all nontenured teachers.

All such procedures shall conform to law.

Achieve NJ – Teacher Evaluation & Support

In accordance with the requirements of the TEACHNJ Act, a new system of teacher evaluations shall be utilized beginning with the 2013-2014 school year. This system relies on multiple measures of performance to evaluate teachers, including components of both student achievement and teacher practice.

The district shall comply with all aspects of this evaluation system, including, but not limited to:

1. The Student Growth Percentiles (SGPs) as described and required;
2. Student Growth Objectives (SGOs) as described and required;
3. Teacher practice, as measured by performance on a teacher practice instrument, such as Danielson, Marzano, etc. used to gather evidence primarily through classroom observations.

Based on classroom observations, evaluation scores (the combination of the multiple measures of teacher practice and student growth), teachers shall earn one of four ratings:

1. Highly Effective;
2. Effective;
3. Partially Effective; or,
4. Ineffective.

All teachers shall receive individual professional development plans based on there individual ratings. Teachers, who are rated Ineffective or Partially Effective shall work with the principal or Superintendent of Schools to create a Corrective Action Plan with targeted professional development for the subsequent year.

In order to maintain tenure, all teachers (regardless of hire date) must continue to earn a rating of Effective or Highly Effective.

In the absence of any waiver granted by the NJ Commissioner of Education, tenured teachers shall receive three (3) observations each year, which will consist of three (3) short observations (20 minutes, with a post-conference). At least one of these observations shall be unannounced. At lest one of these observations shall require a pre-conference. Long observations, beyond the minimum requirements, do not require pre-conferences. It is recommended, but not required, that multiple observers conduct the observations. Should a waiver be granted by the Commissioner, the Superintendent of Schools/designee shall develop regulations to coincide with the requirements of said waiver, including, but not limited to the number and length of the evaluations and the length of time for which the waiver was granted.

Non-tenured teachers shall receive three (3) observations each year, which will consist of two (2) long observations (40 minutes) and one (1) short observation (20 minutes, during the first two (2) years of employment and two (2) short observations (20 minutes) and one (1) long observation (40 minutes, during the third and fourth years of employment with a post-conference). Long observations for non-tenured teachers shall require a pre-conference. Long observations, beyond the minimum requirements, do not require pre-conferences. At least one of these observations shall be unannounced. It is required that multiple observers conduct the observations of non-tenured teachers.

After the first year, teachers who receive an Ineffective or Partially Effective rating are required to have one additional observation and multiple observers are required.

Distribution of Policy

This policy shall be distributed to each nontenured staff member. Any amendments to this policy shall be distributed within 10 days of its adoption.

Administrative Guidelines

The Superintendent shall develop administrative guidelines for the implementation of this policy. Such guidelines shall be consistent with this policy

Legal References

NJSA 18A:4-15 General rule-making power
18A:4-16 Incidental powers conferred
18A:6-10 et seq. Dismissal and reduction in compensation of persons under tenure in public school system
18A:11-1 General mandatory powers and duties
18A:27-3.1 through -3.3 Non-tenured teaching staff; observation and evaluation; conference; purpose
18A:27-10 et seq. Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
18A:28-5 Tenure of teaching staff members
18A:29-14 Withholding increments; causes; notice of appeals

NJAC 6:30-2.1(a)8 Purpose and program descriptions
6A:32-4.1(e) (f) Employment of teaching staff
6A:32-4.4 Evaluation of tenured teaching staff members
6A:32-4.6 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of nonreemployment
6A:32-5.1 et seq. Standards for determining seniority
6A:9-15.1 et seq. Required Professional Development for Teachers
6A:32-4.4 Evaluation of tenured teaching staff member
6A:32-4.5 Supervision of instruction: observation and evaluation of nontenured teaching staff members

Lacey Township Bd. of Ed. v. Lacey Township Education Association, 130 N.J. 312 (1992), aff'g 259 N.J. Super. 397 (App. Div. 1991)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2130, 2131, 4000, 4010, 4112.6, 4117.41, 4131/4131.1, 4215/4216, 6143.1, 6200

Notice as per employee contracts shall be given in cases of dismissal by the Board of Education or resignation by the employee.

At the discretion of the Superintendent of Schools, employees retiring from the district may be required 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.

All notices to and from employees shall be in accordance with law.

Legal References

NJSA 18A:27-3.1 Non-tenured teaching staff; observation and evaluation; conference; purpose
18A:27-3.2 Teaching staff member; notice of termination; statement of reasons; request; written answer
18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
18A:27-9 Teaching after notice of termination of contract
18A:27-10 et seq. Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
18A:28-8 Notice of intention to resign required
18A:66-43 Retirement of service age limits
18A:66-44 Service retirement allowances

NJAC 6A:32-4.1 et seq. Employment of teaching staff
6A:32-4.6 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of notice of nonreemployment

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)

Retirement shall be at the option of the employee in accordance with the 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 retirement agreements. In the event that the Board has any jurisdiction, it will decide on a case-by-case basis.

At the discretion of the Superintendent of Schools, employees retiring from the district may be required 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.

Each year, paid employees who are retiring may be recognized by the Board at the conclusion of the school year.

Legal References

NJSA 18A:27-9 Teaching after notice of termination of contract
18A:28-8 Notice of intention to resign required
18A:66-43 Retirement of service age limits
18A:66-44 Service retirement allowances

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Arrest Reporting Requirements for Certificated Staff Members** **Policy 4117.27**

| Date Adopted: August 31, 2009 | Date Revised: May 16, 2011 | Page 1 of 1 |
|---|---|---|

All certificated staff members who are charged, arrested or indicted for a crime or offense must submit a report to the chief school administrator 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. Pursuant to N.J.A.C. 6A:9-17.1(c) 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 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:9-17.5.

The Superintendent of Schools 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:9-17.4(a), the Superintendent of Schools 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 pursuant to N.J.A.C. 6A:9-4.1(b) that is mandated in order for the holder to serve in a position; or,
D. He/she becomes aware that a certificate holder has been convicted of a crime while in the district's employ.

Legal References

NJSA 18A:6-7.1 Criminal history record checks for final candidates for school employee positions
18A:39-19.1 Criminal records of school bus drivers

NJAC 6A:9-17.1(c) Arrest reporting requirements
6A:9-17.5 Grounds for revocation and suspension of certification

A certified employee shall submit his resignation in writing to the Superintendent of Schools 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.

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.

At the discretion of the Superintendent of Schools, employees retiring from the district may be required 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.

Legal References

NJSA 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
18A:27-9 Teaching after notice of termination of contract
18A:27-10 et seq. Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
18A:28-8 Notice of intention to resign required
18A:66-43 Retirement of service age limits
18A:66-44 Service retirement allowances

NJAC 6A:32-4.1 et seq. Employment of teaching staff

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Personnel Reduction / Abolishing a Position** **Policy 4117.4**

| Date Adopted: October 18, 1993 | Date Revised: March 17, 2003, June 2, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education has the right under the 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 pupils, change in the administrative or supervisory organization, change in the educational program or other good cause.

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 non-tenured 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 that there should 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.

The Superintendent of Schools shall prepare guidelines for restructuring positions and for determining objectively which employees are to be dismissed as a result, and shall present his/her recommendations to the Board for action.

Legal References

NJSA 18A:28-5 Tenure of teaching staff members
18A:28-9 Reduction of force; power to reduce and reasons for reduction
18A:28-10 Reasons for dismissals of persons under tenure on account of reduction
18A:28-11 Seniority; board to determine; notice and advisory opinion
18A:28-12 Dismissal of persons having tenure on reduction; reemployment

NJAC 6A:9-5.5 Assignment of titles
6A:32-5.1 Standards for determining seniority
Dennery v. Passaic County Regional High School District Bd. of Ed., 131N.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, 4115/4116, 4117.41

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Nonrenewal of Non-tenured Teachers** **Policy 4117.41**

| Date Adopted: October 18, 1993 | Date Revised: March 17, 2003, June 2, 2008 | Page 1 of 1 |
|---|---|---|

The Board shall determine annually whether or not a new contract will be offered to a non-tenured teaching staff member after hearing the recommendation of the Superintendent of Schools. Should the Board choose not to offer a new contract, written notice or non-renewal of employment will be sent by the Superintendent of Schools. This notice will be given by the date specified by law.

A written request from a non-tenured teaching staff member for a written statement of reasons for non-reemployment will be honored by the Board of Education according to New Jersey law and code. An informal appearance before the Board may be requested in writing within 10 calendar days and shall be scheduled within 30 days from receipt of the Board's statement of reasons in accordance with the law.

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 non-tenured 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 working 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.

Legal References

NJSA 18A:27-3.1 Evaluation of performance of nontenure teacher
18A:27-3.2 Request for statement for reasons for non-reemployment
18A:27-4.1 Board of Education, procedure for certain personnel actions; recommendation of chief school administrator
18A:27-10 et seq Continuation and termination of employment, notice, etc
18A:28-9 Reduction of force; power to reduce and reasons for reduction
18A:28-10 Reasons for dismissals of persons under tenure on account of reduction
18A:28-11 Seniority; board to determine; notice and advisory opinion
18A:28-12 Dismissal of persons having tenure on reduction; reemployment

Possible Cross References

4115/4116, 4117.4

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Disciplinary Action** **Policy 4117.5**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

It shall be the policy of the 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 Superintendent of Schools shall prepare disciplinary rules for situations most often encountered which provide for progressive penalties including-where appropriate-verbal warnings, written warnings, non-renewal of non-tenured employees, withholding of an increment from tenured employees, dismissal of non-tenured employees and referral of charges against tenured employees. Such rules shall ensure nondiscriminatory application, differentiate between a second offense of the initial type and a second offense unlike that for which the employee was initially reprimanded, and be in accordance with established due process procedures.

Disciplinary rules approved by the Board and shall include the provision that the Board reserves the right to deduct pay for required service not performed, including time lost through tardiness in accordance with its policies.

Withholding and Increment

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.

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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:6-10 et seq Dismissal and reduction in compensation
18A:27-4 Power of boards of education to make rules governing employment

The Board of Education expects all employees 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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

Complaints regarding alleged discrimination on the basis of race, color, creed, religion, sex, ancestry, age, national origin, or social or economic status must be made in writing. Forms are available from the Affirmative Action Officer.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

Possible Cross References

2224, 3320, 5145.4, 6121

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Grievances Not Covered by Contract** **Policy 4118.3**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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It is the policy of the Board of Education to discover and practice reasonable and effective means of resolving difficulties which may arise among employees; to reduce potential areas of grievances; and to establish and maintain recognized channels of communication between staff and administration. With the ultimate goal of serving the educational welfare of children, the informal grievance procedure shall provide the prompt and equitable adjustment of differences. The informal grievance procedure shall adhere to guidelines established by contract. 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 representative during the course of the processing of a grievance shall continue to follow administrative directives and Board policy.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

Possible Cross References

2224, 3320, 5145.4, 6121

An employee of the Board shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity that 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 gift, favor, service or other item of value under circumstances from which it might be reasonably inferred that such gift, service or other item of value was given or offered for the purpose of influencing him/her in the discharge of his/her duties.

Legal References

NJSA 2C:27-1 et seq. Bribery and Corrupt Influence
18A:6-8 Interest of school officers, etc., in sale of textbooks or supplies; royalties
18A:6-8.4 Right to hold elective or appointive state, county or municipal office
18A:11-1 General mandatory powers and duties
18A:12-21 et seq. School Ethics Act
18A:54-20 Powers of board (county vocational schools)
19:34-15 Electioneering within or about polling place; misdemeanor

NJAC 6A:4-1.1 et seq. Appeals
6A:28-1.1 et seq. School Ethics Commission

Green Township Education Association v. Rowe, et al., 328 N.J. Super 525 (App. Div. 2000)

Possible Cross References

1140, 1313, 4112.8, 4117.5, 4118.2, 4119.22, 4119.23, 9270

The Board of Education believes that the appearance and dress of teaching staff members is an important component of the educational program of this school district. The attitude of teaching staff members about their professional responsibilities and the importance of education in the lives of their pupils are reflected in their dress and appearance.

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. Attire shall meet the following criteria:

1. Men and women should dress in a manner befitting the profession. Faculty dress should uphold the dignity of the profession and be appropriate to the type of service the teacher is performing.
2. Female staff members shall wear skirts or slacks with blouses or sweaters, school uniform, dresses, skort or slack ensembles, or slack suits. Note: All skirt, skort or dress-like clothing should not exceed three (3) inches above the knee.
3. Male staff members shall wear suits, jackets and ties, sweaters, school uniform or sport or dress shirts with slacks.
4. Specialized Areas
   - Physical education/health teachers, while teaching physical education classes, will wear attire that is conducive to their subject area.
   - Preschool teachers may wear attire that is conducive to the preschool environment. Casual slacks and sneakers are acceptable.
   - The wearing of smocks or other special attire by teachers in the performance of their duties in specialized areas, such as Home Economics, Science and Art, shall not be deemed as violation of this code.
   - Vocational staff may wear appropriate work boots and other safety-related clothing items.
5. Staff going on field trips should dress appropriately as representatives of the school district.
6. Teachers attending out of district workshops/inservices should adhere to the district dress code.
7. The Board lists the following as unacceptable attire:
   - Torn, dirty, or wrinkled clothing.
   - Flip flops, bedroom slippers, combat boots, work boots.
   - See-through clothing.
   - Tight-fitting clothing such as Spandex and leggings.
   - Inappropriately low, plunging or deep "V" necklines.
   - Midriff, halters, tank, spaghetti straps, or tube tops.
   - Shorts or scooter shorts.
   - T -shirts or undershirts as outerwear.

- Sweatshirts, sweat pants and sweat suits (except as appropriate for PE staff and extra assignments as deemed appropriate by the building principal).
- Observable jewelry in body piercings must be limited to the ears only.

8. Exceptions to the above criteria may be permitted with prior approval of the building administrator.

The building principal or the teaching staff member's supervisor, as appropriate, shall determine whether a violation of this dress code has occurred and shall discuss the violation with the teaching staff member concerned. Where a single violation so warrants or violations recur, the principal or supervisor may enter a reprimand in the teaching staff member's file and may recommend more stringent disciplinary measures.

Legal References

NJSA 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc., employment thereunder
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 Cross References

4117.5, 4119.2, 4119.21, 4119.22, 4119.23, 4138, 6144

The Board of Education recognizes that the misuse of drugs, steroids, and alcohol is a serious problem with enormous impact upon the welfare of the entire school community. The Board is committed to the prevention of drug, steroid, and alcohol abuse and rehabilitation of drug steroid, and alcohol abusers and implementation of an effective drug, steroid, and alcohol awareness program for staff members, as well as providing special assistance for addicted staff. The Board desires to utilize positive approaches in dealing with these problems but will resort to necessary and appropriate steps to protect the school community from harm caused by exposure to drug, steroid, and alcohol abuse.

Adoption of Policies and Procedures

A. The Board hereby adopts these policies and procedures for the discipline, evaluation and treatment of staff members who possess, consume or who, on reasonable grounds, are suspected of being under the influence of the following substances in the work site.
    1. All controlled dangerous substances as identified and prohibited in N.J.S.A. 24:21-1
    2. All chemicals and/or chemical compounds which release toxic vapors as defined in N.J.S.A. 27A:170-25.9 and N.J.S.A. 2C:98-3
    3. All alcoholic beverages.
    4. Anabolic steroids
B. Guidelines – All Employees
    1. For the purpose 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.
    2. The unlawful manufacture, distribution, dispensing, possession of, use of or sale of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, steroid, 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 non-renewal, suspension, or termination at the discretion of the Board of Education.
    3. The use of alcoholic beverages in school worksites is prohibited. Violations of this prohibition may subject an employee to disciplinary action that may include but is not limited to non-renewal, suspension, or termination at the discretion of the Board.
    4. 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 not be limited to non-renewal, suspension, or termination at the discretion of the Board.

5. The Superintendent of Schools shall establish a drug-free awareness program that includes notice of the dangers of drug abuse in the workplace and available drug counseling programs and shall distribute this information to all employees annually. New employees shall be provided with a copy of this information prior to beginning work assignments.
6. The Superintendent of Schools with the Board shall establish standards of staff conduct to include disciplinary sanctions required when staff members violate Board policies related to drug, steroid, and alcohol abuse. All disciplinary sanctions shall be implemented within the framework of the employees' contractual rights and due process. All employees shall be provided with a copy of this information annually.
7. 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 include, but not limited to, the school districts own substance-abuse programs.
8. All information concerning a staff member's involvement in a school intervention or treatment program shall be kept strictly confidential. See 42 C.F.R. 2 and N.J.A.C. 6:3-6.6.
9. The Superintendent of Schools will ensure that all district employees receive annual in-service training to make them aware of their responsibilities in accordance with Board policies and N.J.A.C. 6:3-6.3 et seq.
10. 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 County Superintendent of Schools, local community members, and the County Prosecutor's office.
11. The policies and procedures contained herein shall be made available to all staff on an annual basis.

C. <u>Work Performance in Connection with a Federal Grant</u>

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 be in strict compliance with this policy.

The Superintendent of Schools shall notify all employees 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 compliances, the district must notify the federal grant program of such conviction within 10 days of receipt of said conviction.

Legal References

NJSA 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
2C:35-1 et seq. Comprehensive Drug Reform Act of 1987
18A:11-1 General mandatory powers and duties
18A:16-2 Physical examinations; requirement
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:36-32 Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
18A:54-20 Powers of board (county vocational schools)
26:3D-55 et seq. New Jersey Smoke-Free Air Act

NJAC 6A:16-6.3 Reporting students or staff members to law enforcement authorities
6A:16-6.5 Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
6A:26-12.2(a)4 Policies and procedures for school facility operation

New Jersey Constitution, Art. IV, § VII, par. 2 Anti-Drug Abuse Act of 1988
Drug-Free Workplace Act of 1988
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Bayonne Teachers' Assoc v BOE, City of Bayonne Office Admin Law
Fairlawn Education Assoc v Fairlawn BOE 79 NJ 574 (1979)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1330, 1410,3515, 4117.5

The Board of Education prohibits the unlawful manufacture, distribution, dispensing, possession or use of any controlled dangerous substance by any person in any school building, on school grounds, or during any activity or event sponsored by the Board.

Every employee of this district must, as a condition of employment, agree to be bound by this policy. An employee who violates the prohibitions or reporting requirements of this policy will be subject to discipline, which may include dismissal, or certification of tenure charges, as appropriate. An employee whose involvement with drugs results in a conviction for a crime of the third degree or above or for an offense touching his/her position will be deemed to have forfeited his/her public employment, pursuant to N.J.S.A. 2C:51-2.

An employee who is convicted of a drug-related offense must report the conviction to the Superintendent of Schools within five days of its occurrence. The Superintendent of Schools will report the conviction, within ten days of the date on which notice of the conviction is received, to any federal agency from which the district has received funds through a grant.

The Board directs the Superintendent of Schools to establish and maintain a program to:

1. Alert employees as to the dangers of drug abuse in the workplace;
2. Inform employees of the prohibitions against drugs set forth in this policy;
3. Inform employees of available drug counseling, rehabilitation, and assistance programs; and,
4. Warn employees of the penalties that may be imposed for violations of prohibitions set forth in this policy.

The Board will report to law enforcement officials and prosecute as appropriate any employee or visitor who violates the prohibitions of this policy. A pupil who violates this policy will be treated in accordance with law.

This policy will be distributed to each district employee, including all those engaged in the performance of services under a federal grant, and will be prominently posted in the district.

Legal References

NJSA 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
2C:35-1 et seq. Comprehensive Drug Reform Act of 1987
18A:11-1 General mandatory powers and duties
18A:16-2 Physical examinations; requirement
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:36-32 Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
18A:54-20 Powers of board (county vocational schools)
26:3D-55 et seq. New Jersey Smoke-Free Air Act

NJAC 6A:16-6.3 Reporting students or staff members to law enforcement authorities
6A:16-6.5 Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
6A:26-12.2(a)4 Policies and procedures for school facility operation

New Jersey Constitution, Art. IV, § VII, par. 2 Anti-Drug Abuse Act of 1988
Drug-Free Workplace Act of 1988
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Bayonne Teachers' Assoc v BOE, City of Bayonne Office Admin Law
Fairlawn Education Assoc v Fairlawn BOE 79 NJ 574 (1979)
Drug-Free Workplace Act of 1988, P.L. 100-690
34 CRF 85.600 et seq.
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1330, 1410,3515, 4117.5

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Political Activities** **Policy 4119.24**

| Date Adopted: October 18, 1983 | Date Revised: October 26, 1992, June 2, 2008, May 5, 2014 | Page 1 of 1 |
|---|---|---|

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

- A staff member shall not engage in political activity on school premises.
- A staff member shall not post political circulars or petitions on school premises nor distribute such circulars or petitions to pupils nor solicit campaign funds or campaign workers on school premises.
- 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.
- A staff member shall not use district computers or the district computer system to promote, in any way a political opinion or position. This shall include the use of the district email system and particularly the use of a header, footer or the employee's signature in any and all email messages.

A staff member who is a member of the State Legislature or the County Board of Chosen Freeholders is entitled by law to time off from school district duties, without loss of pay, during the time the member attends meetings of the Legislature or Board of Chosen Freeholders or any committee of those bodies. No other staff member who holds elective or appointive office is so entitled, except as such time off may be provided for by the Board policy or negotiated agreement.

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.

Employees found in violation of this policy shall be subject to disciplinary action.

Legal References

NJSA 18A:6-8.1 Leave of certain employees to serve in legislature
18A:6-8.1 Leave of certain employees to serve on board of chosen freeholders
18A:6-8.4 Right to hold elective or appointive state, county or municipal office

The personal life of an employee is not an appropriate concern of the Board except as it may directly prevent the employee from performing his/her properly assigned functions during the workday or affect his/her professional relationship with the pupils.

Unbecoming Conduct

When an employee, either within the school or outside normal duties, creates conditions under which the proper operation of the school is affected, the Board, upon recommendation of the Superintendent of Schools, 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.

Legal References

NJSA 2C:51-2 Forfeiture of public office
18A:6-10 et seq Due process for employees suspended or reassigned
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Acceptable Use of Computer Network(s) / Computers, Email, Social Networks & Other Forms of Electronic Communications by Teaching Staff Members** **Policy 4119.26**

| Date Adopted: June 2, 2008 | Date Revised: January 11, 2010, May 4, 2015 | Page 1 of 6 |
|---|---|---|

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

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

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

<u>Electronic Communication</u>
School district personnel shall adhere to the following guidelines when sending or receiving messages via district owned or issued devices and the district network:

1. All messages shall pertain to legitimate school business;
2. 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;
3. 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;

4. 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;
5. Federal copyright laws shall be observed;
6. Staff shall not send messages that contain material that:
    - May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
    - Violates the district's affirmative action policies;
    - Is personal in nature and not related to the business of the district;
    - Can be interpreted as provocative, flirtatious or sexual in nature;
    - Is confidential and not authorized for distribution;
    - Violates Board Policy on Harassment, Intimidation and Bullying.
7. 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 before initiating email use;
8. Employees learning of any misuse of the email systems shall notify the supervisor for technology, principal or Superintendent of Schools 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.

Social Networking Websites

The Superintendent of Schools/designee 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 orientation and reminders will give special emphasis to:

A. Improper fraternization with students using social networking websites on the internet:

- Teachers may not list current students as "friends" on networking sites;
- All e-contacts with students should be through the district's computer and telephone system;
- All contact by coaches with team members shall be sent to all team members;
- Teachers will not give out their private cell phone or home phone numbers without prior approval of the district;
- Inappropriate contact via e-mail or phone is prohibited;

B. Inappropriateness of posting items with sexual content;
C. Inappropriateness of posting items exhibiting or advocating use of drugs and alcohol;
D. Examples of inappropriate behavior from other districts, as behavior to avoid;
E. Monitoring and penalties for improper use of district computers and technology;
F. The possibility of penalties, including dismissal from employment, for failure to exercise good judgment in on-line conduct.

The Superintendent of Schools/designee will periodically conduct Internet searches to see if teachers have posted inappropriate materials on-line. When inappropriate use of computers and websites is discovered, the Superintendent of Schools/designee will download the offensive material and promptly bring that misconduct to the attention of the Board's personnel committee for review.

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

A. Using the computer network(s)/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities that violate federal, state or local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the network(s). Obscene activities shall be defined as violation of generally accepted social standards for use of publicly owned and operated communication vehicles.
B. Using the computer network(s)/computers to violate copyrights, institutional or third-party copyrights, license agreements or other contracts.
C. Using the computer network(s) in a manner that:

1. Intentionally disrupts network traffic or crashes the network(s);
2. Degrades or disrupts equipment performance;
3. Uses the computing resources of the school district for commercial purposes, financial gain or fraud;
4. Steals data of other intellectual property;
5. Gains or seeks unauthorized access to the files of others or vandalizes the data of another user;
6. Gains or seeks unauthorized access to resources or entities;
7. Forges electronic mail messages or uses an account owned by others;
8. Invades the privacy of others;
9. Posts anonymous messages;
10. Possesses any data that is a violation of this policy; and/or,
11. Engages in other activities that do not advance the educational purposes for which computer network(s)/computers are provided.

Violations

Individuals violating this policy shall be subject to appropriate disciplinary actions as defined by Board Policy and the district disciplinary code(s) that includes but is not limited to:

A. Use of network(s)/computers only under direct supervision;
B. Suspension of network privileges;
C. Revocation of network privileges;
D. Suspension of computer privileges;
E. Revocation of computer privileges;
F. Suspension;
G. Dismissal;
H. Legal action and prosecution by the authorities; and/or,
I. Any appropriate action that may be deemed necessary by the Superintendent of Schools and approved by the Board of Education.

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):

1. Answering academic inquiries regarding homework, other classroom work or assignments;
2. Scheduling appointments for school related conferences and/or extra help;
3. Clarifying classroom expectations and/or assignments;
4. 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:

1. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
2. Violates the district's affirmative action policies;
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 information and not authorized for distribution;
6. Violates Board Policy on Harassment, Intimidation and Bullying.

Implementation

This policy shall be made available electronically or otherwise disseminated to all staff members, annually or as needed.

NJSA 2A:38A-1 et seq Computer system
2C:20-25 Computer-related theft
18A:7A-11 Reports by school districts
18A:6-10 Dismissal and reduction in compensation of persons under tenure
18A:11-1 General mandatory powers and duties
18A 27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:36-35 School Internet web sites; disclosure of certain student information prohibited

Hicks v. Pemberton Bd of Ed 1975 SLD 332
Quiroli v. Linwood Bd of Ed 1974 SLD 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 SLD 1448
N.J. v. T.L.O. 469 U.S. 325 (1985)
O'Connor v. Ortega 480 U.S. 709 (1987)
No Child Left Behind Act of 2001, Pub. L. 107-110
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References
1111, 3514, 4117.50, 4118.2, 4119.2, 4119.21, 4119.22, 4119.23, 4119.24, 4138, 4138.2, 5114, 5124, 5131, 5131.5, 5142, 6142.10, 6144, 6145.3, 6161

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Paging Devices, Cell Phones & Other Electronic Devices** **Policy 4119.27**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

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.

Legal References

NJSA 2C:33-19 Possession of remotely activated paging devices on school property, disorderly persons offense
18A:11-1 General mandatory powers and duties

NJAC 6A:16-5.8 Remotely activating paging devices

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Duties / Responsibilities** **Policy 4119.3**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

Teaching staff members, because of their proximity to students, are frequently confronted with situations that, if handled incorrectly, could result in liability to the district and personal liability to the staff member. It is the purpose of this policy to direct the preparation of guidelines that would minimize that possibility.

Major duties of each professional employee are delineated below:

A. To carry out duties and responsibilities set forth by New Jersey statutes, Title 18A, and New Jersey Administrative Code.
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 Superintendent of Schools 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 of Schools to prepare regulations to ensure the maintenance of the following standards:

A. Each teacher must maintain a standard of care for supervision, control and protection of students commensurate with assigned duties and responsibilities;
B. A teacher should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
C. A teacher must provide proper instruction in the safety matters presented in assigned curriculum guides;
D. Each teacher must immediately report to the administration an accident or safety hazard he/she detects;
E. A teacher must not send students on any personal errands;
F. A teacher must not transport students in a personal vehicle without the approval of the Superintendent of Schools;
G. A student shall not be required to perform work or services that may be detrimental to his/her health;
H. Pursuant to the laws of the state, each teacher must report to the Superintendent of Schools immediately, any sign of suspected child abuse or drug abuse.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Substitute Teachers** **Policy 4121**

| Date Adopted: October 18, 1982 | Date Revised: March 17, 2003, June 2, 2008, January 9, 2012 | Page 1 of 1 |
|---|---|---|

The Superintendent of Schools shall make provision to employ the services of substitute teachers in order to maintain the effective operation of the educational program.

The Board shall approve substitute personnel and the positions in which they may substitute. The employment of a substitute teacher prior to approval by the Board is authorized only when such employment is required to maintain continuity in the educational program. Retroactive approval shall be requested from the Board at the next regular meeting.

Teacher substitutes must have at least a valid substitute teaching certificate issued by the ***Executive*** County Superintendent of Schools, and preferably hold a post secondary 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.

The Superintendent of Schools 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 make recommendations to the Board for the retention of substitutes who have performed their duties satisfactorily. Upon approval by the Board, these substitutes will be added to the list of substitutes who will be employed in the school.

A substitute teacher who holds valid teaching certification credentials or a certificate of eligibility or a certificate of eligibility with advanced standing issued by the State Board of Examiners may be employed to teach subjects authorized by their credentials for up to 60 school days. Any such certified substitute teacher may be employed to teach subjects not authorized by his/her credentials for up to 40 school days.

In the event that one person is employed by this district as a substitute teacher under the same teaching assignment for more than 60 days, he/she shall be compensated at the same rate as a teacher with similar credentials on a pro-rated basis.

A substitute teacher who holds valid teaching certification credentials or a certificate of eligibility or a certificate of eligibility with advanced standing issued by the State Board of Examiners may be employed to teach subjects not authorized by his/her credentials for up to 40 school days.

A substitute teacher who holds a standard substitute teaching certificate may be hired for up to 20 consecutive school days under the same teaching assignment.

The Executive County Superintendent of Schools may grant an extension of these limits upon written application from Superintendent of Schools, demonstrating the districts inability to hire an appropriately certified teacher for the vacant position within the original school day time limits.

The Superintendent of Schools may apply in writing to the Executive County Superintendent of Schools for an extension of the original school day time limits written application from this district, demonstrating the districts inability to hire an appropriately certified teacher for the vacant position within the original school day time limits.

Long-Term Substitutes

Beginning July 1, 1982 all long-term substitute teachers, ie. those working more than 20 consecutive days in the same position will be paid on per diem basis on the first step of the teacher's salary guide at the Bachelor's level. The rate of pay will be established by taking one, two hundredth (1/200) of the above-mentioned rate on the salary guide. No other benefits shall accrue to long-term substitutes. This Board Policy will apply to all substitutes working less than a year, i.e. 183 days.

Legal References

NJSA 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:16-1.1 May appoint temporary officers and employees
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.;
18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
18A:29-16 Emergency certificates; day-by-day basis substitute

NJAC 6A:9-6.5 County substitute credential
6A:32-6.1 et seq. School Employee Physical Examinations

Possible Cross References

4111, 4112.2, 4112.4

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Student Teachers / Interns** **Policy 4122**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

The Board of Education encourages the Superintendent of Schools to cooperate with colleges and universities in the placement of teachers/administrative interns in the district school. Student teachers/administrative interns shall be placed with experienced staff members who agree to perform this service.

Student teachers/administrative interns shall comply with the requirements of law regarding health examinations.

The supervising teacher and administration shall be responsible for the conduct of student teachers while serving in the district school. The Superintendent of Schools shall be responsible for administrative interns.

Student teachers shall be allowed to participate in school activities where their contributions would be appropriate to the educational program of the school.

The Superintendent of Schools shall ensure the equitable distribution of student teachers/administrative interns throughout the school.

No remuneration will be provided to student teachers or administrative interns by the Board of Education.

Legal References

NJSA N.J.S.A. 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:11-1 General mandatory powers and duties
18A:16-2 through -5 Physical examinations; requirement
18A:16-6 Indemnity of officers and employees against civil actions
18A:16-6.1 Indemnity of officers and employees in certain criminal actions
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:9-10.2 Curriculum for teacher preparation programs
6A:9-10.3 Supervision of practicum students
6A:32-4.1(d)(e) Employment of teaching staff
6A:32-6.1 et seq. School Employee Physical Examinations

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Within its financial means, the Board may hire aides as recommended by the Superintendent of Schools.

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 pupils. Classroom aides 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 of Schools.

All aides shall be required to comply with the provisions of the law regarding health and criminal background checks.

In accordance with federal law, the Superintendent of Schools shall establish procedures to release information, upon request, regarding the qualifications of classroom aides to parents/guardians for any classroom aide who is employed by any school receiving Title 1 funds and who provides instructional assistance to their children.

Qualification of Classroom Aides in Title 1 Schools

All classroom aides hired in schools that receive Title 1 funds shall be qualified in accordance with federal law. All such classroom aides must have a high school diploma or its equivalent. All such classroom aides hired after January 8, 2002, except those working as translators or solely in conducting parent involvement activities, also must meet at least 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.

Classroom aides hired before January 8, 2002 must meet these qualifications by January 2006.

Legal References

NJSA 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:11-1 General mandatory powers and duties
18A:16-2 through -5 Physical examinations; requirement
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:32-6.1 et seq. School Employee Physical Examinations
6A:32-4.7 Approval of paraprofessional staff
8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

The 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 of Education'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 Common Core State Standards (CCSS) in mathematics and language arts and literacy and Core Curriculum Content Standards (CCCS).

The Superintendent of Schools 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.

Professional Development for School Leaders

For the purposes of this policy, "school leader" shall be defined as 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 as required by NJSA 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.

School Leaders

The Superintendent of Schools, principals, and supervisors shall fulfill the professional development requirement through the creation, implementation, and completion of a professional development plan that:

A. Aligns with the Professional Standards for School Leaders and the Standards for Professional Learning;
B. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the Superintendent of Schools, principals, or supervisors;
C. Identifies professional goals that address specific individual, school, or district goals; and,
D. 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.

Professional Development for the Chief School Administrator
The Board of Education shall oversee and review the Superintendent of Schools' professional development. The professional development shall be linked to individual, school, and district professional development goals and to the district's professional development plan.

The Board of Education shall review the professional development plan. The Superintendent of Schools shall provide to the Board of Education annual evidence of progress toward completion of the professional development plan and summative evidence of plan completion every three to five years, depending on the Superintendent of Schools' contract with the Board of Education.

In cases where there is disagreement between a Superintendent of Schools and his or her Board of Education regarding plan contents or progress toward completion, the Superintendent of Schools may appeal to the executive county superintendent, who will have final decision-making authority on all such matters.

Professional Development for Principals, Supervisors and Other Administrators
The Superintendent of Schools shall oversee and review professional development for each principal and supervisor. The professional development shall be linked to individual, school, and district professional development goals and the district's professional development plan.

Leaders whose positions require a principal or supervisor endorsement shall have an annual plan developed in collaboration with the Superintendent of Schools, or designee holding a Superintendent of Schools endorsement. Leaders whose positions require a Superintendent of Schools' endorsement but who do not serve as a Superintendent of Schools of the district shall have an annual plan developed in collaboration with the Superintendent of Schools, or designee holding a Superintendent of Schools endorsement.

The Superintendent of Schools, or designee holding a Superintendent of Schools endorsement, shall meet with the principal, supervisor, or other school administrator at mid-year to assess progress toward completion or modification of the plan. The Superintendent of Schools, or designee holding a Superintendent of Schools endorsement, shall review the status of the professional development plan as part of the principal's, supervisor's, or other district administrator's annual performance evaluation.

Evidence of Progress

Each active school leader shall be required to provide evidence of progress toward fulfillment of his or her plan including a narrative account detailing plan goals and their achievement; and documentation of professional growth activities such as school-based learning activities; training; university coursework; action research; and study groups. Study groups may include school, district, county, and/or State associations and organizations, school and district collaborative teams, and virtual learning communities.

Professional Development for Teachers

To meet the state professional development requirements, 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 reduced by a pro rata share reflecting the use of family or medical leave. It is the individual teacher's responsibility in accordance with district policies, to assure that a teacher meets the professional development requirement. There is no mandated financial obligation on the part of the district.

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 as described in NJAC 6A:9-3.3 and the Standards for Professional Learning in NJAC 6A:9-15.3. The PDP shall be effective for one year and shall specify, at a minimum:

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. As appropriate, an additional area for development of professional practice aligned to the teacher's role as a member of his or her collaborative professional learning team. The professional learning team consists of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on;
    - Evaluating student learning needs through ongoing reviews of data on student performance; and
    - Defining a clear set of educator learning goals based on the rigorous analysis of these data
C. As appropriate, an additional area for development of professional practice aligned with school and/or district improvement plans and goals; and
D. Any requirements for professional development stipulated elsewhere in statute or regulation.

The progress of each teacher in meeting the goals of the PDP must be determined annually and aligned to the district process for teacher evaluation. Progress on the PDP must be discussed during a minimum of one annual conference between the teacher and his or her supervisor. Each teacher shall provide evidence of progress toward meeting the requirements of his or her individual PDP, and this evidence must be reviewed as part of each conference. The PDP shall be revised at a minimum annually but may be adjusted as necessary to support the teacher's progress. All teachers shall have an individual PDP within 30 instructional days of the beginning of their respective teaching assignments.

A teacher's individual PDP goals may necessitate more than the recommended minimum requirements. The PDP shall accommodate additional professional development as necessary. Additional hours of qualifying activities 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.

School-Level Professional Development Plans

The principal shall oversee the development and implementation of a plan for school-level professional development. The school-level professional development plan shall include a description of school-level and team-based professional learning aligned with identified school goals, and teacher and student learning needs. The school-level plans shall become part of the district professional development plan reviewed by the Board of Education.

The principal shall ensure that all teachers receive the necessary opportunities, support, and resources to complete professional development requirements.

District-Level Professional Development Plans

The Superintendent of Schools or his or her designees shall oversee the development and implementation of plans to address the districts' professional development needs. (School districts sending to the same middle and/or high school may form a regional consortium to develop one district-wide plan based on the sending schools' plans.)

In accordance with the provisions of NJAC 6A:9-15.6, the Superintendent of Schools:

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 development activities that address the CCSS and the CCCS, and that align with the Standards for Professional Learning as noted in NJAC 6A:9-15.3 and the Professional Standards for Teachers and School Leaders in NJAC 6A:9-3.3 and 3.4; and
D. Develop and update, as necessary, the district mentoring plan for new teachers as required by Policy 4112.2 Certification and NJAC 6A:9-8.4.

The Superintendent of Schools shall review the district plan annually to assess its effectiveness and revise it as necessary to meet the district's learning goals for students, teachers, and school leaders. The district plan shall provide information on school-level and district-wide professional development opportunities, the resources being allocated toward their support, and a justification for the expenditures. The district plan shall also include any professional development required by statute or regulation.

The Superintendent of Schools shall be responsible for the content and implementation of the district professional development plan. The Superintendent of Schools shall present the plan to the Board of Education to review for fiscal impact.

The Board of Education reserves the right to deny any plan that fails to advance district goals and objectives; is not conducive to student achievement of the Common Core State Standards or the Core Curriculum Content Standards; or contravenes current negotiated agreements, other Board of Education policies, student safety and well-being, continuity of the instructional program, or budgetary constraints.

Staff participation that may require release time and/or financial reimbursement from the Board of Education will be determined by the Board of Education after recommendation by the Superintendent of Schools.

Staff members who participate in out-of-district programs at Board of Education expense shall submit a written report highlighting the main thrust and ideas observed by the participant.

Mandated Inservice Programs

The Superintendent of Schools shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, drug/alcohol abuse 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 20 hours of continuing education annually.

Legal References

NJSA 18A:7A-11 Annual report of local school district; contents
18A:7A-11e improvement of basic skills
18A:17-46 Act of violence; report by school employee; notice of action taken; annual report
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:30-7 Power of boards of education to pay salaries
18A:31-2 Attendance at conventions of New Jersey Education Association
18A:40A-3 Initial inservice training programs; curriculum
34:5A-10 Retention of workplace surveys
34:5A-13 Employee education and training program; certification of instructors

NJAC 6A:7-1.6 Professional development
6A:14-1.2(b)13 District eligibility for assistance under IDEA Part B
6A:15-1.8 Inservice training
6A:9-15.1 et seq. Required Professional Development for Teachers
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:16-1.1et seq. Programs to Support Student Development
6A:16-11.1et seq. Reporting Allegations of Child Abuse and Neglect
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 Employment of teaching staff
6A:32-4.4 Evaluation of tenured teaching staff members
6A:32-4.5 Evaluation of nontenured teaching staff members

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
The Comprehensive Equity Plan, New Jersey State Department of Education
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

4115, 4116, 4133, 4231/4231.1, 5131.6, 5141, 6142.2, 6171.3, 6171.4

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**School Leadership Committee Development** **Policy 4131.2**

| Date Adopted: September 20, 1993 | Date Revised: January 23, 1995, June 2, 2008 | Page 1 of 1 |
|---|---|---|

Each school will develop a School Leadership Committee (SLC) according to guidelines set forth by the State of New Jersey Department of Education.

SLC membership shall include the building Principal, teachers, school-level support staff, parents and community members. The SLC may include students. No one group identified above may constitute 50 or more of the SLC membership. Board of Education members shall not serve on the SLC. A school district employee shall not serve as either a parent or community member on an SLC of that district. The makeup of the SLC should also be consistent with the guidelines set out in the Whole School Reform (WSR) model selected and state mandate.

This policy will assure that all those eligible to be members of the team (teachers, parents and support staff) will be made aware of the team development and given an opportunity to express interest in being a candidate for the team. Each building planning team development procedure will be forwarded to the Millville School and Community Task Force. Building plans will be submitted to the Superintendent and the Board of Education for approval.

Definition of the roles, training, meetings, workgroups and all other matters pertaining to the SLCs shall use criteria as set forth in the *Guide for Implementing Urban Education Reform in Abbott Districts.*

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

# Millville Board of Education
# District Policy Manual

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| **Instructional Personnel** | **Series 4000** |
| **Research Projects by Staff Members** | **Policy 4132** |

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| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |

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

Teaching staff members may seek funding from local, state and federal sources, public and private for locally conducted research projects. Any research project involving pupils must be approved by the Board; all other research projects involving district personnel, facilities and/or resources may be approved by the Superintendent of Schools.

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

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

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

In the event of an emergency brought about by a job action, including a strike, by any employee group, it shall be the policy of the 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, 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 of Schools or his/her designee shall have the authority to take such immediate emergency steps as he/she deems necessary to ensure safety and well being of pupils and employees and to protect the property of the district.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

The Board considers it part of a teacher'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-teacher organizations and functions.

School administrators shall seek to give sufficient notice of staff meetings, hold them with reasonable frequency and length, and make committee assignments equitably, taking into account provisions of current negotiated agreements.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

No employee of the Board of Education may solicit or sell products for personal gain within the school while under active contract.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

School employees shall not engage in outside activities or perform any services other than those assigned or allowed by the district during the contractual hours of the prescribed school day.

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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:12-24 et seq Prohibited acts
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

NJAC 6A:28-1.1 et seq School Ethics Commission

Possible Cross References

3514, 4119.21, 4138.2

The 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 pupils 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 pupils 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 pupil.

To avoid placing a teacher in a position where he/she may have a conflict of interest, teachers shall not tutor, for a fee, pupils 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 pupil for pay during regular working hours or on school premises.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:12-24 et seq Prohibited acts
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

NJAC 6A:28-1.1 et seq School Ethics Commission

Possible Cross References

3514, 4119.21, 4138.2

The summer payment plan is designed to spread the salary payments of ten month employees more evenly over the twelve month period and thereby avoid two month summer periods during which no salary is received.

When requested by a staff member the Board of Education will set up a payroll deduction plan whereby ten percent of each month's gross salary will be deducted and placed in a separate account in the member's name. At the close of the school year, the employee will have access to this full amount of the deduction.

Participation in the summer payment plan may be elected from year to year, but the method of payment cannot be altered during the school year.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

Communicable Diseases-Exclusion from School (Pupils and Employees)
It is sometimes necessary to exclude from school individuals who are ill or who have been exposed to a communicable disease or whose presence is detrimental to the health or cleanliness of others. The Board of Education therefore, implements this policy.

The school nurse shall instruct the teachers at the beginning of the school year, or when designated by the Millville Board of Education about the methods employed to detect the first signs of communicable diseases and the recognized measures for the promotion of health and prevention of disease. In addition, the school nurse will instruct those teachers from whose classrooms a pupil has been excluded about the symptoms of the disease for which the pupil was excluded.

No teacher shall attempt to diagnose any illness of a pupil but shall refer suspected cases to the nurse.

Any staff member who appears to be ill or who is suspected of having a communicable disease shall be excluded from school or isolated at school to await instructions from the school physician, and/or the school nurse.

Where there is evidence of departure from the normal health of any staff member, or if the staff member has been exposed to a communicable disease, or if the presence of the staff member in the school is detrimental to the health or cleanliness of the pupils or staff members in the school:

A. The Superintendent of Schools or administrative designee, upon the recommendation of the school nurse or school physician, may exclude the staff member from the school.
B. In the absence of the school nurse or school physician, the Superintendent of Schools' designee may exclude the staff member from the school. In that event, the person making the exclusion must immediately notify the Superintendent of Schools.

A staff member retained at home or excluded from school shall not be readmitted to school until written evidence is presented of being free of the reason for the exclusion. Such evidence may be by a qualified physician, or school physician who has examined the staff member.

The rules of the local Board of Health or State Department of Health, New Jersey State Board of Education, or in the absence of these, the rules of the school physician pertaining to communicable disease shall apply in determining periods of incubation, communicability, quarantine, and reporting.

No staff member who is a member of a household in which a person is suffering from or been exposed to smallpox, diphtheria, scarlet fever, whooping cough, yellow fever, typhus fever, cholera, or measles, shall attend any public school during such illness, or until the attending physician, Board of Health, or school physician has certified that all danger of communicating the disease by the staff member has passed.

The school physician, and/or the school nurse, shall report all cases of communicable diseases to the local, county, or state Board of Health. The Superintendent of Schools will also inform the County Superintendent of Schools.

Legal References

NJSA 18A:16-2 Physical examinations; requirement
18A:16-4 Sick leave; dismissal
18A:16-4 Records of examinations
18A:40-6 et seq Health measures in general
26:4-6 Prohibiting attendance
26:4-15 Reporting of communicable diseases

NJAC 6A:16-2.2 Required health services
6A;16-2.3 Health services personnel
8:57 Reportable communicable diseases
8:61-1.1 Attendance at school by pupils or adults infected by. Human Immuno-deficiency Virus (HIV)

Possible Cross References

1410, 4112.4, 4131/4131.1, 4212.4, 5113, 5131.6, 5141, 5141.1, 5141.4

When the official school year has ended prior to June 30th, staff may be hired and compensated for summer school projects that are initiated prior to July 1st of that year.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

A RESOLUTION to authorize participation under U.S. Healthcare

1. The Millville Board of Education has investigated alternative health plans to the New Jersey State Health Benefits Plan.

2. U.S. Healthcare has been determined to be a viable solution, offering equal and better benefits to the New Jersey State Health Benefits Plan.

3. A change to U.S. Healthcare will result in a savings to the Millville Board of Education.

4. U.S. Healthcare, as an alternative, has been mutually agreed upon by the Millville Education Association and the Millville Administrators' Association, and the Cafeteria Staff.

5. The Millville Board of Education hereby elects to change its official Health Benefits carrier from New Jersey State Health Benefits Plan to U.S. Healthcare, effective July 1, 1995.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

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Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Disability Income Protection** **Policy 4143.6**

| Date Adopted: August 23, 1976 | Date Revised: June 2, 2008, October 17, 2016 | Page 1 of 1 |
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The Board of Education of the City of Millville will withhold from the salaries of employees for the purchase of any of the following which can be made available to the teachers, administrative and clerical employees of the Millville School District provided said employees furnish to the Board sufficient authorization in writing to affect the purpose.

A. DIS

B. TSA/403b

C. Payroll Savings

D. Health Club

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

Workers Compensation Physicians

The Board of Education seeks to provide the highest quality benefits while maintaining a sound fiscal policy. The intention of the workers' compensation law is to provide the best possible medical care and rehabilitation services available to employees injured while in the course of employment. In order to accomplish this, the first step is to get an accurate diagnosis and begin the proper treatment immediately; therefore, unless an emergency situation exists, each injured employee must be treated by the Board appointed physician or assigned insurance carrier doctor.

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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Employee Safety** **Policy 4147**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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Through its overall safety program and various policies pertaining to school personnel, the Board shall seek to ensure the safety of employees during working hours.

The Board shall be vigorous in maintaining safe working conditions for employees. It 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 and shifting of heavy weights.

Accidents must be reported immediately to the nurse or the supervisor if the nurse is not available. An accident investigation report must be submitted in-detail to the Superintendent of Schools' office by the following working day.

Legal References

NJSA 2C:7-1 et seq. Registration of sex offenders; definition; requirements
18A:16-2 Physical examinations; requirement
18A:40-12.1 Protective eye devices required for teachers, pupils and visitors in certain cases
18A:40-12.2 Rules prescribing kinds, types and quality of devices
34:5A-1 et seq. Worker and Community Right to Know Act
34:6A-25 et seq. New Jersey Public Employees' Occupational Safety and Health Act
34:19-1 et seq. Conscientious Employee Protection Act

NJAC 6A:26-12.5 Eye protection in schools
6A:32-12.1(a) Reporting requirements
12:100-4.2 Safety and Health Standards for Public Employees (Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogen Standard
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3510, 3516, 4111.1, 4112.4, 5142

The Board of Education recognizes that exposure to Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV) and other bloodborne diseases warrant serious concern for employees, at risk, for exposure to human blood and other body fluids that contain bloodborne pathogens.

The Board is committed to providing a safe and healthful school environment for our entire staff and student body. In pursuit of this goal, the Board directs the Superintendent of Schools to develop an Exposure Control Plan (ECP) to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA Bloodborne Pathogens Standard, Title 29 Code of Federal Regulations 1910.1030 and N.J.A.C. 12:100-4.2.

The Exposure Control Plan ensuring compliance with the standard shall include:

A. Employee exposure determination
B. The procedure for evaluation circumstances surrounding an exposure incident
C. The schedule and method for implementing the specifications of the standard, including:
    1) Methods of Compliance
    2) Hepatitis B Vaccination and post-exposure follow-up
    3) Training and communication of hazards to employees
    4) Record keeping

The Superintendent of Schools is responsible for the implementation of the ECP. The Superintendent of Schools will maintain and update the written ECP at least annually and whenever necessary to include new or modified tasks and procedures.

Those employees who are reasonably anticipated to have contact with or exposure to blood or other potentially infected materials are required to comply with the procedures and work practices outlined in this ECP.

The Superintendent of Schools will have the responsibility for written housekeeping protocols and will ensure that effective disinfectants are purchased.

The Superintendent of Schools will be responsible for ensuring that all medical actions required are performed and that appropriate medical records are maintained.

The Superintendent of Schools will be responsible for training, documentation of training and making the written ECP available to employees, OSHA and NIOSH representatives.

The Superintendent of Schools will maintain and provide all necessary personal protective equipment (PPE), engineering controls (i.e., sharp containers, etc.) labels, and red bags as required by the standard.

The Superintendent of Schools will ensure that adequate supplies of the aforementioned equipment are available.

During implementation of the Exposure Control Plan the Board will handle all information regarding HIV infected individuals in compliance with the States HIV/AIDS Confidentiality Law, N.J.A.C. 26:5c-5

Legal References

NJSA 18A:16-2 Physical examinations; requirement
18A:16-4 Sick leave; dismissal
18A:16-4 Records of examinations
18A:40-6 et seq Health measures in general
26:4-6 Prohibiting attendance
26:4-15 Reporting of communicable diseases

NJAC 6A:16-2.2 Required health services
6A;16-2.3 Health services personnel
8:57 Reportable communicable diseases
8:61-1.1 Attendance at school by pupils or adults infected by. Human Immuno-deficiency Virus (HIV)

29 CFR Part 1910.1030 "Bloodborne Pathogens Standards

Possible Cross References

3510, 3516

The Board of Education directs the Superintendent of Schools 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 techniques that bring potentially problem situations to the immediate attention of the Superintendent of Schools.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

The Board of Education recognizes that certain absences are justifiable and will provide for employee absences authorized by law and consistent with current negotiated agreement.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:30-1 through -6 Sick leave
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

The Board of Education recognizes that military service rendered by any district employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic is a service benefiting all citizens. Any permanent or full-time officer and/or employee of the district will be provided military leave and related benefits pursuant to the Uniformed Service Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq., PL 2001 Chapter 351 amending NJSA 38:23-1, NJSA 38A:1-1 and NJSA 38A:4-4, and any other applicable Federal and State laws.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized militia of New Jersey (New Jersey National Guard, New Jersey Naval Militia Joint Command) shall be entitled, in addition to pay received, if any, to leave of absence without loss of pay or time on all days in which he/she is engaged in any period of State or Federal active duty. The leave of absence for Federal active duty or active duty for training shall not exceed ninety work days in the aggregate in any calendar year. A permanent or full-time temporary officer or employee who has served less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of ninety workdays shall be without pay, but without loss of time.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized reserve of the Army of the United States, United States Air Force Reserve, or United States Marine Corps Reserve, or other organization affiliated therewith, including the National Guard of other states, shall be entitled, in addition to pay received, if any, to a leave of absence without loss of pay or time on all work day she/she shall be engaged in any period of active duty, provided such leave of absence shall not exceed thirty workdays in any calendar year. A permanent or full-time temporary officer or employee who has served less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty workdays shall be without pay, but without loss of time.

Military leave with pay is not authorized for Inactive Duty Training as defined in NJAC 5A:2-2.1.

The district will provide benefits and rights for staff members on military leave as required by Federal and State laws.

The military leave requirements in this policy are the minimum requirements of applicable Federal and State laws. The district, at its option, may provide additional military leave with pay and related benefits.

Pursuant to NJSA 52:13H-2.1, in accordance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application by the district to the State Treasury and approval of the application by the Director of the Division of Budget and Accounting, reimbursement shall be made by the Sate of New Jersey for any costs incurred as a result of the provisions of PL 2001, Chapter 351.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:29-11 Credit for military service
38:23-1 et seq Military leave of absence
38A:1-1 Definitions
38A:4-4 Paid military leave of absence
52:13H-2.1 Military leave of absence benefits
47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")

NJAC 5A:2-2.1. Uniformed Services Employment and reemployment Rights Act

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Attendance Patterns** **Policy 4151**

| Date Adopted: May 15, 1989 | Date Revised: December 19, 2005, June 2, 2008 | Page 1 of 1 |
|---|---|---|

The 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 of Schools 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 illness and request all leave at the earliest possible time. Procedures shall be in accordance with New Jersey statutes and district negotiated agreement.

A doctor's certificate is required for all illnesses and injuries for those employees who are absent more than three days. A doctor's certificate may be requested in cases of questionable use of sick leave benefits, even if an employee has been absent for one day.

If it has been determined that an employee has utilized sick leave benefits without just cause, he/she shall be subject to disciplinary action.

Provisions shall be made for public acknowledgment of exceptional staff attendance records.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:29-14 Withholding increments; causes; notice of appeals
18A:30-1 et seq. Sick Leave
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions

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)

Possible Cross References

4150, 4151, 4151.1, 4151.6, 4151.7

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Personnel Illness & Injury / Health & Hardship** **Policy 4151.1**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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It is the policy of the 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.

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.

The Superintendent of Schools 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.

Legal References

NJSA 18A:16-2 through -5 Health examinations
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:30-1, -2 Sick leave
18A:30-16 Prolonged absence beyond sick leave
34:11B-1 et seq. Federal Family Medical Leave Act

29 USCA 2601 et. seq. (Family Medical Leave Act)
Nevada Dept. Human Resources, et. al v. William Hibbs, et. al, 538 US 721

Prolonged Absence Beyond Sick Leave

When the absence of any employee from his or her post or duty because of personal disability due to illness or injury, or because he or she has been excluded from school by the school district's medical authorities because of a contagious disease or of being quarantined of such disease in his/her immediate household, exceeds the annual sick leave together with all accumulated sick leave of that individual employee, request may be made of the Board of Education to pay any such person's salary for such length of time as may be determined by the Board of Education.

The following procedures shall apply:

A. All requests for such prolonged, extended sick leave shall be made in writing and signed by the employee seeking such leave and such request shall have appended thereto a report from the employee's physician detailing the medical condition of the employee.
B. The written request shall be submitted to the Board Secretary with a copy to the Superintendent of Schools, at least ten days before the next regularly scheduled Board meeting for inclusion on the agenda of the Board.
C. The Board shall consider each request on an individual basis and may consider the following factors:
    1) The length of employment of the employee within the district.
    2) Proposed length of extended sick leave.
    3) The nature of the illness/injury.
    4) Whether the employee had previously requested such leave.
    5) Whether or not the employee is on the verge of retirement because of age or disability.
    6) Number of grants of prolonged sick leave to other employees during the school term.
    7) Position/Function of the employee and potential impact to the district/students of a substitute employee.
D. If, after individual consideration, the Board grants prolonged sick leave benefits, the Board shall state by resolution the length of time/number of days of approved paid sick leave. The pay for each approved day of sick leave shall be calculated at $1/200^{th}$ of the actual salary for a ten month employee and $1/240^{th}$ of a twelve month employee's salary less the pay of a substitute if a substitute is employee or the estimated cost of a substitute if none is employed.
E. If paid leave is not granted, but leave is taken by the employee nevertheless, the employee's salary shall be reduced by $1/200^{th}$ if a ten month employee and $1/240^{th}$ if a twelve month employee.

Prolonged Absence Not Constituting Sick Leave

When the absence of any employee from his or her post exceeds the annual personal leave, request may be made of the Board of Education to pay any such person's salary for such length of time as may be determined by the Board of Education.

The following procedures shall apply:

A. All requests for such prolonged leave shall be made in writing and signed by the employee seeking such leave.
B. The written request shall be submitted to the Board Secretary with a copy to the Superintendent of Schools, at least ten days before the next regularly scheduled Board meeting for inclusion on the agenda of the Board.
C. The Board shall consider each request on an individual basis and may consider the following factors:
    1) The length of employment of the employee within the district.
    2) Proposed length of extended leave.
    3) The reason for the request for extended leave.
    4) Whether the employee had previously requested such leave.
    5) Number of grants of prolonged leave to other employees during the school term.
    6) Position/Function of the employee and potential impact to the district/students of a substitute employee.
D. If, after individual consideration, the Board grants prolonged leave benefits, the Board shall state by resolution the length of time/number of days approved paid leave. The pay for each such approved day of leave shall be calculated at 1/200$^{th}$ of the actual salary for a ten month employee and 1/240$^{th}$ of a twelve month employee's salary less the pay of a substitute if a substitute is employed or the estimated coast of a substitute if none is employed.
E. If the leave is not granted, but leave is taken by the employee nevertheless, the employee's salary shall be reduced by 1/200$^{th}$ of the employee's salary if a ten month employee and 1/240$^{th}$ if a twelve month employee. In addition, other disciplinary action may be taken.

Legal References

NJSA 18A:16-2 through -5 Health examinations
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:30-1, -2 Sick leave
18A:30-16 Prolonged absence beyond sick leave
34:11B-1 et seq. Federal Family Medical Leave Act

29 USCA 2601 et. seq. (Family Medical Leave Act)
Nevada Dept. Human Resources, et. al v. William Hibbs, et. al, 538 US 721

The Board affirms that punctuality is a trait that students should aspire to and the Board recognizes that employees set examples for students. It shall be the policy of the 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. Failure to do so may subject the employees to progressive disciplinary action by the Board of Education.

The Board directs the Superintendent of Schools to establish a reasonable procedure for determining those employees who fail to be at their established work location on time.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Accidents / Injuries** **Policy 4152.2**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The Board directs that any incident of accident or injury to any employee that occurs during working hours shall be reported immediately to the School Nurse.

All injuries requiring first aid or other medical care shall be documented on the School Accident/Injury Form and it shall be the responsibility of the School Nurse to advise the Superintendent of Schools of the nature and extent of the injury as well as any first aid applied by the Nurse. Additionally, the School Nurse shall provide the Superintendent of Schools with a completed copy of the School Accident/Injury Form.

The School Nurse and/or Superintendent of Schools 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 make the determination as to whether transportation to a hospital or the School Doctor is necessary.

The School Nurse shall also be responsible for preparing and dispatching any claim forms or other forms to the appropriate insurance company or health service group.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

NJAC 6A:16-2.1 et seq Health services policy and procedural requirements

In accordance with the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA), the Board of Education will grant staff members up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the district so that the staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

A staff member shall not be discriminated against for having exercised his/her rights under the FLA or the FMLA, nor shall the staff member be discouraged from the use of family leave.

Definitions

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

A. "Child" means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but is incapable of self-care because of a mental or physical condition.
B. "Parent" means a biological, adoptive or foster parent, stepparent, parent-in-law, legal guardian having a "parent-child relationship" with a child as defined by law, or any person who has sole or joint legal or physical custody, care, guardianship or visitation with a child.
C. "Serious health condition" is an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.
D. "Week" is the number of days an employee normally works each calendar week.
E. "Family leave" is taken pursuant to the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA).
F. "Staff member" is an employee eligible for family leave in accordance with the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA).
G. "Reduced leave" means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than the staff member's usual number of hours worked per workday.

Eligibility

A staff member shall become eligible for family under FLA after he/she has been employed at least twelve months in this district for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. A staff member shall become eligible for family leave under FMLA after he /she has been employed in this district for not less than 1,250 hours, excluding overtime, during the immediate preceding twelve-month period. The calculation of the twelve-month period to determine eligibility shall commence with the commencement of the family leave. Leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

Family leave shall run concurrently under the FLA and the FLMA. When family leave is requested under the FMLA for the individual staff member's personal illness or injury, all accumulated sick and personal days must be utilized first. Thereafter, said days will be deducted from the maximum twelve-week entitlement under the FMLA.

During any period of the leave, the staff member is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to the commencement of the leave. A staff member on family leave may commence part-time employment that shall not exceed half the regularly scheduled hours normally worked for the district. The staff member may continue the part-time employment that commenced prior to the family leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

Types of Leave

A staff member may take family leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary if the total time within which the leave is taken does not exceed a twelve-month period for each serious health condition episode, the staff member will provide the district with prior notice of the leave in a manner that is reasonable and practicable, and the staff member makes a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the Superintendent of Schools/designee.

A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule except the staff member is not entitled to a reduced leave schedule for a period exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave or a reduced leave without an agreement between the staff member and the Superintendent of Schools/designee if leave is taken upon the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

The fact that a holiday or vacation period may occur within the week taken by a staff member as family leave has no effect and the week is counted as a week of family leave.

Any time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve-month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve-month period may be taken as consecutive leave or intermittent leave.

Notice

A staff member eligible for family leave must give at least a thirty day advance written notice to the Superintendent of Schools/designee of the need to take family leave, except where the need to take family leave is not foreseeable. When the need is not foreseeable, the staff member must provide notice as soon as practicable which shall be at least verbal notice to the Superintendent of Schools/designee within one or two working days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the Superintendent of Schools/designee, but any verbal notice must be followed by written notice delivered within three working days.

Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave except that if the date of the birth or adoption requires leave to begin in less than thirty days, the staff member shall provide such notice that is reasonable and practicable.

Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of the leave except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.

When the Superintendent of Schools/designee is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide written notice within two working days of returning to work to have the time considered family leave in accordance with the FLA and FMLA.

Benefits

Family leave shall be unpaid leave as per the FLA and the FMLA.

In accordance with law, the Board of Education will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued in employment continuously from the date the staff member commenced leave until the date the staff member returned to work or the date on which the staff member's coverage would have expired had the staff member not been on leave, whichever is sooner. A staff member who receives benefits while on family leave must return to the district for a minimum of one year or, at the discretion of the Board of Education, until the end of the fiscal

year, whichever is deemed to be in the best interest of the district. Staff members who do not comply with this provision shall be required to reimburse the district for the full cost of all medical, prescription and dental benefits provided during the family leave.

A staff member returning from family leave shall be entitled to the position he/she held when leave commenced or to an equivalent position of like seniority, status, employment benefits, pay and other conditions of employment. If the district experiences a reduction in force or layoff and the staff member would have lost his/her position had the staff member not been on family leave as a result of the reduction in force or pursuant to the good faith bargaining agreement, the staff member shall not be entitled to reinstatement to the former or an equivalent position in accordance with applicable statutes, codes and laws. The staff member's tenure and seniority rights, if any, and other benefits shall be preserved, but the staff member shall accrue no additional time toward tenure or seniority for the period of the leave except as may be provided by law.

The return of a staff member prior to the expiration of the requested family may be permitted by the Board of the return does not unduly disrupt the instructional program or require the Board to incur the cost of continuing the employment of a substitute under contract or does not unduly disrupt the educational program for pupils.

Family leave granted to a nontenured staff member cannot extend the employee's employment beyond the expiration of his/her employment contract.

The district may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school district staff or one of the seven highest paid employees of the district, whichever is greater. This denial is necessary to prevent substantial and grievous economic injury to the school district's operations. The Board of Education shall notify the staff member of the intent to deny the leave at the time determination is made that the denial is necessary. If the leave has already commenced at the time of the district's notification of denial, the staff member shall return to work within ten working days of the date of notification.

Verification of Leave

The Board of Education shall require the certification of a duly licensed health care provider verifying the purpose of requested family leave. Certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement, whichever is appropriate.

In the event the Superintendent of Schools doubts the validity of the certification for the serious health condition of a family member of the staff member, the district may require, at the district's

expense, the staff member to obtain an opinion regarding the serious health condition for a second health care provider designated or approved, but not employed on a regular basis, by the Board of Education. If the second opinion differs for the certification, the Board of Education may require at the district's expense, that the staff member obtain an opinion of a third health care provider designated or approved jointly by both the staff member and the Board of Education. The opinion of the third health care provider shall be final and binding on the Board of Education and the staff member.

In order that a staff member's entitlement to family leave can be properly determined, the Superintendent of Schools shall ensure that keeping of accurate attendance records that distinguish family leave from other kinds of leave.

Legal References

NJSA 18A:16-2 through -5 Health examinations
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:30-1, -2 Sick leave
18A:30-16 Prolonged absence beyond sick leave
34:11B-1 et seq. Federal Family Medical Leave Act

29 USCA 2601 et. seq. (Family Medical Leave Act)
Nevada Dept. Human Resources, et. al v. William Hibbs, et. al, 538 US 721

Section VI - Administration

6.8.1 Legal Holidays

R.S. 36:1-1 enumerates those days in each year which are considered as public holidays as follows:

January 1, known as New Year's Day
January 15, Martin Luther King's Birthday (8-6-80)
The third Monday in February - Washington's Birthday
The day designated and known as Good Friday
The last Monday in May, known as Memorial Day (8-6-80)
July 4, known as Independence Day
The first Monday of September, known as Labor Day
The 2nd Monday in October, knows as Columbus Day (8-6-80)
November 11, known as Veterans' Day
The 4th Thursday of November, known as Thanksgiving Day
December 25, known as Christmas Day
Any general election day in this State
Every Saturday
And any day heretofore or hereafter appointed, ordered, or recommended by the Governor of this State, or the President of the United States, as day of fasting and prayer, or other religious observance, or as a bank holiday or holidays.

Whenever any of the days herein enumerated can and shall fall on a Sunday, the Monday next following shall be deemed a public holiday.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

# Millville Board of Education
# District Policy Manual

# Support Personnel

All support staff employees will:

A. Represent themselves honestly in the application and selection procedure;
B. Report to work as scheduled;
C. Discuss complaints with their immediate supervisor or through approved channels;
D. Not advise or counsel pupils except in special cases with the knowledge and consent of the Superintendent of Schools;
E. Complete thoroughly their assigned tasks;
F. Endeavor to establish good working relationships with other employees, professional as well as non- professional;
G. Commit themselves to providing the best possible services for pupils;
H. Uphold all rules and regulations as set by the Board of Education, the Superintendent of Schools and other administrators;
I. Keep the trust under which confidential information may be given;
J. Adhere to all conditions of a contract;
K. Give prompt notice of any change in availability for continued employment; and,
L. Protect and care for district property.

Legal References

NJSA 18A:6-75 through -78 Establishment and operation; teacher performance evaluation project
18A:16-1 Officers and employees in general
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:27-5 Written contracts of employment required

Possible Cross References

4212.8, 4217.5, 4218.2, 4219.22, 4238, 4238.2

Any full time school employee who is summoned for jury duty or subpoenaed as a witness must, apply through the office of the Superintendent of Schools to be granted leave for such purpose. The Superintendent of Schools may, at his/her discretion and as circumstances warrant, rearrange the employee's work schedule and/or grant leave with pay, minus any remuneration received for such court duty that coincides with the hours for which the employee is being paid by the Board.

Legal References

NJSA 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

Creating Positions

The 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 of Schools 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, to the maximum extent possible, confirm 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 Board of Education will provide the professional staff necessary for the economical and efficient implementation of the educational program of the district. 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 of Schools 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.

Legal References

NJSA 18A:16 Employment in general
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:28-9 Reduction in force

# Millville Board of Education
# District Policy Manual

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|---|---|
| **Support Personnel** | **Series 4000** |
| **Recruitment, Selection & Hiring** | **Policy 4211** |

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|---|---|---|
| Date Adopted: June 2, 2008 | Date Revised: May 4, 2015 | Page 1 of 2 |

The Board believes that the quality of the support staff in large part determines the quality of the education offered district pupils. Therefore, the Superintendent of Schools shall have the responsibility of locating and recruiting the best-qualified candidates to provide for the identified needs of district pupils.

It shall be the duty of the Superintendent of Schools to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the initiation 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 of Schools shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes.

The Superintendent of Schools 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 of Schools, in determining the candidates to be nominated shall seek information from the candidate's prior employers.

The Board shall affirm employment and initial placement on the salary guide by a majority vote of the full membership of the Board.

The Board will appoint employees only from nominations made by the Superintendent of Schools. Should a nominee be rejected, it shall be the duty of the Superintendent of Schools to make other nominations.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
18A:6-5 Inquiry as to religion and religious tests prohibited
18A:6-6 No sex discrimination
18A:6-7.1, -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:6-76.1 Deadline for notification to students of requirements of provisional certificate and induction program
18A:16-1 Officers and employees in general
18A:26-1, -1.1, -2 Citizenship of teachers, etc.
18A:27-1 et seq. Employment and Contracts
26:8A-1 et seq. Domestic Partnership Act

6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:9-6.1 et seq. Types of Certificates
6A:9-8.1 et seq. Requirements for Instructional Certification
6A:9-11.1 et seq. Exceptions for the Requirements for the Instructional Certificate
6A:9-12.1 et seq. Requirements for Administrative Certification
6A:10A-1.1et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 Employment of teaching staff
6A:32-4.8 Support residencies for regularly certified, inexperienced first-year principals
6A:32-5.1 Standards for determining seniority

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)
No Child Left Behind Act of 2001, Pub. L. 107-110 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 Cross References

2130, 2131, 3000/3010, 4000, 4211.1, 4212.2, 4212.4, 4212.5, 4212.6, 4212.8, 4221, 4223, 5120, 6010, 9123, 9124

The Board of Education guarantees to all persons equal access to all categories of employment, retention and advancement in this district, regardless of any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes.

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; 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.

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 in-service training for all employees, and shall be clear and specific (see policy 2224). When harassment has been determined to have taken place, disciplinary action will follow. All such determination shall be reported to the Board.

Sexual Harassment

The Board of Education shall maintain a working environment that is free from sexual harassment.

A. Sexual harassment shall consist of unwelcomed sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when made by any member of the school staff to a student when made by any member of the school staff to another staff member or when made by any student to another student or when made by a student to a staff member, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or when
2. Submission to or rejection of such conduct by an individual is used as the basis of academic or employment decisions affecting that individual, or when
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or education environment.

B. Sexual harassment, as set forth in Section A, may include, but is not limited to the following:
   1. verbal harassment or abuse
   2. pressure for sexual activity
   3. repeated remarks to a person with sexual demeaning implications
   4. unwelcomed touching suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.

The Board of Education must 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. Such accommodations that cause an undue hardship in the operation of the school district are not required.

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, 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 non-supervisory personnel is also prohibited.

Staff may file a formal grievance related to sexual harassment. The Board 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.

Students may also file formal grievances related to sexual harassment (refer to Parent Handbook – grievance policy).

A substantiated charge against a staff member in the school district shall subject such staff member to disciplinary action, such as a letter of reprimand, withholding of an increment or possible discharge.

A substantiated charge against a student in the school district shall subject that student to student disciplinary action, including suspension or expulsion, consistent with the student disciplinary code.

Notice of this policy will be circulated to the school and departments of the school district on an annual basis and incorporated in teacher and parent handbooks. It will also be distributed to all originations in the community having cooperative agreements with the public schools. Failure to comply with this policy may result in termination of the cooperative agreement. Training sessions on this policy and the preventions of sexual harassment shall be held for teachers and students in the school on an annual basis.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

<u>"Whistleblower" Protection</u>
The Board prohibits discrimination or retaliation against any school employee who does any of the following:

A. Disclose 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;
B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, rule or regulation established pursuant to law by the Board; or
C. Objects to, or refuses to participate in any activity, policy, or practice which the employee reasonable believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare.

The Board shall ensure that notices are posted conspicuously in each school, informing employees that they are protected under the "Conscientious Employee Protection Act".

Report on Implementation

The Superintendent of Schools 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.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:6-5 Inquiry as to religion and religious tests prohibited
18A:6-6 No sex discrimination
18A:18A-17 Facilities for handicapped persons
18A:26-1 Citizenship of teachers, etc.
18A:26-1.1 Residence requirements prohibited
18A:29-2 Equality of compensation for male and female teachers
26:8A-1 et seq. Domestic Partnership Act
34:19-1 et seq. Conscientious Employee Protection Act

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

Executive Order 11246 as amended
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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2130, 2131, 2224, 3320, 4211, 4212.2, 4212.4, 4212.5, 4212.6, 4212.8, 4221, 4247, 5120, 5145.4, 6121

In accordance with the provisions of NJSA 52:14-7 (PL 2011, c. 70), otherwise known as the "New Jersey First Act," which became effective on September 1, 2011, employees are expected to have their primary residences within the confines of the State of New Jersey, with the exceptions noted within this policy.

A candidate for employment within this district is granted up to 365 days of the effective date of hire to establish his/her principal residence in the State of New Jersey and maintain this principal residence throughout their employment.

For the purposes of this policy, a principal residence shall be defined as:

1. The primary domicile or home location of the employee or employment candidate;
2. The location that is designated as his/her legal address and legal residence for voting;
3. The place where he/she spends the majority of his/her non-working time;
4. The place that is most clearly the center of his/her domestic life;

A New Jersey mailing address shall not, by itself, constitute a principal address in New Jersey.

Current Employees

Any current employee who relocates his/her principal residence outside of the State of New Jersey, shall forfeit his/her employment with this district.

New Employees and/or Employment Candidates

Any and all newly hired or contracted employee of this district must, as a condition of employment, be a resident of the State of New Jersey.

Exemptions

Current employees living outside of the State of New Jersey as of September 1, 2011 are exempted from the residency requirements of this law and as long as the current employee remains an employee of this district, he/she will continue to be exempted from these residency requirements.

A newly hired employee shall be granted up to 365 days to establish his/her principal residence in New Jersey.

Current employees, new employees and/or employment candidates may apply for an exemption on the basis of "critical need or hardship" to the residency requirements of this policy and state law by filing an "Application for Exemption from the Provisions of NJSA 52:14-7a. of the New Jersey First Act" with the Employee Residency Review Committee, NJ Department of Labor and Workforce Development, Office of Legal and Regulatory Services, PO Box 110, Trenton, NJ 08625-0110. Copies of this application shall be available from the appropriate District Office.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
18A:6-6 No sex discrimination
18A:6-7.1, -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:13-40 General powers and duties of board of newly created regional districts 18A:16-1 Officers and employees in general
18A:26-1, -1.1, -2 Citizenship of teachers, etc.
18A:27-1 et seq. Employment and Contracts
52:14-7 New Jersey First Act
52:14-7a Exemptions

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:9-8.1 et seq. Requirements for Instructional Certification
6A:9-11.1 et seq. Exceptions for the Requirements for the Instructional Certificate
6A:9-12.1 et seq. Requirements for Administrative Certification
6A:10A-1.1et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 Employment of teaching staff
6A:32-4.8 Support residencies for regularly certified, inexperienced first-year principals
6A:32-5.1 Standards for determining seniority

Possible Cross References

2111.4, 4111.4

# APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF N.J.S.A 52:14-7a. OF THE NEW JERSEY FIRST ACT

| | | |
|---|---|---|
| Employee Residency Review Committee<br>C/O NJ Department of Labor and Workforce Development<br>Office of Legal and Regulatory Services<br>PO Box 110<br>Trenton, NJ 08625-0110 | Tel. (609) 777-2960<br>Fax (609) 292-8246 | OFFICIAL USE ONLY:<br>Application #: |

The New Jersey First Act (the Act) states in pertinent part that any person may apply for an exemption from the provisions of subsection a. of the Act (a.k.a., the residency requirement) on the basis of "critical need or hardship." All such applications are to be submitted to the Employee Residency Review Committee, a five-member committee composed of three persons appointed by the Governor, a person appointed by the Speaker of the Assembly, and a person appointed by the President of the Senate.

***Instructions: Complete this form and answer all questions. Type or print legibly. Attach any other documents that may support your application. Mail or fax all documents to the address listed at the top of this page.***

## APPLICANT INFORMATION

| | | | |
|---|---|---|---|
| First Name | Last Name | M.I. | Daytime Telephone No. |
| Mailing Address | | Floor/Apt. No. | Cell No. |
| City | State | ZIP Code | Alternate Telephone No. |

## EMPLOYER OR PROSPECTIVE EMPLOYER INFORMATION

| | |
|---|---|
| Employer Name | Business Telephone No. |
| Employer Street Address | Fax No. |
| | e-mail |
| Employer Mailing Address (if different from street address) | Name and Title of Contact Person |
| | Contact Telephone No. |

Do you wish for the Committee to notify your employer or prospective employer of this application and provide the employer an opportunity to make a written submission to the Committee regarding your application? YES ❐ NO ❐

Would you like an opportunity to appear in-person before the Committee and make a statement in support of your written application? YES ❐ NO ❐

## APPLICATION DETAILS

Explain the hardship and/or critical need which is the basis for your exemption request. Attach additional sheets if necessary.

# Millville Board of Education
# District Policy Manual

**Support Personnel** **Series 4000**

**Contract** **Policy 4212**

| Date Adopted: June 2, 2008 | Date Revised: April 11, 2016 | Page 1 of 1 |
|---|---|---|

In accordance with law and for the mutual protection of the district and the employee, every staff member who has not achieved tenure shall be required annually to sign an employment contract. The contract shall be executed by the President of the Board of Education on behalf of the Board and shall contain a termination clause of 30 days' notice.

Each employment contract shall include:

A. The term of employment, including beginning and ending dates;
B. The salary at which the person is employed;
C. The intervals at which the person is employed;
D. A provision for termination of contract on notice duly given;
E. Such other matters as may be necessary to a full and complete understanding of the contract.

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.

The Superintendent of Schools shall issue salary notification to all non-tenured personnel indicating the name of the employee and giving a concise explanation of their contractual salary for the coming year. All salary notification statements shall be signed by the Board Secretary/Business Administrator and the Board of Education.

All terms and conditions of the contract shall conform with requirements of state law and the State Board of Education.

Legal References

NJSA 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc; employment thereunder
18A:27-5 Written contracts of employment required
18A:27-6 Contents of contracts
18A:27-7 Contract forms
18A:27-8 Filing of contracts
18A:28-8 Notice of intention to resign required

Camden Board of Education v. Nelson Alexander, et als. (A-34/35-02)
Cresskill Bd. Of Ed. v. Cresskill Ed. Assn., 362 NJ Super. 7 (App.Div. 2003)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Application

Application for staff services shall be made through the office of the Superintendent of Schools. Those applying should be interviewed by the person directly over them in the organization and the Superintendent of Schools. Their recommendations shall be submitted to the Board of Education.

Eligibility

Those employed in the secretarial services, special services, maintenance, custodial or cafeteria staffs of the school system must be trustworthy, of good moral character and willing to assume responsibility for her/her assigned duties.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

# Millville Board of Education
# District Policy Manual

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|---|---|
| **Support Personnel** | **Series 4000** |
| **Tax Shelter Annuities** | **Policy 4212.3** |

| | | |
|---|---|---|
| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |

The Board of Education recognizes the importance of providing the opportunity for employees to participate in a tax shelter annuity through the districts payroll process.

The guidelines for tax shelter annuities in the district shall be as follows:

1. The approved agency or agencies shall be designated by the Board.
2. The Board shall direct the Board Secretary to make payroll deductions and transmit such to the agency.
3. Any questions or clarifications of these programs shall be addressed by employees to the Board Secretary/Business Administrator. 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.

Legal References

NJSA 17B:17-5 Annuity defined
18A:66-127 Employees of board of education, agreement to reduce salary for purchase of annuity
18A:66-128 Reduction of salary for obtaining certain benefits

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 of Schools 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 Board 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 order to protect the pupils 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 members 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.

In the event that the prospective employee in question had, as a condition of employment in another NJ school district during the same school year, undergone an identical physical examination and can provide the Superintendent of Schools a copy of a certificate to verify this, then, in that case, the Superintendent of Schools, at his/her discretion, may excuse the prospective from obtaining a new physical examination.

Each school employee shall submit an updated health history with an assurance statement presented within a time frame established by the Board of Education.

An employee who refuses to submit an updated health history with an assurance statement shall undergo a physical examination pursuant to applicable state laws and regulations.

Confidentiality of employee medical records including computerized records shall be assured. The school district shall regulate access, compilation and maintenance of employee health records in compliance with federal and state statutes governing the collection, maintenance, disclosure and security of employee medical records. It shall be the responsibility of the Superintendent of Schools to establish procedures to ensure the security of employee health records maintained in this school district.

The section of the medical record which contains the health history, e.g. medications or current health status to assure ready access in a medical emergency, may be shared with the Superintendent of Schools/designee and school nurse with the consent of the employee.

When an employee is requested to submit to any physical examination, he/she shall be provided with:

A. A written statement of reasons for the request;
B. An opportunity for a Board hearing, if so requested (said hearing shall be in private and confidential unless the employee requests otherwise);
C. Adequate prior notice of the date of the hearing;
D. Copies of statements or affidavits relied on by the Board prior to the hearing;
E. An opportunity to be represented at the hearing by counsel or other persons of the employee's choice;
F. An opportunity to present witnesses on his/her behalf.

Reports of these examinations 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 creating a risk to the health or welfare of pupils or other employees, or a statement that no such condition exists.

All records and report of such 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.

<u>Occupational Containment of Bloodborne Pathogens</u>

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:
    7. Methods of compliance;
    8. Hepatitis B vaccination;
    9. Post-exposure evaluation and follow-up;
    10. Hazard communication requirements;
    11. Effective employee training;
    12. Recordkeeping.

The ECP shall be reviewed annually to ensure that it reflects use of the most current medical technology.

Implementation and Dissemination

The Superintendent of Schools 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.

Legal References

NJSA 2C:35-1 et seq. Comprehensive Drug Reform Act of 1987
18A:16-2 Physical examinations; requirement
18A:16-4 Sick leave; dismissal
18A:16-5 Records of examinations
18A:40-10 Exclusion of teachers and pupils exposed to disease
26:4-1 "Communicable disease" defined
26:4-6 Prohibiting attendance of teachers or pupils
26:4-15 Reporting of communicable diseases by physicians
26:5c-1 et seq. AIDS Assistance Act

NJAC 6A:16-1.4 et seq. District policies and procedures
6A:16-2.1 Health services policy and procedure requirements
6A:32-6.1 et seq. School Employee Physical Examinations
8:61-1.1et seq. Participation and Attendance at School by Individuals with HIV Infection
12:100-4.2 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 Pathogen Standard
School Board of Nassau County v. Arline, 480 U.S. 273 (1987)
Warren v. Warren 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 Cross References

4211, 4212.6, 4217.50, 4217.52, 4219.23, 4250

# Millville Board of Education
# District Policy Manual

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|---|---|
| **Support Personnel** | **Series 4000** |
| **Criminal History Verifications** | **Policy 4212.5** |

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| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |

Pursuant to N.J.S.A. 18A:6-7.1 et. seq. and N.J.S.A. 18A:39-19.1, all employees of a public school district under the supervision of the State Department of Education who hire or contract for the services of any employees having regular pupil contact must submit a criminal background check. This mandate shall apply to all employees hired or contracted by the school district after October 8, 1986.

In order to provide for the proper security of the children of this district by prohibiting employment of unfit persons in the schools, the Board of Education directs the Superintendent of Schools to establish procedures necessary for the implementation of the school employee criminal history review consistent with statute and code.

Further, the Board directs that all employees subject to the criminal history check successfully clear this process prior to appointment unless the Superintendent of Schools determines that the circumstances and/or needs of the district warrant an exception.

Legal References

NJSA 18A:6-7.1 et seq Criminal history record checks for final candidates for school employee positions
18A:39-19.1 Criminal records of school bus drivers; effect

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 Board of Education recognizes that there is a distinction between those personnel records which are clearly a matter of public concern, and those which must be considered privileged until such time as they are opened to the public by the NJ Commission of Education or the courts.

The Superintendent of Schools may 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 of Schools 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 of Schools 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 1 funds and who provides instruction to their children.

The Superintendent of Schools shall establish the necessary regulations for maintaining both public and confidential employee records.

A. 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 of Schools shall devise procedures for making this file available to the public in accordance with the Open Public Records Act.
B. The confidential file shall consist of an individual personnel folder for each current employee. The information in this file shall include all records mandated by state and federal law; evaluation of performance; record of attendance; original application filed by the employee; transcript of certification; original salary and increments; date of tenure; notations of commendation and disciplinary actions consistent with law. This file is available for examination:
    1. At any time, by the Superintendent of Schools or the supervisory personnel he/she designates;
    2. During regular business hours, by the employee or his personally authorized representative, in accordance with regulations;
    1. During regular business hours, or at any meeting of the Board or any committee thereof, by any member of the Board in connection with any assigned Board responsibility or duty.

C. 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 of Schools shall have access to an employee's medical file. To assure ready access in a medical emergency, the section of the medial record that contains the health history may also be shared with the building principal and the school nurse with the consent of the employee.

D. Staff emergency contact cards for all employees shall be maintained by the Superintendent of Schools/designee and updated annually.

Legal References

NJSA 18A:6-7a Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
18A:6-11 Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice
18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)
47:1A et seq. Examination and copies of public records ("Open Public Records Act")
47:3-15 et seq. Destruction of Public Records Law

NJAC 6A:32-6.1 et seq. School Employee Physical Examinations
12:100-4.2 Safety and health standards for public employees occupational exposure to bloodborne pathogens (Adoption by reference)
29 CFR 1910.1030 - Bloodborne Pathogen Standard
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974
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., 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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3570, 4211, 4212.4/, 4215/4216, 5141.4

In order to avoid the reality and the appearance of conflict of interest in its employment, and in accordance with NJAC 6A:23A-6.2, the Board of Education will not 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 chief school administrator.

"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 of Schools 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.

A person employed by the district on the effective date of this policy or the date a relative becomes a Board Member or administrator shall not be prohibited from continuing to be employed in the person's current position or, in the case of a reduction in force, in any position to which that person has a legal entitlement.

The district may seek approval from the Executive County Superintendent to promote such an existing employee where such promotion is justified by the needs of the district to ensure implementation of the Core Curriculum Content Standards and upon a demonstration that the existing employee is the most qualified candidate for the position after full advertising and interviewing has occurred;

Pursuant to NJSA 18A:27-4.1, the Superintendent of Schools shall not recommend to the Board of Education any relative of a Board Member or Superintendent of Schools unless the person is subject to the exception noted above.

Employment and Supervision of a Relative

The Board of Education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not initially appoint a relative of a Board Member or of the Superintendent of Schools to any employment position in this district.

The Superintendent of Schools shall not recommend to the Board for initial hire any relative of a Board Member or of the Superintendent of Schools, 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 it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternate supervision/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.

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 of Schools 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 of Schools may recommend those employees for reemployment, transfer, promotion or removal.

A relative of a Board Member or Superintendent of Schools 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 of Schools, principal or any administrator or supervisor(s) in the chain of command between the employee and Superintendent of Schools.

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 of Schools Participation in Negotiations

In-District Bargaining Units

When a Board Member or school administrator is in a conflicted relationship that 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 of Schools are similarly precluded from participation in negotiations with any bargaining unit whose members have supervisory authority over a family member or other conflicted connection.

Out-of-District Similar Statewide Bargaining Units

When a Board Member or school administrator is in a conflicted relationship with an individual 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:

- Developing negotiation parameters;
- Being a member of the negotiating team;
- Receiving confidential negotiations information updates prior;
- Voting on the contract; and
- 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.

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:

- Officer;
- Grievance chairperson;
- Building representative;
- 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.

Legal References

NJSA 18A:12-2 Inconsistent interests or office prohibited
18A:12-21 et seq. School Ethics Act
18A:16-1 Officers and employees in general
18A:27-4.1 Appointment, transfer, removal or renewal of officers and employees; exceptions

NJAC 6A:4-1.1 et seq. Appealable decisions
6A:23A-1.2 et seq. Fiscal accountability; definitions
6A:23A-6.2 et seq. Fiscal accountability; nepotism
6A:28-1.1 et seq. 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 Cnty
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,
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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)
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, A107-94
School Ethics Commission, Advisory Opinion, A33-95
School Ethics Commission, Advisory Opinion, A03-95
School Ethics Commission, Advisory Opinion, A01-98
School Ethics Commission, Advisory Opinion, A14-00
School Ethics Commission, Advisory Opinion, A01-93
School Ethics Commission, Advisory Opinion, A03-13
School Ethics Commission, Advisory Opinion, A01-13
School Ethics Commission, Advisory Opinion, A15-93
School Ethics Commission, Advisory Opinion, A22-13
School Ethics Commission, Advisory Opinion, A10-14
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

Possible Cross References

4111, 4119.21, 4112.8, 9270

The Superintendent of Schools shall make certified staff assignments in the manner best calculated, in his/her judgment, to enhance the educational program.

Support personnel are subject to assignment and transfer after recommendation of the Superintendent of Schools and approved by the Board of Education. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law.

In accordance with the law of New Jersey, the Board of Education directs the Superintendent of Schools to assign personnel to the school in such a way that equivalence of personnel is ensured within the school.

The Superintendent of Schools may use his/her 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 will be in the best interest of the school district and its pupils.

It is the policy of the Board that twelve-month employees are expected to 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 of Schools may dismiss twelve-month employees after less than a full school day's work in any situation where he/she deems their continued attendance to be of little or no value to the educational program being considered at that time.

Part-time employees shall be scheduled by the Superintendent of Schools and in the case of emergency school closings, part-time employees may be scheduled to work on alternate days than those on which they would have been scheduled in order to effect no loss of instructional time due to school closing.

Any staff member appointed to an extra duty position is expected to serve unless excused for 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.

Legal References

NJSA 18A:25-1 Transfer of teaching staff members
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions
34:13A-1 et seq. New Jersey Employer-Employee Relations Act

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

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 Amendments of 1988 (P.L. 100-297)
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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2224, 4211, 4211.1, 5145.4, 6160

Supervision

The Superintendent of Schools shall ensure development of procedures for observation and supervision of all employees so the 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.

Evaluation

The Superintendent of Schools 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 of Schools 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 is to be evaluated in advance of the evaluation. It shall be the policy of the Board of Education that all newly employed staff, in the classifications listed below, be employed for a probationary period of 60 calendar days, or less, at the discretion of the Board:

A. Secretaries
B. Clerks
C. Aides
D. Maintenance and grounds personnel
E. Custodians
F. Bus drivers
G. Such other classifications as the Board may establish

Legal References

NJSA 18A:4-15 General rule-making power
18A:4-16 Incidental powers conferred
18A:6-10 et seq. Dismissal and reduction in compensation of persons under tenure in public school system
18A:11-1 General mandatory powers and duties
18A:27-3.1 through -3.3 Non-tenured teaching staff; observation and evaluation; conference; purpose
18A:27-10 et seq. Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
18A:28-5 Tenure of teaching staff members
18A:29-14 Withholding increments; causes; notice of appeals

NJAC 6:30-2.1(a)8 Purpose and program descriptions
6A:32-4.1(e) (f) Employment of teaching staff
6A:32-4.4 Evaluation of tenured teaching staff members
6A:32-4.6 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of nonreemployment
6A:32-5.1 et seq. Standards for determining seniority
6A:9-15.1 et seq. Required Professional Development for Teachers
6A:32-4.4 Evaluation of tenured teaching staff member
6A:32-4.5 Supervision of instruction: observation and evaluation of nontenured teaching staff members

Lacey Township Bd. of Ed. v. Lacey Township Education Association, 130 N.J. 312 (1992), aff'g 259 N.J. Super. 397 (App. Div. 1991)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2130, 2131, 4000, 4010, 4112.6, 4117.41, 4131/4131.1, 4215/4216, 6143.1, 6200

Notice as per employee contracts shall be given in cases of dismissal by the Board of Education or resignation by the employee.

At the discretion of the Superintendent of Schools, employees retiring from the district may be required 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.

Legal References

NJSA 18A:27-3.1 Non-tenured teaching staff; observation and evaluation; conference; purpose
18A:27-3.2 Teaching staff member; notice of termination; statement of reasons; request; written answer
18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
18A:27-9 Teaching after notice of termination of contract
18A:27-10 et seq. Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
18A:28-8 Notice of intention to resign required
18A:66-43 Retirement of service age limits
18A:66-44 Service retirement allowances

NJAC 6A:32-4.1 et seq. Employment of teaching staff
6A:32-4.6 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of notice of nonreemployment

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)

Retirement shall be at the option of the employee in accordance with the 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 retirement agreements. In the event that the Board has any jurisdiction, it will decide on a case-by-case basis.

At the discretion of the Superintendent of Schools, employees retiring from the district may be required 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.

Each year, paid employees who are retiring may be recognized by the Board at the conclusion of the school year.

Legal References

NJSA 18A:27-9 Teaching after notice of termination of contract
18A:28-8 Notice of intention to resign required
18A:66-43 Retirement of service age limits
18A:66-44 Service retirement allowances

In accordance with NJAC 6A:9-17.1(c), all certificated staff members who are indicted or arrested for a crime or offense shall submit a report of such occurrences to the Superintendent of Schools within fourteen (14) calendar days of said indictment or arrest.

The report shall include the date of the arrest or indictment and charge(s) lodged against said staff member. The staff member shall also report the disposition of any charges to the Superintendent of Schools within seven (7) calendar days of the disposition.

Failure to comply with these reporting requirements may be deemed "just cause" pursuant to NJAC 6A:9-17.5.

The district shall make these requirements known to all new employees and to all employees on an annual basis.

Legal References

NJSA 18A:6-7.1 Criminal history record checks for final candidates for school employee positions
18A:39-19.1 Criminal records of school bus drivers

NJAC 6A:9-17.1(c) Arrest reporting requirements
6A:9-17.5 Grounds for revocation and suspension of certification

An employee shall submit his resignation in writing to the Superintendent of Schools 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.

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.

At the discretion of the Superintendent of Schools, employees retiring from the district may be required 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.

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.

Legal References

NJSA 18A:27-9 Teaching after notice of termination of contract
18A:27-10 et seq. Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
18A:28-8 Notice of intention to resign required
18A:66-43 Retirement of service age limits
18A:66-44 Service retirement allowances

NJAC 6A:32-4.1 et seq. Employment of teaching staff

# Millville Board of Education
# District Policy Manual

**Support Personnel** **Series 4000**

**Layoff / Rehire** **Policy 4217.4**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The 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 pupils, change in the administrative or supervisory organization, change in the educational program or other good cause.

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 non-tenured 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 that there should 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. The Superintendent of Schools shall prepare guidelines for restructuring positions and for determining objectively which employees are to be dismissed as a result, and shall present his recommendations to the Board for action.

Legal References

NJSA 18A:28-5 Tenure of teaching staff members
18A:28-9 Reduction of force; power to reduce and reasons for reduction
18A:28-10 Reasons for dismissals of persons under tenure on account of reduction
18A:28-11 Seniority; board to determine; notice and advisory opinion
18A:28-12 Dismissal of persons having tenure on reduction; reemployment

NJAC 6A:9-5.5 Assignment of titles
6A:32-5.1 Standards for determining seniority

Possible Cross References

2131, 4215/4216

The Board of Education has adopted policies and entered into contracts providing for Instructional Aides under approved Title 1 Programs as well as, Non-Instructional Aides for playground and cafeteria duty.

Any necessary reduction in force of Instructional Aides shall be made as a result of insufficient funds available under an approved Title 1 Program. Such reduction in Instructional Aides shall be on the basis of seniority in the position of Instructional Aide with the individual Instructional Aide with the least seniority in the school being reduced first; the individual having the second least seniority being reduced second; etc.

Any necessary reduction in force of Instructional Aides who are not funded by an approved Title 1 Program shall be made as a result of insufficient funds. Such reduction in Instructional Aides shall be on the basis of seniority in the position of Instructional Aide with the individual Instructional Aide with the least seniority in the school being reduced first; the individual having the second least seniority being reduced second; etc.

Any necessary reduction in force of Non-Instructional aides shall be made as a result of a decision made by the Board with the provision of the Board/Association Contract. Said contract provides for a non-specific number of positions; therefore reductions in the number of Non-Instructional Aides shall be made on the basis of seniority in that position. The individual Non-Instructional Aide having the least seniority in the school shall be reduced first; the individual having the second least seniority being reduced second; etc.

Any Instructional or Non-Instructional Aide being reduced and having greater total seniority in the school than any other Instructional or Non-Instructional Aide not affected by the reduction may assume the position of the individual with the least seniority and that individual with the least seniority shall become the individual to be affected by the reduction.

Legal References

NJSA 18A:28-9 Reduction of force; power to reduce and reasons for reduction
18A:28-10 Reasons for dismissals of persons under tenure on account of reduction
18A:28-11 Seniority; board to determine; notice and advisory opinion
18A:28-12 Dismissal of persons having tenure on reduction; reemployment

NJAC 6A:9-5.5 Assignment of titles
6A:32-5.1 Standards for determining seniority

Possible Cross References

2131, 4215/4216

It shall be the policy of the 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 Superintendent of Schools shall prepare disciplinary rules for situations most often encountered which provide for progressive penalties including-where appropriate-verbal warnings, written warnings, non-renewal of non-tenured employees, withholding of an increment from tenured employees, dismissal of non-tenured employees and referral of charges against tenured employees. Such rules shall ensure nondiscriminatory application, differentiate between a second offense of the initial type and a second offense unlike that for which the employee was initially reprimanded, and be in accordance with established due process procedures.

Disciplinary rules approved by the Board and shall include the provision that the Board reserves the right to deduct pay for required service not performed, including time lost through tardiness in accordance with its policies.

Withholding and Increment

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.

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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:6-10 et seq Dismissal and reduction in compensation
18A:27-4 Power of boards of education to make rules governing employment

The Board of Education expects all employees 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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

Complaints regarding alleged discrimination on the basis of race, color, creed, religion, sex, ancestry, age, national origin, or social or economic status must be made in writing. Forms are available from the Affirmative Action Officer.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

Possible Cross References

2224, 3320, 5145.4, 6121

It is the policy of the Board of Education to discover and practice reasonable and effective means of resolving difficulties which may arise among employees; to reduce potential areas of grievances; and to establish and maintain recognized channels of communication between staff and administration. With the ultimate goal of serving the educational welfare of children, the informal grievance procedure shall provide the prompt and equitable adjustment of differences. The informal grievance procedure shall adhere to guidelines established by contract. 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 representative during the course of the processing of a grievance shall continue to follow administrative directives and Board policy.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

Possible Cross References

2224, 3320, 5145.4, 6121

# Millville Board of Education
# District Policy Manual

**Support Personnel** **Series 4000**

**Conflict of Interest** **Policy 4219.21**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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An employee of the Board shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity that 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 gift, favor, service or other item of value under circumstances from which it might be reasonably inferred that such gift, service or other item of value was given or offered for the purpose of influencing him/her in the discharge of his/her duties.

Legal References

NJSA 2C:27-1 et seq. Bribery and Corrupt Influence
18A:6-8 Interest of school officers, etc., in sale of textbooks or supplies; royalties
18A:6-8.4 Right to hold elective or appointive state, county or municipal office
18A:11-1 General mandatory powers and duties
18A:12-21 et seq. School Ethics Act
18A:54-20 Powers of board (county vocational schools)
19:34-15 Electioneering within or about polling place; misdemeanor

NJAC 6A:4-1.1 et seq. Appeals
6A:28-1.1 et seq. School Ethics Commission

Green Township Education Association v. Rowe, et al., 328 N.J. Super 525 (App. Div. 2000)

Possible Cross References

1140, 1313, 4212.8, 4217.5, 4218.2, 4219.22, 4219.23, 9270

# Millville Board of Education
# District Policy Manual

**Support Personnel** **Series 4000**

**Grooming, Appearance & Dress** **Policy 4219.22**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The Board of Education believes that the appearance and dress of teaching staff members is an important component of the educational program of this school district. The attitude of teaching staff members about their professional responsibilities and the importance of education in the lives of their pupils are reflected in their dress and appearance.

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. Attire shall meet the following criteria:

1. Men and women should dress in a manner befitting the profession. Faculty dress should uphold the dignity of the profession and be appropriate to the type of service the teacher is performing.
2. Female staff members shall wear skirts or slacks with blouses or sweaters, school uniform, dresses, skort or slack ensembles, or slack suits. Note: All skirt, skort or dress-like clothing should not exceed three (3) inches above the knee.
3. Male staff members shall wear suits, jackets and ties, sweaters, school uniform or sport or dress shirts with slacks.
4. Specialized Areas
    - Physical education/health teachers, while teaching physical education classes, will wear attire that is conducive to their subject area.
    - Preschool teachers may wear attire that is conducive to the preschool environment. Casual slacks and sneakers are acceptable.
    - The wearing of smocks or other special attire by teachers in the performance of their duties in specialized areas, such as Home Economics, Science and Art, shall not be deemed as violation of this code.
    - Security staff shall wear items of clothing deemed appropriate for the duties they perform.
5. Staff going on field trips should dress appropriately as representatives of the school district.
6. Teachers attending out of district workshops/inservices should adhere to the district dress code.
7. The Board lists the following as unacceptable attire:
    - Torn, dirty, or wrinkled clothing.
    - Flip flops, bedroom slippers, combat boots, work boots.
    - See-through clothing.
    - Tight-fitting clothing such as Spandex and leggings.
    - Inappropriately low, plunging or deep "V" necklines.
    - Midriff, halters, tank, spaghetti straps, or tube tops.
    - Shorts or scooter shorts.
    - T -shirts or undershirts as outerwear.

- Sweatshirts, sweat pants and sweat suits (except as appropriate for PE staff and extra assignments as deemed appropriate by the building principal).
- Observable jewelry in body piercings must be limited to the ears only.

8. Exceptions to the above criteria may be permitted with prior approval of the building administrator.

The building principal or the teaching staff member's supervisor, as appropriate, shall determine whether a violation of this dress code has occurred and shall discuss the violation with the teaching staff member concerned. Where a single violation so warrants or violations recur, the principal or supervisor may enter a reprimand in the teaching staff member's file and may recommend more stringent disciplinary measures.

Legal References

NJSA 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc., employment thereunder
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 Cross References

4217.5, 4219.2, 4219.21, 4219.22, 4219.23, 4238, 6144

The Board of Education recognizes that the misuse of drugs, steroids, and alcohol is a serious problem with enormous impact upon the welfare of the entire school community. The Board is committed to the prevention of drug, steroid, and alcohol abuse and rehabilitation of drug steroid, and alcohol abusers and implementation of an effective drug, steroid, and alcohol awareness program for staff members, as well as providing special assistance for addicted staff. The Board desires to utilize positive approaches in dealing with these problems but will resort to necessary and appropriate steps to protect the school community from harm caused by exposure to drug, steroid, and alcohol abuse.

<u>Adoption of Policies and Procedures</u>

B. The Board hereby adopts these policies and procedures for the discipline, evaluation and treatment of staff members who possess, consume or who, on reasonable grounds, are suspected of being under the influence of the following substances in the work site.
   1. All controlled dangerous substances as identified and prohibited in N.J.S.A. 24:21-1
   2. All chemicals and/or chemical compounds which release toxic vapors as defined in N.J.S.A. 27A:170-25.9 and N.J.S.A. 2C:98-3
   3. All alcoholic beverages.
   4. Anabolic steroids
C. Guidelines – All Employees
   1. For the purpose 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.
   2. The unlawful manufacture, distribution, dispensing, possession of, use of or sale of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, steroid, 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 non-renewal, suspension, or termination at the discretion of the Board of Education.
   3. The use of alcoholic beverages in school worksites is prohibited. Violations of this prohibition may subject an employee to disciplinary action that may include but is not limited to non-renewal, suspension, or termination at the discretion of the Board.
   4. 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 not be limited to non-renewal, suspension, or termination at the discretion of the Board.

5. The Superintendent of Schools shall establish a drug-free awareness program that includes notice of the dangers of drug abuse in the workplace and available drug counseling programs and shall distribute this information to all employees annually. New employees shall be provided with a copy of this information prior to beginning work assignments.
6. The Superintendent of Schools with the Board shall establish standards of staff conduct to include disciplinary sanctions required when staff members violate Board policies related to drug, steroid, and alcohol abuse. All disciplinary sanctions shall be implemented within the framework of the employees' contractual rights and due process. All employees shall be provided with a copy of this information annually.
7. 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 include, but not limited to, the school districts own substance-abuse programs.
8. All information concerning a staff member's involvement in a school intervention or treatment program shall be kept strictly confidential. See 42 C.F.R. 2 and N.J.A.C. 6:3-6.6.
9. The Superintendent of Schools will ensure that all district employees receive annual in-service training to make them aware of their responsibilities in accordance with Board policies and N.J.A.C. 6:3-6.3 et seq.
10. 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 County Superintendent of Schools, local community members, and the County Prosecutor's office.
11. The policies and procedures contained herein shall be made available to all staff on an annual basis.

D. <u>Work Performance in Connection with a Federal Grant</u>

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 be in strict compliance with this policy.

The Superintendent of Schools shall notify all employees 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 compliances, the district must notify the federal grant program of such conviction within 10 days of receipt of said conviction.

Legal References

NJSA 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
2C:35-1 et seq. Comprehensive Drug Reform Act of 1987
18A:11-1 General mandatory powers and duties
18A:16-2 Physical examinations; requirement
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:36-32 Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
18A:54-20 Powers of board (county vocational schools)
26:3D-55 et seq. New Jersey Smoke-Free Air Act

NJAC 6A:16-6.3 Reporting students or staff members to law enforcement authorities
6A:16-6.5 Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
6A:26-12.2(a)4 Policies and procedures for school facility operation

New Jersey Constitution, Art. IV, § VII, par. 2 Anti-Drug Abuse Act of 1988
Drug-Free Workplace Act of 1988
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Bayonne Teachers' Assoc v BOE, City of Bayonne Office Admin Law
Fairlawn Education Assoc v Fairlawn BOE 79 NJ 574 (1979)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1330, 1410,3515, 4117.5

The Board of Education prohibits the unlawful manufacture, distribution, dispensing, possession or use of any controlled dangerous substance by any person in any school building, on school grounds, or during any activity or event sponsored by the Board.

Every employee of this district must, as a condition of employment, agree to be bound by this policy. An employee who violates the prohibitions or reporting requirements of this policy will be subject to discipline, which may include dismissal, or certification of tenure charges, as appropriate. An employee whose involvement with drugs results in a conviction for a crime of the third degree or above or for an offense touching his/her position will be deemed to have forfeited his/her public employment, pursuant to N.J.S.A. 2C:51-2.

An employee who is convicted of a drug-related offense must report the conviction to the Superintendent of Schools within five days of its occurrence. The Superintendent of Schools will report the conviction, within ten days of the date on which notice of the conviction is received, to any federal agency from which the district has received funds through a grant.

The Board directs the Superintendent of Schools to establish and maintain a program to:

1. Alert employees as to the dangers of drug abuse in the workplace;
2. Inform employees of the prohibitions against drugs set forth in this policy;
3. Inform employees of available drug counseling, rehabilitation, and assistance programs; and,
4. Warn employees of the penalties that may be imposed for violations of prohibitions set forth in this policy.

The Board will report to law enforcement officials and prosecute as appropriate any employee or visitor who violates the prohibitions of this policy. A pupil who violates this policy will be treated in accordance with law.

This policy will be distributed to each district employee, including all those engaged in the performance of services under a federal grant, and will be prominently posted in the district.

Legal References

NJSA 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
2C:35-1 et seq. Comprehensive Drug Reform Act of 1987
18A:11-1 General mandatory powers and duties
18A:16-2 Physical examinations; requirement
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:36-32 Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
18A:54-20 Powers of board (county vocational schools)
26:3D-55 et seq. New Jersey Smoke-Free Air Act

NJAC 6A:16-6.3 Reporting students or staff members to law enforcement authorities
6A:16-6.5 Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
6A:26-12.2(a)4 Policies and procedures for school facility operation

New Jersey Constitution, Art. IV, § VII, par. 2 Anti-Drug Abuse Act of 1988
Drug-Free Workplace Act of 1988
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Bayonne Teachers' Assoc v BOE, City of Bayonne Office Admin Law
Fairlawn Education Assoc v Fairlawn BOE 79 NJ 574 (1979)
Drug-Free Workplace Act of 1988, P.L. 100-690
34 CRF 85.600 et seq.
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1330, 1410,3515, 4117.5

The Board of Education 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.

Transportation contracts approved by the Board of Education 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.

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 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;

C. 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 that 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 of Education 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 reinstatement, termination or dismissal shall be made in accordance with applicable state law, Board of Education 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 of Schools shall ensure that supervisors receive proper training to administer the drug and alcohol testing program and that employees receive the notifications required by federal regulations.

Legal References

NJSA 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
2C:35-1 et seq. Comprehensive Drug Reform Act of 1987
18A:11-1 General mandatory powers and duties
18A:16-2 Physical examinations; requirement
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:36-32 Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine

NJAC 6A:16-6.3 Reporting students or staff members to law enforcement authorities
6A:16-6.5 Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
6A:26-12.2(a)4 Policies and procedures for school facility operation

New Jersey Constitution, Art. IV, § VII, par. 2
Anti-Drug Abuse Act of 1988
Drug-Free Workplace Act of 1988
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Drug-Free Workplace Act of 1988, P.L. 100-690
34 CRF 85.600 et seq.
49 CFR Part 40 Procedures for Transportation Workplace Drug & Alcohol Testing Programs
49 CFR Part 382 Controlled Substance & Alsohol Use and Alchol Testing
49 CFR Part 391 Qualification of Drivers

# Millville Board of Education
# District Policy Manual

**Instructional Personnel** **Series 4000**

**Political Activities** **Policy 4119.24**

| Date Adopted: October 18, 1983 | Date Revised: October 26, 1992, June 2, 2008, May 5, 2014 | Page 1 of 1 |
|---|---|---|

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

- A staff member shall not engage in political activity on school premises.
- A staff member shall not post political circulars or petitions on school premises nor distribute such circulars or petitions to pupils nor solicit campaign funds or campaign workers on school premises.
- 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.
- A staff member shall not use district computers or the district computer system to promote, in any way a political opinion or position. This shall include the use of the district email system and particularly the use of a header, footer or the employee's signature in any and all email messages.

A staff member who is a member of the State Legislature or the County Board of Chosen Freeholders is entitled by law to time off from school district duties, without loss of pay, during the time the member attends meetings of the Legislature or Board of Chosen Freeholders or any committee of those bodies. No other staff member who holds elective or appointive office is so entitled, except as such time off may be provided for by the Board policy or negotiated agreement.

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.

Employees found in violation of this policy shall be subject to disciplinary action.

Legal References

NJSA 18A:6-8.1 Leave of certain employees to serve in legislature
18A:6-8.1 Leave of certain employees to serve on board of chosen freeholders
18A:6-8.4 Right to hold elective or appointive state, county or municipal office

The personal life of an employee is not an appropriate concern of the Board except as it may directly prevent the employee from performing his/her properly assigned functions during the workday or affect his/her professional relationship with the pupils.

Unbecoming Conduct

When an employee, either within the school or outside normal duties, creates conditions under which the proper operation of the school is affected, the Board, upon recommendation of the Superintendent of Schools, 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.

Legal References

NJSA 2C:51-2 Forfeiture of public office
18A:6-10 et seq Due process for employees suspended or reassigned
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

# Millville Board of Education
# District Policy Manual

**Support Personnel** **Series 4000**

**Acceptable Use of Computer Network(s) / Computers, Email, Social Networks & Other Forms of Electronic Communications by All Users** **Policy 4219.26**



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

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

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

<u>Electronic Communication</u>
School district personnel shall adhere to the following guidelines when sending or receiving messages via district owned or issued devices and the district network:

1. All messages shall pertain to legitimate school business;
2. 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;
3. 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;

4. 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;
5. Federal copyright laws shall be observed;
6. Staff shall not send messages that contain material that:
    - May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
    - Violates the district's affirmative action policies;
    - Is personal in nature and not related to the business of the district;
    - Can be interpreted as provocative, flirtatious or sexual in nature;
    - Is confidential and not authorized for distribution;
    - Violates Board Policy on Harassment, Intimidation and Bullying.
7. 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 before initiating email use;
8. Employees learning of any misuse of the email systems shall notify the supervisor for technology, principal or Superintendent of Schools 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.

Social Networking Websites

The Superintendent of Schools/designee 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 orientation and reminders will give special emphasis to:

A. Improper fraternization with students using social networking websites on the internet:

- Teachers may not list current students as "friends" on networking sites;
- All e-contacts with students should be through the district's computer and telephone system;
- All contact by coaches with team members shall be sent to all team members;
- Teachers will not give out their private cell phone or home phone numbers without prior approval of the district;
- Inappropriate contact via e-mail or phone is prohibited;

B. Inappropriateness of posting items with sexual content;
C. Inappropriateness of posting items exhibiting or advocating use of drugs and alcohol;
D. Examples of inappropriate behavior from other districts, as behavior to avoid;
E. Monitoring and penalties for improper use of district computers and technology;
F. The possibility of penalties, including dismissal from employment, for failure to exercise good judgment in on-line conduct.

The Superintendent of Schools/designee will periodically conduct Internet searches to see if teachers have posted inappropriate materials on-line. When inappropriate use of computers and websites is discovered, the Superintendent of Schools/designee will download the offensive material and promptly bring that misconduct to the attention of the Board's personnel committee for review.

Standards for Computer Network(s)

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

A. Using the computer network(s)/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities that violate federal, state or local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the network(s). Obscene activities shall be defined as violation of generally accepted social standards for use of publicly owned and operated communication vehicles.
B. Using the computer network(s)/computers to violate copyrights, institutional or third-party copyrights, license agreements or other contracts.
C. Using the computer network(s) in a manner that:

1. Intentionally disrupts network traffic or crashes the network(s);
2. Degrades or disrupts equipment performance;
3. Uses the computing resources of the school district for commercial purposes, financial gain or fraud;
4. Steals data of other intellectual property;
5. Gains or seeks unauthorized access to the files of others or vandalizes the data of another user;
6. Gains or seeks unauthorized access to resources or entities;
7. Forges electronic mail messages or uses an account owned by others;
8. Invades the privacy of others;
9. Posts anonymous messages;
10. Possesses any data that is a violation of this policy; and/or,
11. Engages in other activities that do not advance the educational purposes for which computer network(s)/computers are provided.

Violations

Individuals violating this policy shall be subject to appropriate disciplinary actions as defined by Board Policy and the district disciplinary code(s) that includes but is not limited to:

A. Use of network(s)/computers only under direct supervision;
B. Suspension of network privileges;
C. Revocation of network privileges;
D. Suspension of computer privileges;
E. Revocation of computer privileges;
F. Suspension;
G. Dismissal;
H. Legal action and prosecution by the authorities; and/or,
I. Any appropriate action that may be deemed necessary by the Superintendent of Schools and approved by the Board of Education.

Cell Phones

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):

1. Answering academic inquiries regarding homework, other classroom work or assignments;
2. Scheduling appointments for school related conferences and/or extra help;
3. Clarifying classroom expectations and/or assignments;
4. 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:

1. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
2. Violates the district's affirmative action policies;
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 information and not authorized for distribution;
6. Violates Board Policy on Harassment, Intimidation and Bullying.

Implementation

This policy shall be made available electronically or otherwise disseminated to all staff members, annually or as needed.

NJSA 2A:38A-1 et seq Computer system
2C:20-25 Computer-related theft
18A:7A-11 Reports by school districts
18A:6-10 Dismissal and reduction in compensation of persons under tenure
18A:11-1 General mandatory powers and duties
18A 27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:36-35 School Internet web sites; disclosure of certain student information prohibited

Hicks v. Pemberton Bd of Ed 1975 SLD 332
Quiroli v. Linwood Bd of Ed 1974 SLD 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 SLD 1448
N.J. v. T.L.O. 469 U.S. 325 (1985)
O'Connor v. Ortega 480 U.S. 709 (1987)
No Child Left Behind Act of 2001, Pub. L. 107-110
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References
1111, 3514, 4117.50, 4118.2, 4119.2, 4119.21, 4119.22, 4119.23, 4119.24, 4138, 4138.2, 5114, 5124, 5131, 5131.5, 5142, 6142.10, 6144, 6145.3, 6161

# Millville Board of Education
# District Policy Manual

**Support Personnel** **Series 4000**

**Paging Devices, Cell Phones & Other Electronic Devices** **Policy 4219.27**

| Date Adopted: January 23, 2006 | Date Revised: June 2, 2008 | Page 1 of 1 |
|---|---|---|

All those employed by the Board of Education may not use personal cell phones during the performance of their assigned duties. An exception would be during lunches and/or duty-free periods for those staff members covered by negotiated contracts.

This policy does not prohibit the use of personal cell phones in emergencies or in the conduct of school business. When there is a question of what constitutes an emergency, the employee should consult with their supervisor.

"Use" shall be defined for the purposes of this policy as having or placing the device in the "On" position.

Legal References

NJSA 2C:33-19 Possession of remotely activated paging devices on school property, disorderly persons offense
18A:11-1 General mandatory powers and duties

NJAC 6A:16-5.8 Remotely activating paging devices

All newly employed staff in the following classifications shall be employed for a probationary period of 60 calendar days, or less, at the discretion of the Board:

A. Secretaries and clerks
B. Aides
C. Maintenance and grounds personnel
D. Custodians
E. Bus drivers
F. Such other classifications as the Board may establish

During the probationary period such employees shall be considered "temporary".

The "date of hire" of any employee shall be the first day the employee reports to work for the probationary period.

Legal References

NJSA 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:16-1.1 May appoint temporary officers and employees
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
18A:29-16 Emergency certificates; day-by-day basis substitute

NJAC 6A:9-6.5 County substitute credential
6A:32-6.1 et seq. School Employee Physical Examinations

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986
Sayreville Education Ass'n v. Sayreville Bd. of Ed., App. Div., unreported decision (docket no. A-4899-82T2, decided April 12, 1984)
Lammers v. Bd. of Ed. of Borough of Point Pleasant, Ocean County, S/B (June 5, 1991)
Manual for the Evaluation of Local School Districts New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

4211, 4212.2, 4212.4

The Board, within its financial means, may hire aides as recommended by the Superintendent of Schools.

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 pupils. Classroom aides 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 of Schools.

All aides shall be required to comply with the provisions of the law regarding health and security checks.

In accordance with federal law, the Superintendent of Schools shall establish procedures to release information, upon request, regarding the qualifications of classroom aides to parents/guardians for any classroom aide who is employed by any school receiving Title 1 funds and who provides instructional assistance to their children.

Qualification of Classroom Aides in Title 1 Schools

All classroom aides hired in schools that receive Title 1 funds shall be qualified in accord with federal law. All such classroom aides must have a high school diploma or its equivalent. All such classroom aides hired after January 8, 2002, except those working as translators or solely in conducting parent involvement activities, also must meet at least 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.

Classroom aides hired before January 8, 2002 must have met these qualifications by January 2006.

Legal References

NJSA 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:11-1 General mandatory powers and duties
18A:16-2 through -5 Physical examinations; requirement
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:32-6.1 et seq. School Employee Physical Examinations
6A:32-4.7 Approval of paraprofessional staff
8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Possible Cross References

3541.1, 3542, 4212.4, 4215, 4216, 4221, 5131, 6162.4

The Board of Education recognizes that the skills 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 of Schools shall ensure that appropriate programs of in-service training shall be developed for support staff as necessary.

The Superintendent of Schools 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.

Mandated In-service Programs

The Superintendent of Schools shall arrange development of appropriate in-service presentations, seminars and/or workshops on affirmative action/equity, special education, child abuse, drug/alcohol abuse awareness, handling blood and body fluids, possible hazardous substances in the workplace and other topics specifically required by federal and New Jersey law.

Whole School Reform

The Board shall encourage a high quality staff development program to assist staff in the implementation of all aspects of Whole School Reform model being utilized in its individual schools.

Legal References

NJSA 18A:7A-11 Annual report of local school district; contents
18A:7A-11e improvement of basic skills
18A:17-46 Act of violence; report by school employee; notice of action taken; annual report
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:30-7 Power of boards of education to pay salaries
18A:31-2 Attendance at conventions of New Jersey Education Association
18A:40A-3 Initial inservice training programs; curriculum
34:5A-10 Retention of workplace surveys
34:5A-13 Employee education and training program; certification of instructors

NJAC 6A:7-1.6 Professional development
6A:14-1.2(b)13 District eligibility for assistance under IDEA Part B
6A:15-1.8 Inservice training
6A:9-15.1 et seq. Required Professional Development for Teachers
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:16-1.1et seq. Programs to Support Student Development
6A:16-11.1et seq. Reporting Allegations of Child Abuse and Neglect
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 Employment of teaching staff
6A:32-4.4 Evaluation of tenured teaching staff members
6A:32-4.5 Evaluation of nontenured teaching staff members

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
The Comprehensive Equity Plan, New Jersey State Department of Education
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

4215, 4216, 4233, 4231/4231.1, 5131.6, 5141, 6142.2, 6171.3, 6171.4

In the event of an emergency brought about by a job action, including a strike, by any employee group, it shall be the policy of the 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, 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 of Schools or his/her designee shall have the authority to take such immediate emergency steps as he deems necessary to ensure safety and well being of pupils and employees and to protect the property of the district.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

Possible Cross References

6144

No employee of the Board of Education may solicit or sell products for personal gain within the school while under active contract.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

School employees shall not engage in outside activities or perform any services other than those assigned or allowed by the district during the contractual hours of the prescribed school day.

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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:12-24 et seq Prohibited acts
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

NJAC 6A:28-1.1 et seq School Ethics Commission

Possible Cross References

3514, 4219.21, 4238.2

Communicable Diseases-Exclusion from School (Pupils and Employees)
It is sometimes necessary to exclude from school individuals who are ill or who have been exposed to a communicable disease or whose presence is detrimental to the health or cleanliness of others. The Board of Education therefore, implements this policy.

The school nurse shall instruct the teachers at the beginning of the school year, or when designated by the Board of Education about the methods employed to detect the first signs of communicable diseases and the recognized measures for the promotion of health and prevention of disease. In addition, the school nurse will instruct those teachers from whose classrooms a pupil has been excluded about the symptoms of the disease for which the pupil was excluded.

No teacher shall attempt to diagnose any illness of a pupil but shall refer suspected cases to the nurse.

Any staff member who appears to be ill or who is suspected of having a communicable disease shall be excluded from school or isolated at school to await instructions from the school physician, and/or the school nurse.

Where there is evidence of departure from the normal health of any staff member, or if the staff member has been exposed to a communicable disease, or if the presence of the staff member in the school is detrimental to the health or cleanliness of the pupils or staff members in the school:

A. The Superintendent of Schools or administrative designee, upon the recommendation of the school nurse or school physician, may exclude the staff member from the school.
B. In the absence of the school nurse or school physician, the Superintendent of Schools' designee may exclude the staff member from the school. In that event, the person making the exclusion must immediately notify the Superintendent of Schools.

A staff member retained at home or excluded from school shall not be readmitted to school until written evidence is presented of being free of the reason for the exclusion. Such evidence may be by a qualified physician, or school physician who has examined the staff member.

The rules of the local Board of Health or State Department of Health, New Jersey State Board of Education, or in the absence of these, the rules of the school physician pertaining to communicable disease shall apply in determining periods of incubation, communicability, quarantine, and reporting.

No staff member who is a member of a household in which a person is suffering from or been exposed to smallpox, diphtheria, scarlet fever, whooping cough, yellow fever, typhus fever, cholera, or measles, shall attend any public school during such illness, or until the attending physician, Board of Health, or school physician has certified that all danger of communicating the disease by the staff member has passed.

The school physician, and/or the school nurse, shall report all cases of communicable diseases to the local, county, or state Board of Health. The Superintendent of Schools will also inform the County Superintendent of Schools.

Legal References

NJSA 18A:16-2 Physical examinations; requirement
18A:16-4 Sick leave; dismissal
18A:16-4 Records of examinations
18A:40-6 et seq Health measures in general
26:4-6 Prohibiting attendance
26:4-15 Reporting of communicable diseases

NJAC 6A:16-2.2 Required health services
6A;16-2.3 Health services personnel
8:57 Reportable communicable diseases
8:61-1.1 Attendance at school by pupils or adults infected by. Human Immuno-deficiency Virus (HIV)

Possible Cross References

1410, 4112.4, 4131/4131.1, 4212.4, 5113, 5131.6, 5141, 5141.1, 5141.4

It is the intention of the Board of Education to comply with NJ State Labor Laws in the compensation of overtime for nonexempt personnel when such is previously approved and properly worked.

No overtime shall be worked without the prior approval of the Superintendent of Schools/designee. Overtime will be paid at the rate of 1½ times regular hourly pay when approved by the Superintendent of Schools/designee for time worked in excess of 40 hours per week, or as noted in specific contract. For the purpose of computing overtime, credit toward the attainment of 40 hours shall be given only for hours worked or compensated time off.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment
34:10-1 et seq State Wage & Hour Law

Workers Compensation Physicians

The Board of Education seeks to provide the highest quality benefits while maintaining a sound fiscal policy. The intention of the workers' compensation law is to provide the best possible medical care and rehabilitation services available to injured employees while in course of employment. In order to accomplish this, the first step is to get an accurate diagnosis and begin the proper treatment immediately; therefore, unless an emergency situation exists, each injured employee must be treated by the Board appointed physician.

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 workmen's compensation doctor prior to returning to schoolwork is required.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment

Through its overall safety program and various policies pertaining to school personnel the Board shall seek to ensure the safety of employees during working hours.

The Board shall be vigorous in maintaining safe working conditions for employees. It 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 and shifting of heavy weights.

Accidents must be reported immediately to the nurse or the supervisor if the nurse is not available. An accident investigation report must be submitted in-detail to the Superintendent of Schools' office by the following working day.

Legal References

NJSA 2C:7-1 et seq. Registration of sex offenders; definition; requirements
18A:16-2 Physical examinations; requirement
18A:40-12.1 Protective eye devices required for teachers, pupils and visitors in certain cases
18A:40-12.2 Rules prescribing kinds, types and quality of devices
34:5A-1 et seq. Worker and Community Right to Know Act
34:6A-25 et seq. New Jersey Public Employees' Occupational Safety and Health Act
34:19-1 et seq. Conscientious Employee Protection Act

NJAC 6A:26-12.5 Eye protection in schools
6A:32-12.1(a) Reporting requirements
12:100-4.2 Safety and Health Standards for Public Employees (Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogen Standard
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References
3510, 3516, 4211.1, 4212.4, 5142

The Board of Education recognizes that exposure to Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV) and other bloodborne diseases warrant serious concern for employees, at risk, for exposure to human blood and other body fluids that contain bloodborne pathogens.

The Board is committed to providing a safe and healthful school environment for our entire staff and student body. In pursuit of this goal, the Board directs the Superintendent of Schools to develop an Exposure Control Plan (ECP) to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA Bloodborne Pathogens Standard, Title 29 Code of Federal Regulations 1910.1030 and N.J.A.C. 12:100-4.2.

The Exposure Control Plan ensuring compliance with the standard shall include:

A. Employee exposure determination
B. The procedure for evaluation circumstances surrounding an exposure incident
C. The schedule and method for implementing the specifications of the standard, including:
    1) Methods of Compliance
    2) Hepatitis B Vaccination and post-exposure follow-up
    3) Training and communication of hazards to employees
    4) Record keeping

The Superintendent of Schools is responsible for the implementation of the ECP. The Superintendent of Schools will maintain and update the written ECP at least annually and whenever necessary to include new or modified tasks and procedures.

Those employees who are reasonably anticipated to have contact with or exposure to blood or other potentially infected materials are required to comply with the procedures and work practices outlined in this ECP.

The Superintendent of Schools will have the responsibility for written housekeeping protocols and will ensure that effective disinfectants are purchased.

The Superintendent of Schools will be responsible for ensuring that all medical actions required are performed and that appropriate medical records are maintained.

The Superintendent of Schools will be responsible for training, documentation of training and making the written ECP available to employees, OSHA and NIOSH representatives.

The Superintendent of Schools will maintain and provide all necessary personal protective equipment (PPE), engineering controls (i.e., sharp containers, etc.) labels, and red bags as required by the standard.

The Superintendent of Schools will ensure that adequate supplies of the aforementioned equipment are available.

During implementation of the Exposure Control Plan the Board will handle all information regarding HIV infected individuals in compliance with the States HIV/AIDS Confidentiality Law, N.J.A.C. 26:5c-5

Legal References

NJSA 18A:16-2 Physical examinations; requirement
18A:16-4 Sick leave; dismissal
18A:16-4 Records of examinations
18A:40-6 et seq Health measures in general
26:4-6 Prohibiting attendance
26:4-15 Reporting of communicable diseases

NJAC 6A:16-2.2 Required health services
6A;16-2.3 Health services personnel
8:57 Reportable communicable diseases
8:61-1.1 Attendance at school by pupils or adults infected by. Human Immuno-deficiency Virus (HIV)

29 CFR Part 1910.1030 "Bloodborne Pathogens Standards

Possible Cross References

3510, 3516

The Board of Education directs the Superintendent of Schools 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 techniques that bring potentially problem situations to the immediate attention of the Superintendent of Schools.

Legal References

NJSA 18A:16-1.1. May appoint temporary officers and employees
18A:11-1 General mandatory powers and duties

The Board of Education recognizes that certain absences are justifiable and will provide for employee absences authorized by law and consistent with contractual agreement.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:30-1 through -6 Sick leave
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

The Board of Education recognizes that military service rendered by any district employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic is a service benefiting all citizens. Any permanent or full-time officer and/or employee of the district will be provided military leave and related benefits pursuant to the Uniformed Service Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq., PL 2001 Chapter 351 amending NJSA 38:23-1, NJSA 38A:1-1 and NJSA 38A:4-4, and any other applicable Federal and State laws.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized militia of New Jersey (New Jersey National Guard, New Jersey Naval Militia Joint Command) shall be entitled, in addition to pay received, if any, to leave of absence without loss of pay or time on all days in which he/she is engaged in any period of State or Federal active duty. The leave of absence for Federal active duty or active duty for training shall not exceed ninety work days in the aggregate in any calendar year. A permanent or full-time temporary officer or employee who has served less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of ninety workdays shall be without pay, but without loss of time.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized reserve of the Army of the United States, United States Air Force Reserve, or United States Marine Corps Reserve, or other organization affiliated therewith, including the National Guard of other states, shall be entitled, in addition to pay received, if any, to a leave of absence without loss of pay or time on all work day she/she shall be engaged in any period of active duty, provided such leave of absence shall not exceed thirty workdays in any calendar year. A permanent or full-time temporary officer or employee who has served less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty workdays shall be without pay, but without loss of time.

Military leave with pay is not authorized for Inactive Duty Training as defined in NJAC 5A:2-2.1.

The district will provide benefits and rights for staff members on military leave as required by Federal and State laws.

The military leave requirements in this policy are the minimum requirements of applicable Federal and State laws. The district, at its option, may provide additional military leave with pay and related benefits.

Pursuant to NJSA 52:13H-2.1, in accordance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application by the district to the State Treasury and approval of the application by the Director of the Division of Budget and Accounting, reimbursement shall be made by the Sate of New Jersey for any costs incurred as a result of the provisions of PL 2001, Chapter 351.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:29-11 Credit for military service
38:23-1 et seq Military leave of absence
38A:1-1 Definitions
38A:4-4 Paid military leave of absence
52:13H-2.1 Military leave of absence benefits
47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")

NJAC 5A:2-2.1. Uniformed Services Employment and reemployment Rights Act

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq

# Millville Board of Education
# District Policy Manual

**Support Personnel** **Series 4000**

**Attendance Patterns** **Policy 4251**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The 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 of Schools 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 illness and request all leave at the earliest possible time. Procedures shall be in accordance with New Jersey statutes and district negotiated contracts.

A doctor's certificate may be required for all illnesses and injuries for those employees who are absent more than three days. In addition, a doctor's certificate may be requested in cases of questionable use of sick leave benefits, even if an employee has been absent for one day.

If it has been determined that an employee has utilized sick leave benefits without just cause, he/she shall be subject to disciplinary action.

If an employee has exhausted all accumulated sick leave, all unused personal days may be utilized as sick leave.

Provisions shall be made for public acknowledgment of exceptional staff attendance records.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:29-14 Withholding increments; causes; notice of appeals
18A:30-1 et seq. Sick Leave
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
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)

Possible Cross References

4250, 4251, 4251.1, 4251.6, 4251.7

# Millville Board of Education
# District Policy Manual

**Support Personnel** **Series 4000**

**Personal Illness & Injury / Health & Hardship** **Policy 4251.1**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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It is the policy of the 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.

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.

The Superintendent of Schools 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.

Legal References

NJSA 18A:16-2 through -5 Health examinations
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:30-1, -2 Sick leave
18A:30-16 Prolonged absence beyond sick leave
34:11B-1 et seq. Federal Family Medical Leave Act

29 USCA 2601 et. seq. (Family Medical Leave Act)
Nevada Dept. Human Resources, et. al v. William Hibbs, et. al, 538 US 721

Prolonged Absence Beyond Sick Leave

When the absence of any employee from his or her post or duty because of personal disability due to illness or injury, or because he or she has been excluded from school by the school district's medical authorities because of a contagious disease or of being quarantined of such disease in his/her immediate household, exceeds the annual sick leave together with all accumulated sick leave of that individual employee, request may be made of the Board of Education to pay any such person's salary for such length of time as may be determined by the Board of Education.

The following procedures shall apply:

A. All requests for such prolonged, extended sick leave shall be made in writing and signed by the employee seeking such leave and such request shall have appended thereto a report from the employee's physician detailing the medical condition of the employee.
B. The written request shall be submitted to the Board Secretary with a copy to the Superintendent of Schools, at least ten days before the next regularly scheduled Board meeting for inclusion on the agenda of the Board.
C. The Board shall consider each request on an individual basis and may consider the following factors:
    1) The length of employment of the employee within the district.
    2) Proposed length of extended sick leave.
    3) The nature of the illness/injury.
    4) Whether the employee had previously requested such leave.
    5) Whether or not the employee is on the verge of retirement because of age or disability.
    6) Number of grants of prolonged sick leave to other employees during the school term.
    7) Position/Function of the employee and potential impact to the district/students of a substitute employee.
D. If, after individual consideration, the Board grants prolonged sick leave benefits, the Board shall state by resolution the length of time/number of days of approved paid sick leave. The pay for each approved day of sick leave shall be calculated at $1/200^{th}$ of the actual salary for a ten month employee and $1/240^{th}$ of a twelve month employee's salary less the pay of a substitute if a substitute is employee or the estimated cost of a substitute if none is employed.
E. If paid leave is not granted, but leave is taken by the employee nevertheless, the employee's salary shall be reduced by $1/200^{th}$ if a ten month employee and $1/240^{th}$ if a twelve month employee.

Prolonged Absence Not Constituting Sick Leave

When the absence of any employee from his or her post exceeds the annual personal leave, request may be made of the Board of Education to pay any such person's salary for such length of time as may be determined by the Board of Education.

The following procedures shall apply:

A. All requests for such prolonged leave shall be made in writing and signed by the employee seeking such leave.
B. The written request shall be submitted to the Board Secretary with a copy to the Superintendent of Schools, at least ten days before the next regularly scheduled Board meeting for inclusion on the agenda of the Board.
C. The Board shall consider each request on an individual basis and may consider the following factors:
    1) The length of employment of the employee within the district.
    2) Proposed length of extended leave.
    3) The reason for the request for extended leave.
    4) Whether the employee had previously requested such leave.
    5) Number of grants of prolonged leave to other employees during the school term.
    6) Position/Function of the employee and potential impact to the district/students of a substitute employee.
D. If, after individual consideration, the Board grants prolonged leave benefits, the Board shall state by resolution the length of time/number of days approved paid leave. The pay for each such approved day of leave shall be calculated at 1/200$^{th}$ of the actual salary for a ten month employee and 1/240$^{th}$ of a twelve month employee's salary less the pay of a substitute if a substitute is employed or the estimated coast of a substitute if none is employed.
E. If the leave is not granted, but leave is taken by the employee nevertheless, the employee's salary shall be reduced by 1/200$^{th}$ of the employee's salary if a ten month employee and 1/240$^{th}$ if a twelve month employee. In addition, other disciplinary action may be taken.

Legal References

NJSA 18A:16-2 through -5 Health examinations
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:30-1, -2 Sick leave
18A:30-16 Prolonged absence beyond sick leave
34:11B-1 et seq. Federal Family Medical Leave Act

29 USCA 2601 et. seq. (Family Medical Leave Act)
Nevada Dept. Human Resources, et. al v. William Hibbs, et. al, 538 US 721

The Board affirms that punctuality is a trait that students should aspire to and the Board recognizes that employees set examples for students. It shall be the policy of the 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. Failure to do so may subject the employee to progressive disciplinary action by the Board of Education.

The Board directs the Superintendent of Schools to establish a reasonable procedure for determining those employees who fail to be at their established work location on time.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

# Millville Board of Education
# District Policy Manual

**Support Personnel** **Series 4000**

**Accidents / Injuries** **Policy 4252.2**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The Board directs that any incident of accident or injury to any employee that occurs during working hours shall be reported immediately to the School Nurse.

All injuries requiring first aid or other medical care shall be documented on the School Injury Form and it shall be the responsibility of the School Nurse to advise the Superintendent of Schools of the nature and extent of the injury as well as any first aid applied by the Nurse. Additionally, the School Nurse shall provide the Superintendent of Schools with a completed copy of the School Injury Form.

The School Nurse and/or Superintendent of Schools 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 make the determination as to whether transportation to a hospital or the School Doctor is necessary.

The School Nurse shall also be responsible for preparing and dispatching any claim forms or other forms to the appropriate insurance company or health service group.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

NJAC 6A:16-2.1 et seq Health services policy and procedural requirements

In accordance with the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA), the Board of Education will grant staff members up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the district so that the staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

A staff member shall not be discriminated against for having exercised his/her rights under the FLA or the FMLA, nor shall the staff member be discouraged from the use of family leave.

Definitions

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

A. "Child" means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but is incapable of self-care because of a mental or physical condition.
B. "Parent" means a biological, adoptive or foster parent, stepparent, parent-in-law, legal guardian having a "parent-child relationship" with a child as defined by law, or any person who has sole or joint legal or physical custody, care, guardianship or visitation with a child.
C. "Serious health condition" is an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.
D. "Week" is the number of days an employee normally works each calendar week.
E. "Family leave" is taken pursuant to the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA).
F. "Staff member" is an employee eligible for family leave in accordance with the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA).
G. "Reduced leave" means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than the staff member's usual number of hours worked per workday.

Eligibility

A staff member shall become eligible for family under FLA after he/she has been employed at least twelve months in this district for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. A staff member shall become eligible for family leave under FMLA after he /she has been employed in this district for not less than 1,250 hours, excluding overtime, during the immediate preceding twelve-month period. The calculation of the twelve-month period to determine eligibility shall commence with the commencement of the family leave. Leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

Family leave shall run concurrently under the FLA and the FLMA. When family leave is requested under the FMLA for the individual staff member's personal illness or injury, all accumulated sick and personal days must be utilized first. Thereafter, said days will be deducted from the maximum twelve-week entitlement under the FMLA.

During any period of the leave, the staff member is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to the commencement of the leave. A staff member on family leave may commence part-time employment that shall not exceed half the regularly scheduled hours normally worked for the district. The staff member may continue the part-time employment that commenced prior to the family leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

Types of Leave

A staff member may take family leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary if the total time within which the leave is taken does not exceed a twelve-month period for each serious health condition episode, the staff member will provide the district with prior notice of the leave in a manner that is reasonable and practicable, and the staff member makes a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the Superintendent of Schools/designee.

A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule except the staff member is not entitled to a reduced leave schedule for a period exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave or a reduced leave without an agreement between the staff member and the Superintendent of Schools/designee if leave is taken upon the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

The fact that a holiday or vacation period may occur within the week taken by a staff member as family leave has no effect and the week is counted as a week of family leave.

Any time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve-month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve-month period may be taken as consecutive leave or intermittent leave.

Notice

A staff member eligible for family leave must give at least a thirty day advance written notice to the Superintendent of Schools/designee of the need to take family leave, except where the need to take family leave is not foreseeable. When the need is not foreseeable, the staff member must provide notice as soon as practicable which shall be at least verbal notice to the Superintendent of Schools/designee within one or two working days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the Superintendent of Schools/designee, but any verbal notice must be followed by written notice delivered within three working days.

Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave except that if the date of the birth or adoption requires leave to begin in less than thirty days, the staff member shall provide such notice that is reasonable and practicable.

Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of the leave except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.

When the Superintendent of Schools/designee is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide written notice within two working days of returning to work to have the time considered family leave in accordance with the FLA and FMLA.

Benefits

Family leave shall be unpaid leave as per the FLA and the FMLA.

In accordance with law, the Board of Education will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued in employment continuously from the date the staff member commenced leave until the date the staff member returned to work or the date on which the staff member's coverage would have expired had the staff member not been on leave, whichever is sooner. A staff member who receives benefits while on family leave must return to the district for a minimum of one year or, at the discretion of the

Board of Education, until the end of the fiscal year, whichever is deemed to be in the best interest of the district. Staff members who do not comply with this provision shall be required to reimburse the district for the full cost of all medical, prescription and dental benefits provided during the family leave.

A staff member returning from family leave shall be entitled to the position he/she held when leave commenced or to an equivalent position of like seniority, status, employment benefits, pay and other conditions of employment. If the district experiences a reduction in force or layoff and the staff member would have lost his/her position had the staff member not been on family leave as a result of the reduction in force or pursuant to the good faith bargaining agreement, the staff member shall not be entitled to reinstatement to the former or an equivalent position in accordance with applicable statutes, codes and laws. The staff member's tenure and seniority rights, if any, and other benefits shall be preserved, but the staff member shall accrue no additional time toward tenure or seniority for the period of the leave except as may be provided by law.

The return of a staff member prior to the expiration of the requested family may be permitted by the Board of the return does not unduly disrupt the instructional program or require the Board to incur the cost of continuing the employment of a substitute under contract or does not unduly disrupt he educational program for pupils.

Family leave granted to a nontenured staff member cannot extend the employee's employment beyond the expiration of his/her employment contract.

The district may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school district staff or one of the seven highest paid employees of the district, whichever is greater. This denial is necessary to prevent substantial and grievous economic injury to the school district's operations. The Board of Education shall notify the staff member of the intent to deny the leave at the time determination is made that the denial is necessary. If the leave has already commenced at the time of the district's notification of denial, the staff member shall return to work within ten working days of the date of notification.

Verification of Leave

The Board of Education shall require the certification of a duly licensed health care provider verifying the purpose of requested family leave. Certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement, whichever is appropriate.

In the event the Superintendent of Schools doubts the validity of the certification for the serious health condition of a family member of the staff member, the district may require, at the district's

expense, the staff member to obtain an opinion regarding the serious health condition for a second health care provider designated or approved, but not employed on a regular basis, by the Board of Education. If the second opinion differs for the certification, the Board of Education may require at the district's expense, that the staff member obtain an opinion of a third health care provider designated or approved jointly by both the staff member and the Board of Education. The opinion of the third health care provider shall be final and binding on the Board of Education and the staff member.

In order that a staff member's entitlement to family leave can be properly determined, the Superintendent of Schools shall ensure that keeping of accurate attendance records that distinguish family leave from other kinds of leave.

Legal References

NJSA 18A:16-2 through -5 Health examinations
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:30-1, -2 Sick leave
18A:30-16 Prolonged absence beyond sick leave
34:11B-1 et seq. Federal Family Medical Leave Act

29 USCA 2601 et. seq. (Family Medical Leave Act)
Nevada Dept. Human Resources, et. al v. William Hibbs, et. al, 538 US 721

# Millville
# Board of Education

# Policy Manual

# Students

# Series 5000

# Millville Board of Education
# District Policy Manual

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# Millville Board of Education
# District Policy Manual

**Students** **Series 5000**

**Role of Parents / Guardians** **Policy 5020**

| Date Adopted: June 30, 1998 | Date Revised: April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board 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 the 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 that may affect pupil 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 of Schools shall develop procedures and regulations to implement this policy. These regulations shall include use of the parent/guardian's native language when necessary.

Legal References

NJSA 18A:35-4.9 Pupil promotion and remediation; policies and procedures
18A:35-22 Notice to parents that child identified as eligible for enrollment; option of declining enrollment; involvement of parents in program

NJAC 6A:8-4.3 Accountability
6A:14-1.1 et seq. Special Education
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
6A:32-12.2 School-level planning

No Child Left Behind Act of 2001, Pub. L. 107-110. 20 U.S.C.A. 6301 et

Possible Cross References

1230, 1250, 5113, 5114, 5120, 4124, 5125, 5131.5, 5131.6, 6142.2, 6146, 6146.2, 6147.1, 6162.4, 6171.1, 6171.3, 6171.4

Compulsory attendance at school is a long-standing state policy and has been upheld by the court of New Jersey and the U.S. Supreme Court as a matter of public concern and legislative regulation.

The Board of Education has an obligation to require that the pupils of this district be present in school in order that they may be taught. This policy is for the benefit of the pupils, their parents, and the community at large. The Board concurs with the Commissioner of Education who wrote:
"…pupil participation in all regularly scheduled classroom learning activities in each area of study is essential in order for each pupil to receive the maximum benefits of a thorough educational program. Frequent absences of pupils from regular classroom learning experiences disrupt the continuity of the instructional process. The benefit of regular classroom instruction is lost and cannot be entirely regained, even by extra after-school instruction. Consequently, many pupils who miss school frequently experience great difficulty in achieving the maximum benefits of schooling. Indeed, many pupils in these circumstances are able to achieve only mediocre success in their academic programs. The school cannot teach pupils who are not present. The entire process of education requires a regular continuity of instruction, classroom participation, learning experiences, and study in order to reach the goal of maximum educational benefits for each individual child. The regular contact of the pupils with one another in the classroom and their participation in well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose. This is a well-established principle of education which underlies and gives purpose to the requirement of compulsory schooling in this and every other state in the nation." (Wheatley et al V. Board of Education of the City of Burlington, Burlington County, September 23 ,1974.)

The Board of Education requires that the pupils enrolled in the district attend school regularly in accordance with the laws of this state. The educational program offered by this district is predicated upon the presence of the pupil and requires continuity of instruction and classroom participation. The regular contact of pupils with one another in the classroom and their participation in a well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose.

Attendance shall be required of all students enrolled in the school during the days and hours that the school is in session unless it is shown to the satisfaction of the Board that the mental condition

the mental condition of the student is such that he/she cannot benefit from the instruction or that the bodily condition of the student is such as to prevent attendance at school. All absences occasioned by the observance of the student's religion on a day approved by the Commissioner as a religious holiday shall be excused and no student so excused shall be deprived of an award or eligibility to compete for an award or the opportunity to make up a test given on the religious holiday.

In accordance with statute, the Board shall require from the parent/guardian of each child who has been absent from school or from class for any reason a written statement of the cause for such absence. The Board reserves the right to verify such statements and to investigate the cause of each absence of more than three days duration. The Board may report to appropriate authorities infractions of the law regarding the attendance of students below the age of 16.

The Board further maintains that the learner has a major responsibility to learn, and as such, the pupil is accountable for the faithful school attendance.

The Board cannot condone, accuse, or encourage any absence by pupils. Therefore, the Superintendent of Schools may prepare regulations to assist with the implementation of this policy.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:35-4.9 Pupil promotion and remediation; policies and procedures
18A:36-14, -15, -16 Religious holidays; absence of pupils on; effect ...
18A:36-19a Newly enrolled students; records and identification
18A:36-24 through -26 Missing children; legislative findings and declarations ...
18A:38-25 Attendance required of children between six and 16; exceptions
18A:38-26 Days when attendance required; exceptions
18A:38-27 Truancy and juvenile delinquency defined
18A:38-31 Violations of article by parents or guardians; penalties
18A:38-32 District and county vocational school attendance officers
18A:40-7 Exclusion of pupils who are ill
18A:40-8 Exclusion of pupils whose presence is detrimental to health and cleanliness
18A:40-9 Failure of parent to remove cause for exclusion; penalty
18A:40-10 Exclusion of teachers and pupils exposed to disease
18A:40-11 Exclusion of pupils having communicable tuberculosis
18A:40-12 Closing schools during epidemic
18A:54-20 Powers of board (county vocational schools)
52:17B-9.8a through -9.8c Marking of missing child's school record

NJAC 6A:8-5.1 Graduation requirements
6A:16-1 et seq. Programs to support student development.
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-8.1 et seq. Student Attendance and Accounting
6A:32-8.3 Student attendance

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 794
Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851
C.R., on behalf of J.R., v. Board of Education of the Scotch Plains-Fanwood Regional School District, 1988 S.L.D. (June 22)

Possible Cross References

5020, 5111, 5114, 5115, 5124, 5141.2, 5141.4, 5142, 6146, 6147, 6147.1, 6154, 6171.4, 6173

Eligibility

The Board of Education shall admit to its schools free of charge the following persons over five and under 20 years of age:

A. Any student domiciled within the district;
B. Any student kept in the home of a person other than the student's parent/guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his/her own child if family or economic hardship has been documented;
C. Any student kept in the home of a person domiciled in the district, other than the parent/guardian, where the parent/guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency;
D. Any student whose parent/guardian temporarily resides within the district, notwithstanding the existence of a domicile elsewhere;
E. Any student whose parent/guardian moves to another district as the result of being homeless, subject to the provisions of administrative code;
F. Any student placed in the home of a district resident by court order pursuant to statute;
G. Any student previously residing in the district if the parent/guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency pursuant to statute; and,
H. Any student residing on federal property within the state pursuant to statute.

Proof of Eligibility

The Board shall accept any combination of the forms of documentation that are listed in the New Jersey Administrative Code (NJAC 6A:22-3.4) when they are presented by persons attempting to demonstrate a student's eligibility for enrollment in the district, and as deemed appropriate, valid, and acceptable by the Superintendent of Schools, including:

- Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
- Voter registrations; licenses; permits; financial account information; utility bills, delivery receipts; and other evidence of personal attachment to a particular location;

- Court orders; State agency agreements; and other evidence of court or agency placements or directives;
- Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location or to support the student;
- Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
- Affidavits, certifications, and sworn attestations pertaining to statutory criteria for school attendance from the parent, guardian, person keeping an "affidavit student," adult student, person(s) with whom a family is living, or others, as appropriate;
- Documents pertaining to military status and assignment; and
- Any other business record or document issued by a governmental entity.

The Board of Education may accept forms of documentation not listed above and shall not exclude from consideration any documentation or information presented by an applicant.

The Board shall consider the totality of information and documentation offered by an applicant and may accept other forms of documentation or information presented by a person seeking to enroll a student.

The Board shall not require or request any information or document protected from disclosure by law or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school, including, but not limited to:

- Income tax returns;
- Documentation or information relating to citizenship or immigration/visa status, except as set forth in NJAC 6A:22-3.3(b);
- Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
- Social Security numbers.

Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials.

Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to NJAC 6A:22-4.2.

When a student appears to be ineligible based on information provided in the initial application, the district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the school district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is enrolled pursuant to this paragraph shall be notified that the student will be removed without a hearing before the Board of Education if no appeal is filed within the 21-day period established by NJSA 18A:38-1.

Minimum Immunization Requirements
All children enrolling in the district shall provide proof of the required vaccinations and immunizations as established by the laws of the State of New Jersey for students entering public schools.

Pre-Kindergarten & Kindergarten
Any child residing in the district shall be admitted to the kindergarten provided:

A. The child will have attained the age of four years for pre-kindergarten and five years for kindergarten on or before October 1st of that school year;
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.

Grade One
Any child residing in the district shall be admitted to grade one provided:

A. The child will have attained the age of six years on or before October 1 of that school year;
B. Proof has been furnished of immunization against communicable diseases.

Transfers into Grades Two through Eight

Pupils 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 of Schools shall request in writing from the school or district of previous attendance, the pupil'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 the academic assessments indicate that such adjustments would be beneficial to the child. Parents/guardians shall be informed of this policy on registration.

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 Pupils

When there is any doubt as to whether a child is entitled to free public education in the district schools, all procedures of law and code shall be followed.

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.

Foreign Exchange Students (J-1 Visas)

To receive a J-1 student visa from the United States Department of State, a foreign exchange student must demonstrate acceptance to a designated exchange visitor program as evidenced by presentation of Form IAP-66, sufficient funds, or adequate arrangements, to cover expenses; sufficient knowledge of English to undertake the proposed program; compliance with the requirements of Section 212(j)INA.

Foreign exchange students who hold appropriate visas and who are domiciled within a district residence may be admitted to this district after complying with this policy.

Students who are domiciled within a residence of one of the sending districts must obtain documentation to show acceptance by the sending district. Foreign exchange students will not be enrolled in High School without acceptance by both this district and the sending district.

Foreign Students (F-2 visas - dependents of F-1 students)
To receive an F-2 visa from the United States Department of State, a student must be a dependent of F-1 status visa holders.

Foreign Students (F-1 visas)
To receive an F-1 student visa from the United States Department of State, a foreign exchange student must demonstrate that he/she has a residence abroad and intends to return; has been accepted to pursue a full course of study at an INS-approved institution as evidenced by presentation of Form 1-20A-B; has sufficient academic preparation to pursue the intended course of study; has sufficient knowledge of English to pursue the intended study and has sufficient funds to cover the first year of study and access to sufficient funds to cover subsequent years.

Foreign exchange students who hold F-1 visas may not be admitted to an elementary school (K-8) and/or an adult education program in this district.

F-1 visa foreign students, who were in a public school before November 30, 1996 and obtained F-1 status before November 30, 1996 may continue in the public school. However if these students travel outside the United States, they will need to conform to the requirements above (12 month maximum and reimbursement for cost) to be readmitted.

The cost of education to be reimbursed to the Board may be calculated by dividing the sum of all public expenditures of the school or district by the number of students or by using the rate certified by the Board.

Foreign exchange students or their representative(s) must notify the Board of Education no later than May 31st of the school year prior to the requested enrollment year of their desired to be enrolled in the district school. The Board of Education reserves the right to determine if a particular foreign exchange student or group of exchange students may be enrolled in the district school, based on space available and/or the educational needs of the particular student or group of students seeking enrollment. The Board of Education shall render its decision and inform the prospective student or his/her representative(s) of such decision no later than June 30th of that same year. At its sole discretion, the Board of Education may alter these dates.

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 and apply them toward district requirements for promotion or middle school graduation.

Homeless Pupils
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 Board shall make this policy available to parents/guardians and the public.

Legal References

NJSA 18A:7B-12 District of residence; determination
18A:7B-12.1 Homeless child; responsibility for education; determination of placement; payment of costs
18A:7C High School Graduation Standards
18A:36-19a Newly enrolled students; records and identification
18A:36-25.1 Proof of child's identity required for enrollment; transfer of record
18A:38-1 Attendance at school free of charge
18A:38-2 Free attendance at school by nonresidents placed under court order
18A:38-3 Attendance at school by nonresidents
18A:38-4 Free attendance to persons over age
18A:38-5 Admission of pupils under age
18A:38-5.1 No child to be excluded from school because of race, etc.
18A:38-6 Time of admission of pupils; first school year
18A:38-7.7 Legislative findings and declarations
18A:38-8 Duty to receive pupils from other districts
18A:38-25 Attendance required of children between six and 16; exceptions
18A:40-20 Immunization at public expense
18A:44-1 Establishment of nursery schools or departments; eligibility for admission
18A:44-2 Establishment of kindergarten; eligibility for admission
26:1A-9.1 Exemption of pupils from mandatory immunization

NJAC 6A:10A-2.1 et seq Preschool program general provision
6A:12-3.1 Choice district application procedures
6A:14-1.1 et seq. Special Education
6A:16-2.2 Required health services
6A:16-2.4 Required student health records
6A:17-1.1 et seq. Students at Risk of Not Receiving a Public Education
6A:22-1.1 et seq. Entitlement to Attend School Based on Domicile or
6A:22-3.4 Proof of Eligibility
6A:23-5.2, -5.3 Method of determining the district of residence
6A:32-8.2 School enrollment
8:57 Communicable diseases
8:61-1.1 Attendance at school by pupils or adults infected by Human Immuno-Deficiency Virus (HIV)
P.L. 2005, c. 265 students returning to public schools from county detention
Tepper v. Board of Education of the Township Hackensack, Bergen County, 1971 S.L.D. 549
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Plyler v. Doe, 457 U.S. 202 (1982)
Warren 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)
"Pupil Residency": Who is Eligible for a Free Public Education," by Donna Kaye, Esq. In N.J. School Leader (July-August 2002).

In order for the Board of Education to fulfill its responsibility for providing a thorough and efficient education for each pupil, the complete cooperation of parents/guardians and pupils is required to maintain a high level of school attendance.

The frequent absence of pupils from classroom learning experiences disrupts the continuity of the instructional process and limits the ability of pupils to complete the prescribed curriculum requirements successfully.

A pupil must be in attendance for 170 or more school days in order to be considered to have successfully completed the instructional program requirements of the grade/course to which he/she is assigned.

A waiver of these attendance requirements may be granted for good cause by the school Principal upon recommendation of a review committee, appointed by him/her, and consisting of representative staff, including pupil 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 10 days. Documentation of the nature and causes of these absences shall be the responsibility of the pupil and parent/guardian.

Parents/guardians are responsible for notifying the school early in the day when a child will be absent and for informing the school of the reason for the absence. The Superintendent of Schools shall develop procedures for the attendance of pupils which:

A. Ensure a school session which is in conformity with requirements of the rules of the New Jersey State Board of Education;
B. Identify potentially missing and/or abused pupils;
C. Govern the keeping of attendance records in accordance with rules of the New Jersey State Board of Education (NJAC 6A:16-1.1 et seq) including pupils serving in- or out-of-school suspensions, or excluded for health and cleanliness reasons;

<u>Lateness</u>
The Board expects students to arrive at school and in classrooms on time. Students who arrive late to school or in their assigned classroom(s) shall be subject to disciplinary action in accordance with the district's Code of Student Conduct.

<u>Truancy</u>
The Board will report to appropriate authorities infractions of the law regarding the attendance of pupils below the age of 16. Repeated infractions by enrolled pupils over the age of 16 may result in the suspension or expulsion of the pupil.

It shall be the policy of the Board to consider the effectiveness and appropriateness to his/her needs of the educational program that is offered each pupil who is habitually and repeatedly absent from his/her assigned program and to consult with the child study team for its recommendations.

Unexcused Absences

For the purposes of this policy and pursuant to NJAC 6A:32-8.3, the definition of a school day is that a school day shall be such that a school day shall consist of not less than four hours of actual instruction.

For the purposes of this policy an unexcused absence shall be defined as absence of a student from school, a class or classroom or his/her assigned program for a school day without proper notification by the student's parent/guardian or for reasons other than those listed in this policy under Excused Absences, below.

Excused Absences

The Board considers the following as cause for excused absence:

A. Disabling illness
B. Recovery from accident
C. Required court attendance
D. Family illness (serious illness of a family member, residing in the household of the student or the quarantine of the family member, family or student in accordance with the directives of health officials);
E. Death in the family (death of a family member of the student, including but not limited to parent/guardian, sibling, grandparent, aunt, uncle, etc.);
F. Religious observance--In accordance with statute, no pupil absent for religious observance of a day recognized by the commissioner of education or this Board of Education shall be charged with an unexcused absence, deprived of an award or eligibility/opportunity to compete for an award, or of the right to take an alternate to a test or examination missed through such absence.
G. Such good cause as may be acceptable to the Principal.

Attendance need not always be within the school facilities. A pupil 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 pupil 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.

Students with Disabilities

For students with disabilities, attendance plans and punitive and remedial measures shall be established in accordance with the students':

A. Individualized Education Programs, pursuant to USC § 1400 et. seq., the Individuals with Disabilities Education Improvement Act;
B. Procedural safeguards as set forth in NJAC 6A:14;
C. Accommodation plans under 29 USC § 794 and 705(20);
D. Individualized health care plans, pursuant to NJAC 6A:16-2.3(b)2ix.

Cases of Up to Four Unexcused Absences

The Superintendent of Schools shall assign a district employee to attempt to notify parents/guardians of any unexcused absences of their children prior to the beginning of the school day following said unexcused absence.

District personnel shall be assigned the task of conducting an investigation to determine the cause(s) of each unexcused absence. This investigation shall include contacting the parents/guardians of the student.

Appropriate district personnel shall develop an action plan to address patterns of habitual unexcused absences of students in order to have said students maintain regular attendance. This action plan shall be developed in consultation with the student's parents/guardians.

Cases of Five to Nine Cumulative Unexcused Absences

The Superintendent of Schools shall assign a district employee to attempt to notify parents/guardians of any unexcused absences of their children prior to the beginning of the school day following said unexcused absence.

District personnel shall be assigned the task of conducting an investigation to determine the cause(s) of each unexcused absence. This investigation shall include contacting the parents/guardians of the student.

Appropriate district personnel shall develop an action plan to address patterns of habitual unexcused absences of students in order to have said students maintain regular attendance. This action plan shall be developed in consultation with the student's parents/guardians. In addition, the assigned staff member(s) shall evaluate the appropriateness of the action plan pursuant to NJAC 6A:16-7.8(a)41(3) and revise the action plan, as needed to identify patterns of unexcused absences and establish outcomes based on the student's needs and specify the interventions for achieving the outcomes supporting the student's return to school and regular attendance that may include any or all of the following:

A. Refer or consult with the Intervention and Referral Services team, pursuant to NJAC 6A:16-8;
B. Conduct testing, assessments or evaluations of the student's academic, behavioral and health needs;
C. Consider an alternate educational placement;
D. Make a referral to a community-based social and health provider agency or other community resource;
E. Refer to the court program designated by the New Jersey Administrative Office of the Courts;
F. Proceed in accordance with the provisions of NJSA 9:6-1 et seq. and NJAC 6A:16-11, if a potentially missing or abused child situation is detected; and/or,
G. Cooperate with law enforcement and other authorities as appropriate.

Cases of Ten or More Cumulative Unexcused Absences

In cases of 10 or more cumulative unexcused absences, the student between the ages of 6 and 16 shall be considered to be truant pursuant to NJSA 18A:38-37. In such cases, the following actions shall be instituted:

A. A mandatory referral to the court program designated and required by the New Jersey Administrative Office of the Courts;
B. A reasonable attempt to notify the student's parents/guardians of said mandatory referral;
C. Continuation of consultations with the parents/guardians and the involved agencies to support the student's return to school and regular attendance;
D. Cooperation with law enforcement and other authorities and agencies, as appropriate;
E. Proceed in accordance with the provisions of NJSA 18A:38-28 through 31, Article 3B, Compelling Attendance at School and other applicable state and federal statutes, as required.

Regular Release of Pupils Before the End of the Normal School Day

There are varying situations which may justify release of certain pupils from school before the normal time for closing. Such situations are justifiable only if the release does not jeopardize the pupil's educational program and the reasons for such release can be shown to have positive benefits for the pupil.

Late Arrival and Early Dismissal

The Board recognizes that from time to time compelling circumstances will require that a pupil 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 pupil'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. Medical disability;
C. Family emergency;
D. Court appearance;
E. Such good cause as may be acceptable to the administration.

No pupil 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 pupil. Such custodian shall be responsible for informing the Board of any change in the pupil's custodian. The principal may take such steps as seem necessary to ensure that the child is released only to the proper legal custodian.

Class Cutting and Truancy (Unauthorized Absence)

Penalties for students who cut classes shall include detention and in-school suspension. Parents/guardians who fail to comply with the compulsory attendance laws are subject to the penalties prescribed by law.

Make-Up Work

Students shall be provided the opportunity to make up all work and examinations missed because of absence. Failure to make up such work or take such examinations shall result in appropriate academic penalty.

Exclusions

When a student has been excluded from school in accordance with statute, he/she shall have the same opportunity to make up missed work as a student absent for any other reason. Such days of non-attendance shall be recorded as excused absences.

Potentially Missing Children

A. If daily attendance records indicate a child is absent, and the parent/guardian has not called, a designated person shall attempt to contact them.
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 Superintendent of Schools, 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.

In accordance with Board Policies 5141.4 – Child Abuse & Neglect and 5141.5Early Detection of Missing Children, and pursuant to NJSA 9:6-1 et. seq. and NJAC 6A:16-11, any case in which it appears that the student who is absent is potentially missing or the victim of child abuse and/or neglect, the Superintendent/designee shall conduct an investigation of the circumstances and proceed in accordance with law and in cooperation with law enforcement officials where appropriate.

Marking Missing Child's School Record

Whenever the Superintendent of Schools 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 of Schools 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 pupil records (see Policy 5125 Pupil Records). After the Superintendent of Schools 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 of Schools shall develop procedures for the attendance of pupils which:

A. Ensure a school session which is in conformity with requirements of the rules of the New Jersey State Board of Education;
B. Identify potentially missing and/or abused pupils;
C. Govern the keeping of attendance records in accordance with rules of the New Jersey State Board of Education, including pupils serving in- or out-of-school suspensions, or excluded for health and cleanliness reasons;
D. Impose on truant pupils such disciplinary measures as may be appropriate for infractions of school regulations, but no such penalty may have an irredeemable negative effect on the pupil's record of achievement beyond that which naturally follows his/her absence from school activities;
E. Identify the habitual truant, investigate the causes of his/her behavior, and consider modification of his/her educational program to meet his/her particular needs and interests;

F. Address tardiness and class cutting in terms of the intent of this policy;
G. Ensure that pupils absent for any reason have an opportunity to make up work they missed;
H. Recognize exemplary attendance.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:35-4.9 Pupil promotion and remediation; policies and procedures
18A:36-14, -15, -16 Religious holidays; absence of pupils on; effect ...
18A:36-19a Newly enrolled students; records and identification
18A:36-24 through -26 Missing children; legislative findings and declarations ...
18A:38-25 Attendance required of children between six and 16; exceptions
18A:38-26 Days when attendance required; exceptions
18A:38-27 Truancy and juvenile delinquency defined
18A:38-31 Violations of article by parents or guardians; penalties
18A:38-32 District and county vocational school attendance officers
18A:40-7 Exclusion of pupils who are ill
18A:40-8 Exclusion of pupils whose presence is detrimental to health and cleanliness
18A:40-9 Failure of parent to remove cause for exclusion; penalty
18A:40-10 Exclusion of teachers and pupils exposed to disease
18A:40-11 Exclusion of pupils having communicable tuberculosis
18A:40-12 Closing schools during epidemic
18A:54-20 Powers of board (county vocational schools)
52:17B-9.8a through -9.8c Marking of missing child's school record

NJAC 6A:8-5.1 Graduation requirements
6A:16-1 et seq. Programs to support student development.
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-8.1 et seq. Student Attendance and Accounting
6A:32-8.3 Student attendance

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 794
Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851
C.R., on behalf of J.R., v. Board of Education of the Scotch Plains-Fanwood Regional School District, 1988 S.L.D. (June 22)

Possible Cross References

5020, 5111, 5114, 5115, 5124, 5141.2, 5141.4, 5142, 6146, 6147, 6147.1, 6154, 6171.4, 6173

While the Board believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize pupils for violations of school regulations to ensure the good order of the school and to teach pupils the consequences of disruptive behavior.

Pupils 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 pupil;
C. Actions that constitute a continuing danger to the physical well-being of other pupils;
D. Physical assault upon another pupil, a teacher, or any school employee with or without a firearm or other weapon;
E. Taking, or attempting to take, personal property or money from another pupil 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 pupils 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 pupils or staff members;
R. Selling or buying lottery tickets or any other gambling paraphernalia on school property.

Any pupil 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 pupil's suspension.

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 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 of Schools 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. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program and shall be closed to the public.

Superintendent of Schools and/or Principal shall have the authority to suspend pupils for improper conduct in or on school property in grades 3 through 8, which in his/her judgment is deemed sufficient cause for such action. Students in preschool through second grade will be subject to early detection and prevention programs for behavioral issues incorporated in their daily program to include remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. Students in grades 3 through 8 shall also be considered for remediation and referral in the event their behaviors warrant such action given their circumstances for suspension.

The Principal shall be responsible for the removal of such students and shall immediately report them to the Superintendent of Schools. The Principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The Superintendent of Schools 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.

<u>In-school Suspension</u>
The Board directs the administration to arrange facilities for in-school suspension whenever possible. Pupils will be required to occupy themselves with school-related work during such suspensions. No socializing shall be permitted. Pupils shall be counted as present in school but absent (excused) from individual classes.

<u>General</u>
Pupils on home suspension shall be counted absent (excused) unless the duration of the suspension requires home instruction.

Except when special considerations warrant (at the discretion of the administration), every pupil 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.

Pupils under suspension are prohibited from participating in or attending any school-regulated 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 of Schools. Any pupil under suspension who enters the school buildings or grounds without the permission of the Superintendent of Schools may have the period of his/her 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 pupils shall cause a pupil to be suspended upon the first offense.

Making Up Missed Work

Pupils 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.

Upon their readmission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The Superintendent of Schools will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

A. Informing the pupil of the charges against him/her;
B. Giving the pupil a chance to reply to them.

These regulations shall also include safeguards for the dismissal of pupils suspended from school, procedures for calling an immediate conference with parents/guardians, limitations on the length of suspensions, and specifics for the reinstatement of pupils.

Every effort shall be made to adjust each suspension promptly so that the pupil can be returned to school with a minimum loss of school time and school work.

When the Superintendent of Schools 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 pupil may be reinstated by the Superintendent of Schools before Board action.

Each pupil 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 pupil or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit.

Pupils 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 pupil 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 of Schools, the presence of the pupil in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such pupil suspended from the schools of this district shall receive individual instruction commencing not later than five working days after the suspension occurs, except that the Board may, on the recommendation of the Superintendent of Schools, assign the pupil to an alternate educational program to meet his/her particular needs (see policy #6172).

Procedures

The administration shall establish, and the Board shall approve, specific procedures for dealing with suspension cases. Regulations ensuring due process to all pupils before a suspension is imposed shall be developed with the advice of the Board attorney.

Expulsion

The Board will consider expulsion only if:

A. The Superintendent of Schools with his/her 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 pupil shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the pupil to a full hearing which will afford him/her procedural due process, and the right of parents/guardians to appeal to the Superintendent of Schools.

The child shall remain out of school until either:

A. An appeal made to the Superintendent of Schools 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 of Schools' 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 pupil 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.

Prior to expulsion, prevention programs for behavioral issues incorporated in their daily program to include remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services will be afforded all students. In addition, the student shall be referred to the Child Study Team for evaluation.

If a pupil younger than 18 years of age is expelled, the Board shall continue to supply an educational program for him/her.

Implementation

The Superintendent of Schools 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.

Procedural Safeguards for Pupils with Disabilities

Procedural safeguards as they apply to suspensions and expulsions for pupils with disabilities will be followed in accordance with state special education regulations 6A:14-2.8 and federal special education code 20 U.S.C. Section 1415.

When an alternative educational program is provided for a pupil identified as disruptive but not disabled, the Superintendent of Schools shall inform the Board.

Legal References

NJSA 2C:12-1 Definition of assault
18A:11-1 General mandatory powers and duties
18A:37-1 et seq. Discipline of pupils
18A:40A-1 et seq. Substance abuse

NJAC 6A:14-2.8 Discipline/suspension/expulsions
6A:16-1.1 et seq. Programs to Support Student Development
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-12.2 School-level planning

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)
Somerset County Educational Services Commission v. North Warren Board of Education 1999 S.L.D. September 7
State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)
See also Commissioners' Decisions indexed under "Pupils-Punishment of" in Index to N.J. School Law Decisions
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible Cross References

5113, 5124, 5131.5, 5131.7, 6154, 6164.2, 6164.4, 6171.4, 6172, 6173

# Millville Board of Education
# District Policy Manual

**Students** **Series 5000**

**Student Storage Areas** **Policy 5114.6**

| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |
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The 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.

School officials shall have reasonable suspicions to believe that a student possesses evidence of illegal activity or of an activity that would interfere with school discipline and order before a reasonable search shall be conducted.

Desks and other storage areas assigned to students are school property and these shall be subject to regular and periodic inspection by the administration in order to insure proper health and safety standards. Areas may be inspected at any other time when reasonable grounds of such an inspection exist.

Whenever reasonable grounds to conduct a specific area search exists, the administration shall consider the source of the information, the reliability of the source, the actions of the student, the age and history of the student, the seriousness of the problem to the school, the need for immediacy as compared to parental knowledge or notification and the relationship of the search to the alleged wrong doing.

After due consideration of these items, the administration shall decide if a search is warranted. If so there shall be present at all times following whenever possible;

The administrator
The student
The parent or legal guardian
A witness in place of the parent if the parent/guardian is not available
School security if available

If criminal activity is involved or suspected, law enforcement officers shall be contacted for their assistance. The Superintendent of Schools shall protect the student's individual rights at all times.

The administration also reserves the right to conduct random searches of student storage areas.

The administration shall be responsible for the custody, control and disposition of any object seized (unless superseded by a law enforcement officer) and shall be responsible for the prompt recording in writing of all reasons for the search, persons present, items found and seized and disposition of them.

Legal References

NJSA 18A:36-19.2 Inspection of student lockers
18A:25-2 Authority over pupils

# Millville Board of Education
# District Policy Manual

**Students** **Series 5000**

**Plagiarism / Academic Dishonesty** **Policy 5114.7**

| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |
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Pupils are expected to be honest in all of their academic work. This means that they will not engage in any of the following acts:

1. Cheating on examinations, including but not limited to the unauthorized use of books or notes, the use of crib sheets, copying from other students' papers, exchanging information with other students orally, in writing, or by signals, electronics, obtaining copies of the examination illegally and other similar activities.
2. Plagiarism is not permitted in term papers, themes, essays, reports, images, take-home examinations, and other academic work. Plagiarism is defined as stealing or use without acknowledgement of the ideas, words, formulas, textual materials, online services, computer programs, etc. of another person, or in any way presenting the work of another person as one's own.
3. Falsification, including forging signatures, altering answers after they have been graded, the insertion of answers after the fact, the erasure of grader's markings, and other acts that allow for falsely taking credit.

A pupil found guilty of academic dishonesty may be subjected to a full range of penalties including, but not limited to remand and loss of credit for all of the work that is plagiarized.

Cell phones are prohibited in standardized testing situations.

A teacher who believes that a pupil has been academically dishonest in his/her class should resolve the matter in the following manner:

1. Reprimand the student orally and/or in writing. The teacher is authorized to withhold credit in the work tainted by the academic dishonesty.
2. If warranted, the teacher shall file a written complaint against the student with the Superintendent of Schools, requesting a more stringent form of discipline. The complaint must describe in detail the academic dishonesty that is alleged to have taken place, and must request that the matter be reviewed by the Superintendent of Schools.
3. The Superintendent of Schools will determine if additional discipline of the pupils is appropriate and will determine the nature of the discipline on a case-by-case basis.
4. If the pupil is not in agreement with the disciplinary action of the teacher, he/she may appeal the action to the Superintendent of Schools. If the pupil is dissatisfied with the Superintendent of Schools' disposition of the case, he/she may grieve the action in accordance with Policy 5145.6 – Pupil Grievance Procedure.

Legal References

NJSA 18A:25-2 Authority over pupils
18A:37-1 Submission of pupils to authority

NJAC 6A:14-2.8 Discipline/suspension/expulsions

Possible Cross References

5114, 5114.1, 5114.2, 5114.3, 5114.4, 5114.5, 5145.6

The Board of Education will admit children of school age who reside in this district and will admit other children in accordance with Title 18A, New Jersey Administrative Code, and this policy. The Board reserves the right to establish procedures to verify the residency or anticipated residency of any pupil and the validity of any affidavit of guardianship.

Any person who knowingly violates these statutes may be found guilty of a disorderly person's offense and subject to prosecution by legal authorities.

Nonresident students are defined as those students whose parents or legal guardians are domiciled outside the school district. Domicile means a person's true and permanent home. The school district is only obligated to educate residents and those nonresidents who fall with certain narrow categories that are listed below. Nonresident students shall not be permitted to attend public school unless they fall into one of the following categories:

Former Residents

Any student having attended our school whose parents/guardians have moved out of the school district after the first marking period has ended may be permitted to finish the school year without payment of tuition, provided that:

1. They are not special education students who require additional services outside of the school district.
2. Their enrollment will not necessitate any additional classroom personnel.
3. They have submitted a written request to the Superintendent of Schools.

Under no circumstances will the Board provide transportation to or from the district or any other educational facility.

Nonresident Students

Nonresident students may be admitted to this district upon payment of tuition or if a sending - receiving contract has been signed by another Board of Education, subject to class size, availability of program, and other unforeseen circumstances as determined by the Board. Parents of nonresident students who are attending the district school on a tuition basis will pay a monthly tuition charge in advance of attendance on or before the first day of each month.

This shall not include attendance that is justified on the basis of living full time with district residents because of temporary, personal or financial hardship in their own family. In these cases, legal affidavits must be signed, and acceptance will be at the discretion of the Superintendent of Schools.

The Superintendent of Schools shall develop procedures for the enrollment of nonresident children whose admittance will be made after proper application by the parent/guardian.

Family Crisis

Notwithstanding the provisions of NJSA18A:38-1 or any other law, rule, or regulation to the contrary, a child and his/her parent(s)/guardian(s) who moves out of the school district as a result of domestic violence, sexual abuse or other family crises in accordance with the provisions of the Administrative Procedure Act, (P.L. 1968, c410 (C.52:14B-1 et seq.), shall be permitted to remain enrolled in the school district for the remainder of the school year. Parents/guardians are required to inform the Superintendent of Schools immediately, in writing, in all such cases. This notification must include any and all documentation of the family crises, and include pertinent documents on file with the courts, legal authorities and/or the New Jersey Division of Child Protection & Permanency (DCP&P).

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 of New Jersey shall reimburse the school district for the cost of the transportation services.

Nothing in this policy shall be construed to affect the rights of homeless students pursuant to section 19 of P.L.1979, c.207 (C.18A:7B-12), section 3 of P.L.1989, c.290 (C.18A:7B-12.1), or any other applicable State or federal law.

Nonresident Staff

Nonresident teachers and administrative staff of the district will be extended to professional courtesy of having their children enrolled on an annual basis as tuition-free students, provided that:

1. They are siblings of children presently enrolled in school.
2. They are not special education students who require additional services outside of the school district.
3. They are not high school students.
4. Their enrollment will not necessitate any additional classroom personnel.
5. All requests shall be submitted annually in writing by May 15th; a response will be given by July 31st.

Foreign Exchange Students

Parents who desire to sponsor students in state or federally approved foreign and/or other student high school exchange programs must first contact the Superintendent of Schools for approval from the Board of Education. Board of Education approval will be based on the financial stability of the district during a particular year; however, approval shall not exceed two (2) students per year.

The Board shall not be responsible for the transportation to or from any school of any nonresident.

Residency Requirement

The children of families, who have signed a contract to buy, build, rent and establish a permanent residence in that domicile within the school district may apply for admission to the district. It is to be understood that the anticipated date by which a Certificate of Occupancy is to be issued and permanent residency established will not by the last student day prior to October 16th in order for the pupil(s) to begin school as of September 1st.

The Board reserves the right to assess tuition at the established and approved annual rate. Tuition payments will be made on or before the 1st day of each month and in advance of attendance. If the family becomes domiciled on or before October 15th, any and all tuition payments already made will be refunded to the family. If the family has not established a legal residency in the district by that date, the Board reserves the right to deny further attendance. Families that are not in receipt of a Certificate of Occupancy may petition the Board for an extension. Written requests for an extension for extenuating circumstances must be accompanied by official documentation stating the reason(s) and the projected residency establishment date. If an extension is granted, any and all tuition payments previously collected and any future payments will be retained by the school district.

Under no circumstances will the Board provide transportation to or from the district or any other educational facility.

Legal References

NJSA 18A:7F-3 Definitions
18A:11-1 General mandatory powers and duties
18A:36B-1 et seq. Interdistrict Public School Choice Program Act of 1999
18A:38-1 et seq. Attendance at school free of charge
18A:46-20 Receiving pupils from outside district; establishment of facilities
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:12-1.3 et seq. Interdistrict Public School Choice
6A:17-1.1 et seq. Students at Risk of Not Receiving a Public Education
6A:22 Student residency
6A:22-3 Eligibility to attend school
6A:22-3.1 Students domiciled within the school district
6A:23A-19.2 et seq Method of determining the district of residence
6A:23A-19.3 Address submission for determining the district of residence

Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. § 1101
Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div 1999)

Possible Cross References

3240, 5111

Transfers

All transfers of resident pupils from non-public schools shall be honored provided all requirements set forth in the policies of the Board of Education relating to pupil admissions are met.

All pupils entering the district school shall be under the jurisdiction of the district attendance policy. Absences allowed will be prorated on a monthly basis from the date the pupil enrolls in the district.

All parents/guardians of pupils or adult pupils transferring from the district must notify the administration. Records shall be transferred only after verification from the school to which the pupil is transferring.

Grade Placement of Transferred Pupils

In order to ensure assignment to the grade best suited to a pupil's needs and readiness, placement is left to the judgment of the administration and teacher(s), working in cooperation with the pupil's parents/guardians. Such placements are to be governed by the following considerations:

1. Age health and maturity of the pupil
2. Quality and extent of previous courses of study
3. Record from previous school
4. Results of standardized tests

Evaluation & Services

Students deemed to be in need of supplemental services will be placed as appropriate.

If a student transferring into the district 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 NJAC 6:28-1, recommend to the administration the most appropriate educational classification and placement for the student.

Withdrawals

Students identified by the staff as a potential or immediate drop-out due to turning sixteen years of age and still enrolled will be requested to attend school for an assessment period of three days after they have indicted their intention of leaving school. During this three day period the following procedure is to be implemented:

1. The student and the school counselor will meet for the purpose of discussing the reason for leaving school and the student's plans for the future.
2. The student and the school counselor will meet to discuss the student's present scholastic standing.

3. The student, the parent/guardians, the school counselor and the Principal of the school will meet to review all pertinent information and render their recommendations.

If, after the above procedure has been followed and the student remains firm on his/her intention to leave school, a final meeting will be scheduled between the student and the school desingee to discuss the education and occupational alternatives that are available to them, such as:

1. Graduate equivalency diploma
2. Additional educational classes
3. Training programs
4. Work-study programs

All efforts will be extended in an attempt to retain the student in school and assist him/her in obtaining a diploma.

Legal References

NJSA 18A:7B-12 District of residence; determination
18A:36-19a Newly enrolled students; records and identification
18A:36-25.1 Proof of child's identity required for enrollment; transfer of record between districts
18A:36B-1 et seq. Interdistrict Public School Choice Program
18A:38-8 Duty to receive pupils from other districts

NJAC 6A:12-3.2 Criteria to guide the Commissioner's approval of choice program applications
6A:23-5.2 Method of determining the district of Residence
6A:32-8.2 School enrollment

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

Possible Cross References

511, 5125, 5131, 5131.5

General

All transfers into 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 pupils or adult pupils transferring from the district shall notify the district in a timely manner of their intention to leave the district.

Student records shall be transferred between schools within the time frame prescribed by law.

Unsafe School Choice Option

The Superintendent of Schools shall ensure that the district complies with all requirements of federal law and the New Jersey State Department of Education. He/she shall prepare regulations to implement this policy.

Legal References

NJSA 18A:7B-12 District of residence; determination
18A:36-19a Newly enrolled students; records and identification
18A:36-25.1 Proof of child's identity required for enrollment; transfer of record between districts
18A:36B-1 et seq. Interdistrict Public School Choice Program
18A:38-8 Duty to receive pupils from other districts

NJAC 6A:12-3.2 Criteria to guide the Commissioner's approval of choice program applications
6A:23-5.2 Method of determining the district of Residence
6A:32-8.2 School enrollment

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

Possible Cross References

511, 5125, 5131, 5131.5

Each pupil shall be assessed upon entrance into the district's schools and beginning in grade three shall be assessed annually thereafter to identify pupils not meeting district proficiency levels.

The Superintendent of Schools shall develop procedures to implement a program of individual pupil 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 in-service programs; selecting and approving instructional materials; staffing;
B. Identifying and determining the needs of:
   - Gifted and talented pupils;
   - Disruptive pupils;
   - Disaffected pupils;
   - Potential dropouts;
   - Pupils who require basic skills improvement programs;
   - Pupils with limited English proficiency;
   - Pupils who may require formal referral to the Child Study Team for classification;
   - Pupils who exhibit one or more potential indicators of dyslexia or other reading disabilities.
C. Disseminating results of such assessments to parents/guardians and to appropriate staff, state and federal agencies as required without invading the privacy of the individual pupil.

The Superintendent of Schools 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 New Jersey law.

Dyslexia Assessment

Dyslexia is a specific learning disability that is neurological in origin and is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities. The difficulties that typically result from dyslexia 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.

Indicators of Dyslexia
Potential indicators of dyslexia and/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/or.
F. Trouble in replication of content.

In accordance with the provisions of NJSA 18A:40-5.3, the Board of Education 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 of Education no later than the student's completion of the first semester of the second grade.

Students enrolling 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 instrument(s). Students shall be assessed at the same time as other students enrolled in the student's grade if possible. 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.

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.

Legal References

NJSA 18A:7A-10 Evaluation of performance of each school
18A:40-5.1 Definitions
18A:40-5.2 Distribution of information on screening instruments
18A:40-5.3 Dyslexia screening
18A:40-5.4 Assessment for learning disorders

NJAC 6A:8-3.1 et seq. Implementation of the Statewide Assessment System
6A:8-4.1 et seq. Implementation of the Statewide Assessment System
6A:8-5.1 Graduation requirements
6A:14-1.1et seq. Special Education
6A:15-1.1 et seq. Bilingual Education
6A:16-8.1 Establishment of intervention and referral services
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-14.1 Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

The Board of Education encourages the certified staff, under the direction of the Superintendent of Schools, to employ a comprehensive approach to the use of appraisal and evaluative techniques in monitoring pupil progress, including, but not limited to, recognized standardized achievement testing programs, written and oral teacher-made tests, performance observation, parent interviews, formal and informal evaluation techniques, use of cumulative pupil records, and medical examinations.

The Superintendent of Schools, in consultation with the teaching staff, shall develop a marking system to be used uniformly throughout the district. The system should be clear, easily understood by parents and pupils, and able to be applied with consistency of interpretation. The evaluation and the grading symbols shall be intended to appraise the pupil's progress toward established goals and shall be a factor in promotion/graduation decisions.

The parents must be made aware of the progress of their child, his/her own growth patterns and the child's progress in relation to recognized standards.

The Superintendent of Schools reserves the right to review and alter any grade or evaluation assigned to a pupil by the professional staff. As a matter of policy it delegates this authority to the Superintendent of Schools, who shall develop and implement an administrative regulation that establishes a process for the review of any grade or evaluation in question. The regulations shall protect the integrity of the grading and evaluation system and guarantee a fair hearing to all individuals party to a dispute concerning a grade or evaluation.

The school district shall establish and maintain a testing program to:

A. Measure the needs and progress of individual pupils;
B. Measure the achievement of grade levels;
C. Allow comparison of district pupils with national or other norms;
D. Aid in evaluation of programs.

The district's testing program shall embody at least the tests required by state law. The administration shall continually scrutinize the applicability and effectiveness of tests being used in the district.

<u>Grading Policy</u>

The philosophy of the Board of Education concerning academic achievement is based on the premise that children have diverse capabilities, interests and individual patterns of growth and learning.

Therefore, the Board feels it important that teachers have as much and as accurate knowledge of each student as is possible through tests and observations of student intelligence, achievement, work habits, skills, health and home environment.

The Board recognizes that many factors that cannot be clinically tested, such as attitude toward others and work habits, may influence a student's success as much as knowledge of subject areas.

In fairness to all students then, achievement shall be judged 1) in relation to a student's learning capacity, and 2) in terms of his/her degree of mastery of skills, instructional goals and objectives.

Tests, quizzes and other evaluation devices will be administered on a regular basis to generate grades to promote a process of continuous evaluation of student performance to inform the student and his/her parents of his/her progress and to provide a basis for bringing about change in the student's performance, if such a change is deemed necessary.

Mid-Term & Final Examination

Both mid-year and final examination or post tests will be used as a major evaluation of student achievement when they are conducted in such a way as to effectively evaluate the achievement of skills, goals and objectives on which activities have been based.

Basis for Grading

Skills arrays and curriculum guides containing pre, mid-year, and post tests will be distributed to each teacher. Teachers will explain to students the level of mastery required for promotion. Teachers are obligated to make clear to the students the basis upon which the grades are assigned. Marks or grades will be given on the basis of a student's success in achieving established skills, goals and objectives.

Frequency of Marking

Report cards will be issued to students quarterly. Interim reports will be sent to parents during the 4th week of all marking periods.

Report cards will be issued at conference time. To those parents who did not attend conferences, report cards will be issued at the end of each marking period.

Transcripts and Cumulative Folders

An explanation of the symbols used in grading will appear on all transcripts and cumulative folders along with information on grade point values.

Final averages will be the grade point total divided by 4 in the elementary grades. The average of .5 beyond the whole number will automatically extend the grade to the next letter grade. Three F's and a fourth grade of any value will automatically receive a final average of F.

High school marking period grades count as 80% of the final grade and the final exam counts as 20% of the final grade. If teachers give a mid-term exam, the mid-term exam counts as 10% and the final exam counts as 10% of the final grade.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:35-4.9 Promotion and remediation

NJAC 6A:14-1.1 et seq Special education
6A:15-1.1 et seq Bilingual education
6A:16 et seq Programs to support student development

No Child Left Behind Act of 2001, Pub. L. 107-110
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1000/1010, 1120, 1250, 2224, 3542.31, 5020, 5113, 5114, 5120, 5125, 5126, 5141, 5141.3, 5142, 5200, 6010, 6142.1, 6142.2, 6145, 6146, 6164.2, 6171.1, 6171.3, 6171.4, 6173, 6174, 6178

# Millville Board of Education
# District Policy Manual

**Students** **Series 5000**

**Maintaining Records of Student Grades** **Policy 5122.1**

| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |
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The Board of Education recognizes that the grades earned by students as they fulfill the curricular requirements of our school system are irreplaceable pieces of information of inestimable value to the student as well as to the school system. Therefore all student academic grading and attendance information shall be kept by the teacher in an orderly, timely, and specified fashion as permanent documentation, the form and content of which must be reviewed and approved by the Superintendent of Schools who shall collect these documents at the end of the school year and be responsible for their safety and confidentiality.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
18A:36-19a Newly enrolled students; records and identification
18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent
47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")
47:3-15 et seq. Destruction of Public Records Law
52:17B-9.8a through -9.8c Marking of missing child's school record

NJAC 6A:8-4.2 Documentation of student achievement
6A:14-1.1 et seq. Special Education
6A:16-1.1 et seq. Programs to Support Student Development
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-7.1 et seq. Student records
6A:32-8.1 School register

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)
Warren Board of Education v. Cooperman, 105 NJ 587 (1987)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

In general, pupils shall be placed at the grade level to which they are best adjusted academically, socially and emotionally. The education program shall provide for the continuous progress of pupils from grade to grade. Generally pupils will be expected to spend one year in each grade. A small number of pupils, however, may benefit from staying another year in the same grade.

Guidelines for Retention

Retention shall be considered when:

A. Retention would have a reasonable chance of benefiting the child.
B. The pupil is achieving one or more grade levels below expected performance in reading and/or language and/or mathematics.
C. Retention would not cause an undue social and emotional adjustment.

Procedures to Be Followed

A. Review and evaluation of the social, physical, and emotional characteristics by the classroom teacher, guidance counselor, basic skills teacher(s), Superintendent of Schools, and Child Study Team when appropriate.

   The following aspects should be considered:
   - Attendance record
   - Attention span
   - Completion of classroom assignments
   - Completion of homework
   - Relationship with peers
   - Significant changes in academics and/or behavior
   - Serious personal/family conditions or relationships
   - Health records
B. Identification of those pupils who are one or more grade levels below expected performance in the areas of reading/language arts and mathematics.
C. Review all academic records that would include the following:
   1. Language Arts folder
   2. Math folders
   3. Standardized test score
   4. Report card grades
   5. Any other appropriate records (i.e. basic skills records, Child Study Team records, etc.)
D. Notification of parents
   1. Guidelines indicating expected levels of achievement for promotion are disseminated to the parents at the November conferences with the teachers.

2. If it appears that retention is possible, the parent shall be notified by the Principal and/or the classroom teacher at the completion of the second marking period.
3. Relevant records shall be reviewed with the parent during a parent/teacher conference.
4. At the end of the third quarter, if retention of the pupil still may be likely, a letter will be sent to the parent/guardian.
5. At the end of each marking period, an analysis of each possible retainee's needs will be conducted by the Principal, staff and support staff and a program of improvement may be developed, such as:
    - Additional reading instruction
    - Additional math instruction
    - Provision of reinforcement materials for the parents to assist the child
    - Referral to guidance counselor
    - Referral to Child Study Team, if necessary
    - Periodic checks with parent by teacher to determine progress being made by the child
6. The child's subsequent progress shall be reviewed by the teacher at the end of the third marking period and a conference may be held.
7. Prior to the end of the school year, the Principal shall meet with any parents 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.
8. Parents shall be notified prior to the end of the school year by the Principal in writing, of the decision to retain.

Legal References

NJSA 18A:4-24 Determining efficiency of schools; report to state board
18A:7C-2 Boards of education; establishment of standards
18A:35-4.9 Pupil promotion and remediation; policies and procedures

NJAC 6A:8-4.1 Statewide assessment system
6A:8-4.2 Documentation of student achievement
6A:8-5.1 Graduation requirements
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
New Jersey Quality Single Accountability Continuum (NJQSAC)

The Board of Education believes that the cooperation of school and home is vital to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of pupil welfare and progress in school.

The Board directs the establishment of a system of reporting pupil progress which shall include written reports, pupil-teacher conferences, and parent-teacher conferences. If the parent's primary language is other than English, translation shall be provided whenever possible.

The Superintendent of Schools shall develop procedures for reporting pupil progress which:

A. Illustrate appropriate to grade level and curriculum content.
B. Ensure that both the pupil and parent receive ample warning of a pending grade of "failure" or one that would adversely affect the pupil's status.
C. Enable the scheduling of parent/teacher conferences in such places and at such times as will ensure the greatest degree of participation by parents.
D. Specify the issuance of report cards at intervals of not less than four times during the school year and issuance of deficiency notices as required during the school year.
E. Ensure the continual review and improvement of methods of reporting pupil progress to parents and involve pupils, staff and parents in that review.

The district shall keep parents informed of both negative and positive behavior demonstrated in school activities.

A record shall be kept indicating the legal custodian of each pupil, so that reports can be made and conferences arranged with proper person.

Legal References

NJSA 18A:7E-2 through -5 School report card program
18A:11-1 General mandatory powers and duties
18A:35-4.9 Pupil promotion and remediation; policies and procedures
18A:40A-12 Reporting of pupils under influence or believed to be using anabolic steroids; examination report, return home; treatment; evaluation of possible need and referral
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:8-4.3 Accountability
6A:8-4.5 Public reporting
6A:8-5.1 Graduation requirements
6A:14-1.1 et seq. Special Education
6A:15-1.1 et seq. Bilingual Education
6A:16-1.4 District policies and procedures
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:10A-2.2, -5.1(a)3, -5.3
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-7.1(d, k) General considerations
6A:32-12.1 Reporting requirements

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Possible Cross References

1000/1010, 1120, 1250, 2224, 3542.31, 5020, 5113, 5114, 5120, 5125, 5126, 5141, 5141.3, 5142, 5200, 6010, 6142.1, 6142.2, 6145, 6146, 6164.2, 6171.1, 6171.3, 6171.4, 6173, 6174, 6178

The 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 of Schools 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 administration shall have available 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 of Schools shall devise procedures to review such requests. These procedures shall include an appeal process as required by New Jersey administrative code.

Student Information Directories
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 of Schools 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 of Schools 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 of Schools 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 educationally handicapped 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 educationally handicapped students on whose behalf the Board of Education must take public action. Motions concerning educationally handicapped students shall be anonymous and refer to this confidential file. This shall be maintained in accordance with NJAC 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 educationally handicapped students under NJAC 6A:32-7 shall be obtained according to NJAC 6A:14-1.3 "Consent" and NJAC 6A:14-2.3.

Transfer of Student Records

A. The Superintendent of Schools 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 of Schools shall forward mandated student records as soon as possible upon receipt of the request from the Superintendent of Schools of the district to which the student has transferred, but in any case within 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 district students moving into the school system shall be transferred in a secure and orderly fashion at the mutual convenience of the two Superintendents of Schools.

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.

The district may make a charge for copies. The Board realizes and accepts the fact that any charges assessed shall not prevent parents/guardians from exercising their rights.

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 NJSA 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 of Schools/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 & Destruction of Records

The Superintendent of Schools 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, date of birth, gender, citizenship, address, phone number, health history and immunization,

standardized assessment 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 of Schools to keep abreast of all changes in state and federal law and regulation concerning student records.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
18A:36-19a Newly enrolled students; records and identification
18A:36-19.1 Military recruiters; access to schools and student information directories
18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent
18A:40-4 Examination for physical defects and screening of hearing of students; health records
18A:40-19 Records and reports of tuberculosis testing; disposition; inspection
26:5C-7 through -14 Acquired Immune Deficiency Syndrome
47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")
47:3-15 et seq. Destruction of Public Records Law
52:17B-9.8a through -9.8c Marking of missing child's school record

NJAC 6A:8-4.2 Documentation of student achievement
6A:14-1.1 et seq. Special Education
6A:16-1.1 et seq. Programs to Support Student Development
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-7.1 et seq. Student records
6A:32-8.1 School register
6A:32-14.1 Review of mandated programs and services
8:61-1.1 Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)
15:3-2 State records manual

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)
Warren Board of Education v. Cooperman, 105 NJ 587 (1987)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

The Board of Education shall regulate access, compilation and maintenance of pupil records in compliance with federal and state statutes and regulations governing the collection, maintenance, disclosure and security of pupil records. It shall be the responsibility of the Superintendent of Schools to ensure the security of pupil records maintained in the district's official files.

Pupil records shall contain only such information as is relevant to the education of the pupil and is objectively based on the personal observations and/or knowledge of the certified school personnel who originates the record.

It shall be the policy of this Board to guarantee access of pupil records only to persons authorized according to NJAC 6:3-2.5, within 10 working days of the request but prior to any review or hearing conducted in accordance with State Board of Education regulations. Access shall be granted only to authorized organizations, agencies or persons in accordance with specifications and conditions prescribed by regulations.

Confidentiality of pupil records shall be assured. Limited access shall be granted to secretarial and clerical personnel under direct supervision of certified school personnel to those portions of the records and to the extent necessary to record data and conduct routine clerical tasks. Access to computerized records shall be regulated and safeguards established to ensure security of these records. Access to the records of another pupil which is granted to a parent or adult pupil, shall be limited to that portion of the pupils record that pertains to his/her own child, or himself/herself.

A non-adult pupil may assert rights of access only through his/her parent(s)/guardian(s) with the exception of emergency situations when it is determined by certified school personnel that disclosure of the pupil record to the pupil or to appropriate persons connected with the emergency will protect the health or safety of the pupil or other persons.

Annually, or when appropriate, the permitted pupil records of currently enrolled students will be reviewed by certified school personnel, and data which is considered not to be educationally relevant or descriptive of the pupil will be deleted.

All anecdotal information and assessment reports collected on a pupil shall be dated and signed by the person originating the data.

Parents/guardians shall be notified annually in writing of their rights in regard to pupil records and pupil participation in educational programs pursuant to NJSA 18A:36-19.1. Provisions shall be made for the inclusion of educationally relevant information in the pupil records by the parent/guardian.

Furthermore, the rights of appeal for impermissive disclosure, inclusion of improper information or denial of access to organizations, agencies and persons shall be adhered to.

When the parent's/guardian's dominant language is not English, or the parent of is deaf, every effort shall be made to provide for interpretation of the pupil record in the dominant language of the parent/guardian or adult pupil.

Student directory information shall be compiled, released and publicized consistent with regulations.

No liability shall be attached to any member, officer or employee of this Board granting access to or furnishing pupil records in accordance with the specifications of the code. The Superintendent of Schools shall direct the development of administrative procedures for the implementation of this pupil records policy and procedures for requesting a transfer student's records from the school district of previous attendance within two weeks of the transfer students' official enrollment in this school district.

The pupil records collected and maintained by the district are enumerated and described in the district's Pupil Records Policy 5125.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
18A:36-19a Newly enrolled students; records and identification
18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent
18A:40-19 Records and reports of tuberculosis testing; disposition; inspection

NJAC 6A:8-4.2 Documentation of student achievement
6A:14-1.1 et seq. Special Education
6A:16-1.1 et seq. Programs to Support Student Development
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-7.1 et seq. Student records
6A:32-8.1 School register
6A:32-14.1 Review of mandated programs and services
15:3-2 State records manual
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

The Board of Education will do all in its power to prevent the use of an educationally handicapped pupil's name when discussing or acting upon a recommendation in which the use of the pupil's name could be considered detrimental to the child and a breach of confidentiality.

The Board directs that the names and other personally identifiable data concerning educationally handicapped children shall be kept confidential and shall not be included in the public acts and records of the district, except upon the written request of the parent or adult pupil, to the Superintendent of Schools. Such names and data shall be coded for inclusion in the public record. A special confidential file shall be maintained listing the names of educationally handicapped pupils on whose behalf the Board of Education must take public action. Motions concerning handicapped pupils made at public meetings shall be anonymous and referred to this confidential file. Access to this file, as to all other records of handicapped pupils, shall be given only to authorized school employees and official of the state department of education. Any further access to this information will be governed by law.

To ensure proper accessibility and confidentiality, the records of educationally handicapped pupils shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the provisions of New Jersey Administrative Code on Pupil Records, N.J.A.C. 6:3-2.

It shall be the policy of the Board of Education that all employees of the district shall be directed to utilize the following procedures to avoid the needless public labeling of educationally handicapped students but no be limited to:

Avoidance of any educationally handicapped labeling in public address announcements, classroom signs, open circulation of documents designating an individual or class as educationally disabled, open circulation of photographs and audio or video tapes without prior written parental/guardian approval to photograph and/or tape.

Legal References

NJSA 18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent

Possible Cross References

1100, 1110, 1120, 5125, 5141.4, 6145.3, 6171.4

# Millville Board of Education
# District Policy Manual

**Students** **Series 5000**

**Awards for Achievement** **Policy 5126**

| Date Adopted: June 30, 1998 | Date Revised: April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education believes that pupil achievement should be recognized at all levels in a manner appropriate to the pupil's accomplishment.

The Board directs the Superintendent of Schools to develop criteria and procedures for presenting awards to pupils for scholarship and outstanding accomplishments in the arts, athletics, community service, technology, attendance, citizenship, and other areas appropriate for special recognition. The Board directs the Superintendent of Schools to make certain that awards and scholarships are presented to as many students as possible.

The Superintendent of Schools shall review and advise the Board on acceptance of proposed trophies, prizes, scholarships or other awards from non-school donors. Any such proposed award shall be free from bias as outlined in the district's affirmative action program.

It is the policy of the Board that areas of recognition be unique and distinctive. As an example, there is to be only one scholarship granted to the male and female graduating student who has demonstrated the highest academic achievement

Other academic awards may be established and awarded for academic achievement in specific subject fields, such as mathematics, science, spelling, etc. In addition, the Superintendent/designee shall review the awards to be presented each year to ensure the Board that no duplications exist and that the awards to be presented will recognize achievement in as many areas as possible.

Academic Recognition
The Board directs the Superintendent of Schools to establish criteria and procedures for placing pupils in grades or on academic honor rolls.

Athletic Participation
The Board wishes to recognize the achievements of pupils 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 Vice- 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.

Legal References
NJSA 18A:36-20 Discrimination; prohibition
18A:71-27 Higher education; scholarship funds; establishment; administration

Possible Cross References
1322, 3280, 5120, 5125, 5127, 5131, 6145.1/6145.2, 6147

The Board endorses graduation activities and ceremonies. The date of graduation shall annually be recommended by the Superintendent of Schools and approved by the Board.

Graduation shall not occur prior to completion of the required 180 days of pupil instruction.

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 pupil.

Guidelines for Graduation Year Activities
Pupil participation in special graduation year activities will require appropriate 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;
C. Collaborative evaluation by the staff.

The final decision shall be made by the Superintendent of Schools.

Pupils and parents/guardians shall be given advance notification of these criteria.

Graduation Procedures & Ceremonies
No pupil shall be barred from participation in graduation ceremonies for arbitrary or discriminatory reasons. A pupil who may be prevented from participation and his/her parents/guardians shall be so notified in advance and no later than 10 days prior to the close of the school year. However, the administration reserves the right to prohibit participation when this occurrence is within the 10 days.

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 pupil so affected shall be afforded the rights of review provided in policies of this Board.

The Board reserves the right to withhold a diploma and transcripts until all obligations have been met.

No student shall participate in commencement activities until all requirements are met including any student who owes credit completion and/or financial obligations.

Awarding of Diplomas

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.

Legal References

NJSA 18A:7C-5.1 Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees
18A:11-1 General mandatory powers and duties
18A:36-18 Books containing organic laws at graduation
18A:36-27 Voting information
18A:37-2 Causes for suspension or expulsion of pupils

NJAC 6A:8-5.1 et seq. Implementation of Graduation Requirements
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 NJAR2d (EDU) 296
D.C. v. Parsippany Troy Hills Board of Education, 96 NJAR2d (EDU) 697
DO'G v. Ridgefield Park Board of Education, 96 NJAR2d (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 Cross References

5113, 5114, 5126, 5131, 6111, 6141.2, 6146

The school program shall also include provisions for a balanced program of student activities in keeping with the various age levels and needs of the children served. Such activities are recognized by the Board of Education as vital needs in a well-rounded program of education when they are clearly defined and their function is primarily directed toward the growth of children. Planned extra-curricular activities should be reviewed by the Superintendent of Schools who in turn should report it to the Board of Education.

All student activities must be sanctioned by the Administration and be under the specific and direct supervision of the Administration and/or faculty. Parent assistance may be requested and utilized.

Every teacher who sponsors an activity shall remain at school until every child has been picked up by his/her parents.

Parents shall provide transportation to and from extra-curricular activities which they consent for their child to attend. Parents are to be punctual in arrival and departure. In extreme cases, a student may be excluded from any activity at the discretion of the faculty in charge. Eligibility for student activities may be based on the academic and conduct records of the student. Students are under the supervision of the school from the time they leave home in the morning until they return to their homes. Students are therefore also under school supervision at all school sponsored activities.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

Possible Cross References

1210, 1322, 5113, 5114.3, 5114.4, 5114.5, 5126, 6145

Chapter 39 of the NJSA provides as follows:

The provisions of this chapter applicable to the drivers of vehicles on the highway shall also apply to the drivers of all vehicles owned operated by this State, the United States, any other political subdivision, any other State, or any county, municipality, or any other political subdivision thereof, subject to such specific exceptions as are set forth in this chapter.

The provisions of this chapter shall apply to the owners and drivers of vehicles on the highways, including roadways, upon grounds owned and maintained by the State of New Jersey, or any State Department or agency, the counties, the municipalities, and the school district Boards of education of this State.

This chapter shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work on the surface of a highway, but shall apply to such persons and vehicles when traveling to and from work.

The Millville Board of Education requests the supervision and enforcement by the Millville Police Department of specific areas as follows:

A. Regulation and enforcement of traffic patterns on school properties.
B. The prohibition of the use of unlicensed motor bikes, mini bikes, and any other unlicensed motorized vehicles on all school property.
C. Enforcement of safety regulations in connection with crowd control and supervision for all events taking place on school property.

The Board will not be responsible for any vehicle that is lost, stolen or damaged.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

# Millville Board of Education
# District Policy Manual

**Students** **Series 5000**

**Campus Disturbances** **Policy 5129**

| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |
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It is the right of every pupil to go to and from school, and to obtain an education in the schools, without fear of molestation, physical or verbal. The Board of Education hereby states that it will take such measures as are necessary, including suspension, permanent expulsion, or prosecution in the courts, against any person, pupil or other, who so interferes with the education of others.

The Board of Education therefore makes it clear that it will support teachers and other staff members who report violations of the school regulations, or violations of their own orders, because such violations do interfere with the rights of others. The disruption of the educational program of the schools by disorder or any other purposeful activity will not be tolerated. The Board of Education will prosecute any unauthorized person who enters upon school property.

For purposes of this policy, disorder shall be any deliberate activity by an individual or a group, whether peaceful or violent, which interferes with the normal operation of the school.

The Board, having the responsibility for providing an educational program for the pupils of this district, shall have the authority to preserve order for the proper functioning of that program.

No pupil shall encourage any other pupil 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 System.

Pupils shall 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 such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.

Legal References

NJSA 2A:53A-15. Liability of parent or guardian for willful destruction of property
2C:39-5 Unlawful possession of weapon
18A:17-46 Reporting violence and vandalism
18A:25-2 Authority over pupils
18A:37-1 Suspension and expulsion

No Child Left Behind Act of 2001, Pub. L. 107-110,
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)
Unsafe School Choice Option Policy, NJ Department of Education, June 30, 2003
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

# Millville Board of Education
# District Policy Manual

**Students** **Series 5000**

**Student Disturbances** **Policy 5129.05**

| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |
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It is the policy of the Board of Education that the following shall be the procedure for addressing student disorder:

1. Any teacher, administrator, staff member, parent volunteer or pupil being aware of, or hearing any rumors of a potential disorder shall immediately inform the Superintendent of Schools.
2. The Superintendent of Schools/designee shall make an immediate investigation to determine if there is any basis to the rumor. If there is no basis but his/her investigation reveals a need to put the Grievance Policy into effect, this shall be done in order to prevent any possible future disorder. If this rumor is centered on several key students, they shall be immediately taken into conference to determine the cause of the problem(s).

If, upon investigation, actual disorder is taking place that is endangering others and does not respond to administrative requests, then the Superintendent of Schools, after due consideration, shall:

1. Contact the local law enforcement officer if available.
2. Contact the New Jersey State Police Barracks responsible for patrolling the school
3. Enlist the assistance of any personnel available and continue to attempt to calmly and peacefully bring the disorder under control.

The Superintendent of Schools, at his/her discretion may advise the County Superintendent of Schools of the incident.

The Superintendent of Schools shall, as soon as conditions permit, advise the President of the Board of Education verbally of the incident and prepare and submit a full written report of the incident that shall include a detailed description of the incident as well as the remedies taken.

Legal References

NJSA 2A:53A-15. Liability of parent or guardian for willful destruction of property
2C:39-5 Unlawful possession of weapon
18A:17-46 Reporting violence and vandalism
18A:25-2 Authority over pupils
18A:37-1 Suspension and expulsion

No Child Left Behind Act of 2001, Pub. L. 107-110,
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)
Unsafe School Choice Option Policy, NJ Department of Education, June 30, 2003
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Paging Devices

Students are not permitted to possess or use remotely activated paging devices, beepers, walkie-talkies, audio devices or other forms of electronic communication during the school day, at any school-sponsored activity (on or off school property) or while en-route to or from any school function in a district owned, leased or contracted school vehicle.

Any person enrolled as a student in the School System knowingly and without the express written permission of the Board of Education or designee knowingly brings or possesses any remotely activated paging device, or other such electronic device at any time and regardless of whether school is in session or other persons are present, may be guilty of a disorderly persons offense.

Any student who wishes to bring a remotely activated paging device onto any property used for school purposes must petition the Board of Education in writing to show a reasonable basis for the possession of such a device. The Board directs the Superintendent of Schools to develop regulations to implement this policy.

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, it is expected that the student's physician will provide a written description of the device as well as its intended purpose.

Cell Phones

While on school property or while attending school-sponsored or school-related activities, whether on or off school property, students shall be permitted to possess and use personal telecommunication devices as defined by law and other related electronic devices, provided they observe the following conditions:

A. Cell phones are prohibited in all testing sites during state and district assessments.
B. Cell phones are prohibited in locker rooms and lavatories.
C. Devices shall be turned off upon entering the building and operated only before and after the regular school day. They should not be seen or heard during the school day. The exception to this is if an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise.
D. The use of cell phones is prohibited on school buses.
E. Devices shall not be used in a manner that disrupts the educational process, including, but not limited to, posing a threat to academic integrity or violating confidentiality or privacy rights of another individual.
F. When students violate this prohibition, they shall be subject to disciplinary action, including losing the privilege of bringing the device onto school property. In addition, an

administrator may confiscate the device. Procedures for return will be outlined in the handbook.

G. Students are responsible for the safekeeping/security of the devices they bring to school. The District shall not be responsible for loss, theft, or destruction of devices brought onto school property. The responsibility for filing a police report will rest with the student/parent and not the District.

H. Students shall comply with any additional rules developed by the school concerning appropriate use of telecommunication or other electronic devices.

I. Students shall not utilize a telecommunication or similar electronic device in a manner that would violate the District's Acceptable Use policy or procedures or its Code of Acceptable Conduct and Discipline (Policy #5131).

Note: "USE" shall be defined for the purposes of this policy as having or placing the device in the "ON" position.

Legal References

NJSA 2C:33-19 Prohibition of possession of remotely activated paging device
18A:11-1 General mandatory powers and duties
18A:36-19.2 Search of student lockers
18A:37-1 Authority over students
18A:37-2 Suspension and expulsion

The Board of Education 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 pupils.

The Board of Education expects pupils to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other pupils, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The Board of Education believes that standards of pupil behavior must be set cooperatively by interaction among the pupils, parents/guardians, staff and community, producing an atmosphere which encourages pupils to grow in self-discipline. Such an atmosphere must include respect for self and others, as well as for district and community property.

The best discipline is self-imposed, and pupils must learn to assume and accept responsibility for their own behavior, and for the consequences of their misbehavior. Staff members who interact with pupils shall use preventive disciplinary action and place emphasis on the pupils' ability to grow in self-discipline.

The Superintendent of Schools shall develop general guidelines for pupil conduct on school property and shall direct development of detailed regulations suited to the age level of the pupils and the physical facilities of the individual schools.

Board policy requires each pupil 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 Superintendent of Schools shall provide to pupils and their parents/guardians the rules of this district regarding pupil 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.

Pupils who indulge in disruptive behavior will be subject to a progressive discipline code which may lead to suspension or expulsion. 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 pupil;
C. Actions that constitute a continuing danger to the physical well-being of other pupils;
D. Physical assault upon another pupil, a teacher, or any school employee with or without a firearm or other weapon;
E. Taking, or attempting to take, personal property or money from another pupil 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 pupils to truancy;
J. Truancy and class cutting; leaving school property without permission;
K. Use or possession of unsafe or illegal articles;
L. Use of any tobacco product on school property;
M. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
N. Use of profanity or abusive language;
O. Turning in a false alarm;
P. Tampering with or damaging property of other pupils or staff members;
Q. Selling or buying lottery tickets or any other gambling paraphernalia on school property.
R. Being 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-sponsored function.

Alternative Classroom Instruction (ACI)

The Board directs the administration to arrange facilities for ACI whenever possible. Pupils will be required to occupy themselves with school-related work during such suspensions. No socializing shall be permitted. Pupils shall be counted as present in school but absent (excused) from individual classes.

General

Pupils on home suspension shall be counted absent (excused) unless the duration of the suspension requires home instruction. Except when special considerations warrant (at the discretion of the administration), every pupil 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.

Pupils under suspension are prohibited from participating in or attending any school-regulated 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 of Schools. Any pupil under suspension who enters the school buildings or grounds without the permission of the Superintendent of Schools may have the period of his/her 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.

A progress report will be provided annually (at the end of the school year for all expelled students.

Serious violations of school regulations which create a dangerous or unsafe condition for other pupils shall cause a pupil to be suspended upon the first offense.

Making up Missed Work

Pupils 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. Upon their readmission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The school level administrator will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

In developing regulations to implement this policy, the Superintendent of Schools shall provide appropriate recognition for pupils who consistently maintain high standards of self-discipline and good citizenship. The regulations shall:

A. Require that pupils 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;
B. Establish the degree of order necessary to the educational program in which pupils are engaged.

Pupils who display chronic behavioral or academic problems may be referred to the child study team by the Superintendent of Schools for possible identification as disruptive or disaffected.

Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Pupils so identified shall be provided with appropriate programs and services as prescribed by the child study team.

A pupil whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended or expelled, following due process.

Any pupil 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 or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

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. 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 pupil who is convicted or adjudicated delinquent for possession of a weapon or a crime while armed with a weapon or found knowingly in possession of a weapon 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 of Schools 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. The hearing shall take place no later than 30 days following the day the pupil 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 of Schools. The Principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The Superintendent of Schools 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.

Teaching staff members and other employees of this Board having authority over pupils shall take such lawful means as may be necessary to control the disorderly conduct of pupils in all situations and in all places where such pupils are within the jurisdiction of this Board.

Disabled

Classified pupils are subject to the same disciplinary procedures as nondisabled pupils and may be disciplined in accordance with their IEP. However, before disciplining a classified pupil, it must be determined that:

A. The pupil's behavior is not primarily caused by his/her educational handicap;
B. The program that is being provided meets the pupil's needs.

Staff shall comply with law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of classified pupils.

Implementation

The Superintendent of Schools 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 all related policies on a regular basis.

Procedures

The administration shall establish, and the Board shall approve, specific procedures for dealing with suspension cases. Regulations ensuring due process to all pupils before a suspension is imposed shall be developed with the advice of the Board Attorney and shall include at least:

A. Informing the pupil of the charges against him/her;
B. Giving the pupil a chance to reply to them.

These regulations shall also include safeguards for the dismissal of pupils suspended from school, procedures for calling an immediate conference with parents/guardians, limitations on the length of suspensions, and specifics for the reinstatement of pupils.

Every effort shall be made to assign each suspension promptly so that the pupil can be returned to school with a minimum loss of school time and school work.

When the Superintendent of Schools imposes a suspension, he/she must report it to the Board. No suspension may continue beyond the second regular meeting of the Board following the suspension without Board action. No suspension for assault may be continued beyond 30 days without Board action. A suspended pupil may be reinstated by the Superintendent of Schools before Board action.

Each pupil 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 pupil or others in the school require immediate exclusion, the hearing may be delayed to "such time as circumstances permit".

Pupils suspended for a period of time longer than a short-term suspension, (3-9 days), shall be afforded a formal hearing before the Board or Board committee for a disciplinary hearing which shall take place not later than twenty one (21) days after the suspension occurs.

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 or Board committee 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 or Board committee requires that such hearings shall be closed to the public, but should all parties thereto agree, the hearing may be publicly held. Each suspended pupil 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 of Schools, the presence of the pupil in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such pupil suspended from the schools of this district shall receive individual instruction commencing not later than two weeks after the suspension occurs, except that the Board may, on the recommendation of the Superintendent of Schools, assign the pupil to an alternate educational program to meet his/her particular needs (see policy #6172).

Expulsion

The Board will consider expulsion only if:

A. The Superintendent of Schools with his/her 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 pupil shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the pupil to a full hearing which will afford him/her procedural due process, and the right of parents/guardians to appeal to the Superintendent of Schools.

The child shall remain out of school until either:

A. An appeal made to the Assistant 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 of Schools' 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 pupil 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 pupil younger than 18 years of age is expelled, the Board must continue to supply an educational program for him/her.

Implementation

The Superintendent of Schools 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. When an alternative educational program is provided for a pupil identified as disruptive but not educationally handicapped, the Superintendent of Schools shall inform the Board.

Use of Reasonable Force/Restraint
The Board of Education believes that maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the Millville public education system. When their actions comply with state statutes governing physical restraint of students, staff members shall have the full support of the Board of Education in their efforts to maintain a safe environment.

An individual who is a teacher, administrator, school employee, or school volunteer may use and apply such amount of force as is reasonable and necessary to accomplish the following purposes:

A. To quell a disturbance threatening physical injury to self or others and/or,
B. For the protection of self, others or public property.

Recognizing the risks in the use of any physical intervention, staff will use physical intervention only in those situations where all other options have been exhausted and where a student (or students) is a danger to self or others. Staff will follow the guidelines and procedures of the Non-violent Crisis Intervention training program which focuses on crisis prevention and the creation of restraint-free environments through a commitment to Care, Welfare, Safety and Security. While restraint as an intervention is considered a last resort, these procedures are taught as part of a program to provide staff with skills and confidence to safely manage emergency situations.

Within a reasonable time after a teacher or other staff member uses force or physical intervention with a student, the teacher or other staff member shall report the incident to the Principal or the Principal's designee. The Principal or the Principal's designee shall notify the student's parents or guardians of the incident.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
2C:12-1 Definition of assault
2C:33-19 Paging devices, possession by students
2C:39-5 Unlawful possession of weapons
18A:6-1 Corporal punishment of pupils
18A:11-1 General mandatory powers and duties
18A:25-2 Authority over pupils
18A:36-19a Newly enrolled students; records and identification
18A:37-1 et seq. Discipline of Pupils
18A:40A-1 et seq. Substance Abuse
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:14-2.8 Discipline/suspension/expulsions
6A:16-1.1et seq. Programs to Support Student Development
6:32-12.1 Reporting requirements
6:32-12.2 School-level planning

Possible Cross References

1220, 3517, 3541.33, 4148, 5000, 5010, 5020, 5113, 5114, 5124, 5127, 5131.5, 5131.6, 5131.7, 5132, 5145, 5145.2, 5145.4, 5145.6, 6145, 6164.4, 6171.4, 6172

The Board of Education has determined that a safe and civil environment in school is necessary to learn. Acts or 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.

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?

Statistics

- Victims of alleged aggressors of teen dating violence are more likely to bring a weapon to school.
- Victims of teen dating violence have lower academic achievement and grades of D and F.

- 5% of girls reported missing at least one day of school a month due to safety concerns.
- 43% of teen dating violence victims report that the dating violence experience occurred in a school building or on school grounds.[7]
- 83% of the acts or incidents of dating violence that occurred at school was physical abuse.

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:

- Witnessed or reliable information concerning acts or incidents that are characterized by physical, emotional, verbal or sexual abuse;
- Digital or electronic acts or incidents of dating violence;
- Patterns of behavior that are threatening or controlling.

Guidelines for Responding to Incidents of Dating Violence at School

Protocol for Staff Members

Any school staff member who witnesses or learns of an act or incident of dating violence is required to take the following steps:

- Separate the victim from the aggressor;
- Speak with the victim and the aggressor separately;
- Speak with witnesses or bystanders separately;
- Inform the principal, or his or her designee of the act or incident;
- Prepare written report of incident for principal/designee;
- Monitor the interactions of the victim and the aggressor. Student safety should be the priority.

Protocol for Administrators

Any school administrator who witnesses or learns of an act of dating violence is required to take the following steps:

- Separate the victim from the aggressor;
- Meet separately with the victim and the aggressor;
- Take written statements from the victim and alleged aggressor;
- 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;
- Further investigate the incident by speaking with bystanders/witnesses of the act or incident. All statements should be documented;
- The school administrator should make the determination to involve the School Resource Officer or law enforcement agency serving the district;
- After an assessment by a school social worker, counselor or psychologist a determination is made that the victim or aggressor's mental health has been placed at risk appropriate referrals should be made;
- Contact should be made with the parents/guardians of both the victim and the aggressor. A recommendation of a meeting should be made to discuss the act or incident with the principal/designee;
- Schools must notify both parties in writing of the outcome of the investigation into the act or incident of dating violence.

Protocol for Working with the Victim of an Act or Incident of Dating Violence

Administrators shall consider adopting the following methods for dealing with victims of dating violence.

- Student safety should be the first priority. Interaction between the victim and the alleged aggressor should be avoided. The burden of any schedule changes (classroom, bus etc.) should be taken on by the alleged aggressor.
- Schedule a conference with the victim and their parents/guardians.
- 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.
- Alert 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.

- Monitor the victim's safety as needed. 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). An individualized safety plan may be developed if deemed necessary. See Appendix A for examples and additional resources.
- Discuss a school approved Stay Away Agreement between the victim and the alleged aggressor.
- Encourage the victim to self report any and all further acts and incidents of dating violence that occur at-school in writing to the principal, or his or her designee. Document all meetings and action plans that are discussed.

Protocol for Working with the Alleged Aggressor of an Act or Incident of Dating Violence

Administrators shall utilize the following methods for dealing with the alleged aggressor in act or incidents of dating violence:

- Schedule a conference with the aggressor and their parents/guardians.
- Give the alleged aggressor the opportunity to respond in a written statement to the allegations of an act or incident of dating violence at-school;
- Alert the alleged aggressor and their parents/guardians, to both school and community based support and counseling resources that are available;
- Identify and implement counseling, intervention and disciplinary methods that are consistent with school policy for acts or incidents of this nature;
- 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. Address 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;
- Document all meetings and action plans that are discussed;

Protocol for the Documentation and Reporting of an Act or Incident of Dating Violence

Incidents of dating violence that occur at school shall be documented in the following manner:

- Dating violence statements and investigations should be kept in files separate from student academic and discipline records to prevent the inadvertent disclosure of confidential information;
- 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 and prescribed to the victim or alleged aggressor.

Discipline Procedures Specific to Incidents of Dating Violence at School

The Board of Education requires its school administrators to implement discipline and remedial procedures to address acts or incidents of dating violence at school. These procedures should be consistent with 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 serve as 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.

The consequences and remedial measures shall include, but not be limited to:

Consequences

- Admonishment
- Temporary removal from the classroom
- Classroom or administrative detention
- In-school suspension
- Out-of-school suspension
- Reports to law enforcement
- Expulsion

Remediation/Intervention

- Parent conferences
- Student Counseling (all students involved in a the act or incident)
- Peer support group

- Corrective instruction or other relevant learning or service experiences
- Supportive student intervention (IR&S)
- Behavioral management plan
- Alternative placements

Resources

Parents/guardians and students will be provided with information on safe, appropriate, school, family, peer and community resources available to address dating violence.

Forms

The district will utilize the forms that follow this policy to report and document incidents of dating violence.

Notice of Policy

Notice of this policy shall appear in all district publications that discuss comprehensive rules, procedures, and student conduct.

Legal References

NJSA 18A:6-113 Instruction in suicide prevention in public school curriculum
18A:11-1 General Mandatory Powers and Duties
18A:35-4.19 through -4.22 AIDS Prevention Act of 1999
18A:35-4.23a Dating violence into health education curriculum
18A:35-5 through -9 Maintenance of physical training courses; features
18A:37-33 to 37 Dating violence policy and education

NJAC 6A:7-1.7 Equality in school and classroom practices
6A:8-3.1 Curriculum and instruction
6A:8-5.1 Graduation requirements
6A:9-5.19 Athletics Personnel
6A:9-11.8 Health and physical education
6A:16-2.1 et seq. General Provisions for School Health Services
6A:32-9.1 General Provisions for School Health Services
Guide to Preventing Bullying, Teen Dating Violence and Sexual Violence, Rhode Island Department of Elementary and Secondary Education 2008
The Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying On School Property At School Sponsored Functions and on School Buses, NJDOE April 2011
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 Cross References

2224, 5145.4, 6121, 6140, 6141, 6142, 6145.1, 6145.2, 6146

# 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 min-utes 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 per-son 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 _____ to _____.

date 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 should remain confidential.**

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, 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 Superintendent of Schools shall notify the Board. The Board will hold the pupil or his/her parents liable for the damage caused by him/her.

The Superintendent of Schools shall develop general guidelines for pupil conduct in classrooms, hallways, on school grounds, and in school owned and sponsored vehicles, he/she shall also oversee the development of detailed rules governing and maintaining appropriate student behavior.

Accordingly, when vandalism is discovered, the administrator is directed to take such steps as are necessary to:

A. Identify the pupils involved;
B. Call together persons, including the parents, needed to study the causes;
C. Decide upon disciplinary and/or legal action possibly including suspension. Should parents fail to cooperate in the discussions, the administration may charge the pupil with being delinquent by a petition staling 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 against another pupil or a staff member is unacceptable conduct and will result in the disciplinary sanctions included in policies on suspension and discipline/punishment. Disruptive behavior that is characterized by verbal or physical violence, even though not directed toward another person, should be reported by the classroom teacher, to the Superintendent of Schools, so that possible program adjustments may be identified.

Reporting

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in the School System should complete the standard report form and submit it to the Superintendent of Schools who is responsible for preparing the official report.

Two times each school year between September 1st and January 1st and between January 1st and June 30th, the Board of Education shall hold a public hearing at which the Superintendent of Schools 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.

The Superintendent of Schools will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. 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.

The Board of Education shall adopt and implement procedures regarding any school employee who knowingly falsifies the annual report on violence and vandalism required under NJSA 18A:17-46 and NJAC 6A:16-5.3(g). Whenever it is alleged that a school employee has knowingly falsified the annual report, the Board of Education shall make a determination as to whether the employee committed the act. 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.

Any employee alleged to have knowingly falsified the annual report shall be notified in writing of such allegations and shall be entitled to a hearing before the Board of Education. The hearing shall comply with the provisions stipulated in NJAC 6A:16-5.3(e) et seq.

The Superintendent of Schools shall annually:

A. Report to the Board of Education at a public meeting in October, all acts of violence and vandalism in the district that occurred during the previous school year;
B. Ensure that a transcript of the annual report of violence and vandalism is kept on file at the Board office and made available to the public;
C. Forward the transcript of the public hearing on violence and vandalism to the Department of Education by November 1st;
D. Notify the County Superintendent of action taken regarding incidents of violence.

<u>Threats of Violence</u>

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 designated administrator 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.

Unsafe School Choice Option

The Superintendent of Schools shall comply with all requirements of the Unsafe School Choice Option policy adopted by the New Jersey State Board of Education for schools in districts that receive funds under the No Child Left Behind Act of 2001. 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 New Jersey Department of Education and shall describe how the schools will reduce the number of incidents of violence as determined by the Electronic Violence and Vandalism Reporting System (EVVRS).

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 in October of each year. Organized activities focused on the prevention of school violence will be offered to pupils, employees and Board members. Local law enforcement personnel may be invited to participate.

Implementation

The Superintendent of Schools 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.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
2A:53A-15 Liability of parent or guardian for willful destruction of property by infant under 18
2C:39-5 Unlawful possession of weapons
18A:17-46 Act of violence; report by school employee; notice of action taken; annual report
18A:25-2 Authority over pupils
18A:36-5.1 School Violence Awareness Week
18A:37-1 et seq. Discipline of Pupils

NJAC 6A:14-2.8 Discipline/suspension/expulsion
6A:16-1.1 et seq. Programs to Support Student Development

"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
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)
Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

Possible Cross References

1120, 3250, 3517, 4148, 4248, 5114, 5119, 5119.3, 5124, 5131, 5131.4, 5131.6, 5131.7, 6114, 6172

Drugs, Alcohol, Tobacco & Steroids

It is the responsibility of the Board of Education to safeguard the health, character, citizenship, and personality development of the students in its schools. We, therefore, must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful. The Board of Education recognizes that the misuse of drugs, alcohol, tobacco or steroids threatens the positive development of that student and the welfare of the entire school community. The Board of Education is committed to the prevention of drug, alcohol, tobacco and steroid abuse and the rehabilitation of identified abusers.

Students

For the purpose of this policy, "drug" includes all controlled dangerous substances set forth in NJSA 24:21-1 et seq. and all chemicals that release toxic vapors set forth in NJSA 2C:35-10.4 et seq.

A. The Board of Education prohibits the use, possession and/or distribution of any drug, alcohol, tobacco, any chemical compound that releases vapors 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. Pupils suspected of being under the influence of drugs, alcohol, tobacco, 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 substance awareness 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 pupil who uses, possesses, or distributes drugs, alcohol, tobacco 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. Pupils suspected of involvement with alcohol, drugs or steroids away from school premises will be offered appropriate treatment and remediation. Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as substance awareness coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up.

B. The Board will enforce the laws of New Jersey requiring a program of drug, alcohol, tobacco and steroid education. The Superintendent of Schools shall prepare and submit to the Board for its approval a comprehensive curriculum for such instruction in grades seven through 12 offering a minimum of 10 clock hours per school year of alcohol and other drug education in accordance with Department of Education chemical health guidelines, pursuant to NJSA 18A:40A-1 et seq. Drug, alcohol, tobacco and steroid education shall be integrated with the health curriculum. Additionally, the district will offer a special class or course designed to meet the needs of pupils with alcohol or other drug use problems.

C. All district personnel shall be alert to signs of alcohol, drug, tobacco and steroid use by pupils and shall respond to those signs in accordance with procedures established by the Superintendent of Schools. The Board of Education will provide inservice training to assist teaching staff members in identifying the pupil who uses drugs, alcohol, tobacco and/or steroids, and in helping pupils with drug, alcohol, tobacco and steroid-related problems in a program of rehabilitation. The Board directs the establishment of a program designed to provide short-term counseling and support services for pupils who are in care or returning from care for alcohol and other drug dependencies. 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.

D. The Superintendent of Schools shall develop administrative regulations for:
   - A comprehensive program of drug, alcohol, tobacco and steroid education;
   - The identification and remediation of pupils involved with drugs, alcohol, tobacco and steroids;
   - The examination and treatment of pupils suspected of being under the influence of drugs, alcohol, tobacco or steroids to determine the extent of the pupil's drug or alcohol use or dependency;
   - The treatment and discipline of pupils who use, possess or distribute drugs, alcohol, tobacco and steroids in violation of law or this policy through referral to an appropriate drug/alcohol abuse program as recommended by the department of health; and
   - The readmission to school and treatment of pupils who have been convicted of drug, alcohol, tobacco and/or steroid offenses.

E. The Board of Education shall establish an annual process to review the effectiveness of its alcohol and other drug policies and procedures. The Board of Education shall solicit community input as well as consult with local agencies recommended by the NJ State Department of Health in the review process. Alcohol and other drug policies and procedures for discipline, evaluation, and treatment of pupils shall be made available annually to all school staff, pupils, and parent/guardians.

This policy shall be in each building, and notification of its availability shall appear annually in the parent's handbook.

F. Any staff member who reports a pupil to the Principal or his/her designee in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making such a report as provided for under NJSA18A:40A-1 et seq.

G. All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II. 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.

H. Refusal or failure by a parent/guardian to comply with the provisions of NJSA 18A: 40A-12 shall be deemed a violation of the compulsory education (NJSA 18A:38-25 and 18A:38-31) and/or child neglect (NJSA 9:6-1 et seq.) laws.

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 county Superintendent of Schools of schools. The Memorandum of Agreement shall be consistent with the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions).

Law Enforcement Liaison

In order to ensure that such cooperation continues, the Board directs the Superintendent of Schools 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 of Schools 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 of Schools to request such intervention under these circumstances. The Board recognizes that the Superintendent of Schools 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 of Schools to request that an undercover operation be established in a district school. The Board recognizes that the Superintendent of Schools is prohibited from discussing the request with the Board. The Board hereby authorizes the Superintendent of Schools 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 of Schools and school Principal to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent of Schools, 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 of Schools 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 & 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 of Schools. The Superintendent of Schools 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 of Schools will cooperate with the law enforcement authorities in accordance with the law and 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 of Schools 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 of Schools 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 of Schools or the Principal shall immediately notify the student's parent/guardian whenever a pupil 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 of Schools, the Superintendent of Schools 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 New Jersey v. T.L.O., 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 of Schools 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 of Schools shall request that the law enforcement officials conduct the search, seizure, or interrogation.

Police Presence at Extracurricular Activities
The Superintendent of Schools 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 of Schools 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 of Schools 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 of Schools 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.

Confidentiality of Pupil Involvement in Intervention & 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 pupil's or staff member's involvement in a school intervention or treatment program shall be kept strictly confidential. See 42 CFR 2 and NJAC 6A:16-6.5.

Inservice Training
The Superintendent of Schools will ensure that all district employees receive annual inservice training to make them aware of their responsibilities in accordance with Board policies and NJAC 6A:16-3.1.

Annual Review
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 county Superintendent of Schools, local community members, and the county prosecutor's office.

Availability of Policy
The policies and procedures contained herein shall be made available to all staff, pupils, and parents/guardians on an annual basis.

Legal References

NJSA 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
2C:29-3a Hindering apprehension or prosecution
2C:33-15 Possession or consumption of alcoholic beverage by person under legal age
2C:33-16 Alcoholic beverages; bringing or possession on school property
2C:33-17 Offer or service of alcoholic beverage to underage person; disorderly persons;
2C:35-1 et seq. New Jersey Comprehensive Drug Reform Act of 1987
9:6-1 et seq. Abuse abandonment, cruelty, and neglect of child; what constitutes
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
18A:25-2 Authority over pupils
18A:36-19.2 Student locker or other storage facility; inspections; notice to students
18A:37-1 Submission of pupils to authority
18A:37-2 Causes for suspension or expulsion of pupils
18A:38-25 Attendance required of children between six and sixteen, exceptions
18A:38-31 Violation of article by parents or guardian, penalties
18A:40A-1 et seq. Substance abuse
24:21-2 Definitions (New Jersey controlled dangerous substances)
26:3D-55 et seq. New Jersey Smoke-Free Air Act
P.L. 2005, c. 209 Random student drug testing

NJAC 6A:8-3.1 Curriculum and instruction
6A:9-13.2 Substance awareness coordinator
6A:14-2.8 Discipline/suspension/expulsion
6A:16-1.1 et seq. Programs to Support Student Development
6A:32-13.1 et seq. Pupil Behavior
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 CFR 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 the Interest of T.L.O. 94 N.J. 331 (1983), Rev'd, 469 U.S. 325 (1985)
State of New Jersey v. Jeffrey Engerud, 93 N.J. 308 (1983)
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)
The New Jersey School Search Policy Manual, New Jersey Attorney General
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

For purposes of these procedures "drugs" shall be defined as:

A. Any controlled dangerous substance, as identified in N.J.S.A. 24:21-2;
B. All alcoholic beverages;
C. Any chemical or chemical compound (i.e., electronic cigarettes, vaporizer pens), that releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes, as defined in N.J.S.A. 2A:170-25.9;
D. Over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system;
E. Misuse of any (and all) prescription or over-the-counter medications. All prescription medications must be administered by the school nurse unless permitted to self- medicate according to the Millville Board of Education Medication policy.

For purposes of these procedures, "school or school-related functions" shall be defined as:

A. while attending school;
B. while in the school building;
C. on school grounds;
D. while on any Board provided transportation vehicles (bus, van, car);
E. during School Board approved field trips
F. any school-related function on or off campus

In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:

A. Any member of the school staff to whom it appears that a student may be carrying drug paraphernalia, selling or currently under the influence of inhalants, alcohol, or other drugs on school or school-related functions, shall report the matter as soon as possible to the Principal, his/her designee and the school nurse according to the requirements of N.J.S.A 18A:40A-12.
B. Any school staff member who in good faith reports a student to the Principal or his/her designee in compliance with the provisions of N.J.S.A. 18A:40A-13 and 14 shall not be liable in civil damages as a result of making such a report.

C. The referring staff member shall complete the Violence, Vandalism and Substance Abuse Incident Report, according to the requirements of N.J.S.A.18A:17-46 and N.J.A.C. 6A:16-5.3.
D. In instances where the principal, his/her designee and school nurse are not available, the staff member responsible for the school function shall be notified.
E. The student, who is awaiting a medical examination shall be supervised by the Principal or Principal's designee through the entire testing process, this includes:
    - while waiting for a parent to take the student to the physician selected by the parent
    - while the student is waiting for and receiving the medical examination by the school physician or an emergency room
    - provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.
F. The Principal or his/her designee shall immediately notify the parents or guardian and the Superintendent of Schools and arrange an immediate medical examination of the student for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids. The approved examination may be performed by the student's own physician licensed to practice medicine or osteopathy. If this is not possible, the examination shall be conducted by the school physician. If the school physician is not available, the student shall be accompanied by a member of the school staff (a female should accompany female students), designated by the principal, to the emergency room of the nearest hospital for examination.

    If available, a parent or legal guardian should accompany the student, but this is not necessary if the parents/ legal guardians cannot be reached.

    If at the request of the parent/legal guardian, the medical physician or doctor of osteopathy other than the school doctor, such examination shall not be at the expense of the district Board of Education.

    When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, such examination shall be at the expense of the district Board of Education.

G. If at the request of the parent/legal guardian, the medical examination is conducted by a medical physician or doctor of osteopathy other than the school doctor:
    - The medical examination by the physician must be performed no later than two (2) hours from the time the student leaves the school or school related function.

- The Medical Professional Examination form must be given to the private physician by the Principal or Principal's designee who will be accompanying the student for the examination.
- A urine drug screen must be performed at the school physician's office, or at an approved chain of custody drug testing laboratory, within a two (2) hour timeframe. This is a mandatory requirement of the medical physician's medical evaluation.
- Proof of the medical examination and urine drug screen test must be provided to the Superintendent of Schools and the Principal and the parent/legal guardian as soon as possible on the Medical Professional Examination Form, with parental/legal guardian signature for release of records.
- The district shall require the parent to verify that a medical examination was performed within 24 hours of the referral of the student for suspected drug or alcohol use. Such verification shall include, at a minimum, the signature, printed name, address and phone number of the examining physician indicating the report required is pending, and the date by which the report will be provided. (N.J.S.A. 18A:40A-12)

  Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with the provisions of N.J.S.A 18A:38-25 and 31 (Compulsory Education Act), and child neglect laws, pursuant to N.J.S.A 9:6-1 et. seq.

  Refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 shall be treated by the district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1 (c)2. Refusal or failure to comply with this provision shall be treated as an admission of guilt.

H. The urine drug screen test shall be reported to the school nurse as soon as possible.

I. In the event the medical examination report is not conclusive, or the written report of the medical examination is not submitted to the parent, Principal and Superintendent of Schools within 24 hours of the referral of the student or suspected drug or alcohol use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the physician.

J. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall be immediately returned to school.

K. If there is a positive determination from the medical examination, indicating that the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:

- The student shall be returned to the care of a parent as soon as possible.
- Attendance at school shall not resume until a written report has been submitted to the parent, the Principal and the Superintendent of Schools from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school (The school physician may perform the examination, if the parent/legal guardian is unable to afford the cost of the medical examination).
- The report shall verify that the student's alcohol or other drug use no longer interferes with his or her physical or mental to perform in school; and
- Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14-2.8
- If a student refuses to comply with the medical examination and urine drug screen, he/she shall be returned to the care of a parent /legal guardian as soon as possible. The policy violation shall be handled according to the district discipline policy. If the urine drug screen was not obtained prior to disciplinary actions, the student must have a chain of custody urine drug at the school physician's office or an approved chain of custody drug testing laboratory. A medical examination must also be completed.
- Attendance at school shall not resume until a written report has been submitted to the parent, the Principal and the Superintendent of Schools from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug abuse interferes with his or her physical or mental ability to perform in school (The school physician may perform the examination, if the parent/legal guardian is unable to afford the cost of the medical examination).
- The results of the urine drug screen must accompany the medical examination report.

L. In no case will the discipline of a student result in the loss of the educational program, except in the case of an expulsion. In all other disciplinary situations, the student will be allowed to maintain his/her educational program. In the case of suspension, in or out of school, homework will be provided by the student's teacher(s) within a reasonable time following the suspension. Should the student's educational process be threatened, the student will be placed on home instruction until the case is resolved and he/she is allowed to re-enter school, be otherwise placed or expelled.

M. While the student is at home because of the medical examination or after the student returns to school, a substance awareness coordinator or individual who hold school nurse, school psychologist, school social worker, or student personnel services endorsements on the Educational Services Certificate and are trained to assess alcohol and other drug abuse shall:

- Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation for the purpose of making a preliminary determination of the student's need for educational programs, supportive services or treatment which extend beyond the general school program by virtue of the use of alcohol or other drugs by the student. The findings of these additional evaluations alone shall not be used to prevent a student from attending school; and
- Prior to the initial meeting with a student, a counselor will provide full disclosure, orally and in writing, of the Federal Confidentiality laws and guidelines (42 CFR Part 2) and have the student sign that he/she has received a copy of the regulations. The counselor will be permitted to maintain confidentiality of conversations with students except when
    a) the student's life is in imminent danger;
    b) the information makes the counselor an accessory to an illegal action which has taken place on school premises or against school district personnel;
    c) the information indicates that the life of another individual is in imminent danger.

    The student's age, quantity, frequency of drug/alcohol use, and the length of time a student continues to use substances should be given consideration when a decision to initiate a referral to a school-based program, inpatient treatment, a community agency, or parent/guardian contact is being determined.

    The Student Assistance Counselor (SAC) shall meet regularly with the Intervention and Referral Service Team (I&RS) making them aware of the status of all active cases. Any individual team member may continue to work with a student seeking help voluntarily for an extended period of time. However, when the I&RS team agrees that no progress is apparent and professional enabling becomes a factor, the I&RS Team will review the case to determine the next most appropriate course of action.

- Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for substance abuse treatment. The Board will provide guidance and resource information for treatment facilities where parents/guardians might obtain admission for their child.

The student must present written documentation to the Principal that the first available appointment for assessment has been made and what that date is as well as who will be performing the assessment. If the assessment signifies that the student requires treatment for his/her abuse of drugs /alcohol, the student must be enrolled in a treatment program in a timely manner, or be subject to further disciplinary action and/or Board review.

The Board of Education reserves the option of requiring an evaluation for treatment changes or further treatment at an outside treatment agency at a later date, if substance abuse continues, increases, questionable behavior occurs or a deteriorating condition is noted. Those students who are non-compliant will be subject to dismissal or referral to the New Jersey Division of Child Protection & Permanency (DCP&P) and/ or a Board of Education Disciplinary hearing.

N. Students enrolled in a approved outpatient treatment program may continue to attend school only as long as participation in the outpatient treatment program can be documented. Documentation must be presented weekly to the Substance Awareness Coordinator. The Substance Awareness Coordinator will monitor compliance, and provide a weekly written update of these students to the Principal/Vice Principal of Discipline.

Parents/Guardians and the student shall be required to sign a Release of Confidential Information Form to allow the school and the treatment program to communicate about the student's progress.

Parents/Guardians of compulsory school age children who, upon the school's recommendation, fails to enroll their child in a treatment program shall have a report of alleged neglect filed with the New Jersey Division of Child Protection & Permanency (DCP&P), pursuant to N.J.S.A. 9:6-1 et seq.

- Should a parent/guardian arrange either inpatient or outpatient treatment for their child and the child refuses care, legal avenues must be pursued to allow the legal system to mandate treatment.
- If the parent/guardian refuses to pursue legal options to establish treatment, a report shall be filed with the New Jersey Division of Child Protection & Permanency (DCP&P) for alleged neglect, pursuant to N.J.S.A. 9:6-1,et seq. A referral will be made to the Child Study Team to determine the student's eligibility for home instruction or for a Section 504 Plan of Accommodation and/ or related services.

O. When a student returns to school after in-patient treatment, a conference will be held with the student, the Student Assistance Coordinator and the parents. At this conference all after-care requirements will be discussed with special emphasis on the role of the school to support the student in his/her recovery.

Anabolic Steroids

In instances involving the suspected use of anabolic steroids, the following shall apply according to the requirements of N.J.S.A. 18A:40-A-12(b):

A. Whenever any teaching staff member, certified school nurse or other educational personnel shall have reason to believe that a student has used or may be using anabolic steroids, that person shall report the matter as soon as possible to the Principal (or in his or her absence, to his or her designee) and to the certified school nurse or to the substance awareness coordinator.
B. The Principal or designee shall immediately notify the parent and the Superintendent of Schools and shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.
    - If the physician chosen by the parent is not available to perform the examination, the examination shall be conducted by the school physician.
    - The student shall be examined as soon as possible for the purpose of determining whether the student has been using anabolic steroids.
C. The examining physician shall provide a written report of the examination to the parent and to the Superintendent of Schools.
D. If it is determined that the student has used anabolic steroids, a substance awareness coordinator or individuals who hold school nurse, school psychologist, school social worker, or student personnel services endorsements on the Educational Services Certificate and are trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and the use of these substances and the possible need for referral for treatment.
    - To make this determination, the school staff members identified in D above may conduct a reasonable investigation which may include interviews with the student's teachers and parents.
    - The school staff members identified in 4 above may also consult with physicians and such experts in the field of substance abuse as may be appropriate.
E. If the results of a referral for evaluation have positively determined that the student's involvement with and use of these substances represents a danger to the student's health and well-being, the substance awareness coordinator or individuals who hold school nurse, school psychologist, school social worker, or student personnel services endorsements on the Educational Services Certificate and are trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community

agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-state agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or to private practitioner certified by the appropriate drug and alcohol licensing agency.

F. Any educational or non-educational school staff member who in good faith reports a student to the Principal or his/her designee in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A. 18A:40A-13 and 14.
G. Refusal or failure by a parent to comply with the provision of N.J.S.A. 18A:40A-12 and this section shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1et seq.
H. Refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 and this section shall be treated by the district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1-2.

Violation of Drug, Alcohol, Anabolic Steroid & Other Controlled Dangerous Substances Policies:

The Board of Education prohibits the use, possession or distribution of any drug/alcohol by students, staff of any person on school property or in transportation vehicles or at any school or school-related event attended by students of this district.

When the material in question is determined by the appropriate authority to be alcohol or other drugs, anabolic steroids, inhalants or possession of paraphernalia, the following disciplinary actions shall be taken for the violations indicated:

Grades K-5

Consumption of alcohol, drugs, controlled dangerous substances, anabolic steroids, being under the influence of such, or refusing to submit to medical evaluation when use is suspected:

First Offense:

Suspension for a minimum of two (2) days, notification of the police, a mandatory parent conference, notification of the Substance Awareness Coordinator, referral to an appropriate agency, referral to the Intervention and Referral System (I&RS) Team, student contract signed and a report to the Superintendent of Schools.

Second Offense:

Suspension for a minimum of five (5) days, a mandatory parent conference, signing of a formal legal complaint, report to the Superintendent of Schools, a formal I&RS Team intervention, notification of the Substance Awareness Coordinator.

Additional Offenses:
All subsequent offenses will be held in a progressive manner. Discipline will include any or all of the above mentioned procedures including suspension, and alternative placement and/or expulsion for the remainder of the current school year.

Grades 6-12
Knowing possession or knowing consumption , distribution of alcoholic beverages, drugs, controlled dangerous substances, inhalants, anabolic steroids, or refusing to submit to a medical examination, when under suspension, while on school properties or at school or a school-related activity, the following disciplinary actions shall be taken for the violations indicated:

First Offense:
Suspension for a minimum of five (5) days, notification of the police, a mandatory parent conference, notification of the Substance Awareness Coordinator, referral to an appropriate agency, referral to the I&RS Team, student contract signed.

Second Offense:
Suspension for a minimum of five (5) days, signing of a formal legal complaint, a mandatory parent conference, notification of the Substance Awareness Coordinator, referral to an appropriate agency and a formal I&RS Team intervention.

Additional Offenses:
All subsequent offenses will be handled in a progressive manner. Discipline will include any or all of the above mentioned procedures including suspension, appropriate placement and/or expulsion for remainder of the current school year.

Involvement of Law Enforcement Authorities
If a student has violated the law or school discipline code regarding alcohol/drugs or controlled dangerous substances, the Principal or his/her designee will notify the parent or guardian, and the Superintendent of Schools. Also, if a student is found to be selling drugs, law enforcement officials will be notified and a formal complaint filed. For students who are involved in the intervention and evaluation process voluntarily or who have been referred for treatment services, there shall be no involvement of law enforcement authorities unless the student has been selling or distributing alcohol/drugs, over the counter drugs, and/or controlled dangerous substances, while on school premises and/or participating in school or school-related functions.

The Superintendent of Schools shall arrange for consultation with local agencies recommended by the Department of Health, with regard to the development and implementation of drug/alcohol policies and procedures. The local agencies that have provided help in the development of this policy are as follows:

Cumberland County Drug Treatment Center
Cumberland County Alcohol/Drug Abuse Services
Cumberland County Guidance Center
Department of Education-Regional Curriculum Service Unit (RCSU)

The Superintendent of Schools shall establish an annual process to review the effectiveness of these policies and procedures, and shall solicit community input and consultations with local agencies recommended by the Department of Health.

Law Enforcement Liaison

In order to ensure that such cooperation continues, the Board directs the Superintendent of Schools to designate a school district liaison to law enforcement agencies and to prescribe the rules and responsibilities of the school liaisons. Such assignment shall be in accordance with the district's collective bargaining agreement, if applicable.

Undercover Operations

The Board hereby recognizes that the Superintendent of Schools may request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that anabolic steroid, alcohol, or other drug use and/or trafficking of the same is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective. The Board hereby authorizes the Superintendent of Schools to request such intervention under these circumstances. The Board recognizes that the Superintendent of Schools 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 of Schools to request that an undercover operation be established in a district school. The Board recognizes that the Superintendent of Schools is prohibited from discussing the request with the Board. The Board hereby authorizes the Superintendent of Schools 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 interest of the students and the school district.

The Board directs the Superintendent of Schools to cooperate with the law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent of Schools 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 of Schools shall report to the Board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

The Board shall be advised 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 a reason to believe a student or staff member is using or distributing anabolic steroids, controlled dangerous substances or drug paraphernalia on school premises shall bring that information the Superintendent of Schools and the Superintendent of Schools 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 of Schools will cooperate with the law enforcement authorities in accordance with the law and 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 of Schools 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 of Schools 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 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 of Schools shall immediately notify the student's parent or guardian whenever a pupil is arrested for violating any laws prohibiting the possession, use, sale or distribution of any controlled substance, drug paraphernalia, alcoholic beverages, or anabolic steroids.

Whenever the police have been summoned to a school building by the Superintendent of Schools/designee, he/she may 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.

Whenever law enforcement officials have been called into the school, and a search of a student's person or belongings is necessary, or interrogation is to be conducted, the Superintendent of Schools/designee shall request that the law enforcement officials conduct the search, seizure or interrogation.

Police Presence at Extracurricular Activities

The Superintendent of Schools/designee is hereby authorized to contact the appropriate law enforcement agency and arrange for the presence of officers in the event of an emergency or when the Superintendent of Schools believes that uniformed police presence is necessary to determine 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 of Schools 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

of Schools 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.

Confidentiality of Pupil 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 districts own substance abuse programs. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program shall be kept strictly confidential, see 42 C.F.R. 2 and N.J.A.C. 6:3-6.6.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
2C:39-5 Unlawful possession of weapons
18A:6-1 Corporal punishment of pupils
18A:36-19.2 Student locker or other storage facility; inspections; notice to students
18A:37-1 Submission of pupils to authority
18A:37-2 Causes for suspension or expulsion of pupils
18A:37-2.1 through -2.5 Assaults by pupil upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings ...
through -12 18A:37-7 Zero Tolerance for Guns Act

NJAC 6A:14-2.8 Discipline/suspension/expulsion
6A:16-1.1et seq. Programs to Support Student Development
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, CFR 4946 (1/31/89)
42 CFR Part 2 – Confidentiality of Alcohol and Drug Abuse Patient Records
FG v. Bd of Ed of Hamilton, 1982 SLD 382
GLH v. Bd of Ed of Hopewell Valley Regional School District et al 1987 SLD April 20, aff'd St Bd 1987 SLD Sept 2
State in the Interest of TLO 94 NJ 331 (1983) Rev'd 469 US 325 (1985)
State of NJ v Jeffrey Engerud 93 NJ 308 (1983)
Honig v. Doe 484 US 305 (1988)
Vernonia School District v. Acton 515 US 646 (1995)
In the Matter of Tenure Hearing of Graceffo, 2000 SLD (Sept 21)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)
The NJ School Search Policy Manual, NJ Attorney General (1988)
The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

The Board of Education prohibits the possession and/or use of weapons or other instruments that can be used as a weapon or perceived as a weapon on school property, at any school function or while en-route to or from school or any school function. A violation of this policy will result in disciplinary action.

The Superintendent of Schools shall make the final determination that a particular object is a dangerous instrument in any case where there is a question of its possessor uses posing a threat to students, staff or property.

A student found or observed on school property or at a school event or en-route to and/or from school or a school event in possession of a weapon or dangerous instrument shall be reported to the Superintendent of Schools immediately. The Superintendent of Schools shall immediately contact the NJ State Police and provide all known information concerning the matter, including the identity of the pupil involved.

Possession or use of laser pointers is also strictly forbidden.

Disciplinary action shall be taken against who possess, handle, transmit or use weapons, imitation weapons or dangerous instruments. As in disciplinary cases, due process will be provided.

Students cannot learn and teachers cannot teach when danger of violence is present. Accordingly, P.L. 127 and P.L. 128 were developed in order to prevent assaults with weapons from being committed upon students and teachers and to remove students from school who are found to be in possession of firearms because both of these laws carry severe mandatory penalties, it is very important that we all understand what acts are prohibited and the penalties that will be imposed on those who violate the laws.

P.L. 127, also known as the "Zero Tolerance for Guns Act" mandates that any pupil who is convicted or adjudicated delinquent for the possession of a firearms or a crime while armed with a firearm, or who is knowingly in possession of a firearms on any school property; on a school bus, or at any school sponsored function shall be immediately removed from the school's regular education program, pending a hearing before the local Board of Education, for a period of not less than one calendar year. In addition, any pupil so removed shall be reported to the police for a possible violation of a criminal statute. It is important to note that items such as pellet guns and air guns are considered as a firearm for the purpose of this law.

P.L. 128 provides that any pupil who commits an assault upon a teacher, administrator or other employee of a school Board or another student with a weapon, on a school bus or on school property, or at any school sponsored function shall be immediately removed from the school's regular education program, pending a hearing before the local Board of Education for a period not to exceed one calendar year. It is important to note that the word weapon as it is used in this law, includes numerous items such as knives, sling- shots, throwing starts, blackjacks, tear gas or even a common kitchen knife, if it is used during an assault.

The Board is committed to maintaining a safe and orderly learning environment for our students and staff. It is important that our school community clearly understand the laws and that they will, when necessary, be enforced.

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.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
2C:12-1 Definition of assault
2C:33-19 Paging devices, possession by students
2C:39-5 Unlawful possession of weapons
2C:39-6 Exemptions
18A:6-1 Corporal punishment of pupils
18A:36-19.2 Student locker or other storage facility; inspections; notice to students
18A:37-1 Submission of pupils to authority
18A:37-2 Causes for suspension or expulsion of pupils
18A:37-2.1 through -2.5 Assaults by pupil upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings ...
through -12 18A:37-7 Zero Tolerance for Guns Act

NJAC 6A:14-2.8 Discipline/suspension/expulsion
6A:16-1.1et seq. Programs to Support Student Development
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 Interest of T.L.O., 94 N.J. 331, 346 (1983), rev'd 515 U.S. 646 (1985)
See also Commissioners' Decisions indexed under "Pupils - Punishment of" in Index to N.J. School Law Decisions
No Child Left Behind Act of 2001, Pub. L. 107-110, 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

The goal of Millville School district is to provide a safe, supportive school atmosphere that supports all learners in the least restrictive environment. The Millville School District recognizes that on occasion, a situation may arise in which a student attending our district will exhibit behavior that is a danger to the social and educational environment of the school; and thus, is a danger to himself/herself and others and reduce the student's potential for learning. This policy applies to all, including general education students and students with disabilities. It should also be noted that nothing in the policy precludes a teacher or other staff member using reasonable force to protect students, themselves, or other persons from assault or imminent, serious physical harm.

Safety holds are only to be used in an emergency. For the purpose of this policy, emergency is defined as a situation in which a student's behavior poses a threat of imminent, serious physical harm to the student or others or eminent serious property destruction.

The safety hold procedure falls within a continuum of behavior management techniques that are designed to address potentially unsafe student behavior. This continuum begins with minimally intrusive or restrictive strategies that can be implemented within the classroom setting. The continuum then progresses to more restrictive strategies that may involve the physical separation or restraint of a student. The goal is minimal separation from his/her classmates in order to enable the student to regroup and return to the classroom setting.
The primary intervention options used by staff when a student exhibits escalating, disruptive behavior should focus on assisting the student in regaining behavioral control. These options include, but are not limited to:

- verbally redirecting student in a low, nonthreatening voice;
- setting reasonable limits;
- offering alternatives;
- allowing time so that the student can regain control.

Safety hold does include momentary periods of physical restriction by direct person-to-person contact without the aid of material or mechanical devices that is accomplished with limited force and designed to prevent a student from completing an act that would result in potential physical harm to himself/herself or another or damage property or to remove a disruptive student who is unwilling to leave an area voluntarily. Physical prompting to assist a student in task completion, such as holding a student's hand, positioning a student's body,

securing a student on the bus, or using prescribed adaptive equipment to prevent ongoing, repetitive, self-injurious behavior are not considered to be restraint. Restraint shall only be used with the following limitations:

1. Limited to the use of only the reasonable force needed;
2. Discontinued immediately when the emergency no longer exists;
3. Implemented in such a way as to protect the health and safety of the students and others; and,
4. Does not deprive the study of basic human necessities.

The use of physical restraints is prohibited in the following circumstances:

1. As a means of punishment;
2. As an intervention to property destruction, unless the potential property destruction may result in possible harm to self and/or others;
3. As a response to verbal threats, disruptive behavior or a student's refusal to comply with a school rule or staff directive, unless the student's behavior poses an immediate or serious danger to self and/or others.

In accordance with NJSA 18 A:6-1, no person employed or engaged in school or educational instruction, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a student attending such school or institution; but any such person may, within the scope of his/her employment, use and apply such amount of force as is reasonable and necessary:
The use of physical restraint is subject to the following requirements:

1. The student must possess a physical risk to himself/herself or others or to quell a disturbance, with the intent of threatening physical injury to others;
2. To obtain possession of weapons or other dangerous objects upon the person or within the control of a student, or to prevent significant property damage which ultimately may present harmful to the student or others;
3. For the purpose of self-defense;
4. Safety hold techniques will take into account medical conditions and shall be modified as necessary;
5. Students will not be subject to safety hold for using profanity or other verbal displays or disrespect or for noncompliance. A verbal threat will not be considered as constituting a physical danger unless a student also demonstrates a means of, or intent to, carry out the threat;

6. In determining whether a student who is being engaged in a safety hold should be removed from the area where the safety hold was initiated, the supervising staff member should consider the potential for injury to the student, the student's need for privacy and the educational and emotional well-being of the other students in the vicinity;
7. A student shall be released from a safety hold immediately upon a determination by the staff member administering the safety hold that the student is no longer in imminent danger of causing harm to himself/herself or others;
8. The student shall be examined by school personnel (i.e. nurse, counselor, administrator, etc.) after any safety hold;
9. The school principal, or acting school administrator will be notified immediately when a student is involved in a safety hold, or immediately following the conclusion of the restraint.
10. A written incident report will be completed by school personnel (teacher, nurse, counselor, administrator, etc.) after a safety hold is implemented. Parents are to be notified by telephone by Administration. The report must also be maintained in the student's discipline record.

Annually, the Superintendent of Schools/designee shall provide training for all staff members dealing with the appropriate use of safety hold of students.

Reference to this policy is included in staff and student handbooks.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
2C:12-1 Definition of assault
2C:33-19 Paging devices, possession by students
2C:39-5 Unlawful possession of weapons
18A:6-1 Corporal punishment of pupils
18A:11-1 General mandatory powers and duties
18A:25-2 Authority over pupils
18A:36-19a Newly enrolled students; records and identification
18A:37-1 et seq. Discipline of Pupils
18A:40A-1 et seq. Substance Abuse

NJAC 6A:14-2.8 Discipline/suspension/expulsions
6A:16-1.1et seq. Programs to Support Student Development
6:32-12.1 Reporting requirements
6:32-12.2 School-level planning

Possible Cross References

1220, 3517, 3541.33, 4148, 5000, 5010, 5020, 5113, 5114, 5124, 5127, 5131.5, 5131.6, 5131.7, 5132, 5145, 5145.2, 5145.4, 5145.6, 6145, 6164.4, 6171.4, 6172

Students are not permitted to gamble for money or items of value while in school, on school property, in school vehicles, at school-sponsored events or functions, while in transit from home to school or school to home. Those who are found to be betting, playing cards, flipping or matching coins, rolling dice for money or involved with any form of gambling shall be reported to the principal or assistant principal. Appropriate discipline will be administered in accordance with the district's code of student conduct and discipline procedures.

Also, students are not permitted to participate in raffles of 50/50's while in school, on school property, in school vehicles, at school-sponsored events or functions, while in transit from home to school or school to home.

Legal References

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|---|---|
| NJSA | 18A:6-1 Corporal punishment of pupils |
| | 18A:11-1 General mandatory powers and duties |
| | 18A:37-1 Submission of pupils to authority |
| | 18A:37-2 Causes for suspension or expulsion of pupils |
| NJAC | 6A:14-2.8 Discipline/suspension/expulsion |
| | 6A:16-1.1et seq. Programs to Support Student Development |

The Board of Education prohibits acts of harassment, intimidation or bullying against any pupil.

A safe and civil environment in school is necessary for pupils to learn and achieve. High academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe environment; and since pupils learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

For the purposes of this policy, "harassment, intimidation or bullying" means any gesture or written, verbal or physical act or any use of an electronic communication device directed at a student that takes place on or off school grounds, at any school-sponsored function, or on a school bus as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3 that:

A. Targets a student and which may affect his/her educational program;
B. Substantially disrupts, infringes or interferes with the orderly operation of the school or the rights of other students;
C. Creates a hostile educational environment for a student(s) by infringing and/or interfering with a student(s)' education;
D. Severely or pervasively causes physical or emotional harm to a student(s);
E. Is motivated 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,
F. By any other distinguishing characteristic; and
G. A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his person or damage to his property; or
H. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

For the purposes of this policy and as defined in NJSA 18A:37-15.1, an electronic communication device is, "A communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer or pager."

Acts of harassment, intimidation or bullying may also be a pupil or group of pupils exercising control over another pupil, in either isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

The term "school grounds," pursuant to NJAC 6A:16-1.3, means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School property also includes other facilities as defined in NJAC 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

Anti-Bullying Coordinator

The Superintendent of Schools shall appoint a district anti-bullying coordinator, who shall be responsible for overseeing and strengthening the anti-bullying initiatives and policies of this district to prevent, identify and address harassment, intimidation or bullying of students.
The district anti-bullying coordinator shall also:

A. Collaborate with the school anti-bullying specialist(s), the Board of Education and the Superintendent of Schools to prevent, identify and respond to harassment, intimidation or bullying of students in the district;
B. Provide data in collaboration with the Superintendent of Schools, to the New Jersey Department of Education regarding harassment, intimidation or bullying of students;
C. Execute such other duties related to school harassment, intimidation or bullying as requested by the Superintendent of Schools; and,
D. Meet at least twice per school year (once in the first semester and once in the second semester) with the school anti-bullying specialist(s) to discuss and strengthen procedures and policies to prevent indentify and address harassment, intimidation or bullying in the district.

In addition, a school safety team shall be established in each school to foster and maintain a positive school climate within the schools. Any parent/guardian who serves on the school safety team shall not participate in any activity of the team that may comprise the confidentiality of students.

The Principal or Superintendent of Schools must appoint the currently employed school guidance counselor, school psychologist or other similarly trained individual as the school anti-bullying specialist. If there is no such individual meeting these criteria, the Principal or Superintendent of Schools must appoint another currently employed individual in the school to the position of school anti-bullying specialist.

The school anti-bullying specialist shall:

A. Chair the school safety team;
B. Lead investigations of incidents of harassment, intimidation or bullying in the school; and,
C. Act as the primary school official responsible for preventing, identifying and addressing incidents of harassment, intimidation or bullying in the school.

The Superintendent of Schools/designee shall develop a list of appropriate responses to actions of harassment, intimidation or bullying occurring off school grounds, in cases in which a school employee is made aware of such actions. These responses shall be consistent with the district's code of student conduct and other provisions of this policy and in accordance with the provisions of state and federal laws.

For school staff to address harassment, intimidation and bullying that occurs off school grounds there must be reason to believe, at a minimum, that the alleged harassment, intimidation and bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other students. Once this determination has been made, school staff must implement the provisions of this policy and the code of student conduct of the district.

Expected Behavior

The Board of Education expects pupils to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The Board of Education believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parents/guardians, staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of pupils, staff and community members.

The Board of Education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply best practices designed to prevent discipline problems and encourage pupils' abilities to grow in self-discipline.

Cyber-bullying
The Board of Education expressly forbids cyber-bullying. For the purposes of this policy, "cyber-bullying" shall mean using the communication capacities of computers, the Internet and/or other digital communication devices to bully others by:

A. Sending or posting cruel messages or images;
B. Threatening others;
C. Excluding or attempting to exclude others from activities or organizations;
D. Starting or passing on rumors about others or the school system;
E. Harassing or intimidating others;
F. Sending angry, rude or vulgar messages directed at a person or persons privately or to an online group;
G. Sending or posting harmful, untrue or cruel statements about a person to others;
H. Pretending to be someone else and sending or posting material that makes that person look bad or places that person in potential danger;
I. Sending or posting material about a person that contains sensitive, private or embarrassing information, including forwarding private messages or images; and/or,
J. Engaging in tricks to solicit embarrassing information that is then made public.

Pupils found to be engaging in activities as described above shall be subject to the terms and sanctions found in this policy and the discipline code of the district.

The Superintendent of Schools shall provide annually to pupils and their parents/guardians the rules of the district regarding pupil conduct, and the policy shall appear in all publications of the school district's comprehensive rules, procedures and standards of conduct for schools within the school district, including the pupil handbook.

Provisions shall be made for informing parents/guardians whose primary language is other than English. These district rules shall include, but not be limited to:

A. Describing pupil responsibilities including the requirements for pupils 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;

B. Addressing appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success,
C. Explaining pupil rights; and,
D. Identifying disciplinary sanctions and due process.

Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying

Discipline of Pupils
In considering whether a response beyond the individual level is appropriate, the administrator should consider the nature and circumstances of the act, the level of harm, the nature 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 can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable pupil behavior and the consequences of such actions and to involvement of law enforcement officers, including school resource officers.

Pupils
Consequences and remedial measures for a pupil who commits an act 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. Consequences shall be consistent with the Board of Education approved code of student conduct and NJAC 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 pupil 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:

Consequences

A. Admonishment;
B. Temporary removal from the classroom;
C. Deprivation of privileges;
D. Classroom or administrative detention;
E. Referral to disciplinarian;
F. In-school suspension during the school week or the weekend;
G. After-school programs;
H. Out-of-school suspension (short-term or long-term);
I. Legal action; and
J. Expulsion.

Remedial Measures

A. Personal;
B. Restitution and restoration;
C. Mediation;
D. Peer support group;
E. Recommendations of a student behavior or ethics council;
F. Corrective instruction or other relevant learning or service experience;
G. Supportive student interventions, including participation of the intervention and referral services team;
H. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
I. Behavioral management plan, with benchmarks that are closely monitored;
J. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
K. Involvement of school disciplinarian;
L. Student counseling;
M. Parent conferences;
N. Student treatment; or
O. Student therapy.

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 pupils are subject to the same disciplinary procedures as nondisabled pupils and may be disciplined in accordance with their IEP. However, before disciplining a classified pupil, it must be determined that:

A. The pupil's behavior is not primarily caused by his/her educational disability;
B. The program that is being provided meets the pupil's needs.

Staff

Any person who has been convicted of bias intimidation may be disqualified for employment in this district. 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 that could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

Consequences

A. Admonishment;
B. Temporary removal from the classroom;
C. Deprivation of privileges;
D. Referral to disciplinarian;
E. Withholding of Increment
F. Suspension;
G. Legal action; and
H. Termination.

Remedial Measures

A. Personal;
B. Restitution and restoration;
C. Mediation;
D. Support group;
E. Recommendations of behavior or ethics council;
F. Corrective action plan;
G. Behavioral assessment or evaluation;
H. Behavioral management plan, with benchmarks that are closely monitored;
I. Involvement of school disciplinarian;
J. Counseling;
K. Conferences;
L. Treatment; or
M. Therapy.

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 or Bullying

The Superintendent of Schools, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

Any school employee, pupil, Board Member, or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying, must report the incident to the appropriately designated administrator or his/her designee.

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 services provider witnessed or received reliable information regarding any such incident. The principal shall inform the parent(s)/guardian(s) of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation or bullying shall be reported in writing to the principal within 2 school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subjected to harassment, intimidation or bullying.

In cases in which an incident of harassment, intimidation or bullying occurs exclusively among or between special education students or student with developmental disabilities in the context of a county special services school district or a separate program for special education students within a school district, the school employee who witnesses such an incident shall have the discretion to determine whether it is necessary to report the incident or if the incident may have been affected by the condition of the student(s) and thereby warrants an alternative approach more appropriate in the special education context.

Reports of harassment, intimidation or bullying in any form, including but not limited to, oral reports, written reports or electronic reports shall be taken. Reports shall also be made to the Department of Education through the Electronic Violence and Vandalism Reporting System (EVVRS). The Board of Education shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report.

The Board of Education requires that all violations and complaint reports of harassment, intimidation or bullying be investigated promptly by the appropriately designated administrator or his/her designee. All investigations shall be thorough and complete and shall include, but not be limited to:

A. Taking of statements from victim, witnesses and accused;
B. Careful examination of facts;
C. Support for the victim; and
D. Determination if alleged act constitutes a violation of this policy.

The appropriately designated administrator shall maintain all reports and records of the investigation on file.

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, 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 administrator 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 may include, but are not limited to:

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 or bullying in the school community;
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, but not be limited to:

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).

Retaliation and Reprisal Prohibited

The Board of Education prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Superintendent of Schools and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and Board of Education policies and procedures.

Any act of retaliation or reprisal against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, volunteer, visitor, or Board of Education Member 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.

Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accusing 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.

School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accusing 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.

Visitors, Volunteers

Consequences and appropriate remedial action for a visitor or volunteer, found to have engaged in retaliation, reprisal and/or falsely accusing another as a means of harassment, intimidation or bullying shall be determined by the Superintendent of Schools after

consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences

A. Admonishment;
B. Temporary removal from the classroom or school;
C. Deprivation of privileges;
D. Classroom or administrative detention;
E. Referral to disciplinarian;
F. In-school suspension during the school week or the weekend;
G. After-school programs;
H. Out-of-school suspension (short-term or long-term);
I. Legal action;
J. Withholding of Increment;
K. Suspension;
L. Expulsion;
M. Termination.

Remedial Measures

A. Personal;
B. Restitution and restoration;
C. Mediation;
D. Peer support group;
E. Recommendations of a student behavior or ethics council;
F. Corrective instruction or other relevant learning or service experience;
G. Supportive student interventions, including participation of the intervention and referral services team;
H. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
I. Behavioral management plan, with benchmarks that are closely monitored;
J. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
K. Involvement of school disciplinarian;
L. Counseling;
M. Conferences;
N. Treatment; or
O. Therapy.

Support for Victims of Harassment, Intimidation or Bullying
The Superintendent of Schools/designee shall establish procedures and practices for supporting victims of harassment, intimidation or bullying, incorporating the services of professional staff members within the district or as he/she deems appropriate.

Investigation & Appeal
The Superintendent of Schools/designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the Superintendent of Schools/designee shall oversee a prompt, thorough and complete investigation of the alleged incident.

School administrators who receive a report of harassment, intimidation or bullying from a district employee and fail to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation or bullying and fail to take sufficient action to minimize or eliminate the harassment, intimidation or bullying may be subject to disciplinary action.

The investigation shall be initiated by the principal within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. Additional personnel may be appointed by the principal to assist in the investigation. The investigation shall be completed within 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.

The results of the investigation shall be reported to the Superintendent of Schools within 2 school days of the completion of the investigation and in accordance with the regulations promulgated by the NJ State Board of Education pursuant to the "Administrative Procedure Act," PL 1968, c410 (C.52:14B-1 et seq). The Superintendent of Schools may decide to provide intervention services, establish training programs to reduce harassment, intimidation or bullying and enhance school climate, impose discipline, or order counseling as a result of the findings of the investigation or take or recommend other appropriate actions.

The results of each investigation shall be reported to the Board of Education no later than the date of the Board of Education meeting next following the completion of the investigation along with information on any services provided, training established, discipline imposed or other actions taken or recommended by the Superintendent of Schools.

Parents/guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation in accordance with federal and state law and regulations, whether the district found evidence of harassment, intimidation or bullying or whether discipline was imposed or services provided to address the incident. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the Board of Education. A parent/guardian may request a hearing before the Board of Education after receiving the information and the hearing shall be held within 10 days of the request. The Board of Education shall meet in executive session for the hearing to protect the confidentiality of the student(s). At the hearing, the Board of Education 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 Board meeting following the receipt of the report, the Board of Education shall issue a decision, in writing to affirm, reject or modify the decision of the Superintendent of Schools. The decision of the Board of Education may be appealed to the NJ Commissioner of Education in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the decision of the Board of Education.

A parent/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," PL 1945, c169 (C. 10:5-1 et seq).

Response to an Incident of Harassment, Intimidation or Bullying

Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials.

Consequences for False Accusation

Consequences and appropriate remedial action for a pupil found to have falsely accused another as a means of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under NJSA 18A:37-1, Discipline of Pupils.

Public Participation

Based on broad community involvement (i.e., the use of a process that includes representation of parents/guardians and other community representatives, school employees, volunteers, pupils and administrators for the purpose of providing input regarding the development and content of the policy that is based on accepted core ethical values), the Board of Education shall develop general guidelines for pupil conduct and shall direct development of detailed regulations suited to the age levels of the pupils and the mission and physical facilities of the individual schools. Board policy requires all pupils in the district to adhere to the rules and regulations established by the school district and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules.

Dissemination and Implementation

The Superintendent of Schools shall take the following steps to publicize this policy:

A. Publicized on district website;
B. Distributed annually to all staff, students and parents/guardians;
C. Printed in school handbooks; and
D. Posted at the entrance of each building.

A link to this policy shall be prominently posted on the home page of the district website and distributed annually to parents/guardians of students of this district. In addition, the name, school address, school phone number and email address of the district anti-bullying coordinator shall be listed on the district's website home page

All pupils and staff shall be informed that harassment, intimidation or bullying is prohibited on school property, at any school-sponsored function or on a school bus. This shall include development of a process to annually discuss the policy with students. This information shall also be incorporated into the student handbook and employee training programs.

Training of Staff Members, Administrators & Board of Education Members

The training needs of district staff for the effective implementation of this policy, procedures and initiatives of the Board of Education shall be reviewed annually. The Board of Education shall also implement staff training programs consistent with this
review. Such training shall include, but not be limited to information on and the relationship between the risk of suicide and incidents of harassment, intimidation or bullying and reducing the risk of suicide among students, especially for those students who are members of communities identified as having members at high risk of suicide.

By the 2011-2012 school year, all candidates for school administrator or teacher certification will be required to complete a program on harassment, intimidation or bullying prevention, and that training in this area will be a part of the professional development requirements for these individuals.

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 dealing with harassment, intimidation or bullying in schools and including a school district's responsibilities under PL 2002, c.83 (C.18A;37-13 et seq). This training shall be provided by the New Jersey School Boards Association in consultation with recognized experts in school bullying from a cross-section of academia, child advocacy organizations, nonprofit organizations, professional associations and governmental agencies. Board Members shall be required to complete the program only once.

The training course for any safe school resource officers and/or public school employees assigned by the Board of Education to serve as a school liaison to law enforcement must include training in the protection of students from harassment, intimidation or bullying.

The extent and characteristics of harassment, intimidation or bullying behavior in the district's schools, and implementation programs, or other responses, if appropriate, shall be reviewed annually. These programs or other services shall be planned in consultation with parents, and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees, school volunteers, students, and school administrators, as appropriate.

Twice annually, at a public hearing, the Superintendent of Schools must report to the Board of Education, all acts of violence, vandalism and harassment, intimidation or bullying that occurred during the previous period. This report shall include, but not be limited to:

A. The number of reports of harassment, intimidation or bullying the status of all investigations;
B. The nature of the bullying based on one of the protected categories identified in Section 2 of PL 2002, c.83 (C18A:37-14);
C. The names of the investigators;
D. The type and nature of any discipline imposed on any student engaged in harassment, intimidation or bullying; and,
E. Any other means imposed training conducted or programs implemented to reduce harassment, intimidation or bullying.

The information shall also be reported once during each semester of the school year to the Department of Education. The report must include data broken down by the enumerated categories as listed in Section 2 of PL 2002, c.83 (C18A:37-14, and data broken down by each school in the district, in addition to district-wide data. The report will be used to grade schools and districts in their efforts to implement policies and programs with the "Anti-Bullying Bill of Rights Act. It shall be a violation to improperly release any confidential information not authorized by federal or state law for public release.

The district shall be graded by the New Jersey Commissioner of Education on its efforts to identify harassment, intimidation or bullying and the School Report Card shall include data identifying the number and nature of all reports of harassment, intimidation or bullying.

The grade assessed for each school and the district shall be published on the district website, along with a link to the report. This information shall be posted on the district website within 10 days of the receipt of a grade by the school and district.

The Superintendent of Schools shall ensure that the rules for this policy are applied consistently with the district's code of student conduct NJAC 6A:16-7 and all applicable laws and regulations and that all disciplinary sanctions are carried out with necessary due process.

A copy of this policy and any future revisions to it shall be transmitted to the County Executive Superintendent of Schools within 30 days of the adoption of the policy and/or any revisions to it.

Annually, the district shall conduct a re-evaluation, reassessment and review of this policy, making any necessary revisions and additions. The Board of Education shall include input from the school anti-bullying specialist(s) in conducting this review, re-evaluation, and reassessment.

The week beginning with the first Monday in October of each year has been designated as a "Week of Respect" in the State of New Jersey. This district shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation and bullying. In addition, the district shall provide ongoing age-appropriate instruction dealing with the prevention of harassment, intimidation and bullying, in accordance with the New Jersey Core Curriculum Content Standards.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
2C:12-1 Definition of assault
2C:33-19 Paging devices, possession by students
2C:39-5 Unlawful possession of weapons
18A:6-1 Corporal punishment of pupils
18A:11-1 General mandatory powers and duties
18A:25-2 Authority over pupils
18A:37-1 et seq. Discipline of Pupils
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:14-2.8 Discipline/suspension/expulsions
6A:16-1.1et seq. Programs to Support Student Development
6:32-12.1 Reporting requirements

Possible Cross References

1120, 1410, 3517, 3541.33, 4131, 4131.1, 4148, 4231.1, 4248, 5010, 5020, 5113, 5114, 5124, 5131.7, 5132, 5145, 5145.4, 5145.6, 5145.11, 5145.12, 6142.41, 6145, 6164.4, 6171.4, 6172

It is the responsibility of the parents/guardians to send their children to school properly dressed. Habits of good grooming and appropriate dress shall be discussed at all levels of the school. Pupils have a responsibility to dress, both in school and for activities during which they represent the school, according to regulations established for pupil dress codes. Students shall be encouraged to dress in attire that is neat and comfortable. Extremes in attire that may be in bad taste, disruptive to classes and a possible safety or health hazard in certain classroom settings shall not be permitted.

The Board authorizes the Superintendent of Schools to develop school regulations prohibiting pupil dress or grooming practices that:

A. Present a hazard to the health or safety of the pupil himself/herself or others in the school.
B. Materially interfere with schoolwork, create disorder, or disrupt the educational program.
C. Cause excessive wear or damage to school property.
D. Prevent the pupil from achieving his/her own educational objectives because of blocked vision or restricted movement.

Minimum standards shall take into account cleanliness, neatness, health and appropriateness.

Pupils who are wearing questionable attire will be sent to an administrator where a determination will be made to appropriateness.

A. "Flip-flops" or similar unsafe footwear will not be permitted. For students' own safety sneakers shall be laced up and tied.
B. Students are to be modestly dressed and halter tops, tube tops, see-through and/or low-cut tops, and any other shirts revealing the midsection shall not be worn.
C. No shirt or blouse with offensive language or pictures advertising alcohol or drugs shall be worn.
D. Shorts, culottes, and skorts may be of appropriate length. "Appropriate length" as used here shall mean having a hem no shorter than mid-thigh in length.
E. Biker shorts, (spandex material, etc.) tights, leggings/stretch nylon, may only be worn if tops cover the hip area. Boxer shorts will not be permitted as outer garments.
F. Students may not wear headgear in school unless approved for medical or religious reasons, except for special school events.
G. All pants are to be properly worn at the waist with no "slacking."
H. Straps on bib overalls are to remain buckled.
I. Coats are not to be worn indoors during the school day.
J. No gang-related paraphernalia to be carried or worn in school.
K. Clothes shall not have suggestive language or language that promotes violence printed or embroidered on them.

Staff members shall demonstrate by example and precept wholesome attitudes toward neatness, cleanliness, propriety, modesty and good sense in attire and appearance.

Legal References

NJSA 18A:11-1 General Mandatory Powers and Duties
18A:11-7 Findings relative to school dress codes
18A:11-8 Adoption of dress code policy for school permitted
18A:11-9 Prohibition of gang-related apparel
18A:37-1 Submission of pupils to authority

Possible Cross References

5131

Communicable Diseases – Exclusion of Pupils from School

It is sometimes necessary to exclude from school individuals who are ill or who have been exposed to a communicable disease or whose presence is detrimental to the health or cleanliness of others. However, unnecessary barriers and impediments to attending school should be minimized.

Determining the likelihood that infection in one or more students will pose a risk for others depends on an understanding of several factors, including:

1. The mechanism by which the organism causing the infection is spread;
2. The ease with which the organism is spread (contagion);
3. The likelihood that students/staff are immune because of immunization or previous infection.

The Board of Education therefore, implements this policy.

The Certified School Nurse shall instruct instructional personnel at the beginning of the school year, or when designated by the Board of Education, about the methods employed to detect the first signs of communicable diseases and the recognized measures for the promotion of health and prevention of disease. In addition, the Certified School Nurse will instruct those teachers from whose classrooms a pupil has been excluded about the symptoms of the disease for which the pupil was excluded.

At time of registration and annually thereafter, parent/guardians will be provided with the Millville Public Schools – School Exclusion List, A Quick Reference Guide for Parents.

No instructional personnel shall attempt to diagnose any illness of a pupil but shall refer suspected cases to the Certified School Nurse.

Any pupil who is suspected of having a communicable disease shall be excluded from school or isolated at school to await instructions from or the arrival of the parent/guardian or designee, the School Physician, and/or the Certified School Nurse.

Where there is evidence of departure from normal health of any pupil, or if a pupil has been exposed to a communicable disease, or if the presence of the pupil in the school is detrimental to the health or cleanliness of the pupils or staff members in the school:

A. The Superintendent of Schools, upon the recommendation of the Certified School Nurse or School Physician, may exclude the pupil from school.
B. In the absence of the Certified School Nurse or School Physician, the Administrator, may exclude the pupil from the school. In this event, the person making the exclusion must immediately notify the Superintendent of Schools.
C. The Administrator shall notify the pupil's parent of the reason for the exclusion.

A pupil retained at home or excluded from school shall not be readmitted to school until written evidence is presented of being free of the reason for the exclusion. Such evidence may be by a qualified ~~physician~~, or School Physician who has examined the pupil.

The district shall follow the General Guidelines for the Control of Outbreaks in School and Daycare Settings; School Exclusion List in recommending the exclusion of any individual.

The Certified School Nurse shall report all cases of communicable diseases to the Local Health Department pursuant to District Policy 5132.45, Communicable Diseases.

Legal References

NJSA 18A:16-6, -6.1 Indemnity of officers and employees against civil actions ...
18A:35-4.6 et seq. Parents Right to Conscience Act of 1979
18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
18A:40-3 Lectures to teachers
18A:40-4.3 Scoliosis; periodic examination; notice to parents or guardian
18A:40-5 Method of examination; notice to parent or guardian
18A:40-6 In general
18A:40-7, -8, -10, -11 Exclusion of pupils who are ill ...
18A:40-23 et seq. Nursing Services for Nonpublic School Pupils
18A:40A-1 et seq. Substance Abuse
44:6-2 Maintenance by boards of education of clinics for indigent children

NJAC 6A:16-1.1et seq. Programs to Support Student Development
8:57-1.1 et seq. Reportable Communicable Diseases
8:57-2 Reporting of AIDS and HIV
8:61-1.1 Attendance at school by pupils or adults Infected by Human Immunodeficiency Virus (HIV)

Plainfield v. Cooperman, 105 NJ 587 (1987)
New Jersey Department of Health; General Guidelines for the Control on Outbreaks in School and Daycare Settings; School Exclusion List.
American Academy of Pediatrics. Red Book, 27th edition, 2006 Report of the Committee on Infectious Diseases.

Possible Cross References

1410, 1420, 3510, 3516, 3542, 4112.4, 4131/4131.1, 4151, 4212.4, 4251.2, 5111, 5125, 5131, 5131.6, 5141.1, 5141.2, 5141.3, 5141.4, 5141.21, 5142, 5200

In order to protect the health of the children in district schools, all regulations of the State Department of Education, the State Department of Health and Human Services and the County Health Department shall be observed, particularly those dealing with contagious or infectious diseases or conditions.

The school district shall immediately report any communicable diseases that are identified as reportable pursuant to N.J.A.C.8:57-1, whether confirmed or presumed, by telephone to the County Health Department of the jurisdiction in which the school is located. Following the initial reporting, the school and the County Health Department shall be in regular contact regarding case numbers, control measures taken, and other pertinent information. The County Health Department shall lead the investigation by providing the school with guidance, support and assistance.

Students who have been absent due to contagious or infectious diseases or conditions must present a certificate (or will be excluded from school until certificate is produced) of sufficient treatment and/or recovery from a licensed healthcare provider on the first day of return to school pursuant to N.J.A.C. 8:57-4.

Definitions

For purposes of this policy, "contagion" shall mean:

A. a transmissible infectious disease
B. any virus or other microorganism that causes a contagious disease

For purposes of this policy, "contagious" shall mean capable of being transmitted from one individual to another.

For purposes of this policy, "communicable disease" shall mean any disease that can be transmitted from one person or animal to another by direct or indirect contact, or by vectors.

For purposes of this policy, "infectious" shall mean:

A. capable of being transmitted with or without contact
B. pertaining to a disease caused by a microorganism
C. producing infection

For the purposes of this policy, an "outbreak" shall mean an occurrence of disease greater than would otherwise be expected at a particular time and place. An outbreak may be occurring if:

A. Several students who exhibit similar symptoms are in the same classroom, the same wing of a facility, or if they attended a common event.
B. There is an increase in school absences with many parents/guardians reporting similar symptoms as the reason why their child is not attending school.
C. A single case of a highly infectious disease exists or is suspected to exist.

The certified school nurse shall assess any student who shows evidence of communicable diseases and recommend their exclusion to the school principal pursuant to N.J.S.A.18A:40-7 and 8. Recommendations shall be consistent with the reporting requirements on communicable diseases as set forth in the New Jersey Department of Health Communicable Disease Service – General Guidelines for the Control of Outbreaks in School and Daycare Settings. The student shall remain in the school health office until a parent/guardian has arranged for safe transport and care of the student.

The certified school nurse shall institute any necessary measures to be taken to prevent the spread of infection. The certified 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 pursuant to N.J.S.A.18A:40-12.6.

The certified school nurse shall follow the General Guidelines for the Control of Outbreaks in School and Daycare Settings; School Exclusion List in recommending the exclusion of any individual.

In addition to review of health and safety measures required by law, the certified school nurse shall instruct teachers from whose classroom a student has been excluded in the symptoms and treatment of the disease for which the pupil was excluded. Students' rights and confidentiality shall be protected in accordance with the law. No teacher shall attempt to diagnose any illness for a student, but shall refer the student who appears to be ill to the nurse immediately.

Handling Blood and Body Fluids

The Chief School Administrator and Medical Inspectors shall develop detailed routine procedures based on New Jersey Administrative Code N.J.A.C.8:6.1-1(j) and Guidelines the Center for Disease Control and the Public Employees Occupational Safety and Health Act for the 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 certified school nurse shall report all cases of communicable disease to the Local Health Department and to the medical inspector as required by law.

Standard precautions are an expanded set of universal practices, which ~~applies~~ ***apply*** to blood, all body fluids, secretions, and excretions except sweat (regardless of whether these fluids, secretions, or excretions contain visible blood), non-intact skin, and mucous membranes.

Universal precautions means a set of procedures designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus, and other bloodborne pathogens. Universal precautions involve the use of personal protective equipment such as gloves, masks or eyewear and procedures for the disposal of sharps and needles to prevent exposure to human blood, other body fluids containing visible blood, semen, vaginal secretions, tissue and cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, sputum, sweat, tears, urine and vomitus unless they contain visible blood. Universal precautions do not apply to saliva except in the dental setting where blood contamination of saliva is predictable.

Teachers shall not attempt to diagnose any illness of a pupil, but shall refer all illness to the School Nurse immediately.

The Superintendent of Schools, in cooperation with the school doctor, shall develop procedures and programs to implement this policy.

No ill pupil shall be identified by name or address in order to preserve confidentiality.

Legal References

NJSA 18A:16-6, -6.1 Indemnity of officers and employees against civil actions ...
18A:35-4.6 et seq. Parents Right to Conscience Act of 1979
18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
18A:40-3 Lectures to teachers
18A:40-4.3 Scoliosis; periodic examination; notice to parents or guardian
18A:40-5 Method of examination; notice to parent or guardian
18A:40-6 In general
18A:40-7, -8, -10, -11 Exclusion of pupils who are ill ...
18A:40-23 et seq. Nursing Services for Nonpublic School Pupils
18A:40A-1 et seq. Substance Abuse
44:6-2 Maintenance by boards of education of clinics for indigent children

NJAC 6A:16-1.1et seq. Programs to Support Student Development
8:57-1.1 et seq. Reportable Communicable Diseases
8:57-2 Reporting of AIDS and HIV
8:61-1.1 Attendance at school by pupils or adults Infected by Human Immunodeficiency Virus (HIV)
Plainfield v. Cooperman, 105 NJ 587 (1987)
New Jersey Department of Health; General Guidelines for the Control of Outbreaks in School and Daycare Settings; School Exclusion List

Possible Cross References

1410, 1420, 3510, 3516, 3542, 4112.4, 4131/4131.1, 4151, 4212.4, 4251.2, 5111, 5125, 5131, 5131.6, 5141.1, 5141.2, 5141.3, 5141.4, 5141.21, 5142, 5200

No one other than the Building Principal or his/her designee or the Superintendent of Schools shall exercise the authority to direct a student to return or to be returned home during the school day, for any reason.

In cases of illness, the nurse should recommend the necessary action to the appropriate Administrator. In the absence of the Administrator, the nurse shall exercise his/her own judgment but notify the central office of his/her action immediately.

In cases of gross misbehavior, inappropriate dress or other alleged rule infractions, teachers, counselors and other professional personnel are obligated to report to the Administrator. They shall not initiate punitive action such as exclusion or suspension from class.

Under no circumstances shall non-professional personnel recommend or execute a particular course of action in the handling or pupils.

If the Administrator determines that a pupil must, for any reason, be returned home during the school day, he/she shall first contact the parent and request that the pupil be picked up. If this is not possible, the student should be transported home by school personnel (i.e. illness, accident, disciplinary action, emergencies.) Under no circumstances shall a student be left at home unless the parent, guardian, or some other adult is home to assume full responsibility for the child.

Personnel available to transport students home include:

- Superintendent of Schools
- Principal or his/her designee
- Director of Special Education
- School Nurse

In the absence of the Principal, secretarial and custodial personnel shall proceed in the following manner:

- Call the Superintendent of Schools or Building Principal for direction or for authority to act.
- Call the school nurse for illness and accident cases; then notify the Superintendent of Schools or Building Principal immediately.
- In discipline cases, or cases involving inappropriate school attire, keep the child in the classrooms or close by, under the supervision of the teacher until the Administrator arrives. If the problem of misbehavior is sufficiently severe to

warrant exclusion from the class, the child should be retained in the office until the Administrator arrives.

The importance of professionals at all levels acting in emergencies and doing so with only their experience, intelligence and good judgment to guide them is recognized. Further, prompt and responsible action is encouraged. It is extremely important however, that sound procedures be followed and that proper administrative personnel be notified when problems arise. This will enhance the chances of the right thing being done for children and insure adequate support for action taken if and when disputes arise.

Legal References

NJSA 18A:16-6, -6.1 Indemnity of officers and employees against civil actions ...
18A:35-4.6 et seq. Parents Right to Conscience Act of 1979
18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
18A:40-3 Lectures to teachers
18A:40-4.3 Scoliosis; periodic examination; notice to parents or guardian
18A:40-5 Method of examination; notice to parent or guardian
18A:40-6 In general
18A:40-7, -8, -10, -11 Exclusion of pupils who are ill ...
18A:40-23 et seq. Nursing Services for Nonpublic School Pupils
18A:40A-1 et seq. Substance Abuse
44:6-2 Maintenance by boards of education of clinics for indigent children

NJAC 6A:16-1.1et seq. Programs to Support Student Development
8:57-1.1 et seq. Reportable Communicable Diseases
8:57-2 Reporting of AIDS and HIV
8:61-1.1 Attendance at school by pupils or adults Infected by Human Immunodeficiency Virus (HIV)

Plainfield v. Cooperman, 105 NJ 587 (1987)

Possible Cross References

1410, 1420, 3510, 3516, 3542, 4112.4, 4131/4131.1, 4151, 4212.4, 4251.2, 5111, 5125, 5131, 5131.6, 5141.1, 5141.2, 5141.3, 5141.4, 5141.21, 5142, 5200

Consistent with the position of the New Jersey Department of Health, National Association of School Nurses and the American Academy of Pediatrics, Millville Public Schools 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, is included in school district-community planning, implementation and evaluation of vector control programs for the school setting. The school nurse's goals are to 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:

- Head lice: small parasitic insects that live on the scalp and neck of a human host
- Louse: singular of lice
- Nymph: young, recently hatched louse
- Active infestation: finding a live louse or nymph on the scalp, or a viable nit within 1 cm of the scalp
- Pediculosis: an active infestation of head lice
- Nit: an egg of a female louse, attached to the hair shaft
- Non-viable nit: an egg found on the hair shaft farther than 1 cm from the scalp; already hatched
- Viable nit: an egg found on a hair shaft closer than 1 cm from the scalp; considered to be unhatched
- Ovacide: chemical which kills eggs/nits
- Pediculicide: chemical which kills nymph stage and adult lice.
-

Regulations / Procedures

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, is referred for treatment at the end of the school day. Prompt treatment at home is 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 school-wide screening is not generally indicated.

Students with nits only, are not excluded from school. A student with non-viable nits will be monitored, not be referred for treatment and may remain in school.

Upon return to school after treatment, the student will be re-assessed 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 re-assessment 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 retains the authority 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 Cumberland County Health Department for additional intervention(s).

A copy of this policy and the New Jersey Department of Health Head Lice fact sheet are 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 are provided to district employees at time of hire and may be reviewed as needed

Legal & Other References

NJSA 18A:40-7, -8, -10, -11 Exclusion of pupils who are ill

American Academy of Pediatrics (2006). Red Book – Report of the Committee on Infectious Diseases.

Centers for Disease Control and Prevention (2010). Head lice information for schools. Retreived from http://www.cdc.gov/parasites/lice/head/index.html.

Frankowski, B.L. & Bocchinie, J.A. (2010). Clinical Report – Head Lice. Pediatrics. 126(2) 392-403. Retrieved from http://pediatrics.aappulckiations.org/cgi/content/abstrat/126/2/292.

National Association of School Nurses (NASN), Pediculosis Management in the School Setting; Position Statement, January 2011.

New Jersey Department of Health: Head Lice – Frequently Asked Questions. Retrieved from http://www.state.nj.us/health/cd/documents/faq/ headlice_faq.pdf

Suicide or Sudden Death

The Board of Educations recognizes that the rate of self-destructive behavior is increasing among children and adolescents in this country. Pupils who experience depression are unable to benefit fully from the educational program of the school. Moreover, a pupil who attempts suicide poses a danger both to self and possibly to others.

Therefore, the Board of Education directs that all school personnel should be alert to the warning signs of childhood and adolescent suicide and the procedures to follow in the event of an actual attempt or completion. Such signs and behavior shall be taken seriously and reported to the school administration and Child Study Team who shall determine what further action is required. Other district employees may be used to intervene or assist with such situations. If emergency intervention is required, the pupil shall be taken to the appropriate medical facility.

In incidents of such potential self-destructive behavior, the pupil's parents shall be notified immediately and their cooperation shall be sought for immediate intervention. If the parent is unwilling to cooperate, the school administration and/or Child Study Team shall contact appropriate agencies to request intervention on the pupil's behalf. In cases of child abuse or neglect, school personnel are required to contact the New Jersey Division of Child Protection & Permanency (DCP&P).

The Board directs the Superintendent of Schools to develop procedures to implement this policy.

Legal References

NJSA 18A:ll-l General mandatory powers and duties
30:9A-12 Youth suicide prevention program

# Millville Board of Education
# District Policy Manual

**Students** **Series 5000**

**Fund-Raising Activities** **Policy 5136**

| Date Adopted: June 18, 1962 | Date Revised: April 21, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education recognizes the need for fund raising activities in the schools to support various educational activities that are of benefit to pupils. The Board also acknowledges that the solicitation of funds from pupils must be limited since compulsory attendance laws make the pupil a captive donor and since such solicitation may disrupt the program of the schools.

Fund-raising activities should be reasonable in number and type and should not place excessive demands on pupils, parents and community members.

For purposes of this policy, "pupil fund raising" shall include the solicitation and collection of money by pupils for any purpose and shall include the collection of money in exchange for tickets, papers or any other goods or services.

The Board prohibits the collection of money in school or on school property or at any school-sponsored event by a pupil for personal benefit.

Collection of money by approved school organizations shall be approved by the Superintendent of Schools. Money needs to be deposited as per existing procedures.

The Superintendent of Schools and building administrators shall establish rules and regulations for the solicitation of funds and see to the distribution of both policy and implementing regulations to each student organization granted permission to solicit funds.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:19-14 Funds derived from pupil activities
18A:20-34 Use of schoolhouse and grounds for various purposes
18A:23-1 Audit when and how made
18A:23-2 Scope of audit
18A:54-20 Powers of board (county vocational schools)
52:14-15.9c1. et al. Public Employee Charitable Fund-Raising Act

NJAC 6A:23-2.1et seq. Double Entry Bookkeeping and GAAP Accounting in Local School Districts
6A:23-2.14 Student activity funds
6A:23-2.15 School store business practices

Selfridge v. Kinnelon Board of Education, 1977 S.L.D. 522

Possible Cross References

1140, 1210, 1230, 1314, 1330, 3400, 3450, 3453, 3571, 3571.4, 6145, 6153

# Millville Board of Education
# District Policy Manual

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|---|---|
| **Students** | **Series 5000** |
| **Safety Drills** | **Policy 5137** |

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| Date Adopted: April 21, 2008 | Date Revised: | Page 1 of 1 |

The Board of Education recognizes that possible natural and/or man-made disaster could compromise the safety of students.

Therefore, the Board directs the Superintendent of Schools to develop and implement an emergency preparedness plan.

The plan shall provide that all threats to the safety of students and staff are identified and promptly responded to by trained district personnel.

In the event of a bomb threat, the school shall be evacuated when, in the discretion of the Administrator in charge, it is deemed advisable to do so.

The Superintendent of Schools shall develop procedures for the handling of school emergencies that include:

1. A plan for the prompt and safe evacuation of the school;
2. The practice of such an evacuation plan twice monthly in the fire drills conducted in accordance with law;
3. The conduct of bus evacuation drills in accordance with rules of the State Board of Education;
4. Procedures for the safe dispersal of pupils from school property and, if necessary, a plan for the housing of pupils in a safe place other than school;
5. The design of a communications system to alert the whole school community when necessary and to notify parents of the evacuation of pupils;
6. Instruction in emergency preparedness and survival techniques as a part of the regular curriculum;
7. The immediate notification of appropriate administrative personnel whenever any employee becomes aware of an emergency or an impending emergency;
8. Cooperation with local and county emergency management offices;
9. The appointment of a school emergency procedures committee; and
10. The continuing evaluation of the effectiveness of emergency planning in preparing the school for disaster.

Legal References

NJAC 6A:16-5 School safety and security plans

The Board of Education believes that good health is vital to successful learning. In order to help district pupils achieve and maintain good health, the Board directs the Superintendent of Schools to develop a program of pupil health services that employs professional personnel and interacts with both parents and community health agencies. The program shall include but not be limited to:

A. Employment of a School Physician to perform those duties required by law, and to advise the Superintendent of Schools on all matters affecting the health of pupils;
B. Employment of at least one Certified School Nurse to assist with physical examinations; conduct biennial scoliosis screening; conduct an audiometric screening; maintain pupil health records; observe and recommend to the Principal of the school the exclusion of pupils 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; annually write and update 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 pupil health records in compliance with state law;
E. Development of appropriate curriculum in physical education, health, family life, safety, and discouraging the use of drugs, alcohol, and tobacco, recommendations for appropriate equipment and supplies to teach such courses;
F. Development of rules and procedures to foster good pupil health, and 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. Health services to staff that support pupil health;
J. Provision of emergency services for injury and sudden illness;

K. Provision for required physical examinations including an examination to certify that a pupil returning to school after suffering a contagious/infectious illness is no longer a threat to the health of others;
L. Development of all regulations and procedures necessary for evaluation of pupils suspected of being under the influence of drugs/steroids/alcohol;
M. Encouragement of correction of defects through fully informing pupils and parents concerning the findings of health examinations;
N. Development of regulations and procedures for Blood Borne Pathogens and Implementation of "Right to Know;" and,
O. Preparation for the potential disruption of a pandemic flu outbreak, such as avian flu, by filling out a school preparedness checklist, with periodic reports to the Board of Education on steps the district has already taken, as well as additional steps that need to be taken to prepare for a flu pandemic.

Annual Nursing Plan
The Superintendent of Schools or his/her designee in conjunction with the school physician and the certified school nurse shall develop an annual Nursing Services Plan that details the provision of nursing services based upon the needs of the students in this school district. The Nursing Services Plan shall be adopted annually at a regular meeting and submitted to the county superintendent of education for review and approval. The Nursing Services Plan shall include:

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;

The nursing services and additional medical services provided to nonpublic schools.

The operation of the pupil health program shall be at all times in compliance with the rules and regulations of the state department of education, local Board of Health and the State Department of Health. The Board shall review and adopt the regulations developed to implement the district's health services.

Nonpublic School Pupils
The Board shall provide mandated nursing services to nonpublic school pupils as required by law.

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 if there is a change in the student's health status. The plans may include elements specified in NJSA 18A:40-12.13 including, but not limited to:

1. The symptoms of hypoglycemia for that particular student and the recommended treatment;
2. The symptoms of hyperglycemia for that particular student and the recommended treatment;
3. The frequency of blood glucose testing;
4. 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;
5. Times of meals and snacks, and accommodations for exercise and sports, school trips and other school-related activities.

The school nurse shall coordinate the provision of diabetes care 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 in 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.

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 NJSA 18A:40-12.15.

Legal References

NJSA 2A:62A-23 to 26 AED emergency medical services, 1999 statute
18A:16-6, -6.1 Indemnity of officers and employees against civil actions ...
18A:35-4.6 et seq. Parents Right to Conscience Act of 1979
18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
18A:40-3 Lectures to teachers
18A:40-4.3 Scoliosis; periodic examination; notice to parents or guardian
18A:40-5 Method of examination; notice to parent or guardian
18A:40-6 In general
18A:40-7, -8, -10, -11 Exclusion of pupils who are ill ...
18A:40-12.13 Development of health care plans for students with diabetes
18A:40-12.15 Management, care of diabetes by student permitted; authorization.
18A:40-23 et seq. Nursing Services for Nonpublic School Pupils
18A:40A-1 et seq. Substance Abuse
44:6-2 Maintenance by boards of education of clinics for indigent children

NJAC 6A:16-1.1et seq. Programs to Support Student Development
6A:26-12.1 et seq. Operation and Maintenance of School
6A:26-12.3 Required facilities
8:57-1.1 et seq. Reportable Communicable Diseases
8:57-2 Reporting of AIDS and HIV
8:61-1.1 Attendance at school by pupils or adults Infected by Human Immunodeficiency Virus (HIV)

Plainfield v. Cooperman, 105 NJ 587 (1987)

Possible Cross References

1410, 1420, 3510, 3516, 3542, 4112.4, 4131/4131.1, 4151, 4212.4, 4251.2, 5111, 5125, 5131, 5131.6, 5141.1, 5141.2, 5141.3, 5141.4, 5141.21, 5142, 5200, 6142.4, 6142.12

The Board of Education directs the Superintendent of Schools to develop, review and approve a program of accident prevention. When unforeseen situations arise, and an accident occurs, the School Nurse or another assigned staff member shall be responsible for providing emergency services to a child or staff member.

Guidelines for Dealing with Accidents or Injuries

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.
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. Parent/guardian shall be requested to pick up their child. If a parent/guardian is unable to provide such transportation, no pupil who is injured shall be sent home alone. A pupil 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 Administrator may make arrangements for immediate transportation and possible hospitalization of injured pupils, contacting parents/guardians in advance if at all possible.
E. The teacher, School Nurse, or other staff member who is responsible for a child at the time an accident occurs shall prepare a report within 24 hours on an official form providing details about the accident. This shall be required for every accident, needing first aid.
F. Any injuries or accidents to pupils shall be reported as soon as possible to the Building Principal.

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 Board of Education recognizes it responsibility for pupil safety encompassing all aspects of sports and athletic events in both intramural and interscholastic programs. The Board directs the Superintendent of Schools 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 pupils or teams of the school whether among themselves or with pupils 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.

Legal References

NJSA 18A:11 3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
18A:16 6 Indemnity of officers and employees against civil actions
18A:16 6.1 Indemnity of officers and employees in certain criminal actions
18A:40-25 Boards of education to provide nursing care to students in nonpublic schools

NJAC 6A:16-1.1et seq. Programs to Support Student Development
6A:26-12.2(a)2iii Policies and procedures for school facility operation
6A:27-12.2 Accident reporting
6:32-9.1 et seq. Athletics Procedures
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, 3541.33, 4112.4, 4212.4, 4123, 5113, 5125, 5131.6,5141, 5141.2, 5141.4, 5141.6, 5141.21, 5142, 5200, 6114, 6142.12, 6145.1/6145.2, 6153

When pupils become ill while at school, they shall be sent to or escorted to the School Nurse. If the Nurse is not in the medical office, the pupil shall be sent or taken to the main office. In general, the same procedures that apply to accidents shall apply to sudden pupil illness. The Superintendent of Schools, in cooperation with the Medical Inspector and the Nurse shall implement this policy.

Control of Contagious Diseases or Conditions

In order to protect the health of the pupils in our school district, all regulations of the NJ State Department of Education and the Cumberland County Board of Health shall be scrupulously observed, particularly those dealing with contagious or infectious diseases or conditions. Pupils who have been absent because of contagious or infectious diseases or conditions must present a certificate of recovery from a licensed physician to the School Nurse or be examined by the Medical Inspector.

The School Nurse shall observe pupils who show evidence of an infectious and/or communicable disease and recommend their exclusion to the Principal. Such pupils shall be isolated in the Nurse's office until a parent/guardian picks them up, and any necessary measures 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 to the Principal.

In addition to the review of health and safety measure required by law, the School Nurse shall individually instruct teachers from whose classroom a pupil has been excluded in the symptoms of the disease for which the pupil was excluded. No teacher shall attempt to diagnose any illness of a pupil, but shall refer suspected cases to the School Nurse immediately.

Handling Blood and Body Fluids

The Superintendent of Schools, Medical Inspector and School Nurse shall develop detailed routine procedures based on NJ Administrative Code and Guidelines from the Centers for Disease Control for the proper handling of blood and body fluids resulting from illness/accidents in the school. These procedures shall be disseminated to all district staff.

The School Nurse shall report all cases of communicable disease to the Principal, Lead School Nurse, and the Assistant Superintendent who will report the condition(s) to the Cumberland County Board of Health as required by law.

Legal References

NJSA 18A:16-6 Indemnity of officers and employees against civil actions
18A:16-6.1 Indemnity of officers and employees in certain criminal actions
18A:40-3 Lectures to teachers
18A:40-7 Exclusion of pupils who are ill
18A:40-8 Exclusion of pupils whose presence is detrimental to health and cleanliness
18A:40-10 Exclusion of teachers and pupils exposed to disease
18A:40-11 Exclusion of pupils having communicable tuberculosis
18A:40-12 Closing schools during epidemic
18A:40-25 Boards of education to provide nursing care to students in nonpublic schools
26:4-6 Prohibiting attendance of teachers or pupils
26:4-15 Reporting of communicable diseases by physicians
26:5C-1 et seq. AIDS Assistance Act
26:2T-1 Newly diagnosed Hepatitis C case; information, reports

NJAC 6A:16-1.1 et seq. Programs to Support Student Development
8:57-1.1 et seq. Reportable Communicable Diseases
8:61-1.1 Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

Possible Cross References

1410, 4131.1, 5113, 5141, 5141.1, 5141.4, 6142.13

The Board of Education disclaims any and all responsibility for the diagnosis and treatment of illness of any pupil. At the same time, the Board recognizes that a pupil's attendance may be contingent upon the timely administration of medication prescribed by a physician or advanced practice nurse. The board will permit the dispensation of medication in school only when the pupil's health and continuing attendance in school so require and when the medication is administered in accordance with this policy.

Definitions

For the purposes of this policy, "medication" shall include all medicines prescribed by a physician or advanced practice nurse for the particular pupil, including emergency medication in the event of anaphylaxis, etc., prescribed medicine or over-the-counter medicine or nutritional supplement.

For the purposes of this policy, "administration" means the taking of any medication by ingestion, injection, inhalation, or application to any part of the body or the giving of direct physical assistance to the person who is ingesting, injecting, inhaling or applying medication.

For the purposes of this policy, "self-administration" means the taking of any medication without the intervention of the school nurse, approved through the school district policy and restricted to students with asthma and other life-threatening illnesses and/or allergic reaction.

For the purposes of this policy, "life-threatening illness and/or allergic reaction" means an illness or allergic reaction that requires an immediate response to specific symptoms or sequelae (an after-effect of disease or injury) that, if left untreated, may lead to potential loss of life, i.e. epinephrine injection in anaphylaxis, asthma medication, insulin, pancreatic enzymes.

For the purposes of this policy, "a pre-filled, auto-injector mechanism containing epinephrine" means a disposable drug-delivery system with a spring-activated, concealed needle. It is designed for emergency self-administration of Epinephrine to provide rapid, convenient first aid for individuals sensitive to potentially fatal allergic reactions.

No medication will be administered to pupils in school except by the school nurse, another registered nurse, or the pupil's parent/guardian acting on a written and signed order from the pupil's private physician, advanced practice nurse or the school medical

inspector. In reviewing the completeness of the written order, it is recommended that the school nurse seek clarification if there is missing information regarding the following:

A. Pupil's name;
B. Pupil's diagnosis;
C. The name of the medication, the dosage and time of administration, the duration of the administration and may potential side effects;
D. An outline of any restriction the mediation might have on the student's daily activities (e.g. driver's education, labs, physical education, etc.);
E. If the mediation is to be used on a "prn" or as needed basis, the order should clearly describe the conditions under which the medication is to be used;
F. Other medications the pupil receives which might enhance, alter or impact the effects of the ordered medication.

Written orders submitted by fax should be verified by the school nurse. In addition, it is recommended that the written order should also outline any restriction. All original documents shall be kept on file in the school nurse's office.

The district medical inspector should review medication orders on a regular basis or at the request of the school nurse. If there is a question about a medication order prescribed by the child's private healthcare practitioner, the school physician or the school nurse under his/her direction, should confer with the prescribing healthcare provider for clarification of the order.

An individual medication record should be kept for every student requiring medication. The record should be dated and signed after each administration. The medication record should remain part of the student's permanent health record.

Medical orders should be renewed, in writing, by both parent/guardian and healthcare provider at the beginning of each school year.

Medication must be delivered to the school. The medication must be brought to the school nurse in the original container labeled by the pharmacy. The medication shall be securely stored and kept in the original labeled container.

All controlled substances (Schedule II medications) must be counted and logged whenever a new supply is brought in, picked up by a parent/guardian or destroyed.

All medication shall be stored in a secure, locked space including those medications that require refrigeration. The medication must not be visible to others.

The school medical inspector may also issue standing orders to the school nurse regarding the administration of medication.

Self-administration of medication by pupils is permitted in accordance with NJSA 18A:40-12.3. A pupil is only permitted to self-administer medication for asthma or other potentially life- threatening illnesses as defined by the New Jersey Department of Education, New Jersey Statutes Annotated and the New Jersey Administrative Code. Permission for self administration must comply with the conditions set forth in this policy.

The school nurse shall have the primary responsibility for the administration of the pre-filled auto-injector mechanism containing epinephrine. However, the school nurse may designate, in consultation with the Board of Education, another employee of the school district to administer epinephrine via an auto-injector to a pupil for anaphylaxis when the school nurse is not physically present at the scene. The designees must be properly trained by the school nurse in the administration of a pre-filled, single dose, auto-injector mechanism containing epinephrine suing the standardized training protocol designated by the New Jersey State Department of Education. Each designee shall receive individual training for each pupil for whom he/she is designated. The pupil's parent/guardian must consent in writing to the designated person if applicable. In addition, the parent/guardian must be informed that the school district has no liability as a result of any injury arising from the proper administration of the epinephrine via an auto-injector, and the parent/guardian must sign a statement that shall indemnify and hold the district and its employees harmless against any claims arising from the epinephrine via auto-injector administration. The permission for the emergency administration of epinephrine via auto-injector to pupils for anaphylaxis is effective for the school year it is granted and must be renewed for each subsequent school year.

Any pupil who self-administers epinephrine via an auto-injector for anaphylaxis, shall report the incident to the individual designated by the school district to be in charge of the pupil during school activities. This individual will immediately call 9-1-1 and remain with the pupil until Emergency Medical Services arrives.

All pupil medications shall be appropriately maintained and secured by the school nurse, except those medications to be self-administered by pupils. In those instances the medication may be retained by the pupil with the prior knowledge of the school nurse.

The school nurse shall provide the Principal and other teaching staff members concerned with the pupil's educational progress with such information about the medication and its administration as may be in the pupil's best educational interests. The school nurse may

report to the school medical inspector and the pupil's private healthcare provider or advanced practice nurse, any pupil who appears to be affected adversely by the self-administration of medication and may recommend that the request for self-administration be rescinded.

Each instance of self-administration of medication shall be reported to a teacher, coach or other individual designated by the school district to be in charge of the pupil during school activities. The school nurse shall document each instance of the administration of medication by a pupil allowed to self-administer.

The school nurse shall preserve records and documentation regarding the self-administration of medication in the pupil's medication record which is part of the pupil's permanent health record.

Each school in the district shall have and maintain at least one nebulizer in the officer of the school nurse or at a similar accessible location. The Superintendent of School shall prepare and the Board shall adopt regulations on the administration of asthma medication through the use of a nebulizer and shall include, but be limited to, the following:

A. Requirement that each school nurse shall be authorized to administer asthma medication through the 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 healthcare provider that identifies, at a minimum, asthma triggers and individualized health care plan for meeting the medical needs of the student while attending school or a school-sponsored event.

"Anaphylaxis" is rapid severe allergic response that occurs when a person is exposed to an allergen, an allergy-causing substance, to which he/she has been previously sensitized. It is brought on when the allergen enters the bloodstream, causing the release of chemicals throughout the body that try to protect it from the foreign substance. Common triggers for anaphylaxis are:

A. Stings of bees, wasps, hornets, yellow jackets and fire ants.
B. Foods including peanuts and other nuts, milk, eggs, shellfish, whitefish, as well as some food additives;
C. Medication, including certain antibiotics, as well as seizure medications, muscle relaxants, and even aspirin and non-steroidal anti-inflammatory agents; and/or,
D. Exercise

Signs and symptoms of anaphylaxis include hives or rash, swelling of face and/or extremities, tingling of lips and mouth, flushing of face or body, coughing, wheezing, dyspnea (shortness of breath), nausea, vomiting, abdominal cramps, diarrhea, tachycardia (increased heart rate), postural hypotension (low blood pressure), and syncope (fainting).

Self-Administration of Medication

Permission for self-administration of medication for a pupil with asthma or another potentially life threatening illness and/or allergic reaction may be granted under the following conditions:

A. Parents/guardians of the pupil must provide the school nurse with a written, dated and signed authorization statement for the self-administration of medication.
B. The parents/guardians of the pupil must provide the school with a signed written certification from the physician or advanced practice nurse of the pupil that the pupil has asthma or another potentially life-threatening illness or allergic reaction and is capable of, and has been instructed in, the proper method of self-administration of medication. The statement must include:
    1. The pupil's name,
    2. The name of the medication,
    3. The purpose of its administration to the pupil for whom the medication is intended,
    4. The proper timing and dosage of medication,
    5. Any possible side effects of the medication,
    6. The time when the medication will be discontinued.
C. The Board shall inform the parents/guardians of the pupil or the adult students, in writing that the school district, the Board, and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil.
D. The parents/guardians of the pupils have signed a statement acknowledging that the school district shall incur no liability as a result of any injury arising from the self- administration of medication by the pupil and that the parents/guardians shall indemnify and hold harmless the school district, the Board, and its employees or agents from any and all claims arising out of the self-administration of medication.
E. The request for the administration must be made to the school nurse prior to any self-administration of medication. The school nurse will consult with the pupil's physician or advanced practice nurse and the school medical inspector as well as with the Principal when making the final determination to allow or deny the request;

1. An approved request will be signed by the Principal and the school nurse. The original request will remain with the nurse. Copies will be given to the Principal and the pupil's parents/guardians.
2. The parents/guardians will be informed of the reason for a denied request.

F. A written order must be reviewed by the school medical inspector prior to school approval for self-administration of any medication.
G. Permission to self-administer one medication shall not be construed as permission to self-administer other medications.
H. Permission shall be effective only for the school year for which it is granted. The conditions in subsection A-G must be fulfilled in order for the permission to be renewed.

Emergency Administration of Epinephrine Regulations / Procedures

Parents/guardians shall provide the Board with the following:

A. Written authorization for the administration of the epinephrine by the School Nurse or trained designees;
B. A signed statement acknowledging their understanding that the district shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism to the pupil and that the parents/guardian indemnify and hold harmless the district and its employees or agents against any claim(s) arising out of the administration of the epinephrine via a pre-filled auto-injector mechanism; and,
C. 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 requirements of this policy.

District Responsibilities:

The placement of a pupil's prescribed epinephrine shall be in a secure but unlocked location, easily accessible by the School Nurse/designees to ensure prompt availability in the event of an allergic emergency at school or at a school-sponsored event.

The location of the epinephrine shall be indicated on the pupil's emergency care plan. Back-up epinephrine shall also be available at the school if needed.

The School Nurse/designee shall be available promptly available on site at the school and school sponsored events in the event of an allergic reaction.

The pupil shall be transported to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have been resolved.

The School Nurse or other trained designee shall be permitted to administer epinephrine via a pre-filled auto-injector mechanism to any pupil whose parents/guardians have not met the requirements of Items A, B & C (above), in that written notice has not been received by the district, allowing emergency administration of epinephrine via a pre-filled auto-injector mechanism, ion cases where the School Nurse or designee, in good faith, believe that the pupil is having an anaphylactic reaction.

The district shall maintain a supply of epinephrine auto-injectors in a secure but unlocked location that is proscribed under a standing protocol from a licensed physician. The epinephrine shall be accessible to the School Nurse and trained designees for administration to a pupil having an anaphylactic reaction.

The School Nurse shall have primary responsibility for the administration of the epinephrine. The School Nurse shall designate, in consultation with the Superintendent of Schools, staff members who volunteer to administer epinephrine via a pre-filled auto-injector mechanism to a pupil for anaphylaxis when the School Nurse is not physically present at the scene.

The School Nurse shall determine that designees have been properly trained the administration of epinephrine via a pre-filled auto-injector mechanism, using standardized training protocols established by the New Jersey Department of Education in consultation with the New Jersey Department of Health and Senior Services.

Nothing in the policy shall prohibit the emergency administration of epinephrine via a pre-filled auto-injector mechanism to a pupil for anaphylaxis by the School Nurse or designees when the pupil is authorized to self-administer epinephrine pursuant to the provisions of NJSA 18A:40-12.3 or when there is a coexisting diagnosis of asthma, or when a prescription is received from a licensed health care professional for epinephrine coupled with another form of medication or when the epinephrine is administered pursuant to the provisions of NJSA 18A:40-12.5.

No school employee, including a School Nurse or any other officer or agent of the Board of Education or a physician providing a prescription under a standing protocol for school epinephrine pursuant to the provisions of NJSA 18A:40-12.5 shall be held liable for any good faith act or omission consistent with the provisions of NJSA 18A:40-12.5, nor shall action before the New Jersey State Board of Nursing lie against a School Nurse for any such action taken by a person designated in good faith by the School Nurse pursuant to the provisions of NJSA 18A:40-12.6.

Good faith shall not include willful misconduct, gross negligence or recklessness.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
18A:40-3.2 et seq. Medical and Nursing Personnel
18A:40-4 Examination for physical defects and screening of hearing of pupils
18A:40-7 Exclusion of pupils who are ill
18A:40-12.3 through -12.4 Self-administration of medication by pupil; conditions
18A:40-12.5 Policy for emergency administration of epinephrine to public school pupils
18A:40-12.6 Administration of epinephrine; primary responsibility; parental consent
18A:40-12.7 Nebulizer
18A:40-12.8 Administration of asthma medication by school nurse through nebulizer; training; pupil asthma treatment plan
18A:54-20 Powers of board (county vocational schools)
45:11-23 Definitions

NJAC 6A:16-1.1et seq. Programs to Support Student Development

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
Policy Advisory #1 on N.J.S.A. 18A:40-12.3 et seq. Self-Administration of Medication By a Pupil, New Jersey State Department of Education, June 5, 1995
Protocol and Implementation Plan for the Emergency Administration of Epinephrine by a Delegate Trained by the School Nurse, New Jersey State Department of Education, 1998

# Millville Board of Education
# District Policy Manual

**Students** **Series 5000**

**Students Requiring Crutches** **Policy 5141.25**

| Date Adopted: July 21, 2014 | Date Revised: | Page 1 of 2 |
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Millville Public Schools makes every effort to insure the safety and wellbeing of all students. Students requiring the use of crutches in the school setting will have a plan that is coordinated by the school nurse to address the issues of safety and mobility.

1. Students arriving to school needing the use of crutches will immediately report to the school nurse office.
2. The student will provide the school nurse with a written order from the healthcare provider indicating the need for and duration of crutch use. The activities/movements of the student may be restricted until written doctor's order for the use of crutches is provided.
3. Additionally, the healthcare provider will provide the school nurse with related activity restrictions, including, but not limited to, use of stairs, physical education/recess accommodations, athletic restrictions.
4. In the event that the school nurse determines that the orders written by the healthcare provider cannot be safely implemented for said student in the school setting, or the student is not capable of fully participating in the school day, the student may be medically excused from school until necessary accommodations can be put into place.
5. In the event that the necessary accommodations cannot be implemented in the student's home school, the student may be transferred to a single story school within the district. The district will provide related transportation.
6. In situations where a transfer to a single story school is not a viable option due to the student's grade level, every effort will be made to accommodate the student by relocating classrooms.
7. The school nurse will coordinate the development and implementation of an Emergency Care Plan in cooperation with the student/parent/guardian, healthcare provider and school administrator for the duration of crutch use.
8. A written order from the healthcare provider is required in order to request any transportation changes.
9. Students who cannot be safely accommodated in a school setting may be recommended for medical home instruction.

Legal References

NJSA 18A:16-6, -6.1 Indemnity of officers and employees against civil actions
18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
18A:40-5 Method of examination; notice to parent or guardian
18A:40-6 In general
18A:40-7, -8, -10, -11 Exclusion of pupils who are ill
18A:40-23 et seq. Nursing Services for Nonpublic School Pupils
44:6-2 Maintenance by boards of education of clinics for indigent children

NJAC 6A:16-1.1et seq. Programs to Support Student Development
6A:26-12.1 et seq. Operation and Maintenance of School
6A:26-12.2(a)2iii Policies and procedures for school facility operation
6A:26-12.3 Required facilities
6A:27-12.2 Accident reporting
6:32-9.1 et seq. Athletics Procedures

Plainfield v. Cooperman, 105 NJ 587 (1987)

In accordance with the provisions of the New Jersey Compassionate Use Medical Marijuana Act (CUMMA), a parent/guardian or primary caregiver may administer medical marijuana to a student of this district, while the student is on school grounds, aboard a school bus or while attending a school-sponsored event, provided the student is authorized to engage in the medical use of marijuana pursuant to the provisions of P.L. 2015, c.158 , supplementing chapter 40 of Title 18A of the New Jersey statutes, chapter 6D of Title 30 of the Revised Statutes and P.L. 2009, c.307 (C.24:I-1, et. al. and provided that the parent/guardian, primary caregiver and those individuals authorized to provide marijuana for medical purposes to assist the student with the medical use of marijuana pursuant to the provisions of P.L. 2009, c.307 (C.24:I-1, et. al.

Students who have valid medical marijuana prescriptions may petition the district for a waiver of federal laws, including, but not limited to the Controlled Substances Act and the Drug Free Schools and Communities Act, prohibiting marijuana use, or possession at educational institutions and on the premises of other recipients of federal funds.

The parent/guardian or primary caregiver may administer medical marijuana to eligible students who submit an application with the proper documentation demonstrating the condition and prescription need. Parents/guardians, and primary caregivers of students who have been authorized for medical use of marijuana may administer medical marijuana to the student while the student is on school grounds, aboard a school bus, or attending a school-sponsored event.

Parents/guardians or primary caregivers will be greeted by a school official or nurse and be taken to a designated area to administer the medication and then be escorted off school grounds, assuring that no marijuana is left on school property.

The use of medical marijuana must be properly documented with the school nurse and verified by the school physician with the prescribing physician prior to administration at school, aboard a school bus, or attending a school-sponsored event.

The Superintendent of Schools/designee shall establish the location where the administration of medical marijuana shall be administered.

The administration of medical marijuana to a student by smoking or other form of inhalation while the student is on school grounds, aboard a school bus, or attending a school-sponsored event is strictly prohibited, and nothing in this policy shall be construed to authorize medical marijuana to be smoked in any place where smoking is prohibited pursuant to the provisions of NJSA 2C:33-13.

Should it be found that said prescription is not warranted or there is no need for a dose to be administered during the school day, notification will be provided to this effect and there will be no medicine administered at school.

Definitions

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

A. "Physician" means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician responsible for the ongoing treatment of a patient's debilitating medical condition, provided, however, that such ongoing treatment shall not be limited to the provision of authorization for a patient to use medical marijuana or consultation solely for that purpose.

B. "Primary caregiver" or "caregiver" means a resident of the State who:
   - is at least 18 years old;
   - has agreed to assist with a registered qualifying patient's medical use of marijuana;
   - is not currently serving as a primary caregiver for another qualifying patient;
   - is not the qualifying patient's physician;
   - has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the date of this policy and was for a violation of federal law related to possession or sale of marijuana that is authorized under the provisions of this policy, has registered with the State Department of Health and has satisfied the criminal history record background check requirement of the CUMMA; and,
   - 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 Department of Health in accordance with the provisions of NJSA 24:6I-3.

C. "Qualifying patient" or "patient" means a resident of the State who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship.

Both the patient and the caregiver must apply for and be granted a registration card, valid for two (2) years, pursuant to CUMMA.

The administration of medical marijuana on school grounds, aboard a school bus, or attending a school-sponsored event must be consistent with the requirements of the law and this policy.

Liability/ Legal Actions

No person shall be subject to arrest or prosecution for constructive possession, conspiracy or any other offense for simply being in the presence or vicinity of the medical use of marijuana as authorized under P.L.2009, c.307 (C.24:6I-1 et al.

No custodial parent, guardian, or person who has legal custody of a qualifying patient who is a minor shall be subject to arrest or prosecution for constructive possession, conspiracy or any other offense for assisting the minor in the medical use of marijuana.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
18A:40-3.2 et seq. Medical and Nursing Personnel
18A:40-12.3 through -12.4 Self-administration of medication by pupil; conditions
45:11-23 Definitions

NJAC 6A:16-1.1et seq. Programs to Support Student Development

P.L.2009, c.307 (C.24:6I-1 et al.

Possible Cross References

5141.1, 5141.2, 6153

The Board of Education believes that time is of the essence when a drug overdose is occurring, or is believed to be occurring. In accordance with the provisions of New Jersey Law (*P.L.* 2013, *c*. 46), the "Overdose Prevention Act" (the Act), the Board of Education and other entities, there is immunity from civil and criminal liability to non-health care professionals who have, in an emergency, administered an opioid antidote (defined as naloxone hydrochloride or any other similarly acting drug approved by the United States Food and Drug Administration) to a person who he/she believes, in good faith, is experiencing an opioid overdose, provided the requirements of the Act have been met.

The Act also provides that a health care professional or pharmacist who, acting in good faith, prescribes or dispenses an opioid antidote to a patient capable, in the judgment of a health care professional, of administering the opioid antidote in an emergency, shall not be subject to any criminal or civil liability or to professional disciplinary action under Title 45 for prescribing or dispensing an opioid antidote in accordance with the Act.

Additionally, the legal protections contained in the Act are designed to encourage overdose victims and witnesses to seek medical assistance in the event of an overdose emergency.

Definitions

For the purposes of this policy, naloxone, shall be defines as a prescription medication often referred to by its most commonly known trade name, Narcan, which blocks the effects of opioids and can reverse an overdose.

For the purposes of this policy, a third-party prescriber is defined as a physician who prescribes naloxone or narcan, to anyone in a position to assist others during an overdose (e.g., bystanders who are likely to encounter an overdose occurrence), since the drug is not necessarily intended to be used for the person receiving the prescription.

In accordance with all applicable rules noted in NJAC 6A:16-3, the Board of Education:

- Permits the certified school nurse or other appropriately licensed school health care professionals deemed capable of administering naloxone, to administer naloxone;
- Grants permission for volunteer, unlicensed school personnel to be trained through a DHS-endorsed program to administer naloxone;

Regulation

The following shall constitute the regulation/procedures that shall be followed pursuant to this policy:

- The Board of Education directs the Superintendent of Schools to identify school personnel roles and responsibilities in the administration of naloxone.
- Immediately upon suspecting an overdose, 9-1-1 shall be contacted using the established procedures and processes for such similar calls;
- Parents/guardians shall be contacted as soon as practicable following an overdose, or suspected overdose.
- The student shall be transported to the the nearest hospital along with a member of the school staff to be designated by the principal;
- The Superintendent of Schools shall be notified whenever naloxone is administered;
- Naloxone shall be included in the prescribed standing order by the school physician;
- The school nurse shall document the administration of naloxone in the same manner he/she documents administration of other medications under a non-patient specific order;
- Naloxone shall be stored in a safe accessible location, keeping in mind it is heat and cold sensitive, in close proximity to an automated external defibrillator;
- The school nurse shall monitor the on-site inventory and replacement of the naloxone supply;
- The administered and expired naloxone applicators shall be destroyed in accordance with standard procedures for hazardous wastes;
- Parents/guardians and staff members shall be notified of this policy annually; and,
- This policy and procedures shall be reviewed annually to ensure they continue to be consistent with recommended best practice.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
18A:40-3.2 et seq. Medical and Nursing Personnel
18A:40-12.3 through -12.4 Self-administration of medication by pupil; conditions
45:11-23 Definitions

NJAC 6A:16-1.1et seq. Programs to Support Student Development
6A:16-3 Comprehensive Drug Abuse Programs

P.L.2009, c.307 (C.24:6I-1 et al.
P.L. 2013, *c*. 46), the "Overdose Prevention Act"

Possible Cross References

5141.1, 5141.2, 6153

Pupils 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.

Religious Exemptions

In accordance with NJSA 26:1A-1, if the parent/guardian of the pupil objects in a written statement signed by the parent/guardian on the grounds that the proposed immunization interferes with the free exercise of the pupil's religious rights, an exemption to the requirements as set forth in this policy shall be granted by the administration.

If a parent/guardian submits such a written request for an exemption to an immunization on the grounds of religious convictions, district employees receiving the request should not question whether the professed religious statement or stated belief is reasonable, acceptable, sincere and/or bona fide. If the written statement contains the word "religion" or "religious" or some reference thereto, then the statement and the request should be accepted and the religious exemption of mandatory immunization(s) granted.

A copy of the written statement, signed by the parent or guardian shall become a part of the health records of the pupil.

Medical Exemptions

In accordance with NJAC 8:57-4.3, parents/guardians seeking an exemption to a mandatory immunization on the grounds that the immunization is medically contraindicated, shall submit a written statement to the school district from a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) indicating that the required immunization(s) is medically contraindicated for a specific period of time and the reason(s) for the medical contraindication, based upon valid medical reasons as enumerated by the Advisory Committee on Immunization Practices (ACIP) or the American Academy of Pediatrics (AAP) guidelines.

A copy of the written statement, signed by the physician or nurse as described above shall become a part of the health records of the pupil.

Objections to vaccination based on grounds that are not medical or religious in nature and that are of a philosophical, moral, secular or more general nature are unacceptable.

Every pupil who enters the district schools for the first time shall present an immunization record as required by law.

In order to protect the health of the children and staff in district schools, all regulations of the New Jersey State Department of Education, the New Jersey State Department of Health and Senior Services and the Cumberland County Board of Health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases or conditions. Pupils 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 of Schools or his/her designee shall formulate regulations that ensure immunization records are reviewed and updated annually pursuant to NJAC 8:57-4.1 through 4.16. The Superintendent of Schools shall enforce NJAC 6:16 Programs to Support Student Services which include regular pupil health examinations at appropriate grade levels; before participation in sports programs; and for testing for tuberculosis, scoliosis, and 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.

Legal References

NJSA 18A:35-4.6 through -4.8 Parents Right to Conscience Act of 1979
18A:40-4 Examination for physical defects and screening of hearing of pupils; health records
18A:40-4.3 Scoliosis; periodic examination; notice to parents or guardian
18A:40-4.4 Exemption
18A:40-4.5 Immunity from action of any kind due to provisions of act
18A:40-5 Method of examination; notice to parent or guardian
18A:40-6 In general
18A:40-11 Exclusion of pupils having communicable tuberculosis
18A:40-16 through -19 Tuberculosis infection; determination of presence ...
18A:40-20 Immunization at public expense
18A:61D-8 through -10 Findings, declarations relative to Hepatitis B vaccinations....
26:1A-9.1 Exemption of pupils from mandatory immunizations
26:4-6 Prohibiting attendance of teachers or pupils
26:2T-5 through -9 Findings, declarations relative to Hepatitis C

NJAC 6A:14-3.4 Evaluation
6A:16-1.1et seq. Programs to Support Student Development
6A:32-9.1 Athletics Procedures
8:57-2 Reporting of acquired immunodeficiency syndrome and infection with Human Immunodeficiency Virus
8:57-4.1 Applicability
8:57-4.2 Proof of immunization
8:57-4.3 Medical exemptions
8:57-4.4 Religious exemptions
8:57-4.5 Provisional admission
8:57-4.6 Documents accepted as evidence of immunization
8:57-4.7 Records required
8:57-4.8 Reports to be sent to the State Department of Health
8:57-4.9 Records available for inspection
8:57-4.10 Diphtheria and tetanus toxoids and pertussis vaccine
8:57-4.11 Poliovirus vaccine
8:57-4.12 Measles virus vaccine
8:57-4.13 Rubella vaccine
8:57-4.14 Mumps vaccine
8:57-4.15 Haemophilus influenza type b (Hib) conjugate vaccine
8:57-4.16 Providing immunization
8:57-4.17 Emergency powers of the State Commissioner of Health
8:61-2.1 Attendance at school by pupils or adults infected by Human Immuno-deficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Possible Cross References

1410, 4123, 5111, 5113, 5141, 5141.21, 6142.4, 6145.1/6145.2, 6164.2, 6171.4

The Board of Education believes that the physical and mental well being of all children in its charge must be maintained as prerequisite to learning through the formal educational process. The Board of Education is cognizant of the importance of early identification of child abuse. The school district personnel will cooperate with the New Jersey Division of Child Protection & Permanency (DCP&P) in the identification, immediate reporting, and investigation of allegations of child abuse.

The Board of Education directs the Superintendent of Schools to develop and implement procedures for compliance with the law and code requirements pertaining to allegations of child abuse. The Board of Education has designated a liaison to DCP&P. Abuse referrals are not screened or referred through the liaison. The function of the liaison is to:

Facilitate communication and cooperation between the district and DCP&P; and act as the primary contact person between the schools and DCP&P with regard to general information sharing and the development of mutual training and other cooperative efforts.

The Superintendent of Schools shall require all the employees and volunteers to receive in-service training concerning child abuse, instructional methods and techniques relative to issues of child abuse in the local curriculum, and personnel responsibilities pursuant to NJSA 9:6-8.10 et seq. This training shall include information regarding the identification and reporting of allegations of child abuse to DCP&P, as well as the investigative process conducted by DCP&P. Additionally, the employees shall be made aware of their rights and responsibilities according to law and code. A person making the report in good faith is immune.

"Anyone acting pursuant to this act in the making of a report under this act shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such person shall have the same immunity with respect to testimony given in any judicial proceeding resulting from such report" (NJSA 9:6-8.13).

Failure to make a report is a violation, and the person is subject to a penalty as describe by law.

"Any person knowingly violating the provisions of this act, including the failure 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" (NJSA 9:6-8.14). "No school personnel will be discharged from employment or in any manner be discriminated against as a result of making, in good faith, a report or causing to be reported an allegation of child abuse (NJSA 9:8.13). "Due process rights will be provided to school personnel who have been reassigned or suspended in accordance with NJSA 18A:6-10 et seq., 18A:25-1, 18A:25-6, and NJSA 9:6-3.1. Temporary reassignment or suspension of school personnel alleged to have committed an act of child abuse shall occur if there is reasonable cause

to believe that the life or health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child (NJSA_18A:6-10 et seq. and NJSA 9:6-3.1).

Legal References

NJSA 9:6-1 et seq. Abuse, abandonment, cruelty and neglect of child;
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
18A:25-1 Transfer of teaching staff members
18A:25-6, -7 Suspension of assistant superintendents, principals and teachers ...
18A:36-19 Pupil records; creation; maintenance and retention, security and access; regulations; nonliability
18A:36-19a Newly enrolled students; records and identification
18A:36-24 et seq. Missing children; legislative findings and declarations
52:17B-9.8a et seq. Marking of missing child's school record

NJAC 6A:16-1.4 et. seq. District policies and procedures
6A:16-11.1 et seq. Reporting Allegations of Child Abuse and Neglect
6A:32-7.1 et seq. Student records

Possible Cross References

5113, 5125, 5141.1, 5142

The Board of Education is deeply concerned with early detection of any missing or abused children. Attendance at school can be a means of identifying such children. Accordingly, the Superintendent of Schools shall implement procedures designed to provide for reporting to appropriate law enforcement and child welfare authorities when a potential missing or abused child is detected.

Furthermore, though limits are set on certain numbers of days for certain kinds of action, these limits are maximums, not minimums, and the Administrators are encouraged to take bolder steps and to act sooner than the limits established in every category. Additionally, it is recognized that the Administrator's daily procedures may demand more stringent accounting from parents than provided for herein; it is most appropriate that these practices should be continued and form a sound base for the implementation of this policy:

1. Attendance
   - A. Any child absent from our schools for five consecutive days without the administration being aware that the absence is for a known cause shall be considered "at risk" as a potentially abused or missing child.
   - B. Any absent child for whom there are grounds for the reasonable suspicion of the potential for abuse or abduction shall be considered an "at risk" child.
   - C. A student who never appears on the school's register because he/she has the status of a "did not enter" student shall be considered an "at risk" child and every effort shall be made to account for his/her welfare and safety, as indicated below.
   - D. The schools shall attempt to contact the home of each "at risk" child by phone on a daily basis or by mail. An attempt should also be made to locate the child through the emergency notification information that the parents have provided the school, and any other information that is available to the school.
   - E. If, after three days, there is no response affirming the safety of the child, the attendance officer shall make an on-site investigation at the child's home.
   - F. If the attendance officer is unable to confirm the safety of the child, the school shall consider the child to be missing and shall notify the New Jersey Division of Child Protection & Permanency (DCP&P), the proper police authorities, and other appropriate agencies and organizations. The school shall provide these agencies all information form the school records that could help in search for the child.

2. Release from School

   During the school session, a child may be excused only into the custody of his/her custodial parent/guardian. The school may release a child into the care of another person with written permission from the parent/guardian. The persons who are listed on a properly completed emergency notification form may be treated by the school as in loco parentis.

3. Students Transferring to Another School

When issuing a transfer card, the school shall attempt to ascertain all possible information about the destination of the child's family, including the future address, job site, names of relatives or friends in the area, and the anticipated date of the student's arrival at the new school.

If the school has not received confirmation of the student's arrival at the new district within one week of the anticipated date of arrival, the new school district should be called and attempts made to locate the child through school districts and the other information that the school has available. If these attempts prove to be fruitless, reports shall be made to DCP&P and the appropriate police authorities indicating that the school is unable to confirm that the child has reached his/her destination. The proper police authorities, DCP&P, and other appropriate agencies and organizations shall be provided any information from the school records that could help in a search for the child.

4. Students Transferring from Another School

A. When a student transfers in from another school, the guardianship of the child will be verified from the transfer card, through contact with the previous district, by court records, the child's school records, or other appropriate means. If the child is residing with someone other that the apparent legal guardian, the school must report this discrepancy to DCP&P, the proper police authorities, and other appropriate agencies and organizations. In the meantime, the school must verify the student's entitlement to a free public education in this school district in a reasonable amount of time. A week of free public education in this school district is reasonable amount of time. A week, except in unusual circumstances, through all of the following means, as prescribed by law:

(1) A sworn statement by the person with whom the child resides that he/she:
-is domiciled in the district,
-is supporting the child gratis,
-will assume all personal obligations of the child relative to school requirements,
-intends to keep and support the child gratuitously for a longer time than merely through the school term.

(2) A copy of the lease of the person with whom the child resides, if the person is a tenant, or a sworn statement of the landlord acknowledging that such person is residing as a tenant without written lease.

(3) A sworn statement by the child's legal parent that he/she is not supporting the child.

(4) A satisfactory documentation as to the validity of the sworn statement.

5. Student Registration
   A. A child may be registered into school while documentation of guardianship is being resolved, provided however, that proper health records have been verified and there is adequate information on which to make an educational placement.
   B. If the school is not able to verify the student's entitlement to a free public education in this district through the means listed in 4A above, in a reasonable amount of time, the student shall be excluded from school.
   C. If the non-parent with whom the child resides chooses to contest the school's decision before the Commissioner of Education, the school shall admit and register the child during the pendency of such proceedings.

6. Registered Students Not in the Custody of a Person with Legal Parental Status
   If a registered student should reside out of the custody of a legal guardian, all of the procedures of document custody and residence which are listed in part 4 above, shall be instituted, as if the child were transferring in from another school.

Legal References

NJSA 18A:36-24 et seq Missing children
52:17B-9.8a et seq Marking of missing child's record

The Board of Education recognizes that many difficult issues are raised when pupils are infected with Human Immunodeficiency Virus (HIV). The right of such pupils to a thorough and efficient education and the benefit to them of an education in the school setting must be balanced against the interests of the school community to a safe environment.

The Board will, in compliance with the rules of the NJ State Board of Education and the New Jersey State Department of Health, permit the exclusion from the regular school setting of a pupil infected with HIV only when the pupil is not toilet trained or is incontinent or cannot control drooling or is unusually physically aggressive with a documented history or harming or biting others. A pupil infected with HIV may not be excluded in the absence of one or more of these exceptional characteristics and may not be excluded to protect the pupil against infection by others.

A pupil of school age infected with HIV, who does not demonstrate one or more of the characteristics that warrants exclusion, will be admitted to the regular school setting. His or her medical condition will be held in strict confidence, and his or her infection with HIV will be withheld from public records of this district.

When a pupil in this district or a pupil who seeks admission to this district is identified as infected with HIV, the school physician shall confer with the pupil's physician to determine whether the pupils should be excluded from school in accordance with this policy. The school physician shall promptly report his or her determination to the Board; the Board shall, within ten (10) days of the request to admit the pupil, decide to exclude or admit the pupil in accordance with the state Board rules and the following guidelines:

1. If the school physician approves the admission of the pupil, the pupil will be permitted to attend the regular school session. In the event the pupil subsequently develops any of the characteristics that warrant exclusion, the school physician shall be notified.
2. If the school physician, the pupil's physician, and the pupil's parent or guardian agree that the pupil should be excluded from school, and appropriate alternative education shall be planned and implemented.
3. If the physician inspector determines that the pupil should be excluded from the school and the pupil's physician disagrees, the pupil's admissibility shall be determined by the Commissioner of Education on the recommendation of a medical advisory panel appointed by the Commissioner of Health.

The Board will promptly submit to the County Superintendent of Schools the pupil's entire medical record including all medical information relied on the Board in its exclusion decision; all information supplied by the pupil's parent or guardian and physician; a written statement of the school medical inspector's reasons for exclusion; the qualifications and credentials of all experts relied on by the Board and the school physician; and, in the case of a classified pupil, child study team evaluation reports recommendations and the pupil's Individual Educational Plan (IEP).

The names of the pupil and his or her parents or guardian will be removed from the records submitted to the County Superintendent of Schools; future district references to the pupil will be by the code number supplied by the department of education.

Pending the determination of the Commissioner, the pupil shall be temporarily excluded from school and given an alternative program of home instruction appropriate to the pupil's needs and in accordance with the rules of the NJ State Board of Education. The professional staff members teaching the pupil will be appropriately certified and trained in proper precautions against the possible transmission of disease.

No pupil, staff member, or visitor may attend or visit school if he or she has an uncoverable weeping lesion, whether or not the person has been screened for HIV.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:40-7 Exclusion of pupils who are ill
18A:40-8 Exclusion of pupils whose presence is detrimental to health and cleanliness
26:5C-5 et seq Acquired Immune Deficiency Syndrome Act

NJAC 8:57-2 Reporting of AIDS and HIV
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

Possible Cross References

5141.3

The Board of Education is committed to conforming to all applicable laws regarding students who are HIV positive, have AIDS or are suspected of being HIV positive or having AIDS. Toward this end, the Board adopts the following policy and directs the Superintendent of Schools to develop the procedures necessary to ensure compliance with it:

1. Confidential Information: Confidential information regarding a current or prospective pupil's HIV/AIDS status is not required to be furnished to the school or district, or any representative thereof. HIV/AIDS status is therefore an exception to records required pursuant to students' physical examinations. No inquiry shall be made regarding the HIV status of a current or prospective pupil. All records containing identifying information regarding same shall be kept strictly confidential. No information relating to the HIV/AIDS status of a student shall be disclosed except in accordance with the provisions of NJSA 26:5C-5 et seq. Information concerning the HIV status of a pupil may be shared only with the written consent of the pupil's parent, guardian, or other individuals authorized under state law to act on the pupil's behalf, and then only with those who need to know the status to determine the appropriate educational program for the pupil.

2. Enrollment/Attendance of Pupils: No pupil, including individuals entitled to school attendance in grades K-12, and pre-kindergarten children who are entitled to school attendance, shall be excluded from attending school due to HIV infection, nor shall any pupil be excluded to protect himself/herself against exposure to the infectious diseases of others. The presence of HIV infection also may not be used, in and of itself, to exclude any pupil by way of classification as eligible for home instruction. Additionally, pupils who have HIV and are symptomatic and/or diagnosed with AIDS are not to be excluded from school by virtue of the diagnosis, but may only be excluded for the medical or health conditions which would lead to exclusion of any other pupil. This policy applies to all pupils, whether currently enrolled or seeking enrollment. AIDS or HIV infection shall not be considered a communicable disease for purposes of admission to or attendance in an education facility or eligibility for the pupil.

   No pupil may be excluded from school solely by virtue of their being related to an HIV-infected individual.

3. Exclusion Required: Any pupil, regardless of his/her HIV status, is to be removed if he/she has weeping skin lesions that cannot be covered.

4. Procedures for Handling Blood or Body Fluids: Training and supplies for the handling of blood and body fluids shall be made available to school personnel, whether or not pupils HIV are present, and nurses, custodians and teachers in particular are to have knowledge of the proper techniques in the handling and disposal of such materials. It shall be the responsibility of the Superintendent of Schools to secure appropriate supplies and training for school employees.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:40-7 Exclusion of pupils who are ill
18A:40-8 Exclusion of pupils whose presence is detrimental to health and cleanliness
26:5C-5 et seq Acquired Immune Deficiency Syndrome Act

NJAC 8:57-2 Reporting of AIDS and HIV
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

Possible Cross References

1410, 4123 5111, 5113, 5141, 5141.21, 6142.4, 6145.1, 6145.2, 6164.2

More than 350,000 Americans die annually from out-of-hospital sudden cardiac arrest. The American Heart Association estimates that almost 100,000 deaths could be prevented each year if defibrillators were more widely available.

Pursuant to "Janet's Law, an automated external defibrillator (AED)(s), identified with appropriate signage, is placed and made available in an unlocked location on each school property, which is accessible during the school day and any other time in which a school-sponsored athletic event or team practice, in which the pupils of the district are participating, is taking place and is within reasonable proximity of the school athletic field or gymnasium.

When school-sponsored athletic events are held at school based off-campus locations, the host team is responsible for having an AED available.

When school-sponsored athletic events are held at non-school off campus locations, the Athletic Director will insure that either the site has an AED in close proximity to the event or a district owned AED will be transported to the site.

As CPR/AED trained individuals are not always available, non-trained persons may use an AED without risk of civil liability. The New Jersey Good Samaritan Act provides immunity from civil liability to the person or entity acquiring an AED for the acts or omissions of a layperson involving the use of the AED.

Persons identified by Millville Public Schools as anticipated to be in a position to render emergency care or treatment using an AED are required to hold current certification. The District will ensure that no less than five CPR/AED trained persons are employed in each school.

The AED(s) will be maintained and tested in accordance with the operational guidelines of the manufacturer and the district will provide notification to the appropriate first aid, ambulance, or rescue squad or other appropriate emergency medical service provider regarding the AED, the type acquired, and its location.

The district will establish and implement a building specific emergency action plan for responding to sudden cardiac events, including, but not limited to, those events in which the use of an AED may be necessary. This plan is updated annually.

For the purposes of this policy, Automated External Defibrillator means a medical device heart monitor and defibrillator that:

1. Has received approval of its pre-market notification filed pursuant to 21 U.S.C. s.360(k) from the United States Food and Drug Administration;
2. Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and,
3. Upon determining that defibrillation should be performed, automatically charges and delivers an electrical impulse to an individual's heart.

An AED will be located in the school building and will be used by ~~qualified~~ responders in response to cardiac medical emergencies. The AED will be kept on school property and may accompany Emergency Medical Services (EMS) personnel to a hospital emergency room or other medical facility as deemed appropriate by the EMS. It will be returned to the school as soon as the emergency has been adequately addressed.

Each certified school nurse will complete an AED system checklist each month for the AED units located in the assigned school; excluding those mobile units assigned to the athletic department. The Athletic Director will insure that a monthly AED system checklist is completed for each AED assigned to the athletic department. This documentation is kept on file in each school.

Neither the care provider, the Board of Education, nor the trainers of responders in the use of the AED will be held civilly liable for their acts or omissions in rendering good faith emergency care to someone who appears to be in cardiac arrest.

In accordance with P.L. Chapter 34 and under the direction of the school physician, a Board of Education employee may use the AED under the following circumstances:

1. The employee has successfully completed and holds a current certification from the American Heart Association, American Red Cross or other training program recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and use of a defibrillator. Copies of the certificates will be kept on file. Re-certifications will be submitted for filing bi-annually.
2. The employee is not trained in CPR/AED use but is acting in good faith as a non-trained responder.
3. The victim is in cardiopulmonary arrest as determined by unconsciousness, and no spontaneous regular breathing or the victim exhibits gasping breaths.
4. "9-1-1" is activated.
5. Cardiopulmonary Resuscitation (CPR) is performed until the AED is brought to the scene, EMS arrives or the individual is no longer physically able to provide CPR.

After assessing unresponsiveness, the responder will call for help and for someone to contact 9-1-1 to summon EMS. The responder will also request that the AED be retrieved. The responder will then begin to administer CPR until the AED arrives. Once the responder determines that the use of the AED is indicated, he/she will do so in accordance with the training he/she has received and/or the instructions of the manufacturer.

Once the EMS arrives the EMS will assume responsibility for the care of the victim, using the AED and transport the patient to the hospital. After the victim has been transferred to the care of the EMS, the School Nurse will notify the School Physician. The AED Incident Response Report is to be completed by the rescuer and given to the School Nurse who will send a copy to the School Physician. The School Nurse will conduct a post-event debriefing with the responder to review actions that went well and the collection of opportunities for improvement, as well as critical incident de-briefing.

The use of an AED is contraindicated under the following circumstances:

1. The victim is conscious,
2. The victim is breathing,
3. The victim is a child under the age of 1, in accordance with the guidelines established by the American Heart Association,
4. The victim is lying in water, or
5. The victim is lying on a metal surface

Any person or entity who, in good faith, acquires or provides a defibrillator, renders emergency care or treatment and, who has complied with the requirements of P.L. Chapter 34, shall be immune from civil liability for any personal injury as a result of such care or treatment, or as a result of any acts or omissions by the person or entity in providing, rendering, or supervising the emergency care or treatment. The immunity provided shall include the prescribing licensed physician and the person or entity that provided the training in cardio-pulmonary resuscitation and the use of the defibrillator.

Revision and updating of these guidelines will be the responsibility of the Millville Board of Education.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:11-3 Voluntary associations resulting student activities; rules and regulations; appeals
18A:40-4.5 No court action against school personnel

P.L. Chapter 34
AED's in the School, Stapleton, E., Ed Louis J. Acompora Memorial Foundation, 1998
Fundamentals of BLS for Healthcare Providers, AHA, 2001
Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)
No Child Left Behind Act of 2001, Pub. L. 107-110

Possible Cross References

5141.1, 5141.2, 6153

The Board of Education recognizes the safety of its pupils as a consideration of utmost importance. The Superintendent of Schools 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 of Schools shall oversee development of a district-wide safety program with emphasis on accident prevention.

Facilities

The Superintendent of Schools 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 of Schools 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 of Schools 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 of Schools shall seek the cooperation of the police and other appropriate agencies in providing for the safety of pupils on or around school property. The Board shall adopt the necessary regulations governing supervision of pupil safety.

No pupil shall leave the school before the end of the school day without permission of the Superintendent of Schools/designee.

No pupil shall run errands on school business off the school property.

The curriculum shall include courses in safety as required by state law. The Superintendent of Schools shall oversee development and implementation of a vocational education safety program correlated with coursework. In development of courses, the safety of participating pupils shall be a primary consideration.

Employers of work/study pupils are required to report to the Superintendent of Schools/designee if a pupil has not reported for work within one hour of the expected arrival time. Other pupils 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 pupil. Such custodian shall be responsible for informing the Superintendent of Schools of any change in the pupil's custody. If one parent/guardian has been awarded custody of the pupil in a divorce, the other parent/guardian shall present to the Superintendent of Schools/designee a letter authorizing him/her to accompany the child from school before the child may be released. The Superintendent of Schools/designee 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 Pupils During Dismissal

Dismissal will be supervised. District staff will be assigned to specific locations and given defined responsibilities to supervise pupil dismissal in each district school facility. Regular and early dismissal will be supervised according to the same protocol unless otherwise specified. The Superintendent of Schools is responsible for overseeing the development of protocols that are tailored to the age and needs of the pupils at each school facility. At a minimum these protocols shall include:

A. Staff assigned to supervise dismissal, and their locations and responsibilities
B. Where pupils 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.
D. Location and presence of municipal crossing guards

The Board of Education will review the dismissal procedures annually.

Supervision of Non-bused Pupils at Dismissal

The Board of Education shall require that the parent/guardian notify the school in advance of any arrangements for pupils requiring appropriate escort or designated transportation. The Board of Education requires signed permission for a pupil 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 of Schools/designee.

Parents/guardians leaving pupils at school that are to be escorted home will be reported to the proper authorities.

The Superintendent of Schools/designee is responsible for the collection of all dismissal arrangements requested by the parents/guardians. The Superintendent of Schools/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 of Schools/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 pupils, non-bused pupils and pupils in after-school programs or activities
D. Supervision arrangements for pupils at dismissal
E. Emergency plan for supervision of pupils left at school
F. After school program opportunities
G. Procedures for enrolling pupils 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 of Schools 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 pupil 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 pupils. 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 pupils 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 of Schools is directed to provide an orientation program for those pupils 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 of Schools 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 pupil into the custody of any person who appears to be physically and/or emotionally impaired to the extent that harm could come to the pupil if released to such a person. The Superintendent of Schools/designee shall make the final determination as to whether an individual is 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 of Schools and his/her designees 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. The Superintendent of Schools/designee 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. Superintendent of Schools/designee 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 of Schools/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

The Superintendent of Schools/designee shall provide registration forms to any organization that uses the school facilities, including a parent-teacher organization that wishes 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 Superintendent of Schools/designee, 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.

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 Superintendent of Schools 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 of Schools 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

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.

Legal References

NJSA 2C:7-2 et seq. Registration and Notification of Release of Certain Offenders
2C:39-5 Unlawful possession of weapons
18A:6-2 Instruction in accident and fire prevention
18A:16-2 Physical examinations; requirement
18A:17-42, -43 and -45 through -48 Public School Safety Law
18A:20-21 Supervisors and other employees
18A:35-5 Maintenance of physical training courses; features
18A:35-5.1 through -5.3 Lyme disease prevention; public school health curriculum
18A:36-24 through -25 Missing children; legislative findings and declarations...
18A:36-29 et seq. Voluntary fingerprinting ...
18A:40-12.1, -12.2 Protective eye devices required for teachers, pupils and visitors in certain cases ...
18A:41-1 et seq. Fire drills and fire protection
30:5B-26 through -29 Child care before and after school hours ...
34:5A-1 et seq. Worker and Community Right to Know Act
39:4-183.1a Traffic control devices
52:27D-123.9 et seq. Definitions relative to playground safety

NJAC 5:23-11 to 11.4 Playground Safety Subcode
6A:8-5.1 Graduation requirements
6A:16-1.1 et seq. Programs to Support Student Development
6A:19-10.1 et seq. Safety and Health Standards
6A:26-12.1 et seq. Operation and Maintenance of Facilities
6A:27-11.1 et seq. Safety

Jerkins v. Anderson, 191 N.J. 285 (June 14, 2007)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1250, 1410, 3333/3010, 3516, 3530, 3541.33, 4112.4, 4131/4131.1, 4212.4, 4231/4231.1, 5020, 5113, 5124, 5125, 5131, 5131.5, 5131.6, 5131.7, 5141.1, 5141.2, 5141.4, 5141.21, 5145.12, 5142, 6114, 6142.12

The Board of Education 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 of Schools shall develop regulations for the formation of Safety Patrols.

These regulations shall include but not be limited to the 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 Safety Patrol and the possible hazards;
C. An outline of suitable duties;
D. Obtaining signed, written consent from the parent/guardian for the student's involvement in the safety patrol;
E. Cooperation with law enforcement agencies.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
NJSA 18A:42-1 Safety Patrol by pupils

NJAC NJAC 6A:26-12.2(a)(3) Organization of school safety patrols

The Board of Education acknowledges 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 of Schools to institute a program of such communication and cooperation.

In order to protect pupils' rights during the time they are under school control, the Principal/designee shall interview every person who wishes to question a pupil on school property during the school day. The Superintendent of Schools shall be informed of such incidents.

Law Enforcement Officers

A. If the officer has an arrest warrant, the Principal/designee shall ensure that all procedural safeguards as prescribed by law are observed. No pupil shall be taken from the school without the knowledge of the Principal/designee. The Principal/designee shall make every reasonable effort to notify parent/guardians. The Superintendent of Schools shall be informed whenever such apprehensions take place.

B. If the officer has a juvenile complaint or wants to question a pupil on school property, the Principal/designee shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses and the Principal/designee is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the pupil during the questioning.

C. If the officer is an agent of the New Jersey Division of Child Protection & 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 pupil on school property during the school day, generally parents/guardians shall be notified of the request and give their permission before the Principal/designee will permit the private person to question the pupil. In cases involving possible harm to another pupil that might be prevented by early information, the Principal/designee may permit such questioning if the parent/guardian cannot be reached. The Principal/designee shall be present during the questioning.

Substance Abuse Questioning by Staff

When questioning any pupil 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

The Superintendent of Schools shall notify the Board president when the police have sought to question a pupil 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 pupil rights protected.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for Disclosure
2C:35-5 Comprehensive Drug Reform Act of 1986
18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
6A:16-5.1et seq. School Safety
6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons,
6A:32-7et seq. Student records

New Jersey Constitution, Article I, para. 7
U.S. Constitution, Amendment IV, V, 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, 5114, 5131, 5131.6, 5131.7, 5145.12

# Millville Board of Education
# District Policy Manual

**Students** **Series 5000**

**Search & Seizure** **Policy 5145.12**

| Date Adopted: March 18, 1985 | Date Revised: June 18, 2007, April 21, 2008 | Page 1 of 1 |
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School lockers remain the property of the district even when used by pupils. 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. Pupils and their parents/guardians shall be informed of this policy when lockers are assigned.

A pupil'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 pupil 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 rumor that contraband is present. The extent or scope of the search shall be reasonable related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the pupil. Before instituting such a search, except in cases of emergency, the Superintendent of Schools shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any pupils 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. When law enforcement officials conduct the search, then more stringent grounds required by law must be applied.

Legal References

NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
18A:11-1 General mandatory powers and duties
18A:36-19.2 Student lockers or other storage facility; inspection; notice to students
18A:37-6.1 Strip and body cavity searches prohibited
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons and Safety
State in interest of T.L.O., 94 NJ 33 (1983); New Jersey v. T.L.O., 469 U.S. 325, 53 (1985)
Vernonia School District v. Acton et ux., Guardians ad litem for Acton, US115 S.Ct. 238
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. (2002)
The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)
A Uniform State Memorandum of Agreement Between Education and Law Enforcement

Possible Cross References

1410, 5114, 5131, 5131.6, 5131.7, 5145.11

The district shall provide an equal opportunity for all enrolled children to achieve their maximum potential through the programs offered in these schools regardless of any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes. Enforcement of other district affirmative action policies (2224 and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with pupils at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each pupil as an individual and to accord each pupil the rights and respect that is due him/her.

Staff members shall promote a learning environment that encourages fulfillment of each pupil's potential in regard to his/her program, consistent with the district goals and with optimal opportunities for pupils. This goal may be reached by adapting instruction to individual needs, by:

A. Insisting on reasonable standards of scholastic accomplishment for all pupils;
B. Creating a positive atmosphere in and out of the classroom;
C. Extending the same courtesy and respect that is expected of pupils;
D. Treating all pupils with consistent fairness.

The Board of Education guarantees to all pupils equal access to all academic programs within the learning environment.

Pupils shall respect the rights of other pupils to receive an education in an environment that is conductive to learning and personal growth. No pupils shall have the right to abridge another pupil's right to privacy or right to hold personal beliefs that are different from those of the mainstream.

<u>Harassment</u>
The district's affirmative action program is part of each academic program regarding all pupils. No one – including pupils, 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 grounds prohibited by law.

Harassment is defined as a repeated pattern of unprovoked aggressive behaviors of a physical and/or psychological nature carried out by individual or a group against an individual or group with the effect of causing harm or hurt. Harassing behaviors are all those behaviors that are unwelcome, unwanted and uncomfortable in the view of the recipient. They all have the effect of creating a hostile environment.

Harassment may be claimed by a third party. That is, individual 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.

Sexual Harassment

Particularly, the Board of Education shall maintain an academic environment that is free from sexual harassment.

Sexual harassment shall consist of unwanted and unwelcome sexual advances, requests for sexual favors, and other inappropriate conduct or communication of a sexual nature when made by any staff member to a pupil, by any pupil to another pupil, or by any pupil to a staff member when:

A. Submission to such conduct is made either explicitly or implicitly a term or condition of a pupil's evaluation, promotion, opportunities, privileges and other benefits of education;
B. Submission to or rejection of such conduct by a pupil is used as a basis for decisions affecting the pupil;
C. Such conduct has the purpose or effect of interfering with a pupil's academic performance or creating an intimidating or hostile educational environment.

The Administration will inform all pupils 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 pupil's refusal to submit to sexual advances will adversely affect the pupil's standing in the school setting. Pupils are forbidden to harass other pupils or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Any member of the student body may file a formal grievance related to sexual harassment. The Affirmative Action Officer will receive all complaints and initiate a thorough investigation and will protect the rights of both the pupil making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status, not affect future grades and/or class assignments.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

Procedures shall be made available for pupils 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 and/or Superintendent of Schools.

Violations of this policy shall or its related procedures shall be cause for disciplinary action.

Service Animals

In accordance with the provisions of P: 2011, C. 156, S.2, 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, including, but not limited to school buildings, classrooms, on school buses, and on school grounds.

The administration may inquire as to whether the service animal is required due to a disability and what task or work the service animal has been trained to perform, unless the student's disability and the work or task that the service animal will perform are readily apparent. Administrators may require certification from a veterinarian that the service animal is properly vaccinated and does not have a contagious disease that may harm students or as well as documentation that any license required by the municipality in which the student resides has been obtained for the service animal.

All such service animals shall be under a handler's control at all times by use of a leash, tether, voice control, signal, or other suitable means. The school shall not be responsible or liable for the care or supervision of the service animal. The school shall provide reasonable accommodations to allow the handler to provide for the care and feeding of the service animal while on school grounds or at a school function.

Implementation

The Superintendent of Schools 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 of Schools shall ensure that, annually, all staff and pupils (in means and terms that are age-appropriate) be thoroughly informed of this policy, their rights to file grievances under this policy and the law and procedures relative to filing. Further, all staff and pupils shall

be informed annually of the identity of the district's Affirmative Action Officer and how he/she may be contacted.

The Superintendent of Schools shall also ensure that staff and pupils participate in educational programs relating to this policy and the maintenance of an educational environment.

Legal References

NJSA 2C:16-1 Bias Intimidation
10:5-1 et seq. Law Against Discrimination
18A:36-20 Discrimination; prohibition
18A:38-5.1 No child to be excluded from school because of race, etc

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:16-6.3(e) Reporting students or staff members to law enforcement Authorities
6A:17-1.1 et seq. Students At-Risk of Not Receiving a Public Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services

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)
No Child Left Behind Act of 2001, Pub. L. 107-110, 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.
Manual for the Evaluation of Local School Districts
Comprehensive Equity Plan, New Jersey State Department of Education
New Jersey Quality Single Accountability Continuum (NJQSAC)

It is the intention of the Board of Education, to provide an educational climate free of bias for all students, regardless of any and all conditions in which transgender and gender nonconforming students feel safe, supported, and fully included, and to meet the district's obligation to provide equal educational opportunities for all students, in compliance with or any of the protected classes as proscribed in NJSA 10:5-1 et. seq. or any other similar federal or state law(s) and/or statutes.

Definitions

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

- Expression of Gender is the manner in which a students demonstrates his/her gender to others, including but not limited to behavior, dress, style of clothing, hair, nails, etc., as well as mannerisms, gestures, habit, behaviors and movements. Such expressions of gender may or may not reflect the physical birth-gender of the student;
- Gender Belief is the psychological and deep seated belief of ones gender. Such gender beliefs may or may not reflect the physical birth-gender of the student;
- Birth-Gender is the biological gender (male or female) that a student received at birth.
- Students of Transgender are those students whose expression of gender or gender belief differs from their birth-gender.

In some cases, students may express gender characteristics that differ from those typically expressed by other students of the same birth-gender.

The responsibility for determining a student's gender identity rests with the student or, in the case of young students who may not yet be able to advocate for themselves, with the parent/guardian. The person best situated to determine a student's gender identity is that student himself or herself. Consistent with the statutory standard, the district should accept a student's assertion of his/her gender identity when there is "consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held as part of a person's core identity."

A student who claims to be either a boy or a girl and wishes to be regarded in that way throughout the school day and throughout every, or almost every, other area of his/her life, should be respected and treated in a manner as other boys or girls.

The Superintendent of Schools or his/her designee may meet with the parents/guardians and/or the student in order to ascertain which special accommodations, if any, may be required for the student. Such accommodations may include, but may not be limited to, appropriate physical education locker room and/or shower assignments, athletic programs, extra-curricular activities, application of the district dress code, lavatory use, and other classroom facilities.

The parents/guardians and/or adult student shall be advised, in writing of the decision of the Superintendent of Schools regarding the ascertains of matters dealing with the gender-related issues of the student.

If, in the opinion of the Superintendent of Schools, the gender determination of the student or the student's parents/guardians has been substantiated, appropriate staff members shall be notified in order to provide the student with the necessary accommodations. Additionally, the Superintendent of Schools will notify the appropriate staff members, any changes to the student's name, identity, etc.

Any and all such determinations of the Superintendent of Schools shall be made on a case-by-case basis and his/her decisions and accommodation assignments for all such students will be determined and assigned in accordance with any and all federal and state laws and regulations, pertaining. The Superintendent of Schools is authorized to consult with experts in the appropriate fields of expertise when making his/her decisions and accommodation assignments for the student.

As with all students of the district, staff members and the administration as well as the Board of Education, will ensure the privacy of all student records and accommodations made for students, regarding gender status are confidential. Such information shall not be disclosed or acknowledged unless required to in accordance with any applicable federal or state law, statute, administrative code, or if the parent and student have authorized such disclosure, or if subpoenaed in accordance with any applicable federal or state law, statute, administrative code. In all such cases, the matter shall be referred to the appropriate legal counsel prior to any release or disclosure of such information.

Legal References

NJSA 2C:16-1 Bias Intimidation
10:5-1 et seq. Law Against Discrimination
18A:36-20 Discrimination; prohibition
18A:38-5.1 No child to be excluded from school because of race, etc.

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:16-6.3(e) Reporting students or staff members to law enforcement Authorities
6A:17-1.1 et seq. Students At-Risk of Not Receiving a Public Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services

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)
No Child Left Behind Act of 2001, Pub. L. 107-110, 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.
Manual for the Evaluation of Local School Districts
Comprehensive Equity Plan, New Jersey State Department of Education
New Jersey Quality Single Accountability Continuum (NJQSAC)

Taking pictures of district pupils and buildings for commercial purposes is prohibited without written approval of the Superintendent of Schools.

"Commercial purposes" in this context is defined to mean for sale or for use in connection with the advertisement or promotion of goods or services.

"School pupils" in this context means boys and girls enrolled in the school during that part of the day they are at school, on the school grounds, or engaged in any activity under the direction and supervision of the school.

Pictures of children with educational disabilities shall not be disseminated in any way unless written permission is granted by parents/guardians. Photos of children placed in the district by the New Jersey Division of Child Protection & Permanency (DCP&P) shall not be published without permission of the division caseworker.

Photographs on the District Web Site

Pictures of district pupils shall not be posted on the web site, except under the following conditions:

A. Prior written permission has been obtained from the pupil's parent/guardian or from the adult pupil;
B. Group photographs may identify the group, but not the individuals in the group;
C. Prior written permission has been obtained from the pupil's parent/guardian or from the adult pupil, if the pupil is receiving an award or special recognition.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:36-35 Disclosure of certain student information on internet prohibited without parental consent
18A:54-20 Powers of board (county vocational schools)

Possible Cross References

1100, 1110, 1120, 1140, 1250, 1320, 5125, 5141.4, 6171.4

The district shall establish procedures for the consideration of pupil problems and for the processing of their complaints and appeals. These procedures should be developed through the cooperative efforts of pupils, faculty and administrators. The Superintendent of Schools shall establish and maintain procedures for appeals beyond the decision of the Superintendent of Schools. Details of those procedures should be made known to pupils and staff by inclusion in the district pupil handbook, and pupils who wish to use them should be assured of access to the appropriate personnel within a reasonable period of time.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:16-7.1 Code of student conduct

Possible Cross References

1251, 1312, 5113, 5114, 5145.4

New Jersey Statutes and Regulations of the State Board of Education require the Board of Education to provide certain services and supplies to those New Jersey children whose parents enroll them in nonpublic schools within the confines of the district. Out-of-state pupils 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 pupils enrolled full-time in nonpublic schools located within the district. The district shall not be required to make expenditures for purposes of this act in excess of the amount of state aid received for theses purposes.

Federal Requirements

All requirements of federal law shall be obeyed, particularly those addressed in provision of Title 1 program services, and IDEA.

Implementation

Therefore, the Superintendent of Schools 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 pupils attending the district's public school shall be utilized.

Legal References

NJSA 18A:39-1 et seq. Transportation [To and From Schools] of pupils
18A:40-3.2 et seq. Medical and Nursing Personnel
18A:40-23 et seq. Nursing Services for Nonpublic School Pupils
18A:40A-1 et seq. Substance Abuse
18A:46-19.1 et seq. Remedial services for handicapped children in nonpublic schools ...
18A:46A-1 et seq. Auxiliary services (nonpublic school pupils)
18A:58-37.3 Purchase and loan of textbooks

NJAC 6A:14-1.1 et seq. Special Education
6A:14-6.1 et seq.
6A:16-1.4(a)9 District policies and procedures
6A:16-2.5 Nursing services to nonpublic school students
6A:23-6.1(b) Eligibility
6A:23-6.2 Responsibility of the district board of education
6A:27-2.1 et seq. Nonpublic School Transportation
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1998 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) U.S. (June 28, 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
6171.3, 6171.4

# Millville
# Board of Education

# Policy Manual

# Instructional Program

# Series 6000

# Millville Board of Education
# District Policy Manual

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The Board of Education accepts the responsibility for coordinating the available resources of home, school and community in a mutual effort to guide every pupil's growth towards becoming a self-respecting individual who can effectively function politically, economically and socially in a democratic society.

The Board is dedicated to ensuring that all students in the district are provided with the necessary skills and competencies for achievement of the Core Curriculum Content Standards.

The Board believes New Jersey state goals should be applicable for every child in the school district.

A. All children should start school ready to learn.
   1. Quality preschool opportunities shall be provided for all children, through collaboration between public school and community agencies.
   2. Parents education programs shall be designed and implemented by the district to assist parents in providing readiness experiences for their preschool children.

B. Pupils shall leave grades four, eight and eleven having demonstrated competency in challenging subject matter including reading, writing, mathematics, science and social studies (civics, history and geography), health, physical education, world languages, and fine practical and performing arts.
   1. The district shall provide least restrictive, alternative programs for pupils who cannot succeed in the regular high school environment, including those students with disabilities.
   2. The district shall provide dropout prevention programs for pupils at risk.

C. Pupils shall leave grades four and eight having demonstrated competency in challenging subject matter including language arts/literacy, mathematics, science, social studies, health and physical education, visual and performing arts and world languages.
   1. The district shall implement the state-approved Core Curriculum Content Standards and appropriate assessments to enable pupils to succeed and to evaluate their 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 100 clock hours of continuing education to ensure that they are obtaining and maintaining the skills to help all students achieve the Core Curriculum Content Standards.

D. Pupils 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. The district shall provide students with experiences in higher level thinking, information processing, the responsibilities of citizenship, and employability skills.
   2. All pupils shall demonstrate competency in the skills identified in the cross-content workplace readiness standards.
   3. All pupils shall demonstrate respect for racial, cultural, ethnic and religious diversity.
   4. All pupils 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.

E. All pupils 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 as they are developed.
   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. 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 pupils.
   2. The district shall provide programs and staffing to deal with pupils at risk.
   3. The school and community shall expand their cooperative efforts to create drug and violence-free 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 of Schools 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 pupil needs;
C. Specific annual objectives based on identified needs and action plans to implement them;
D. Standard for assessing and evaluating the achievement of objectives;
E. The establishment of reasonable pupil minimum proficiency levels in the areas addressed in the Core Curriculum Content Standards;
F. An educational program consistent with these goals, objectives, standards and needs;
G. An evaluation of pupil progress.

Legal References

NJSA 18A:7A-10 Evaluation of performance of each school
18A:7C-2 Boards of education; establishment of standards
18A:7F-1 through -34 Comprehensive Education Improvement and Financing Act
18A:33-1 District to furnish suitable facilities; adoption of courses of study
18A:35-1 et seq. Curriculum and Courses

NJAC 6A:8-1.1 et seq. Standards and Assessment
6A:9-15.1 et seq. Required Professional Development for Teachers
6A:23-1.1 et seq. Finance and Business Services
6A:26-1.1 et seq. Educational Facilities
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-12.1 Reporting requirements
6A:32-12.2 School-level planning

No Child Left Behind Act of 2001, Pub. L. 107-110
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1100, 1120, 1230, 1600, 2131,2240, 3542, 4010, 4131/4131.1, 5113, 5120, 5124, 3011, 6140, 6141, 6142, 6145, 6147, 6152, 6156, 6160, 6162.4, 6164.2, 6164.4, 6171.1, 6171.4, 6300

As a school district that receives Title I funds, the Board of Education shall implement programs, activities and procedures for the involvement of parents/guardians in programs assisted by Title I funding. The district will reserve not less than one percent of its allocation under Subpart 2 to carry out these requirements, (unless the district's allocation is $5,000 or less), which shall include promoting family literacy and parenting skills. Parents/guardians of pupils receiving Title I services shall be involved in the decisions regarding how funds will be allotted for parental involvement activities.

The district shall distribute this parental involvement policy that describes the means for carrying out the requirements of No Child Left Behind Act (NCLB) of 2001, §1119(a) through (f). Parents/guardians will be notified of this policy in an understandable and uniform format and, to the extent practical, provided in a language the parents/guardians can understand. This policy shall be made available to the local community and updated periodically to meet the changing needs of parents/guardians and schools within the district.

"Parent", for the purposes of this policy, means a parent and/or legal guardian. "School", for the purposes of this policy, is a specific school in a Target Assistance Title I program or schools within the district in a school-wide Title I program.

Each school served with Title I funds will:

- Convene an annual meeting, at a convenient time, to which all parents of participating pupils shall be invited and encouraged to attend, to inform parents of their school's participation and the requirements of this policy, and the right of the parents to be involved;
- Offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with Title I funds, transportation, child care, or home visits, as such services relate to parental involvement;
- Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs, including the planning, review, and improvement of the school parental involvement policy and the joint development of the school-wide program plan under NCLB, §1114(b)(2);

Provide parents of participating pupils:

- Timely information about programs required by NCLB, §1118;
- A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and

- If requested by parents, 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; and,
- Submit any parent comments on the plan when the school makes the plan available to the Board of Education, if the school-wide program plan under §1114(b)(2) of NCLB is not satisfactory to the parents of participating pupils,

Shared Responsibilities For High Student Academic Achievement

Each school served by Title I funds shall jointly develop with parents of all pupils served with Title I funds, 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. The compact will:

1. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the pupils served by Title I funds to meet the state's student academic achievement standards, and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television watching; 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
2. Address the importance of communication between teachers and parents on an ongoing basis through, at a minimum:
    a) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual pupil's achievement;
    b) frequent reports to parents on their children's progress; and
    c) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

Building Capacity For Involvement

To ensure effective involvement of parents and to support a partnership among the school(s) involved, parents, and the community to improve student academic achievement, each school and school district assisted with Title I funds:

1. Shall provide assistance to parents of pupils served by the school in understanding such topics as the state's academic content standards and state student academic achievement standards, state and local academic assessments, the requirements of this policy, and how to monitor a child's progress and work with educators to improve the achievement of their children;

2. Shall provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;
3. Shall educate teachers, pupil services personnel, Building Principals, 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;
4. Shall, to the extent feasible and appropriate, coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents to more fully participate in the education of their children;
5. Shall 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 practical, in a language the parents can understand;
6. May involve parents in the development of training for teachers, Principals, and other educators to improve the effectiveness of such training;
7. May provide necessary literacy training from Title I funds if the school district has exhausted all other reasonably available sources of funding for such training;
8. May pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
9. May train parents to enhance the involvement of other parents;
10. May arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend such conferences at school, in order to maximize parental involvement and participation;
11. May establish a district-wide parent advisory council to provide advice on all matters related to parental involvement in Title I programs;
12. May develop appropriate roles for community-based organizations and businesses in parent involvement activities; and
13. Shall provide such other reasonable support for parental involvement activities under this policy as parents may request.

Accessibility

In carrying out the parental involvement requirements of NCLB, §1118 and this policy, the school and school district, to the extent practical, shall provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, to include providing information and school reports required under NCLB, §1111 in a format and, to the extent practical, in a language such parents understand.

The district will inform parents of any parental information and resource centers that provide training, information, and support to parents and individuals who work with local parents, school districts, and schools receiving Title I funds.

The Superintendent of Schools will submit this policy to the New Jersey Department of Education for review to be sure the policy meets the requirements of NCLB, §1118

Legal References

NJAC 6A:8-4.1 et seq Statewide assessment system
6A:8-5.1 Graduation requirements
6A:14-3.7 Individualized education program

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

# Millville Board of Education
# District Policy Manual

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|---|---|
| **Instructional Program** | **Series 6000** |
| **Programs of Study** | **Policy 6100** |

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|---|---|---|
| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |

Programs of study made available to the pupils of the school system must be approved by the Board of Education. It shall be the responsibility of the Administrative Staff to supervise, regulate, and recommend any changes in courses of study to keep the educational program at maximum effectiveness, in full accordance with statutory requirements and the basic philosophy of education of the Board of Education – that of providing a balanced program and providing a thorough and efficient education.

The Superintendent of Schools shall keep the Board of Education informed of changes of objectives, general content, and basic text materials and shall keep abreast of accepted current educational programs and teaching methods.

The Child Study Team is responsible for developing an Individualizes Education Program for each educationally handicapped pupil in accordance with 6:28-1.7. This program must be reviewed annually.

Legal References

NJSA 18A:4-25 Prescribing minimum courses of study for public schools; approval of courses of study
18A:29A-1 et seq. Teacher recognition
18A:33-1 District to furnish suitable facilities; adoption of courses of study
18A:35-1 et seq. Curriculum and courses

NJAC 6A:8-1.1 et seq. Standards and Assessment
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:14-4.1 General requirements
6A:15-1.1et seq. Bilingual education
6A:15-1.3, -1.4, -1.5
6A:30-1.1et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

6141, 6141.1, 6142, 6142.2, 6143, 9325.4

# Millville Board of Education
# District Policy Manual

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| **Instructional Program** | **Series 6000** |
| **School Calendar** | **Policy 6111** |

| | | |
|---|---|---|
| Date Adopted: March 19, 207 | Date Revised: June 2, 2008 | Page 1 of 1 |

The 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.

The Superintendent of Schools shall prepare the school calendar for Board consideration in consultation with teacher and administrator association representatives and the County Superintendent of Schools. 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.

Legal References

NJSA 18A:7F-9 Aid to school districts conditioned on compliance with rules and standards for equalization of opportunity; aid withheld for noncompliance
18A:11-1 General mandatory powers and duties
18A:25-3 Teaching, etc., on holidays not required
18A:36-1 School year
18A:36-2 Times when schools are open; determination

NJAC 6A:14-4.1(c) General requirements
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

The length of the school day and the length of periods of instruction at various levels shall be recommended by the Superintendent of Schools 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 comparable levels throughout the district.

The Superintendent of Schools 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 of Schools.

Legal References

NJSA 18A:36-1 School year
18A:36-2 Time when schools are open; determination
18A:36-16 Rules regarding religious holidays

NJAC 6A:14-4.1(c) General requirements
6A:32-8.3 School attendance

Possible Cross References

6111, 6114, 6141.2, 6146, 6171.4

The Superintendent of Schools shall direct the development of plans, procedures and mechanisms for responding to emergencies and crises in the schools that threaten human life and property. He/she 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.

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. Communicating specific instructions to pupils and staff so that the school emergency plan may be carried out with the greatest possible speed and safety.
E. Communicating to parents/guardians about the plan and the procedures they need to follow to support the plan.
F. An overall Communications Plan for interfacing and providing information to the media and to parents/guardians.

<u>Emergencies & Disaster Preparedness</u>
Plans and procedures

The Superintendent shall develop and provide an inservice training program for school staff to enable them to recognize and appropriately respond to a crisis, consistent with the district's plans and procedures for managing a crisis. Communicating specific instructions to pupils and staff so that the school emergency plan may be carried out with the greatest possible speed and safety helps ensure its effective execution. The inservice shall be revised and updated annually.

*The purpose of the inservice is to provide staff with an overview of the district's "Crisis Response Manual". The district's flip-chart is a quick procedural guideline that deals with a number of crises that could occur within the district. A pre-planned and organized approach is more effective in responding to a crisis, and will help to reduce psychological and social problems following a crisis in school.

Periodic drills will be scheduled to ensure that both staff and pupils can effectively execute the plan. Learning from these drills can help improve the overall plan.

Fire Drills & Homeland Security Drills

Fire drills shall be held at least once each month for all pupils. There shall also be at least one homeland security drill per month.

The Superintendent of Schools may order a modification of the fire drills so that they may take the form of indoor drills or of rapid dismissals with outdoor clothing when low temperatures prevail.

A written statement of procedures and instructions for fire drills and homeland security drills shall be formulated by the Superintendent of Schools and disseminated to all staff.

Instruction in fire prevention shall be given and emphasized in appropriate courses in the curriculum of the school. The homeland security drill will be an exercise to respond to an emergency situation such as a non-fire evacuation, lockdown, bomb threat or active shooter situation that is similar in duration to a fire drill.

Emergency Closings; Delayed Openings

The Superintendent of Schools 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 pupils or school employees.

Each year, parents/guardians, pupils 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.

Refer to Crisis Manual for other emergencies and instructions.

Bomb Scares

Building or buildings may be evacuated following code yellow/orange procedures established by the superintendent and approved by the school board, consistent with the crisis manual.

Legal References

NJSA 18A:6-2 Instruction in accident and fire prevention
18A:11-1 General mandatory powers and duties
18A:40-12 Closing schools during epidemic
18A:41-1 et seq. Fire drills and fire protection
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:16-1.4(a)14 District policies and procedures
6A:16-5.1et seq. School safety and security
6A:16-6.3 Reporting students or staff members to law enforcement agencies
6A:26-12.2 Policies and procedures for school facility operation
8:57-1.7 Reporting of diseases occurring in schools

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

Possible Cross References

1410, 2210, 3541.33, 5141.6, 6112

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.

Pupils in the school system shall start each day with the salute and pledge of allegiance to the flag. New Jersey state law requires students to show respect for the flag of the United States of America. If a student is conscientiously opposed to pledge or salute, he/she may abstain from participation in these ceremonies but must remain respectfully silent.

The Superintendent of Schools shall devise appropriate exercises for the development of a higher spirit of patriotism on the last day of school preceding:

Martin Luther King, Jr.'s Birthday
Lincoln's Birthday
Washington's Birthday
Memorial Day
Columbus Day
Veterans Day
Thanksgiving Day

Suitable exercises are also required by law in all New Jersey public schools in observance of Flag Day, Arbor Day, and Commodore John Barry Day. The Board authorizes the Superintendent of Schools to conduct school observances in commemoration of other persons and events of special historical significance.

Pupils 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 school so long as such recognition respects the rights and feelings of others and is consistent with law.

Songs and customs from various elements of the national population may be used to broaden pupil awareness of the many elements that make up American culture.

Legal References

NJSA 18A:36-3 Display of and salute to flag; pledge of allegiance
18A:36-4 Period of silence (unconstitutional)
18A:36-6 Observance of flag day
18A:36-7 through -9 Designation of Arbor Day ...
18A:36-10 through -12 Designation of Commodore Barry Day ...
18A:36-13 Patriotic exercises preceding holidays

U.S.C.A. Const. Amends. 1, 14

No Child Left Behind act of 2001, P. L. 107-110, 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. Warren 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, 5127, 5131, 6141.2

No pupil 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 any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes. 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 officer shall review the following areas for compliance with State Department of Education regulations and make suggestions and/or recommendations when necessary.

A. Curriculum Content

   He/she shall examine the following areas to ensure that curricula eliminate discrimination and promote understanding and mutual respect among students, regardless of any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes:

   1. School climate
   2. Courses of study
   3. Instructional materials
   4. Instructional strategies
   5. Library/Media Center materials
   6. Software and audio-visual materials
   7. Guidance and counseling
   8. Extracurricular programs and activities
   9. Testing and other assessments

   He/she shall monitor the curriculum to ensure inclusion of instruction on African-American history in the teaching of United States History and the inclusion of instruction on the Holocaust and genocide in the curriculum for all elementary pupils.

B. Staff Training

   He/she shall suggest a program of in-service training for school personnel designed to identify and solve problems of bias in all aspects of the school program. An affirmative action/equity in-service program shall be held for teaching staff annually; for each support staff member at least once every three years; and for parents and community members, as needed to facilitate participation and support.

C. Pupil Access
He/she shall review all school facilities, courses, programs, activities and services to ensure that all pupils are provided equal and bias-free access to them. Particular attention shall be paid to the following:
1. Ensuring equal access to all school and classroom facilities;
2. Assigning pupils in such a way that the racial/national origin composition of each school's enrollment reflects the composition of the district wide enrollment at each grade level;
3. Refraining from locating new facilities in areas that will contribute to unbalanced, isolated or racially identifiable school enrollments;
4. Assigning pupils so that school and classroom enrollments are not identifiable on the basis of race, national origin or gender;
5. Ensuring that pupils are not separated or isolated within the school, courses, classes, programs or extracurricular activities;
6. Ensuring that minority and male pupils are not over-represented in detentions, suspensions, dropouts or special needs classifications;
7. Ensuring equal and bias-free access for all pupils to computers, computer classes and other technologically advanced instructional assistance;
8. Ensuring that all limited English proficient pupils and pupils with disabilities have equal and bias-free access to all school programs and activities;
9. Ensuring equal and bias-free access for language-minority pupils and pupils with disabilities to multiple measures for determining special needs;
10. Ensuring that pupil support services, such as school-based youth services, health care, tutoring and mentoring are available to all pupils, including LEP pupils;
11. Ensuring that all pregnant pupils are permitted to remain in the regular school program and activities.

D. District support
He/she shall ensure that like aspects of the school program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters and that all grades within the district are comparable in those areas.

The Superintendent of Schools will report to the Board annually on continuing compliance.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:4A-1 et seq. New Jersey Commission on Holocaust Education
18A:18A-17 Facilities for handicapped persons
18A:35-1 Course in history of the United States in high school
18A:36-20 Discrimination; prohibition

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services

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)
No Child Left Behind Act of 2001, Pub. L. 107-110, 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)
The Comprehensive Equity Plan, New Jersey State Department of Education

Possible Cross References

2224, 4111.1, 4131/4131.1, 4211.1, 5231/4231.1, 5134, 5145.4, 6140, 6141, 6142.4, 6145, 6161.1, 6163.1, 6164.2, 6171.4

The Board of Education wishes its pupils to progress from elementary through secondary level in an orderly, continuous program. The Superintendent of Schools shall develop programs whereby teachers of the various levels of the District's schools cooperate to achieve smooth transitions from level to level; whereby pupils in the district's schools receive instruction in the same subjects at the same level as pupils in other districts who will be attending the same high schools; and whereby the transition for district pupils from elementary schools to the high school is accomplished without unnecessary difficulty for any pupil.

The Superintendent of Schools will make every effort to develop relationships with sending district schools to prepare their students for the educational program in this district..

Further, the Superintendent of Schools will make every effort to develop a similar relationship with the nursery schools from which the district kindergarten pupils come.

Legal References

NJSA 18A:38-8.1 through -8.3 Additional member on board of education to represent board of education in each sending district

NJAC 6A:8-1.3 Definitions
6A:8-3.1 Curriculum and instruction
6A:8-3.3 Enrollment in college courses

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2131, 5118, 6140, 6141, 6142, 6143, 6178

The 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 core proficiencies 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 pupils 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 pupil needs;
B. Develop individual talents and interests and serve diverse learning styles to motivate pupil achievement;
C. Provide for continuous learning through effective articulation;
D. Provide all pupils continuous access to sufficient programs and services of a library/media facility, classroom collection, or both, to support the educational program;
E. Provide all pupils guidance and counseling to assist in career and academic planning;
F. Provide a continuum of educational programs and services for handicapped children, pursuant to law and regulation;
G. Provide bilingual programs for pupils whose dominant language is not English, pursuant to law and regulation;
H. Provide compensatory education programs for pupils, pursuant to law and regulation;
I. Provide all pupils equal educational opportunity, pursuant to law and regulation;
J. Provide career awareness and vocational education, pursuant to law and regulation;
K. Provide educational opportunities for exceptionally gifted and talented pupils.

The Superintendent of Schools shall maintain a current list of all courses of study offered by the district and 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 review.

Adoption of courses shall be by a recorded roll call majority of the full membership of the Board of Education.

Legal References

NJSA 18A:4-25 Prescribing minimum courses of study for public schools; approval of courses of study
18A:29A-1 et seq. Teacher recognition
18A:33-1 District to furnish suitable facilities; adoption of courses of study
18A:35-1 et seq. Curriculum and courses

NJAC 6A:8-1.1 et seq. Standards and Assessment
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:14-4.1 General requirements
6A:15-1.1et seq. Bilingual education
6A:15-1.3, -1.4, -1.5
6A:30-1.1et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

6141, 6141.1, 6142, 6142.2, 6143, 9325.4

# Millville Board of Education
# District Policy Manual

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|---|---|
| **Instructional Program** | **Series 6000** |
| **Curriculum Design / Development** | **Policy 6141** |

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The Superintendent of Schools shall be responsible to the Board for the development of curriculum to meet identified pupil needs. He/she shall establish procedures for curriculum development that ensure the effective participation of teaching staff member; pupils, 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 of Schools shall report to the Board the objectives, evaluative criteria and costs of each proposed program before seeking Board adoption. The Board shall not act upon new programs and courses of study until the meeting following their presentation, in order for Board members to have an opportunity to review the proposed program.

Criteria by which the Board will judge the acceptability of new course offerings include:

A. Does it address an identified pupil 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 regarding bias and stereotyping?
D. If the proposed course replaces an existing program, what defect in the previous program is it designed to overcome?
E. Does it include the criteria by which progress can be measured?
F. Does it address the New Jersey Core Curriculum Content Standards?
G. Has it been thoroughly studied and/or tested by district staff or by another district? What were the results?
H. Has a curriculum been completed? If not, when can it be expected?
I. Have the associated textbooks been recommended to the Board?
J. Have the costs and time of implementation been reviewed, including in-service training?

As stipulated by law, a multi-year plan for updating curriculum shall be developed and implemented. The Superintendent of Schools shall report annually 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. During the multi-year plan, course modification will be encouraged to reflect current trends in learning and information

Legal References

NJAC 6A:8-3.1 et seq. Implementation of the Core Curriculum Content Standards
6A:10A-3.1 et. seq. School district-led standards-based instruction
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
Old Bridge Education Association v. Board of Education of the Township of Old Bridge, Middlesex County

Possible Cross References

2131, 5120, 6140, 6142, 6143, 6147, 6171

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Curriculum Council** **Policy 6141.1**

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Responsibility for courses of study, textbooks, teaching methods, audiovisual materials and other items relating to the instructional programs must be shared by a variety of individuals including teachers, administrators, curriculum directors, and Board Members. Because of the rapidity of changes in social, cultural, political, economic and educational trends, the scope and magnitude of the teachers' assignment, the degree of specialized training and experience required to keep abreast of relevant changes, it is appropriate to assign specific responsibility for curriculum development and services to a designated group or team.

It is the policy of the Board of Education to establish a Curriculum Council and to assign the Council appropriate responsibility for making recommendations to the Board of Education a curriculum that will provide a high quality instructional program including courses of study, teaching methods and instructional materials.

The Council membership shall consist of Board Members, members of the community, teachers representing various grade levels and subject fields and the Superintendent of Schools.

The Chairperson of the Curriculum Council shall be elected by the persons serving on the Council.

Legal References

NJAC 6A:8-3.1 et seq. Implementation of the Core Curriculum Content Standards
6A:10A-3.1 et. seq. School district-led standards-based instruction
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements

Old Bridge Education Association v. Board of Education of the Township of Old Bridge, Middlesex County

Possible Cross References

2131, 5120, 6140, 6142, 6143, 6147, 6171

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Recognition of Religious Beliefs & Customs** **Policy 6141.2**

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The Board of Education has directed that any explanation of the historical and contemporary values of the origin of holidays having both religious and cultural significance must be conducted in an unbiased and objective manner without sectarian indoctrination of disparagement.

Therefore:

A. Music, art, literature, and drama having religious themes are permitted as part of the curriculum for school-sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.
B. The use of religious 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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:36-16 Rules regarding religious holidays
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:8-3.1 Curriculum and instruction
6A:32-8.3(h) School attendance

U.S.C.A. Const. Amends. 1, 14
No Child Left Behind Act of 2001, Pub. L.107-110, 20 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.ed 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 Cross References

1330, 5113, 5127, 5131, 6115, 6121, 6144, 6161.2

The Board of Education directs that the district school offer a comprehensive curriculum to provide for the intellectual, social and emotional growth of all pupils, pre-kindergarten through grade 8, giving them the basic body of skills, understandings, attitudes and knowledge needed for living in a democracy.

The Board believes this program should focus on the NJ Department of Education's implementation schedule for its Core Curriculum Standards.

The Superintendent of Schools 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 pupils of the district.

A listing of all courses and programs comprising the instructional program shall be available in the district office.

Legal References

NJSA 18A:6-2 Instruction in accident and fire prevention
18A:6-3 Courses in constitution of United States
18A:7C-5 Board of education to provide policy on graduation to students and parents
18A:33-1 District to furnish suitable facilities; adoption of courses of study
18A:35-1 et seq. Curriculum and courses
18A:35-4.6 through -4.8 Parents Right to Conscience Act of 1979

NJAC 6A:8-3.1 Curriculum and instruction
6A:8-5.1 Graduation requirements
6A:9-1.1 et. seq. Professional Licensure and Standards
6A:14-3.7 Individualized education program
6A:14-4.1 General requirements
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-12.2 School-level planning

Possible Cross References

2224, 6121, 6122, 6140, 6142.1, 6142.2, 6142.4, 6142.9, 6142.12, 6146, 6147, 6164.2, 6171.1, 6171.2, 6171.4, 9130

The Board of Education directs the Superintendent of Schools to coordinate the development of a family life education curriculum that is in compliance with the New Jersey Core Curriculum Content Standards and supports a program of exemplary sexual health education that is a systematic, evidence-informed approach to sexual health education. The curriculum includes the use of grade-specific, evidence-based interventions, but also emphasizes sequential learning across elementary, middle and high school grade levels. Exemplary sexual health education provides students with the essential knowledge and critical skills needed to avoid HIV, other sexually transmitted infections (STI's) and unintended pregnancy. Exemplary sexual health education is delivered by well-qualified and trained teachers, uses strategies that are relevant and engaging, and consists of elements that are medically accurate, developmentally and culturally appropriate, and consistent with the scientific research on effective sexual health education.

The curriculum shall be developed with the active participation of teachers, administrators, parents and guardians, physicians, representative members of the community, and other key stakeholders.

Exemplary sexual health education is further supported by a district culture that is sensitive to student needs and behaviors. The Board of Education directs the Superintendent of Schools to establish strategies aimed at improving the district's capacity to increase adolescents' access to key preventative sexual health services via either direct provision of on-site services or referrals to adolescent-friendly, community-based health service providers.

Further, the Superintendent of Schools shall promote an overall school climate and learning environment in which all students and staff can expect to feel safe and supported. The Superintendent of Schools shall foster a community in which students believe that adults and peers in the school care about their learning as well as about them as individuals.

Pursuant to the provisions of NJSA18A:35 -4.7, any child whose parent or guardian presents to the Superintendent of Schools a signed statement that any part of the instruction in family life education is in conflict with his/her conscience or sincerely held moral or religious beliefs shall be excused from that portion of the course where such instruction is being given. A student excused from instruction is provided alternative instructional content and activities aligned with the New Jersey Comprehensive Health and Physical Education Core Curriculum Content Standards and the district health curriculum. No penalties as to credit or graduation shall result therefrom.

Legal References

NJSA 18A:35-4.6 through -4.8 Parents Right to Conscience Act of 1979
18A:35-4.19 through -4.22 "AIDS Prevention Act of 1999"

NJAC 6A:8-3.1 Curriculum and instruction
6A:8-4.2 Documentation of student achievement
6A:32-12.1 Reporting requirements

Pupil Protection Rights Amendment - 20 U.S.C. 1232h
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1220, 5131.5, 6141.6, 6122, 6140, 6142, 6142.13, 9130

The Board shall provide English as a second language (ESL) and/or bilingual programs of instruction for pupils who:

A. Are not proficient in English and need instruction toward mastery of the English language;
B. Speak a language other than English, are more capable of performing schoolwork in that language, and need their basic educational program taught in that language.

The Superintendent of Schools shall develop procedures in accordance with administrative code to determine which pupils would benefit from ESL and/or bilingual programs and to involve school staff, parents/guardians and community members in reviewing programs to determine which would best meet these pupils' needs.

The goal of ESL programs is to assist pupils to achieve fluency (including listening, comprehension, speaking, reading, and writing skills) in English. The goal of the bilingual program is to use both the native language and English to help pupils progress in the academic subject areas while developing their English language skills.

Parents/guardians of pupils of limited English speaking ability 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 written notice shall include the information that the parents may choose to decline to enroll their child into the bilingual program. Communication with parents/guardians of pupils in these programs shall be in writing and in both English and their primary speaking language, whenever possible. Reports of pupil progress shall be made to parents/guardians on the same schedule as reports of pupils in the regular program.

The Superintendent of Schools shall direct development of an annual plan for ESL and/or bilingual education that is in compliance with state guidelines. The Board will review and approve the plan at a public meeting. The Board must adopt the courses of study for ESL and bilingual programs in the same manner in which it adopts the curriculum for the regular program.

Pupils enrolled in district bilingual or ESL programs shall be assessed annually for exit from such programs, using indicators described in the administrative code. Whenever it is determined that a pupil should exit from the bilingual program, parents/guardians shall be notified by mail.

Parents/guardians may remove a pupil who is enrolled in a bilingual education program at any time.

The County Superintendent of Schools shall approve removal prior to the end of the school year. If the County Superintendent of Schools determines that the pupil should remain in the bilingual education program until the end of the school year, the parents/guardians may appeal that

decision to the NJ Commissioner of Education/designee pursuant to law. The Commissioner shall render a decision within 30 days of the filing of the appeal.

The Board may petition the Commissioner to waive the requirement for a full-time bilingual program when it can demonstrate that it would be impractical to provide such a program, due to the age range, grade span or geographic location of the eligible pupils.

Legal References

NJSA 18A:35-15 et seq. Bilingual education programs

NJAC 6A:5-1.1 et seq. Regulatory Equivalency and Waiver
6A:8-4.1 Statewide assessment system
6A:8-5.1 Graduation requirements
6A:9-1.1 et seq. Professional Licensure and Standards
6A:15-1.1 et seq. Bilingual Education
6A:30-1.1 et seq. Evaluation of the Performance of School
6A:32-2.1 Definitions
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

5120, 5124, 6121, 6147, 6147.1, 6171.2, 6171.3

The Board directs that the district's curricular and extracurricular programs of physical education and activities comply with the District's affirmative action resolution and comprehensive equity plan for school and classroom practices. The Board shall ensure that the comprehensive health and physical education curriculum addresses all elements required by the New Jersey Core Curriculum Content Standards, New Jersey Statute and Code and Federal Regulations.

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 pupils.

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 of Schools/designee shall develop procedures by which coaches will inform the physical education department, on the day in question, of the specific pupils to be excused. Such pupils shall be scheduled for a study hall period instead.

The Board of Education will consider on a case-by-case basis requests from pupils 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.

Dating Violence

For students in grades 7 through 12, physical education and the 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.

The 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/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 young people on constructive ways to resolve conflicts in personal relationships.

To be consistent with P.L. 2011, c. 64, district policy procedures and curriculum will include notification and information that dating violence will not be tolerated. District procedures and the curriculum will provide dating violence reporting procedures, warning signs of dating violence and guidelines for responding to incidents of dating violence that occur at school, along with discipline procedures specific to such incidents of dating violence that occur at school. Information on safe, appropriate school, family, peer and community resources available to address dating violence shall also be included within the curriculum.

Cardiopulmonary Resuscitation (CPR) & 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 Core Curriculum Content Standards in Comprehensive Health and Physical Education. The Board of Education may select a no-cost, non-certification instructional program to meet this requirement.

The instruction provided shall:

- 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,
- Include a hands-on learning component for each participating student.

Legal References

NJSA 18A:6-113 Instruction in suicide prevention in public school curriculum
18A:11-1 General Mandatory Powers and Duties
18A:35-4.19 through -4.22 AIDS Prevention Act of 1999
18A:35-4.23a Dating violence into health education curriculum
18A:35-5 through -9 Maintenance of physical training courses; features
18A:37-33 to 37 Dating violence policy and education

NJAC 6A:7-1.7 Equality in school and classroom practices
6A:8-3.1 Curriculum and instruction
6A:8-5.1 Graduation requirements
6A:9-5.19 Athletics Personnel
6A:9-11.8 Health and physical education
6A:16-2.1 et seq. General Provisions for School Health Services
6A:32-9.1 General Provisions for School Health Services

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 Cross References

2224, 5145.4, 6121, 6140, 6141, 6142, 6145.1, 6145.2, 6146

In order to provide district pupils with the basic tools necessary for achievement of the Core Curriculum Content Standards, the Board of Education directs the development of strong basic skills courses at all levels of the school.

The Superintendent of Schools shall work with the 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.
B. Actively seek innovative and remedial programs to ensure that all district pupils acquire the basic skills suited to their grade level and capacity.

The district shall administer state tests as required in grades 4/5 and 8 and may administer standardized tests as appropriate to determine student achievement levels in basic skills.

A child shall participate in a remedial educational program so long as he/she does not meet minimum proficiency levels as outlined by the New Jersey Department of Education's Core Curriculum Content Standards.

Legal References

NJSA 18A:35-4.9 Pupil promotion and remediation; policies and procedures

NJAC 6A:8-1.1 et seq. Standards and Assessment
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Hawkins-Stafford Elementary and Secondary Schools Improvement Amendments of 1988 (P.L. 100-297)

Possible Cross References

6122, 6140, 6142, 6142.2, 6146, 6171.1, 6171.3, 6171.4

The Board of Education recognizes the importance of exposing pupils to a wide and varied curriculum in the study of sciences and biology. The Board also supports the rights of parents/guardians to make decisions about certain aspects of that curriculum for their children. Therefore, it is the policy of the Board of Education that pupils may choose not to participate in certain experiments involving animals.

Pupils will be excused from performing, participating in, or observing the dissection, vivisection, incubation, capture, harm or destruction of animals and/or organisms upon the receipt of a written request from his/her parent/guardian.

Alternative Education

In all such cases, the pupil will be assigned an alternative education project that may include the use of video tapes, models, films, books, computers, or any other tools that provide an alternative method for obtaining and testing the knowledge, information, or experience required by the course of study the pupil was excused from. Alternative education programs and classroom attendance shall be arranged by the classroom teacher, with the approval of the appropriate administrator, for such pupils.

A pupil may refuse to participate in an alternative education project which involves or necessitates any harmful use of an animal or animal parts.

In no case, will a pupil's grade be adversely affected by his/her decision not to participate in the regular lab experience, nor will he/she be discriminated against in any other manner as a result of his/her decision to exercise the rights afforded pursuant to this policy.

Notification of Parents/Guardians

Pupils and parents/guardians will be notified at the beginning of the school year of the rights of pupils not to participate in the dissection, vivisection, incubation, capture, harm or destruction of animals and/or organisms. Parents/guardians will be advised that in order for a pupil to be excused from the regular lab experience, a written request must be received by the school within two weeks of the receipt of this notification.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:35-4.24 Definitions relative to alternative education projects
18A:35-4.25 Refusal to participate in certain school activities related to animal dissection, etc.

P.L. 2005 Chapter 2666

The Board of Education recognizes that the appropriate use of live animals as instructional resources can enrich the educational program. The observation and nurture of live animals can help students learn specific biological and behavioral principles and gain respect for all living things.

The Superintendent of Schools/designee shall approve the use of any live animal in a course of instruction or the establishment of an animal habitat in a classroom. Any staff member who has an approved classroom animal shall observe proper precautions for the safety of students and the animal.

Any animal used in school must have been lawfully acquired in accordance with applicable state law and local ordinance. An animal susceptible to rabies shall have been vaccinated against rabies.

A teacher or other qualified adult shall assume primary responsibility for the animal, its nourishment, and its sanitary living conditions. The staff member in charge must make proper arrangements for the animal's care and feeding over weekends, holidays; and school vacation periods. Approved classroom animals shall not be deprived of nourishment or exposed to harm.

Pets & Domesticated Animals

Pets and privately owned domesticated live animals are not permitted on school property unless approved in advance by the Superintendent of Schools/designee. The Superintendent of Schools/designee may only allow a live animal on school grounds or in the school building when the visit is for a limited time and the animal is under the supervision of the parent and/or other responsible adult. The supervising adults shall be responsible for the animal while in school and its transportation to and from school. Under no circumstances will live animals be allowed on the school bus.

Persons bringing animals into the school must receive prior permission from the teacher and the Superintendent of Schools/designee.

A. Teachers are to check with the school nurse regarding any known allergies existing among students in the classroom, prior to granting permission. If allergies exist parents must be contacted for further direction;

B. If a staff member or student has been bitten by an animal where skin has been pierced, the incident must be reported immediately to the school office by the teacher, in which case, the Superintendent of Schools/designee shall be required to notify public health authorities and have the animal impounded for observation and public health authorities will determine the appropriate term of confinement of the animal and method of observation.
C. All animal owners must provide a copy of the documentation showing evidence of a license as required by the Department of Health and current rabies shots;
D. All animals must arrive on school grounds, leashed and under the control of the owner;
E. The animals will remain on school grounds for the length of the presentation and then will leave school property to ensure the safety of the children.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:35-4.24 Definitions relative to alternative education projects
18A:35-4.25 Refusal to participate in certain school activities related to animal dissection, etc

Possible Cross References

5141, 5141.1, 5141.2, 5141.21, 5142, 6010, 6142, 6145

The Superintendent of Schools shall ensure that curriculum in the arts, including both performing and visual, are developed appropriately for each grade level in accordance with administrative code and core curriculum standards.

Legal References

NJSA 18A:7F-4 Periodic review of Core Curriculum Content Standard by state board; establishment of thoroughness and efficiency standards and cost per pupil
18A:33-1 District to furnish suitable facilities; adoption of courses of study

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

NJAC 6A:8-1.3 Definitions
6A:8-3.1 Curriculum and instruction
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

The Board 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 the Core Curriculum Content Standards.

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.

The Board designates the Superintendent of Schools 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 administrator 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. 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 (shall/shall not) be required. To deny a child access, parents/guardians must notify the Superintendent of Schools in writing.

Student 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 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.

Cyber-bullying

The Board of Education expressly forbids cyber-bullying. For the purposes of this policy, "cyber-bullying" shall mean using the communication capacities of computers, the Internet and/or other digital communication devices to bully others by:

- Sending or posting cruel messages or images;
- Threatening others;
- Excluding or attempting to exclude others from activities or organizations;
- Starting or passing on rumors about others or the school system;
- Harassing or intimidating others;
- Sending angry, rude or vulgar messages directed at a person or persons privately or to an online group;
- Sending or posting harmful, untrue or cruel statements about a person to others;
- Pretending to be someone else and sending or posting material that makes that person look bad or places that person in potential danger;
- Sending or posting material about a person that contains sensitive, private or embarrassing information, including forwarding private messages or images; and/or,
- Engaging in tricks to solicit embarrassing information that is then made public.

Students found to be engaging in activities as describe above shall be subject to the terms and sanctions found in this policy, Board of Education Policy 5139 – Harassment, Intimidation & Bullying discipline code of the district.

Students, staff and administration of the school district have the opportunity to access the Internet to facilitate the need to prepare students, staff and administrators to become computer literate in an increasingly technological world, to foster educational and personal growth in technology, information gathering, and communication skills. It is understood that the school district does not have sufficient staff to monitor every aspect of the use of the

Internet. However, the district will foster the independent use of the school's network, subject to compliance with procedures and standards for appropriate network behavior and communication. The following responsible guidelines apply to all users when accessing any school district network connection (NET):

1. It is understood that cooperation is critical in the use of the Internet. It is the goal of the use of the Internet to prepare students to become computer literate in an increasingly technological world. It is understood that a minor's independent use of the school's network is necessary to attain such a goal, subject to the procedures and standards for appropriate network behavior.
2. Violations of these responsible use guidelines may result in student discipline, subject to the Student Disciplinary Code, and/or staff and administrative discipline, subject to guidelines adopted by the administration.
   The primary use of the NET shall be reserved to those individuals who utilize the materials that are of "educational value" to students of the district. For purposes of these guidelines, "educational value" shall mean those areas of network access that have a direct or indirect impact on the students' educational program in the school district. The use of the system for defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, and racially offensive, and illegal material or other prohibited activities shall not be permitted, and the school district will use any and all means available to it, within the confines of the law to prevent such material from entering the NET. Individuals are encouraged to report such entry of material into the system to the building administrator.
3. No personnel or student information that is protected by the Family Educational Rights and Privacy Acts shall be disseminated through the NET.
4. All users of the NET must comply with the Electronic Communications Privacy Act of 1986, as amended, and the Communications Decency Act. These Acts prohibit the unauthorized interception or disclosure of e-mail messages by third parties as well as the appropriateness of certain material being remitted on the Internet. The Acts do not permit interception or disclosure unless both the sender and the receiver of the communication consent. Further, the Acts recognize that the school district may

monitor an employee's e-mail messages, as long as the interception devise is included in the e-mail equipment.

5. Users of the NET must recognize that the District Administration does have the authority to intercept e-mail messages of all users and that there will be no privacy right construed by the District to exist in the statements made in the NET. Users of the NET are encouraged not to store extensive e-mail messages in the NET and that messages should be stored for a period of no longer than 14 calendar days.
6. When issued individual passwords and accounts, NET users may not allow any other person(s) to use or share those passwords and/or accounts.
7. Any attempt to circumvent system security, guess passwords, or in any way gain unauthorized access to local or NET resources is forbidden.
8. Use of the Internet for political and/or commercial gain or profit is not allowed from an educational site.
9. Users may not move, repair, reconfigure, modify or attach external devices to the system.
10. Additional rules and restrictions may be added and users will be notified of these changes in a timely manner. Users are responsible for reading and following these rules.
11. Time restrictions on the use of the Internet may be imposed to ensure equity of use.
12. From time to time, the District will encourage students and employees to use certain informational sources in order to control Internet costs.
13. The District Administration reserves the right to use electronic devices, cards, or any other media to determine whether or not the students or employees are using the NET for items of true educational value.
14. Professional employees of the school will monitor student use of the Internet.
15. Students or employees who violate the Internet guidelines of the school may be denied future Internet privileges for a defined period of time or other disciplinary measures set forth in the Student Code of Conduct or in any other rules of the District that may be applicable.

<u>Internet Safety / E-rate Discounts & CIPA Requirements</u>

In accordance with the requirements of the Federal Child Internet Protection Act (CIPA), and as a school district that receives discounts offered by the E-rate program, the following constitutes the Internet Safety Policy of this district.

The Board of Education shall provide technology protection measures with respect to any of its computers with Internet access that protect against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors.

For the purposes of this policy, "harmful to minors" shall be defined as, "any picture, image, graphic image file, or other visual depiction that:

- Appeals to a prurient interest in nudity, sex, or excretion, taken as a whole and with respect to minors;
- Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and,
- Lacks serious literary, artistic, political, or scientific value as to minors, taken as a whole."

These protection measures may be disabled during use by an adult, to enable access for bona fide research or other lawful purpose.

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.

The Superintendent of Schools/designee shall develop and implement curricula to address the security and safety of minors, including, but not limited to:

- Appropriate online behavior, including interacting with other individuals on social networking sites;
- Using chat rooms, email, instant messaging and/or other types of online communication;
- Cyberbullying awareness and response;
- Unauthorized disclosure of a student's personal information;
- Unauthorized access, such as hacking by students.

Legal References

NJSA 2A:38A-1 et seq. Computer System
2C:20-25 Computer Related Theft
18A:7A-11 Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills
18A:36-35 School Internet websites; disclosure of certain student information prohibited

NJAC 6A:10A-1.1 et seq Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:10A, Appendix A
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

17 U.S.C. 101 United States Copyright Law
47 U.S.C. 254(h) Children's Internet Protection Act
N.J. v. T.L.O. 469 U.S. 325 (1985)
O'Connor v. Ortega 480 U.S. 709 (1987)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1111, 3514, 4118.2, 4218.2, 5114, 5124, 5131, 5131.5, 5142, 6144, 6145.3, 6161

The 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 Core Curriculum Content Standards, the Board of Education shall develop and implement a comprehensive guidance and counseling system that facilitates career awareness and exploration for all students. The Board of Education shall ensure that educational programs shall continuously expose pupils to the nature of the wide variety of careers available. The cross-content workplace readiness standards 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 of Education shall develop and implement a comprehensive guidance and academic counseling program for all students to facilitate career awareness, exploration, and preparation. This program shall:

- Be linked to the Core Curriculum Contents Standards;
- Be infused throughout the K-8 curriculum;
- Be supported by professional development programs;
- Take into consideration the academic, career and personal/social development of the student; and
- 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 NJAC 6A:14-3.7.

The Board of Education shall develop and implement curriculum and instructional methods that:

A. Are integrated with technological literacy;
B. Provide all students with an understanding of the career application of knowledge and skills learned in the classroom; and
C. Provide all students with the opportunity to apply knowledge and skills learned in the classroom to real or simulated career challenges.

The Board of Education will develop and implement for all students a system of career development activities that:

A. Offers the opportunity to explore career interests within, but not limited to, arts and humanities; business and information systems; mathematics, science and technology; and health and human services;
B. Addresses district resources, community needs and student interest;
C. Allows the Board of Education to select an appropriate delivery format that may include an integrated curriculum based on the Core Curriculum Content Standards or specialized programs that reflect the needs of students and the community; and

D. Instills the concept of the need for continuous learning throughout one's life.

The Board of Education shall offer all high school students the opportunity to explore career interests by participation in structured learning experiences that are linked to the Core Curriculum Content Standards. The structured learning experiences shall:

- Have identifiable educational goals which support the Core Curriculum Content Standards particularly in the areas of career education; consumer, family and life skills; and technological literacy;
- Provide that students are supervised by school personnel in accordance with the requirements identified in the Professional Licensure and Standards rules at NJAC 6A:9-13.19 through 13.22.
- Be conducted at sites registered with the Department of Education via the work Registration System.

Vocational-Technical Education Programs

For purposes of this policy, "vocational-technical education" means an organized educational program that offers a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers in current or emerging employment sectors. It includes 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 of individuals. To ensure that all students have access to vocational-technical instruction the board shall:

A. Guarantee all students the right to apply and, if accepted, attend a county vocational school. The sending district shall be responsible for the tuition and transportation cost;
B. Permit students to enroll in programs of vocational instruction outside the residence district as long as the resident district agrees to pay tuition and transportation costs, does not offer an identical type of program; and the program of vocational instruction has space available;
C. Provide that students shall be admitted for enrollment in classes and provided instruction on the basis of their potential for achieving the occupational or other objectives of such instruction; and
D. 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.

Vocational-Technical Instruction

Vocational-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 occupation;
B. For enrollment in advanced or highly skilled vocational-technical education programs;
C. For making informed and meaningful occupational choices; and
D. To achieve and combination of the above objectives.

The Board of Education or institution of higher education responsible for vocational technical education shall:

A. Employ and supervise teachers;
B. Determine whether students qualify for admission to classes;
C. Determine the content and organization of courses and curricula;
D. Provide vocational-technical education for students with disabilities in accordance with the student's individual education plan;
E. Include special education programs and services designed to enable academically or economically limited students or students with disabilities to achieve the vocational-technical education programs' objectives;
F. Provide academically or economically limited students or students with disabilities, who cannot benefit from regular vocational-technical education programs, special programs of vocational instruction that include special instructional devices and techniques and supplementary services as are necessary to enable those students to achieve their career objectives;
G. Work in coordination with the New Jersey State Board of Education and in cooperation with local private agencies, organizations and institutions having responsibility for the education of academically or economically limited students or students with disabilities to plan, develop, establish and administer vocational-technical education programs and services; and
H. Ensure soundness and quality of vocational-technical instruction by the application of the content standards required by law according to NJAC 6A:19-6.8.

The Superintendent of Schools shall seek and use all available state, federal and private sources of revenue for the financial support of vocational-technical education in this district. The Superintendent of Schools will develop regulations by which the vocational-technical education program shall be annually evaluated. This evaluation shall consist of the following as defined in NJAC 6A:19-2.6:

A. An analysis of the achievement of academic competencies of program concentrators and completers;
B. An analysis of the achievement of technical competencies of program concentrators;
C. An analysis of program completion;
D. An analysis of gender equity and student participation in programs leading to nontraditional training and employment;
E. An analysis of placement status of program completers; and
F. A plan to improve each of the program elements if they fall below the specified program performance indicators.

All pupils participating in vocational-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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:38-36 Employment certificates to part-time pupils
18A:40-12.1, -12.2 Protective eye devices required for teachers, pupils and visitors in certain cases
18A:54-20 Powers of board (county vocational schools)
18A:54E-1 through -5 Business and school partnerships

NJAC 6:A:7-1.7 Equality in school and classroom practices
6A:8-2.2 Authority for the state plan for vocational education
6A:8-3.2 Career education and counseling
6A:8-5.1 Graduation requirements
6A:9-1.1 et seq. Professional Licensure and Standards
6A:19-1.1 et seq. Vocational - Technical Education Programs and Standards
6A:23-3.3 Method of determining tuition rates for county vocational schools
6A:26-12.1 et seq. Operation and Maintenance of Facilities
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services

New Jersey Cross-Content Workplace Readiness Curriculum Framework: A Road Map for Learning, NJDOE, http://www.state.nj.us/njded/frameworks/ccwr/, Appendix B
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3220/3230, 3516, 5142, 5145.4, 6010, 6121, 6141, 6142.2

The Board of Education believes HIV/AIDS education should be integrated into the comprehensive health education curriculum, but may also be applied to other curriculum areas.

The district HIV/AIDS 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 pupils and the subject matter of the course. Development of the program should take into account the instructional needs of all pupils in the district.

The Superintendent of Schools shall ensure that the information presented as a part of the HIV/AIDS 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 pupils.

The Superintendent of Schools shall be responsible for the preparation and development of an HIV/AIDS prevention education program, with active consultation and participation of an advisory committee consisting of teachers, administrators, parents/guardians, pupils (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 of Schools. The advisory committee shall be responsible for reviewing the instructional program and all materials to be used and, through the Superintendent of Schools, of recommending it for Board adoption.

The Superintendent of Schools shall ensure that all staff members involved in teaching the HIV/AIDS 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 the request of parents or guardians, the HIV/AIDS education curriculum shall be made available for their review. The Superintendent of Schools shall establish procedures whereby pupils whose parent/guardian presents to the school Superintendent of Schools a signed statement that a designated part of the instruction is in conflict with his/her conscience, or moral or religious belief, shall be excused from that part of the curriculum. Independent study shall be directed during the time a pupil is excused from part of the program. The independent study shall include alternative topics that do not conflict with the parent/guardian's beliefs but fall within the same subject area (i.e., comprehensive health education) as the program from which the pupil is excused. No penalties to credit or graduation shall result from such an exemption.

The Superintendent of Schools shall establish a process for evaluating and updating the HIV/AIDS 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 Board of Education alone, upon the recommendation of the Superintendent of Schools, shall determine the content, sequence, and materials of the HIV/AIDS prevention education program.

Legal References

NJSA 18A:33-1 District to furnish suitable facilities; adoption of courses of study
18A:35-4.7 Parents statement of conflict with conscience
18A:35-4.19 through-4.22 "AIDS Prevention Act of 1999"
26:5c-1 et seq. Acquired Immune Deficiency Syndrome

NJAC 6A:8-3.1(d) Curriculum and instruction
6A:16-2.1(a)7 Health services policy and procedural requirements
8:61-1.1 et seq. Participation and Attendance at School by Individuals with HIV Infection
12:100-4.2 Safety and Health Standards for Public Employees (Adoption by reference)

29 CFR 19910.1030 - Bloodborne Pathogen Standard
No Child Left Behind Act of 2001, Pub. L. 107-110, 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 Cross References

1220, 4131/4131.1, 5124, 5131.6, 5141, 5141.2, 5145.4, 6122, 6140, 6141, 6142, 6142.1, 6142.4, 6144, 6161.2, 6300

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Anti-Big Brother Act – Student Use of District-Owned Electronic Devices** **Policy 6142.16**

| Date Adopted: May 5, 2014 | Date Revised: | Page 1 of 1 |
|---|---|---|

The Board of Education directs the Superintendent of Schools/designee to comply with the provisions of NJSA 18A:36-39 (P.L. 2013, c. 44), otherwise known as the "Anti-Big Brother Act."

The district may supply or furnish a student or students with an electronic device as described in this policy that may be used outside of the school environment, in connection with the district's academic program.

The Superintendent of Schools/designee shall direct the appropriate staff members or administrators to provide any student who has been supplied with a district-owned and/or supplied laptop computer cellular telephone, or other electronic device, with written or electronic notification that the electronic device may record or collect information regarding the student's activity or use of the electronic device if that 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 include a statement that the school 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(s)/guardian(s) of the student shall be required to acknowledge receipt of this notification before the student is issued the electronic device.

It shall be understood that this policy does not include limiting or restricting the use of electronic devices in school environments.

The school district shall retain the acknowledgement as long as the student retains the use of the electronic device.

Additionally, all staff members shall be advised of this policy on an annual basis.

<u>Legal References</u>

NJSA 2A:38A-1 et seq. Computer System
18A:36-35 School Internet websites; disclosure of certain student information prohibited
18A:36-39 Anti-Big Brother Act

**MILLVILLE 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 Anti-Big Brother Act / Student Use of District Owned Electronic Devices Policy (6142.16). I understand that the Millville 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 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 the device.

I also understand that the 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 Millville 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 his/her name below indicating his/her agreement to the terms of this document.

Please sign below and return to your child's school:

_____ _____

Parent/Guardian Signature Date

_____ _____

Student Signature Date

The Superintendent of Schools 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.

Teachers shall use the guides as the core of their instructional planning. It shall be the responsibility of the Superintendent of Schools 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.

Legal References

NJAC 6A:8-1.3 Definitions
6A:8-2.1 et seq. The Core Curriculum Content Standards
6A:8-3.1 et seq. Implementation of the Core Curriculum Content Standards
6A:8-5.1 Graduation requirements
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

6122, 6140, 6141, 6142, 6142.2, 6147

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Lesson Plans** **Policy 6143.1**

| Date Adopted: November 23, 1998 | Date Revised: June 2, 2008 | Page 1 of 1 |
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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 that specify what pupils 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, he/she should seek approval from his/her Principal or supervisor prior to implementation in the lesson.
The Principal shall check lesson plans on a weekly basis.

Lesson plans shall remain the property of the district in accordance with the State of New Jersey School District Records Retention Schedule.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:8-2.1 et seq. The Core Curriculum Content Standards
6A:8-3.1 et seq. Implementation of the Core Curriculum Content Standards
6A:30-1.1et seq. Evaluation of the Performance of School Districts

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

4115, 4116, 4121, 6010, 6142, 6143

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 pupils 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 timelines of the question, the maturity and needs of the pupils and the purposes of the school. Classroom discussions on controversial questions that 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 the discussion and be taught authoritatively to the pupils.

Pupils 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.

The Superintendent of Schools shall have the authority to limit or suspend discussion of controversial issues pending a review if the issue/materials. Instructional materials not previously approved must be reviewed by the Superintendent of Schools before being introduced into the classroom.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:36-34 Written approval required prior to acquisition of certain survey information from students
18A:54-20 Powers of board (county vocational schools)

Pupil 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)

Possible Cross References

1312, 5145, 6141.2, 6145.3, 6161.1, 6161.2

The Board 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.

The purpose of extracurricular activities shall be:

A. To develop useful new capabilities in pupils that can lead to extension of career opportunities;
B. To develop pupil initiative and provide for the exercise of responsibility;
C. To develop leadership capabilities and good organizational skills;
D. To aid pupils in the social skills;
E. To enable pupils 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 which 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 pupils who voluntarily elect to participate, marked by pupil 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 of Schools shall prepare procedures to implement an extracurricular program which shall:

A. Assess the needs and interests of the pupils of this district;
B. Ensure the provision of competent guidance and supervision by staff;
C. Guard against the exploitation of pupils;
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 pupils and that all pupils are fully informed of the opportunities open to them.

The guidance goal for each pupil shall be a balanced program of appropriate academic studies and activities to be determined by the school, the parents/guardians and the pupil. Guidance is necessary to encourage non-participants, and to prevent the overenthusiastic from emphasizing activities at the cost of their academic performance.

Only persons in the employ of the Board of Education shall be permitted to organize district pupils during school time or during any recess in the school day for purposes of instruction or coaching or for conducting games, events, or contests in physical education or athletics.

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 of Schools. Fund-raising activities of extracurricular groups must be approved by the board.

All pupils in good disciplinary and academic standing shall have equal access to all extracurricular activities regardless of race, color, creed, religion, sex, national origin, ancestry, social or economic status, or non-applicable handicap.

Good Disciplinary Standing

Students serving a detention or on suspension, shall be excluded from participating and will loose their good disciplinary standing. Pupils who serve more than detentions, suspensions, or a combination of the two during one term may be found not eligible to participate the following term.

The Superintendent of Schools shall establish uniform procedures that will ensure a fair evaluation of pupils reprimanded for infractions to determine whether they shall be removed from any or all extracurricular activities.

A. When a pupil already participating in an extracurricular activity is reported for an infraction of the rules for pupil conduct, the principal shall appoint a staff committed to consider whether the pupil shall be removed from any or all extracurricular activities.
B. If a pupil was in bad disciplinary standing the previous term, the principal shall refer the matter to a staff committee to determine whether the pupil shall be permitted to participate during the current term.

Good Academic Standing

In addition to the grade or course requirements of the NJSIAA and local attendance regulations, the Board of Education establishes the following academic eligibility standards:

A. One course failure or incomplete grade.
   The eligibility of the pupil is to be determined by the advisor/coach of an activity/sport and the pupil is to be placed on probation for an indeterminate period at the discretion of the advisor/coach.
B. Two course failures, two incomplete grades or a combination thereof.
   The pupil is automatically ineligible for one marking period until his/her grades become available, or incomplete grades are made up satisfactorily, The student's status for practicing with the team will be determined by the head coach in each sport with advice, consent, and support of the athletic department and school administration.
C. 50% of total courses failed. 50% of total grades incomplete or a combination thereof.
D. All transfer pupils shall be subject to the above guidelines based on the transcript which is used to determine NJSIAA eligibility.
E. An appeal process for students involved in interscholastic athletics is provided within the NJSIAA guidelines. For students involved in other co-curricular activities, a local appeal process shall be carried out by the Eligibility Committee (see item B).

N.J.S.I.A.A. Athletes Athletic Eligibility Rules

At the beginning of a student's high school career, students from a sending district are free to choose any secondary school they may legally attend. Thereafter the student is subject to all eligibility rules of the Association.

1. Eligible if a student has not reached the age of 19 prior to September 1st.
2. To be eligible:
    a. During the first semester (September 1st to January 31st of the 10th grade or higher, or the second year of attendance in the high school or beyond, a students must have passed 25% of the credits (27.5) required by the State of New Jersey for graduation (110), during the immediately preceding academic year.
    b. For athletic competition during the second semester (February 1st to June 30th of the 9th grade or higher, a student must have passed the equivalent of 12 ½% of the credits (13.75) required by the State of New Jersey for graduation (110) at the close of the preceding semester (January 31st. Full year courses shall be equated as one-half of the total credits to be gained for the full year to determine credits passed during the immediately preceding semester.
3. Eligible if transfer because of a change of residence by parents or as approved by the Executive Committee.
4. Eligible after thirty (30) days from entrance into present school, if transferring from one school to another, and only after "Transfer Waiver Form" has been completed and approved by the Executive Director.
5. Eligible if no influence used to retain or secure the student.
6. Eligible to represent his/her present school if a student's parents move to another school district maintaining a secondary school of equal grade or higher provided he/she remains properly enrolled, any subsequent transfer will be subject to the transfer provisions.
7. Not eligible after the completion of 8 semesters following a student's entrance into the 9th grade, regardless of the fact that a sport season may not be completed.
8. Not eligible after the class in which a student originally enrolled graduates, regardless of transfers during the 3 or 4 year period.
9. Not eligible for thirty (30) days from entrance into present school if transferring from one school to another when parents have not moved from one public school district to another, regardless of the reason. Eligibility must then be approved by processing the "Transfer Waiver Forms."

N.J.S.A.A. Athletes Athletic Eligibility Rules Junior High School Regulations

1. 6th, 7th, 8th grade students not eligible for 9th grade or high school participation.
2. Eligible for 9th grade participation if student has not reached the age of 6 prior to September 1st.
3. Not eligible for 9th grade participation after the completion of 2 semesters following the student's entrance into the 9th grade.

4. 9th grade student in a junior high school is eligible to participate at the high school level provided the junior high school and senior high school principals approve; however, once having participate on a high school team the student may not participate on the 9th grade team at the junior high school level in that same sport.

Golf: Do not accept money/merchandise as prizes in outside Golf Tournaments. You may be ineligible for 1 year.

It is recommended you do not participate on teams outside school. See your coach first.

A pupil who begins the year not in good academic standing and subsequently becomes eligible, may participate in extracurricular activities the next semester.

Attendance
The district's attendance policy shall also apply.

Implementation
The Superintendent of Schools 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 affirmative action requirements. Participation in academically related coaching or tutoring groups may be exempt from the eligibility requirement at the Superintendent of Schools' discretion.

Pamphlet on Sudden Cardiac Arrest
In accordance with the provisions of NJSA 18A:40-41, once each school year, the Superintendent of Schools/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.

Good Sportsmanship
The Board of Education 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/advisors 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.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:11-3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
18A:19-14 Funds derived from student activities
18A:35-20 Participation in courses in which verbalization unessential to understanding of subject matter; location of and children in bilingual programs
18A:42-5, -6 Certain student organizations declared harmful
34:13A-1 et seq. New Jersey Employer-Employee Relations

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:8-3.2 Career education and counseling
6A:9-5.19 Athletics personnel
6A:16-2.2 Required health services
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-9.1 et seq. Athletics Procedures
6A:32-14.1 Review of mandated programs and services

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)
NJSIAA Constitution, Bylaws, Rules and Regulations

It is the responsibility of the Millville Board of Education to ensure that pupils in Grades 7-12 participating in athletics and other co-curricular activities maintain a standard of academic performance that is consistent with the primary mission of the schools.

For interscholastic athletic eligibility purposes the Board of Education policy will in no case adopt standards less than the NJSIAA standards in force and required of all member districts now or in the future. Regarding co-curricular participation, the NJSIAA standards concerning grades and credits will be in effect

In addition to the grade or course requirements or the NJSIAA and local attendance regulations, the Board of Education establishes the following academic eligibility standards:

A. <u>One course failure or incomplete grade</u>
   The eligibility of the pupil is to be determined by the advisor/coach of an activity/sport and the pupil is to be placed on probation for an indeterminate period at the discretion of the advisor/coach.
B. <u>Two course failures, two incomplete grades or a combination thereof</u>
   The eligibility of the pupil is to be determined at a hearing of an Eligibility Committee composed of the Athletic Director or Director of Fine/Performing Arts guidance counselor, a vice-principal, and three advisors/coaches other than the advisor/coach "in-season" for the activity/sport. The principal will cast the tie-breaking vote when necessary. The pupil will continue to participate in the activity/sport until the committee rules otherwise. The committee vote outcome will be made known but the individual member ballots will not be revealed. The hearing date will be set as expeditiously as possible.
C. <u>Three course failures, three incomplete grades or a combination thereof</u>
   The pupil is automatically ineligible; there is no hearing and no appeal.
D. 50% of total courses failed
   <u>50% of total grades incomplete or a combination thereof</u>
   The pupil is automatically ineligible; there is no hearing and no appeal.
E. All transfer pupils shall be subject to the above guidelines based on the transcript, which is used to determine NJSIAA eligibility.
F. An appeal process for students involved in interscholastic athletics is provided within the NJSIAA guidelines. For student involved in other co-curricular activities, a local appeal process shall be carried out by the Eligibility Committee (see item B).

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NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:8-3.2 Career education and counseling
6A:9-5.19 Athletics personnel
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6A:30-1.1 et seq. Evaluation of the Performance of School Districts
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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)
NJSIAA Constitution, Bylaws, Rules and Regulations

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Student Publications** **Policy 6145.3**

| Date Adopted: January 25, 1999 | Date Revised: June 2, 2008 | Page 1 of 1 |
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The Board of Education sponsors pupil publications as important elements of the instructional program. Pupils 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 pupils in public school pursuant to the First Amendment of the Constitution of the United States of America, 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 pre-publication control over school-sponsored publications through administrative staff and faculty. Pupils shall have the right to appeal the exercise of censorship by school district staff to the Board of Education.

Pupil 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 reasonable related to legitimate educational concerns.

Pupils 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 districts 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 of Schools. The regulations shall:

A. Identify school district staff responsible for pupil publications;
B. Establish procedures for publication review which will include consideration by the faculty of the maturity levels of students and of appropriate standards of journalistic taste; and,
C. Specify procedures for appeal by pupils to the Board of Education with provisions for prompt decisions to be made at each level.

Legal References

NJSA 18A:11-1General mandatory powers and duties
18A:17-20 Superintendent; general powers and duties
18A:36-35 School internet web sites; disclosure of certain student information prohibited
18A:54-20 Powers of board (county vocational schools)

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)
Desilets v. Clearview Regional Board of Education, 137 N.J. 585 (1994)

Possible Cross References

1110, 1111, 1111.2

The Board of Education recognizes that head injuries pose a serious health risk to the students of this district and in particular to student athletes who participate in Interscholastic Athletics.

General Statements

A concussion is caused by a blow or motion to the head or body that disrupts the normal functioning of the brain and can cause significant and sustained neuropsychological impairment, including, but limited to problem solving planning, memory and behavioral problems.

In order to ensure the safety of student athletes, it is imperative that athletes, coaches and parents/guardians are education about the nature and treatment of concussions and other sports-related brain injuries and that all measures are taken to prevent a student athlete from experiencing second-impact syndrome.

In response to this serious health and safety issue, the Commissioner of Education shall annually distribute a brain injury fact sheet to this school district and copies of this fact sheet shall be distributed annually by this district to all student athletes, parents/guardians of student athletes, coaches, athletic directors, school nurses and athletic trainers. The student athlete and his/her parents/guardians both must sign an acknowledgement form indicating the receipt of this fact sheet and that they have read and understood the information provided in it. The district shall keep all such acknowledgements on file for future reference.

Failure to return the signed fact sheet shall disqualify the student athlete from any participation until such time as the signed acknowledgement has been received by the administration.

Any student athlete who sustains or is suspected of have sustained a concussion or other brain injury while engaged in a sports competition or practice shall be immediately removed from the sports competition or practice. A student athlete who is removed from competition or practice shall not participate in further sports activity until he/she is evaluated by a physician trained in the evaluation and management of concussions and received written clearance from the physician to return to competition or practice and provides a written copy of the physician's clearance to the district administration.

Regulations / Procedures

Any student athlete who sustains or is suspected of have sustained a concussion or other brain injury while engaged in a sports competition or practice shall be immediately removed from the sports competition or practice. A student athlete who is removed from competition or practice shall not participate in further sports activity until he/she is evaluated by a physician trained in the evaluation and management of concussions and received written clearance from the physician to return to competition or practice and provides a written copy of the physician's clearance to the district administration.

All coaches, assistant coaches, school nurses, school / team physicians , athletic directors and licensed athletic trainers must complete an Interscholastic Head Injury Training Program.

The Athletic Head Injury Training Program must include, but not be limited to:

- The recognition of the symptoms of head and neck injuries, concussions, risk of secondary injury, including the risk of second impact syndrome; and,
- Description of the appropriate criteria to delay the return to sports competition or practice of a student –athlete who has sustained a concussion or other head injury.

An Athletic Head Injury Training program such as the National Federation of State High Schools Association online "Concussion in Sports" training program or a comparable program that meets mandated criteria shall be completed by the above named staff. Additional head injury training programs that meet the mandated criteria may be completed by professionals of different levels of medical knowledge and training.

General Information Regarding Sports-Related Concussions & Head Injuries

Prevention

1. The district may require pre-season baseline testing of student athletes.
2. Review of educational information for student athletes on prevention of concussions.
3. Reinforcement of the importance of early identification and treatment of concussions to improve recovery.

Student athletes who are exhibiting the signs or symptoms of a sports-related concussion or other head injuries during practice or competition shall be immediately removed from play and may not return to play that day.

Possible Signs of Concussion

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.

Possible Symptoms of Concussion

1. Headache
2. Nausea/Vomiting
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.
9. Irritability

Student athletes must be evaluated by a physician or licensed health care provider trained in the evaluation and management of concussion to determine the presence or absence of a sports-related concussion or head injuries.

To return to practice and competition the student athlete must follow the protocol:

1. Immediate removal from competition or practice. 911 should be called if there is a deterioration of symptoms, loss of consciousness, or direct neck pain associated with the injury.
2. When available the student athlete should be evaluated by the school's licensed healthcare provider who is trained in the evaluation and management of concussions.
3. School personnel (Athletic Director/Building Administrator, Licensed Athletic Trainer, School Nurse, Coach, etc.) should make contact with the student athlete's parent/guardian and inform him/her of the suspected sports-related concussion or head injury.

4. School personnel coaches, assistant coaches, school nurses, school / team physicians, athletic directors and licensed athletic trainers, building administrators etc.) shall provide the student athlete with Board of Education approved suggestions for management/ medical checklist to provide their parent/guardian and physician or other licensed healthcare professional trained in the evaluation and management of sports related concussions and other head injuries.
5. The student athlete must receive written clearance from a physician, trained in the evaluation and management of concussions that states the student athlete is asymptomatic at rest and may begin the local districts' graduated return-to-play protocol. Medical clearance that is inconsistent with district, policy may not be accepted and such matters will be referred to the school/team physician.

<u>Graduated Return to Competition & Practice Protocol</u>

1. Complete physical, cognitive, emotional, and social rest is advised while the student athlete is experiencing symptoms and signs of a sports-related concussion or other head injury. (Minimize mental exertion, limiting overstimulation, multi-tasking etc.)
2. After written medical clearance is given by a physician trained in the evaluation and management of concussions stating that the student athlete is asymptomatic at rest, the student athlete may begin a graduated individualized return-to-play protocol supervised by a licensed athletic trainer, school/team physician or in cases where the afore mentioned are not available a physician or licensed health care provider trained in the evaluation and management of sports-related concussions. The following steps should be followed:
    A. Completion of a full day of normal cognitive activities (school day, studying for tests, watching practice, interacting with peers) without re-emergence of any signs or symptoms. If no return of symptoms, next day advance to:
    B. Light aerobic exercise, which includes walking, swimming, or stationary cycling, keeping the intensity < 70% maximum percentage heart rate: no resistance training. The objective of this step is increased heart rate. If no return of symptoms, next day advance to:
    C. Sport-specific exercise including skating, and/or running; no head impact activities. The objective of this step is to add movement and continue to increase heart rate. If no return of symptoms, next day advance to:

D. Non-contact training drills (e.g., passing drills). The student athlete may initiate progressive resistance training. If no return of symptoms, next day advance to:

E. Following medical clearance (consultation between school health care personnel, i.e., licensed athletic trainer, school / team physician, school nurse and student athlete's physician), participation in normal training activities. The objective of this step is to restore confidence and to assess functional skills by the coaching staff. If no return of symptoms, next day advance to the return to play involving normal exertion or game activity.

- In the absence of daily testing by knowledgeable school district staff (i.e. licensed athletic trainer, school / team physician) to clear a student athlete to begin the graduated return-to-play protocol a student –athlete should observe a 7 day rest/recovery period before commencing the protocol. Younger students (K-8) should observe the 7-day rest/recovery period (after they are symptom free at rest) prior to initiating the graduated-return-to play protocol. A physician trained in the evaluation and management of concussion as well as the parents/guardians of the student athlete shall monitor the student athlete in the absence of knowledgeable school district staff (i.e., athletic trainer, school / team physician). School nurses may serve as an advocate for student athletes in communicating signs and symptoms to physicians and parents/guardians.
- Utilization of available tools such as symptom checklists, baseline and balance testing are suggested.
- If the student athlete exhibits a re-emergence of any concussion signs or symptoms once they return to physical activity, he/she will be removed from further exertional activities and returned to his/her school/team physician or primary care physician.
- 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 athletes with Sports-Related Head Injuries

1. Rest is the best "medicine" for healing concussions or other head injuries. The concussed brain is affected in many functional aspects as a result of the injury. Memory, attention span, concentration and speed of processing significantly impacts learning. Further, exposing the concussed student athlete to the stimulating school environment may delay the resolution of symptoms needed for recovery.
2. Accordingly, consideration of the cognitive effects in returning to the classroom is also an important part of the treatment of sports-related concussions and head injuries.
3. Mental exertion increases the symptoms from concussions and affects recovery. To recover, cognitive rest is just as important as physical rest. Reading, studying, computer usage, testing, texting – even watching movies if a student is sensitive to light/sound – can slow a student's recovery. In accordance with the Centers for Disease Control's toolkit on managing concussions boards of education may look to address the student's cognitive needs in the following ways.
4. Students who return to school after a concussion may need to:
    - Take rest breaks as needed.
    - Spend fewer hours at school.
    - Be given more time to take tests or complete assignments. (All courses should be considered)
    - Receive help with schoolwork.
    - Reduce time spent on the computer, reading, and writing.
    - Be granted early dismissal to avoid crowded hallways.

Legal References

NJSA 18A:11-3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
18A:19-14 Funds derived from student activities
18A:35-20 Participation in courses in which verbalization unessential to understanding of subject matter; location of and children in bilingual programs
18A: 40-41.2 et seq Student Athlete brain injuries
18A:42-5, -6 Certain student organizations declared harmful
34:13A-1 et seq. New Jersey Employer-Employee Relations

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:8-3.2 Career education and counseling
6A:9-5.19 Athletics personnel
6A:16-2.2 Required health services
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-9.1 et seq. Athletics Procedures
6A:32-14.1 Review of mandated programs and services

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NJSIAA Constitution, Bylaws, Rules and Regulations

The Board authorizes the releases of fund balances of any graduating class upon a request signed by three (3) members of the class with two (2) having been class officers.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

In order to be graduated from the elementary district, and receive a state-endorsed, Board of Education diploma, a pupil must:

A. Meet both state and district proficiency standards in reading, writing, and mathematics;
B. Complete successfully the course requirements stated in the administrative code, unless those of the district are greater, in which case the districts standard must be met. The proficiencies required must include the core course proficiencies approved by the State Board of Education.
C. Select and complete successfully enough elective credits to meet the district minimum of credits.

Successful completion means that the pupil 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.

A pupil shall not be deemed to have successfully mastered the objectives assigned to a course of study when he/she has been absent more than 30 days in any school year.

Transfer pupils must meet all state and local requirements in order to receive a diploma.

The Superintendent of Schools shall put into effect the procedures necessary to assess each pupil upon entry into the system, and, annually thereafter, to identify those pupils not meeting the state or district proficiency requirements in reading, writing and mathematics. He/she shall develop the programs necessary to remedy these deficiencies at the lowest possible grade level.

Basic Skills

Pupils who do not pass the New Jersey Assessment of Skills and Knowledge for grade eight (NJ ASK 8) shall be provided appropriate remediation.

Twelfth-grade pupils who have satisfied all other graduation requirements but have repeatedly failed the statewide examination shall receive a special review assessment as provided by law.

Pupils with Limited English Proficiency

Pupils with limited English proficiency must be provided with the program opportunities required by law, and must fulfill the regular state and district requirements for graduation.

Special Education Pupils

A disabled pupil must meet all state and local graduation requirements in order to receive a diploma unless exempted in his/her IEP with the written approval of the Superintendent of Schools. An exemption shall be granted if a pupil would be adversely affected by taking the test; an exemption from the proficiencies shall be granted if the pupil's IEP does not include the proficiencies measured by the test.

By June 30th of a disabled pupils' last year in the elementary program, the pupils case manager, parent/guardian and teacher(s) shall meet to review the instructional guide and basic plan of the pupils IEP in view of the transition to the secondary program. Input by appropriate staff from the secondary school shall be part of the review.

The basic plan of the IEP for the pupil 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 HSPA, along with the rationale for the exemptions. The Superintendent of Schools must approve the exemptions in writing.

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 of Schools shall develop and present to the Board of Education, indicators of achievement and standards of proficiency and attendance.

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 pupils) 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 pupils upon registering for the course.

The yearly program of studies for each pupil in the high school must be approved and signed by the parent/guardian, except in the case of 18-year-old pupils.

Early Graduation

Pupils 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 Pupil Learning Opportunities

The Board of Education shall establish a process to approve individualized pupil learning opportunities that meet or exceed the Core Curriculum Content Standards.

Individualized pupil learning opportunities areas include, but are not limited to, the following:

- Independent study;
- Online learning;
- Study abroad programs;
- Pupil exchange programs; and,
- Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.

Individualized pupil learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the Core Curriculum Content Standards shall:

- Be based on pupil interest and career goals as reflected in the Personalized Pupil Learning Plans;
- Include demonstration of pupil competency;
- Be on file in the school district and subject to review by the Commissioner or his/her designee.

To earn credit toward high school graduation for individualized pupil learning opportunities, the pupil shall successfully complete assessments that verify pupil achievement in meeting or exceeding the Core Curriculum Content Standards at the high school level. Achievement may be verified by assessments including standards achieved by means of the individualized pupil learning opportunities. Such programs or assessments may occur all or in part prior to a pupil's high school enrollment.

No assessments administered shall preclude or exempt pupil participation in applicable State-wide assessments.

Pupil Enrollment in College Courses – Option II

The Board of Education shall make reasonable efforts to develop articulation agreements with New Jersey colleges and universities to facilitate the delivery of college credit courses to qualified pupils.

The Board of Education 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. Pupils shall receive credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the Core Curriculum Content Standards.

The Board of Education shall determine eligibility requirements for these pupils and monitor the quality of the courses offered and college faculty who teach the courses.

Reporting and Monitoring

The Superintendent of Schools shall report annually at a public meeting, not later than September 30th, to the Board and to the Commissioner of Education:

A. The total number of pupils graduated in the aggregate and disaggregated according to subgroups described in federal law;
B. The number of pupils graduated under the Alternative High School Assessment (AHSA) process;
C. The number of pupils 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 pupils denied graduation from the 12th grade class;
E. The number of pupils denied graduation from the 12th grade class solely because of failure to pass the High School Proficiency Assessment (HSPA) or

F. Alternative High School Assessment (AHSA), based on the provisions of administrative code.

Legal References

NJSA 18A:4-25 Minimum courses of study; approval of courses of study
18A:7C-1 Standards and guidelines
18A:7C-2 Establishment of standards
18A:7C-4.1 Recognition; purpose; eligibility; application procedures
18A:7C-8 State approved diplomas for adult high school programs
18A:7F-46 Review of CCCS, Educational Adequacy Report
18A:11-1 General mandatory powers and duties
18A:33-1 District to provide suitable facilities; adoption of courses of study
18A:35-1 et seq Curriculum and courses
18A:48-1 et seq Public evening schools
18A:50-1 et seq Adult education
18A:54-20 Vocational board of education

NJAC 6A:8-1.1 et seq Standards and assessment
6A:8-5 et seq Graduation standards
6A:14-3.7 Individualized education program
6A:14-4.11 Graduation
6A:15-1.11 Graduation requirements for limited English proficient students
6A:23A-9.5 Achievement of CCCS
6A:30-1.1 et seq Evaluation of the performance of school districts
6A: 32-2.1 Definitions
6A: 32-12.1 et seq Annual reporting and planning requirement
6A: 32-13.1 et seq Programs and practices to support student achievement
6A: 32-14.1 et seq State and federally mandated programs and services

No Child Left Behind Act of 2001, P.L. 107-110, 20 USCA 6301 et seq
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Student Progress / Report to Parents** **Policy 6146.1**

| Date Adopted: June 18, 1979 | Date Revised: May 15, 1989, January 25, 1999, June 2, 2008 | Page 1 of 1 |
|---|---|---|

The Board directs the Superintendent of Schools to develop procedures whereby parents/guardians of pupils will be notified regularly of their child's progress toward achievement of individual and district goals and objectives.

These procedures must include, but not be limited to:

A. Provision for a translator if a parent/guardian's primary language is other than English;
B. A District-wide grading system for comparable grade levels. The system shall be both diagnostic and objective;
C. Scheduling of individual parent-teacher conferences on a regular basis;
D. Timely notice of possible failure.

Legal References

NJSA 18A:4-24 Determining efficiency of schools; report to state board
18A:7C-2 Boards of education; establishment of standards
18A:35-4.9 Pupil promotion and remediation; policies and procedures

NJAC 6A:8-4.1 Statewide assessment system
6A:8-4.2 Documentation of student achievement
6A:8-5.1 Graduation requirements
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Possible Cross References

5113, 5120, 5124, 6142, 6142.2, 6143, 6145, 6146, 6146.2, 6147, 6171.1, 6171.3

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Promotion / Retention** **Policy 6146.3**

| Date Adopted: June 1, 1979 | Date Revised: May 15, 1989, June 2, 2008 | Page 1 of 1 |
|---|---|---|

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 of Schools shall direct development of and the Board shall adopt detailed regulations to govern progress of pupils through all grade levels. The regulations shall include:

A. Standards of proficiency related to district goals and objectives;
B. Standards of attendance, and provision for review of mastery;
C. Timely efforts to help all pupils achieve acceptable levels of proficiency;
D. Timely notification of parents/guardians when there is a possibility of failure and immediate consultation with the parent/guardian if the pupils progress is not sufficient to meet promotion and remediation standards;
E. Procedures for parents/guardians and adult pupils to appeal promotion/retention decisions;
F. Procedures for involving parents/guardians in the design of the remedial program.

Parents/guardians will be notified whenever exceptions are contemplated in a pupil's normal progression from level to level. The final decision in all cases will rest with school authorities.

Legal References

NJSA 18A:4-24 Determining efficiency of schools; report to state board
18A:7C-2 Boards of education; establishment of standards
18A:35-4.9 Pupil promotion and remediation; policies and procedures

NJAC 6A:8-4.1 Statewide assessment system
6A:8-4.2 Documentation of student achievement
6A:8-5.1 Graduation requirements
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Possible Cross References

5113, 5120, 5124, 6142, 6142.2, 6143, 6145, 6146, 6146.2, 6147, 6171.1, 6171.3

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 of Schools may, under specific circumstances approve the acceleration of an individual student to the next grade level.

While the parent(s)/guardian(s) of the student may make the initial request to accelerate their child one or more grade levels, the final decision in all cases will rest with the Superintendent of Schools.

When considering the advancement or acceleration of a particular student, the Superintendent of Schools shall consider at least the following criteria as it pertains to the student:

- Learning aptitude: The assessment of the student's reasoning skills, utilizing observations of the student's teacher(s) as well as testing results.
- Academic skills: The review of the student's report cards, work samples, and standardized test results.
- Work habits: Reports from the student's teacher(s) that indicate the student works well independently, is able to concentrate for a sustained period, prepares for tests effectively and completes regularly assigned homework and extra assignments consistently.
- Ability to tolerate academic pressure: The ability to cope with an increased workload.
- The maturity of the student to ensure that he/she will not be upset if he/she will no longer be the star of the class and the positive response if he/she encounters difficulties in class.
- Enjoyment of learning: Determination that the student enjoys learning new things and will pursue topics of interest on his/her own.
- Social maturity: Determination that he/she relates well with other students, especially older students, and displays confidence in social situations.
- Attendance and behavior records.
- Recommendation of the student's teacher(s), guidance counselor and principal.
- Parental approval of the proposed acceleration.

The Superintendent of Schools may at his/her discretion, interview the student prior to making his/her decision to accelerate the student. At no time will the Superintendent of Schools accelerate a student more than one grade level per year.

Should the student fail to meet the requirements of the accelerated grade level, he/she may be returned to his/her previously assigned grade level: at the request of the student's parent(s)/guardian(s); the student's teacher(s) or the student, himself/herself, upon the approval of the Superintendent of Schools.

Legal References

NJSA 18A:4-24 Determining efficiency of schools; report to state board
18A:7C-2 Boards of education; establishment of standards
18A:35-4.9 Pupil promotion and remediation; policies and procedures

NJAC 6A:8-4.1 Statewide assessment system
6A:8-4.2 Documentation of student achievement
6A:8-5.1 Graduation requirements
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Possible Cross References

5113, 5120, 5124, 6142, 6142.2, 6143, 6145, 6146, 6146.2, 6146.3, 6147, 6171.1, 6171.3

The 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 student 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 NJ Department of Education may use its APTF grant to pay a portion of 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 Millville Board of Education 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 AP Test Coordinator shall be responsible for accepting all such AP exam fees from low-income students and/or their 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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:35-4.9 Pupil promotion and remediation, policies and procedures
18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions

NJAC 6A:7-1.7 Equality in school and classroom practice
6A:8-1.1 et seq. Standards and Assessments
6A:10A-3.1 et seq School districts-led standards-based instruction
6A:16-1.4(c) District policies and procedures
6A:30-1.4 Evaluation process for the annual review
6A:32-2.1 Definitions
6A:32-7.1 Student Records
6A:32-12.2 School-level planning

34 CFR 98 Protection of Pupil Rights
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Talarsky v. Edison Township Board of Education, 1977 S.L.D. 862
New Jersey Quality Single Accountability Continuum (NJQSAC)

# Millville Board of Education
# District Policy Manual

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|---|---|
| **Instructional Program** | **Series 6000** |
| **Standards of Proficiency** | **Policy 6147** |

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|---|---|---|
| Date Adopted: June 15, 1998 | Date Revised: June 2, 2008 | Page 1 of 1 |

The Superintendent of Schools, 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 informed 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 Core Curriculum Content 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 pupils and parents/guardians, in writing, at the time the pupil registers for the course.

By the date required by law, the Superintendent of Schools shall annually report to the Board and the community at a regularly scheduled meeting an evaluation of pupil achievement toward meeting district and school goals and objectives.

Low pupil achievement shall be regarded by the Board as an indication that revisions are needed in education programming, general strategy, staff resource use, staff evaluation, and/or other aspects of the learning program.

Legal References

NJSA 18A:7C-2 Boards of education; establishment of standards
18A:7E-2 through -5 School report card program
18A:7F-4 Periodic review of core curriculum content standard by state board; establishment of thoroughness and efficiency standards and cost per pupil
18A:7F-29 Academic achievement reward program
18A:35-4.9 Pupil promotion and remediation; policies and procedures

NJAC 6A:8-1.1 et seq. Standards and Assessment
6A:10A-1.1 et seq. Improving Standard-Driven Instruction and Literacy and Increasing Efficiency In Abbott School Districts
6A:14-4.11 Statewide assessment
6A:15-1.1 et seq. Bilingual Education
6A:23-8.3 Commissioner to ensure achievement of the Core Curriculum Content Standards
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 et seq. Annual Reporting and Planning Requirement
6A:32-13.1 et seq. Student Behavior
6A:32-14.1 et seq. State and Federally Mandated Programs and Services
Abbott v. Burke, 149 N.J. 145 (1997) (Abbott IV)
Abbott v. Burke, 153 N.J. 480 (1998) (Abbott V)
Abbott v. Burke, 163 N.J. 95 (2000) (Abbott VI)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

The Superintendent of Schools, 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 pupils, 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 pupil's progress toward established goals, and shall be a factor in promotion/graduation decisions.

The Board of Education encourages the certified staff, under the direction of the Superintendent of Schools, to employ a comprehensive approach to the use of appraisal and evaluative techniques in monitoring pupil progress, including, but not limited to, recognized standardized achievement testing programs, written and oral teacher-made tests, performance observation, parent/guardian interviews, formal and informal evaluation techniques, use of cumulative pupil records, and medical examinations.

The Superintendent of Schools shall have the right to review disputed grades and with the Board approval to adjust them.

Testing / State Required Assessments

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 pupils in achieving the Core Curriculum Content Standards;
B. Measure the needs and progress of individual pupils;
C. Measure the achievement of grade levels;
D. Allow comparison of district pupils with national or other norms;
E. Aid in evaluation of programs.

The district-testing program shall embody at least the tests required by state 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 which are differentiated or stereotyped on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

In 2010, the New Jersey State Board of Education joined with forty0two (42) other states and adopted the Common Core State Standards (CCCS) as those academic standards to meet the requirements of the No Child Left Behind Act of 2001 (NCLB) and the related federal requirements to establish and report educational outcomes for all grade levels and for graduation from high school. In addition, New Jersey has also adopted the Partnership for Assessment of Readiness for College and Careers (PARCC) as the state assessment for meeting the annual progress targets for grade levels three through eight (3 – 8) and for high school graduation.

In order to meet the goal of delivering the best program for the students of Millville, the Board of Education must ensure that the district receives all funding that is due to it through state and federal sources. Accordingly, federal funding of key education programs depends on meeting the requirement of at least ninety- five percent (95%) participation of students in each subgroup as identified by NCLB. The Board recognizes that unless 95% of the affected students participate in state required assessments.

In addition, NJSA 18A:7C-1 requires the Commissioner of Education (Commissioner), with approval of the State Board of Education, to establish a program of standards for graduation from secondary school, and such a program shall include, "the development of a Statewide assessment test in reading, writing, and computational skills to be administered to all secondary school pupils..."

In accordance with the provisions of NJAC. 6A:8-4.1(a) and (b) provides, "the Commissioner...may implement assessment of student achievement in the State's public schools in any grade(s) and by such assessments as he or she deems appropriate," and the Commissioner "...shall define the scope and level of student performance on Statewide assessments that demonstrate thorough understanding of the knowledge and skills delineated by the Core Curriculum Content Standards (CCCS) at grade levels three through 12." Subsection (c) further states that the district Board of Education "shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments," and subsection (d) confirms that "all students at grade levels three through 12, and at any other grade(s) designated by the Commissioner...shall take appropriate Statewide assessments as scheduled."

Furthermore, in February, 2014, the State Board passed a resolution confirming that the district Board of Education are obligated to implement the CCCS and to "ensure students meet the expectations and proficiency standards as measured by current and future State and local assessments."

In accordance with the above, State law and regulations require all students to take State assessments. For the 2014-2015 school year, the PARCC assessment will replace the prior statewide assessments - the NJASK in grades 3-8 and HSPA in high school; as such, all students shall take the PARCC assessment as scheduled. Since the PARCC assessment is part of the State required educational program, the district schools are not required to provide an alternative educational program for students who do not participate in the statewide assessment. There are no provisions for students or their parents/guardians to "opt-out" of any state-mandated assessments.

Throughout a student's educational career, the PARCC assessments will provide parents with important information about their child's progress toward meeting the goal of being college or career ready. The PARCC assessments will, for the first time, provide detailed diagnostic information about each individual student's performance that educators, parents and students can utilize to enhance foundational knowledge and student achievement. PARCC assessments will include item analysis, which will clarify a student's level of knowledge and understanding of a particular subject or area of a subject.

The data derived from the assessment will be utilized by teachers and administrators to pinpoint areas of difficulty and customize instruction accordingly. Such data can be accessed and utilized as a student progresses to successive school levels.

Regulation

The Board of Education and the administration strongly encourage student participation in PARCC.

However, the Board of Education recognizes that some families may have questions and concerns about these assessments, and the following regulation shall be followed by throughout the district:

1. Parents/Guardians who choose to refuse participation, must submit a written refusal statement to the Superintendent of Schools two (2) weeks prior to the actual dates of testing, documenting their intention to have their child not participate in PARCC;
2. Students whose parents/guardians have submitted a written statement refusing participation in PARCC are expected to come to school on the days of testing, where they will be marked present. They will be located in a room with adult supervision that is separate from the testing environment. These non-participating students are to bring an appropriate book to school with them. These students will be required to read quietly during the testing period and an appropriate assignment may be instituted regarding the student's book.

3. Students whose parents/guardians have not submitted a written statement of refusal and who are not present on the day of the assessment will be marked absent and will sit for the PARCC make-up tests as scheduled.
4. Students whose parents/guardians have submitted a written statement of refusal and who are not present on the day of the assessment will be marked absent. However, these students will not be expected to participate in the assessment on the scheduled make-up tests.
5. Students whose parents/guardians have not submitted a written statement of refusal and who arrive late to school will be marked as such. However, they will be expected to participate in the test make-up period as scheduled.
6. Students whose parents/guardians have submitted a written statement of refusal and who arrive late to school will be marked as such. However, they will not be expected to participate in the test make-up period as scheduled.

Any requests for surveys, pupil observations, or pupil questionnaires must be forwarded through the office of the Superintendent of Schools for approval before any survey or observation can be conducted.

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 personnel. School and district test results shall be discussed in a public meeting.

Legal References

NJSA 18A:7C-3, -4, -6, -6.2 Remedial instruction for students not meeting graduation standards
18A:11-1 General mandatory powers and duties
18A:35-4.9 Pupil promotion and remediation, policies and Procedures
18A:36-34 Written approval required prior to acquisition of certain survey information from students

NJAC 6A:7-1.7 Equality in school and classroom practice
6A:8-1.1 et seq. Standards and Assessments
6A:10A-3.1 et seq School districts-led standards-based instruction
6A:16-1.4(c) District policies and procedures
6A:30-1.4 Evaluation process for the annual review
6A:32-2.1 Definitions
6A:32-7.1 Student Records
6A:32-12.2 School-level planning

34 CFR 98 Protection of Pupil Rights
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Talarsky v. Edison Township Board of Education, 1977 S.L.D. 862
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1000/1010, 1120, 5113, 5120, 5124, 5125, 5141.3, 6142.6, 6146, 6146.2, 6147

The New Jersey Interdistrict Public School Choice Program was created by the New Jersey Legislature in January 2000 and made permanent in June 2010. This program was designed to increase educational opportunities for students and their families by providing students with the option of attending a public school outside their district of residence without tuition.

Beginning in the 2011-2012 school year, students will be able to choose to go to a school outside of this district if the selected school is participating in the choice program. Transportation of up to 20 miles will be provided to a student going to a choice school. If the school is outside of the 20-mile radius, transportation will be the responsibility of the student or his/her parents/guardians.

The choice school will set the number of openings per grade level and if there are more students requesting admission to the school than there are available openings, the choice school will choose the students using a lottery system.

The Millville School District shall not prevent or discourage its students from participating in the School Choice Program, however, a maximum of 10 percent of the number of students per grade per year and/or a maximum of 15 percent of the total number of students enrolled in this district in total shall be permitted to participate in the School Choice Program.

Procedures

In accordance with NJAC 6A:12-4.3(c)1, upon receipt of a Notification of Intent to Enroll in a Choice District from a student residing in this district, the Superintendent of Schools/designee shall verify that the student is enrolled in a school of the district and that the student has been counted as a student in the district in the October ASSA of the current school year.

Pursuant to NJAC 6A:12-3.1(a)4i, in the event that student requests for participation exceed the enrollment percentages listed above, the district will conduct a lottery. The lottery must be held in enough time to meet the deadline established by law for notification to the parent/guardian of the student.

As stipulated in NJAC 6A:12-3.1(a)4i and 4ii, in the first application cycle, the results of the lottery must be used to determine which students will be eligible to participate in the School Choice Program and to develop a waiting list of the remaining students to be used in the second application cycle. Each participant in the lottery must be assigned a number reflecting the student's place on the list of eligible students or on the waiting list.

In the event that some or all of the students in this district who received permission to apply to a choice school district in the first application process do not enroll in a choice school district, this district will first go to its waiting list to ascertain which student will be eligible to apply to a

choice school district in the second application cycle. Should it become evident that there are more openings than may be filled by the students on the waiting list, this district will allow additional students who express an interest in applying to a choice school district to do so. If there are more interested students than would be permitted by this district's enrollment limitation percentage as noted above, this district must conduct a lottery of all newly interested students to determine which students may apply to a choice school district. This lottery should not include students on the first application cycle waiting list who must be offered the opportunity to apply to a choice school district before the newly interested students.

During the second application cycle, it is not necessary to develop a waiting list.

In accordance with NJAC 6A:12-4.39(c), parents/guardians of all students who have submitted a notice of intent to enroll in a choice district by the due date, shall be provided written notification that he student may or may not participate in the School Choice Program.

In cases where the parent/guardian is notified that that student may not participate in the School Choice Program, such notification shall include an explanation as to the reason(s) for not being permitted to participate. In the first application cycle, if the student has been placed on the waiting list, the notification will include that information and provide the waiting list number assigned to the student.

Legal References

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| NJSA | 18A:7A-10 Evaluation of performance of each school |
| | 18A:7C-2 Boards of education; establishment of standards |
| | 18A:7F-1 through -34 Comprehensive Education Improvement and Financing Act |
| | 18A:33-1 District to furnish suitable facilities; adoption of courses of study |
| | 18A:35-1 et seq. Curriculum and Courses |
| | 18A:36B-7b(1) & (2) Limits of participation in School Choice Program |
| NJAC | 6A:12-1 et seq Interdistrict School Choice Program |
| | 6A:8-1.1 et seq. Standards and Assessment |
| | 6A:12-3.1(a)1 Limits for participation in School Choice Program |
| | 6A:23-1.1 et seq. Finance and Business Services |
| | 6A:26-1.1 et seq. Educational Facilities |
| | 6A:30-1.1 et seq. Evaluation of the Performance of School Districts |
| | No Child Left Behind Act of 2001, Pub. L. 107-110 |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) |

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Instructional Arrangements / Class Size** **Policy 6150/6151**

| Date Adopted: June 18, 1962 | Date Revised: November 17, 1980, June 2, 2008 | Page 1 of 1 |
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The Board of Education recognizes its responsibility to ensure that arrangements be tailored to suit the changing needs of the student body. As a result the Board welcomes recommendations from faculty, students, staff or community as to ways by which it may improve instructional arrangements. These might include:

A. Providing classroom or other instructional space
B. Revising class size ranges and limits
C. Permitting scheduling innovations based on individual pupil needs
D. Arranging team teaching or other means for emphasizing the inter-disciplinary nature of knowledge and the interrelatedness of learning
E. Involving pupils in directed and self-selected activities
F. Adapting instruction to diverse pupil learning styles

The Board of Education, however, reserves the right to make the final determination on all matters affecting instructional arrangements.

The Superintendent of Schools 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-pupil requirements of the State Department of Education.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:8-2.1 Authority for educational goals and standards
6A:10A et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:14-4.7 Program criteria: special class programs, secondary and vocational rehabilitation
6A:23-8.3 Commissioner to ensure achievement of the Core Curriculum Content Standards
6A:26-2.1 et seq. Long-Range Facilities Plans
6A:32-8.2 School enrollment
6A:32-8.3 School attendance

Possible Cross References

3240, 5118, 5120, 5145.4, 6150, 6171.4, 7110

The 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 pupils 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 firsthand educational experience not available in the classroom.

Times and locations of field trips shall not be posted on any district web sites.

Educational field trips shall be planned and conducted in accordance with the following guidelines:

1. 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 Board of Education for final approval.
2. 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 lease one (1) week prior to the field trip. A final student list and chaperone list must be provided to the school office.
3. 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.
4. The 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 NJSA 18A:36-21 and NJSA 18A36-23.
5. 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)
6. 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.
7. 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.
8. Students' safety will be a primary consideration. First-aid kits will be provided by the school nurse for all field trips.

9. The buddy system, or partners, is recommended to assure constant awareness of each child's whereabouts, needs and participation.
10. 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.
11. Commercial carriers such as charter buses are to be used at the discretion of the Board of Education.
12. 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.
13. 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.

Pupil Self-Administration of Medication

The Board shall permit self-administration of medication on field trips for asthma or other potentially life-threatening illnesses by pupils, 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 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 pupils in emergencies on field trips by the school nurse, his/her designee(s), the student's parent/guardian or the student himself/herself as provided by law.

In addition,

1. The nurse's designee must be properly trained by the nurse pursuant to Department of Education/Department of Health protocols.
2. Parents/guardians must consent in writing to the administration of medicine(s) by the designated individual.
3. There shall be no liability for the district if the Superintendent of Schools informs parents/guardians that said procedures are followed.

Legal References

NJSA 18A:25-2 Authority over pupils
18A:36-21 through -23 Field trips; costs to be borne by parents or guardians ...
18A:36-35 School Internet web sites; disclosure of certain student information prohibited
18A:39-20.1 Transportation to and from related school activities in private vehicle 18A:40-12.3 through -12.4 Self-administration of medication by pupils; conditions ...
18A:40-12.5 Policy for emergency administration of epinephrine to public school pupils
18A:40-12.6 Administration of epinephrine; primary responsibility; parental consent

NJAC 6A:27-1.1 et seq. Student transportation
Rhodes v. Caldwell Board of Education, 1981 S.L.D. 140

Possible Cross References

1210, 1230, 3450, 3541.31, 5020, 5136, 5141.21, 6145, 6153.1, 6154

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Homework / Makeup Work** **Policy 6154**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

The Board of Education believes that homework relevant to material presented in class provides an opportunity to broaden, deepen or reinforce the pupil'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.

Incompletes

When a pupil does not complete work missed for absence or other reasons, he/she will receive an "incomplete" for the marking period. Pupils will be given seven school days following the end of the marking period to make up the missed work.

If work critical to the pupil'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 pupil the work he/she has missed and citing the consequences mentioned above.

The Board recognizes the desirability of homework assignments and encourages teachers to assign homework as an aid in their development.

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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:36-14 Religious holidays; absence of pupils on; effect
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:32-10.1 et seq. Summer School Sessions

Possible Cross References

1320, 1322, 5020, 5113, 5121, 5124, 6145, 6153, 6174

The Superintendent of Schools and staff shall keep abreast of developing technologies and teaching methodologies, investigating those likely to be of benefit to district pupils, and recommending them for Board consideration.

The Board recognizes that district pupils vary in learning styles and in ability. Therefore, the Superintendent of Schools shall ensure that teaching staff adapts their instructional methods and arrangements to meet identified pupil needs and encourage maximum individual progress.

The Superintendent of Schools shall ensure that district personnel, time and facilities are used in such a way as to provide the most favorable learning environment for all pupils, thus fostering achievement of state and district goals, objectives and standards.

Every effort should be made to further district affirmative action/equity goals in developing instructional arrangements.

Legal References

NJSA 18A:33-1 District to furnish suitable facilities; adoption of courses of study
18A:46-19.5 Consent of parent or guardian; location of provision of services
18A:46A-5 Consent of parent or guardian; location

NJAC 6A:8-1.1 et seq. Standards and Assessments
6A:14-1.1 et seq. Special Education
6A:15-1.1 et seq. Bilingual Education
6A:26-12.1 et seq. Operation and Maintenance of Facilities

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

Possible Cross References

2224, 4113/4511.4, 5200, 6010, 6130, 6141.4, 6142.2, 6151, 6171.2, 6171.4

Title I equipment shall be procured in accordance with existing law for purchasing in the Public School Contract Guidelines, New Jersey State Department of Education, Division of Finance, October, 1986, as amended.

The District shall maintain a master list of program equipment having a useful life of more than one (1) year, and (a) costing more than $300 or more per unit if located in a public school, or (b) if placed in private schools, regardless of cost. Subsidiary inventories shall be maintained at each program school. The inventory shall include the description of the equipment; ID number; model and serial number; cost; funding source; location; date acquired; condition and ultimate disposition data when applicable.

Title I equipment, which is unusable or obsolete, should be returned to the District Office for disposal according to the State Guidelines:

1. Equipment with a unit acquisition cost of less than $1,000 and equipment with no further use or value may be retained, sold or otherwise disposed of, with no further obligation to the federal government.
2. Equipment with unit acquisition cost of $1,000 or more may be retained or sold (in accordance with instructions in Public School Contract Guideline, October, 1986 – Section VI, p. 25)

Title I equipment that is lost, stolen, or destroyed is to be dealt with in the following, applicable manner:

1. Reported to the District Office with complete description and serial number.
2. The District Office will report to the following:
    a. Superintendent
    b. Business Administrator
    c. Police Department
    d. State Title I Office
3. The District Office and the school involved will make the necessary inventory adjustments.
4. If insurance coverage is provided for the replacement of such equipment, the replacement equipment belongs to Title 1 and should be so labeled and recorded.

Equipment assigned to the non-public school will remain for the duration of the project. At the close of the school year, the equipment is to be stored by the District Office, the District Office will keep a current inventory and condition record on all equipment assigned to private schools.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:20-34 Use of schoolhouse and grounds for various purposes
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:26-12.2 Policies and procedures for school facility operation

The Board believes that personnel and materials appropriate to the needs of the school program must be available to each pupil and teacher.

To be in compliance with the requirements of federal law, the Board of Education directs the Superintendent of Schools to distribute curriculum materials and instructional supplies to the school in such a way that equivalence of such materials is ensured among the grade levels. Staff assignments shall comply with this directive.

When a school fails to achieve adequate yearly progress a 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 pupils will be supplied with these resources.

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.

The instructional materials selected for the School district shall be in accordance with the following resources:

1. Instructional materials (print or software, including videos) shall be chosen for the values of interest and enlightenment of all students in the community. Instructional materials shall not be excluded because of the race, nationality, or the political or religious views of the writer.
2. 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. Current and proposed curriculum guides, textbooks and materials will be reviewed to detect any bias based on race, sex, religion, national origin, ancestry, or culture. It must also be ascertained whether instructional materials, singularly or taken as a whole, fairly depict the contributions of both sexes and the various races, ethnic groups, and the like towards the development of human society. (Books or other reading material of sound factual authority shall not be prescribed or removed from library shelves or classrooms because of partisan doctrinal approval or disapproval.)
3. Censorship of instructional materials may be challenged in order to maintain the school responsibility to provide information and enlightenment.

Audiovisual materials are used to supplement the instructional process and not supplant them. Materials are pre-approved by the curriculum.

Legal References

NJSA 18A:34-1 Textbooks; selection; furnish free with supplies; appropriations

NJAC 6A:7-1.4 et seq. Responsibilities of the district board of education
6A:8-2.1 Authority for educational goals and standards
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-14.1 Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3220/3230, 4113/4114, 5145.4, 6121, 6141, 6142.2, 6161.1, 6171.3, 6171.4

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Copyright Policy** **Policy 6160.1**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

It is the policy of the Board of Education to adhere to provisions of the United States Copyright Law (Public Law 94-553). The following procedures represent a sincere effort to operate legally and to discourage violation of this law:

A. Administrators with responsibility for the equipment such as audio and video recorders, computers and any other technology capable of reproducing copyrighted materials will take responsible steps to inform staff of the appropriate and legal application of their use.
B. Information about Public Law 94-553 will be available to all employees. Ignorance of the law is not excuse for violation.
C. No Board of Education facility or equipment may be used to violate copyright laws, regulations or guidelines.
D. Willful infringement of the law by employees may result in disciplinary action.
E. Legal and insurance protection will not be extended to employees who willfully violate copyright law and policies.

The Board of Education directs all school personnel to comply with Public Law 94-553, otherwise known as the Copyright Law, which was enacted by the Senate and the House of Representatives of the United States and became law on October 19, 1976. Copying of all copyrighted software, and videotaping material is prohibited by law. Furthermore, all videotaping of broadcast television programs must comply with the guidelines for the Congressional Record, October 14, 1984. The Board directs the Superintendent of Schools to enforce this copyright policy.

Legal References

United States Copyright Law, Title 17, U.S. Code (PL 94-553, 10/19/76)

Agreement on Guidelines for Classroom Copying in Not-for-Profit Educational Institutions, 3/19/76, printed as H.R. 94-1476, pp. 70-71

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Comparability of Materials & Supplies** **Policy 6161**

| Date Adopted: January 25, 1993 | Date Revised: January 27, 1997, June 2, 2008 | Page 1 of 1 |
|---|---|---|

To be in compliance with the requirements of P.L. 103-382, as amended, Section 1120A of Title I, Part A, the Board of Education directs the Superintendent of Schools to distribute curriculum materials and instructional supplies to the schools in such a way that equivalence of such materials is ensured among the grade levels within the schools.

Legal References

NJSA 18A:4-25 Prescribing minimum courses of study for public schools; approval of courses of study
18A:33-1 District to furnish suitable facilities; adoption of courses of study
18A:34-1 Textbooks; selection; furnished free with supplies; appropriations
18A:35-1 et seq. Curriculum and Courses
P.L. 2005, c. 266 Districts to provide an alternate to dissection

NJAC 6A:7-1.4 Responsibilities of the district board of education
6A:23-6.1et seq. Purchase and Loan of Textbooks
6A:32-14.1 Review of mandated programs and services

Comprehensive Equity Plan, State Department of Education
Manual for the Evaluation of Local School Districts
Multi-year Equity Plan for 1996-97 through 1998-99, SDOE Bureau of Equal Educational Opportunity, Doc. #MISM260040699
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1312, 2224, 5145.4, 6000, 6010, 6121, 6140, 6141, 6142.1, 6144, 6161.2, 6163.1

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Instructional Materials** **Policy 6161.1**

| Date Adopted: 1979 | Date Revised: November 23, 1998, June 2, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education believes that instructional materials should support and enrich the curriculum and make possible the achievement of the district's instructional goals. To ensure that the materials used in this district are up-to-date in the factual matter they present and also reflect the district's underlying philosophy of education, the Superintendent of Schools shall develop procedures for continual review of new materials being offered and evaluation of those materials already in use. Materials should be judged against the following criteria:

1. Does the instructional material reflect the district's Affirmative Action policy that prohibits the teaching or encouragement of racial, sexual, religious, ethnic or age bias?
2. Does it stimulate growth in actual knowledge, literary appreciation, aesthetic values and ethical standards?
3. Does it help students develop abilities in critical reading and thinking?
4. Does it provide effective basic or advanced education for the students for whom it is intended?

The list of instructional materials presented for approval should be sufficient in scope to meet the needs of every student in the district.

The review process shall include:

1. Review and recommendation for selection by teaching staff members, particularly those teachers who will be using the materials as an integral part of the instructional program.
2. Review and recommendation for selection by the Superintendent of Schools and other administrative staff members.

The Board, by law, reserves the right to make the final instructional materials selection decision. However, prior to final adoption, the recommendations resulting from each review will be given thorough consideration.

Legal References

NJSA 18A:4-25 Prescribing minimum courses of study for public schools; 18A:33-1 District to furnish suitable facilities; adoption of courses of study
18A:34-1 Textbooks; selection; furnished free with supplies; appropriations
18A:35-1 et seq. Curriculum and Courses
P.L. 2005, c. 266 Districts to provide an alternate to dissection

NJAC 6A:7-1.4 Responsibilities of the district board of education
6A:23-6.1et seq. Purchase and Loan of Textbooks
6A:32-14.1 Review of mandated programs and services
Comprehensive Equity Plan, State Department of Education
Manual for the Evaluation of Local School Districts
Multi-year Equity Plan for 1996-97 through 1998-99, SDOE Bureau of Equal Educational Opportunity, Doc. #MISM260040699
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1312, 2224, 5145.4, 6000, 6010, 6121, 6140, 6141, 6142.1, 6144, 6161.2, 6163.1

It is recognized 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 school that conflict with their views. Any resident of this district shall have the right to present a request, suggestion, or complaint in reference to subject matter or instructional materials.

The Superintendent of Schools shall develop procedures to give careful consideration to such requests, suggestions or complaints. These procedures must provide that:

A. All such requests, suggestions or complaints shall be in writing;
B. Whenever possible, the process be initiated and solved at the lowest effective level;
C. The District response shall be 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.

<u>Procedures</u>
The mechanism for the review, appeal and repeal of decisions of the Instructional Council, the Administration and the Board 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 of Schools. The challenged material shall remain in use unless and until the Superintendent of Schools directs its removal. If the complainant is not satisfied with the results of the discussion, the complainant must be advised to the following procedures:

1. All questions regarding materials shall be submitted to the Superintendent of Schools in writing. The Superintendent of Schools shall send copies of the statement to the Business Administrator, who will forward copies to the President of the Board of Education.
2. 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.
3. 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 of Schools and other designated staff members shall constitute a committee of review. The challenged material shall immediately be objectively reviewed. After a thorough consideration, the committee of review shall submit a recommendation to the 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.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
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, 2220, 6144, 6161.1

The Board of Education hereby establishes the following policy and procedures for resolving complaints presented by any individual or organization that any school or the district as a whole, other agency authorized by the district or the New Jersey Department of Education (NJDOE) and/or the NJDOE, itself violated the administration of education programs required by the Elementary and Secondary Education Act (ESEA) as amended by the No Child Left Behind Act (NCLB).

Statutory Requirement

Pursuant to 20 USC 7844, Sec 9304 (a) (3)(C), of the No Child Left Behind Act of 2001, a State Educational Agency (SEA) shall adopt written procedures that offer parents, public agencies, other individuals or organizations a method for the receipt and resolution of complaints alleging violations in the administration of these programs. These programs, included in the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001 and covered under this policy and the procedures for implementing it shall include, but not be limited to:

A. Title I, Part A
B. Title I Part B, Subpart 1
C. Title I Part B, Subpart 3
D. Title I, Part C
E. Title I, Part D
F. Title I, Part F
G. Title II, Part A
H. Title II, Part D
I. Title III, Part A
J. Title IV, Part A, Subpart 1
K. Title IV, Part B
L. Title V, Part A
M. Title VI, Part A, Subpart 1
N. Title VI, Part B, Subpart 1
O. Title VI, Part B, Subpart 2
P. Title IX, Part E (Section 9532)
Q. Title X, Part C

In most cases, these complaints may be handled by the Superintendent of Schools.

If efforts at the local level are not successful, complaints may follow the procedures outlined below.

For the purposes of this policy, a complaint is a written allegation that a school, school district, or other agency authorized by the school district or the NJDOE or the NJDOE itself, has violated the law in the administration of education programs required by the NCLB. An allegation may be submitted in writing or electronically. If a complaint is submitted electronically, a hard copy should also be sent to the NJDOE via regular mail.

All complaints should identify:

A. The alleged NCLB violation;
B. The facts supporting the alleged violation; and,
C. Any supporting documentation.

Complaints Against a School, the School District or Other Agency Authorized by the District

A complaint that a school, the school district or other agency authorized by the school district or the NJDOE itself, has violated the administration of an education program, the complainant must submit a written complaint to the County Superintendent of Schools.

Upon receipt of a written complaint alleging a violation of law by a school, the school district or other agency authorized by the school district or the NJDOE itself, is submitted to the County Superintendent of Schools, the appropriate NJDOE personnel will issue a Letter of Acknowledgement to the complainant within ten (10) business days of receipt of the complaint.

This letter shall include the following information:

A. The date that the complaint was received;
B. A brief statement of the manner in which the department will investigate the complaint;
C. If necessary, request for additional information regarding the complaint;
D. A tentative resolution that is sixty (60) days form the date that the written complaint was received by the County Office; and,
E. The name and phone number of a contact person for status updates.

Based on the facts of the alleged violation, an extension of time may be required to resolve the complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.

The County Superintendent of Schools will coordinate the investigation of the complaint. When the investigation is complete, he/she will notify the complainant in writing regarding the outcome of the investigation.

If a violation by a school, the school district, or other agency authorized by the school district has occurred, the Assistant Commissioner assigned to over see the matter shall identify and impose the appropriate consequences or corrective actions as required by regulation to resolve the complaint.

Complaints Against the New Jersey Department of Education (NJDOE)
Complaints against the NJDOE alleging a violation of the administration of a program, must be submitted in writing to the Chief of Staff of the New Jersey Department of Education or to the United States Department of Education (USDOE) Secretary. However, complainants should attempt to resolve the complaint with the Chief of Staff of the NJDOE before contacting the Secretary of the USDOE.

When a written complaint is received by the Chief of Staff, he/she will assign the investigation of the complaint to the Office of Strategic Initiative and Accountability (OSIA). The OSIA will issue a Letter of Acknowledgement to the complainant within ten (10) business days of the receipt of the complaint.

This letter shall include the following information:

A. The date that the complaint was received;
B. A brief statement of the manner in which the department will investigate the complaint;
C. If necessary, request for additional information regarding the complaint;
D. A tentative resolution that is sixty (60) days from the date that the written complaint was received; and,
E. The name and phone number of a contact person for status updates.

Based on the facts of the alleged violation, an extension of time may be required to resolve the complaint. If an extension is required, the appropriate OSIA will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.

The OSIA will coordinate the investigation of the complaint. When the investigation is complete, Chief of Staff will notify the complainant in writing regarding the outcome of the investigation.

If a violation by the NJOE has occurred, the Chief of Staff shall identify and impose the appropriate consequences or corrective actions as required by regulation to resolve the complaint.

If the complainant does not agree with NJDOE's decision, the complainant may appeal to the Secretary of the United States Department of Education.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)
Elementary and Secondary Education Act of 1965
20 USC 7844, Sec 9304 (a) (3)(C), of the No Child Left Behind Act of 2001

Possible Cross References

1120, 1312, 35705145.6, 6144, 6161.1, 6161.2, 6163.1

The 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 of Schools 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 applicant.

When complete evaluations of pupils are necessary, the Superintendent of Schools shall secure the services of qualified persons or agencies to supplement the district team. Appropriate staff members, such as the nurse and teachers assigned to the pupil, shall also be involved.

Pupils 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 educationally handicapped 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 pupil 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.

Disaffected Pupils:
In addition to the educationally handicapped, the Child Study Team shall consider and recommend appropriate remedies and/or programs for pupils exhibiting disaffected behavior patterns. A survey of needs shall be conducted for each such pupil. If the survey indicates the advisability of a complete evaluation, a referral shall be initiated and due process followed. If the survey indicates a change in program, the Child Study Team shall cooperate with the teaching staff in developing an appropriate program, including, if necessary, alternative programs.

Disruptive Pupils:
All staff members shall be familiar with and implement the discipline policies and procedures adopted by this Board. This implementation will identify the pupil who is disruptive. Staff members shall report the names of pupils who disrupt the educational program to the appropriate administrator who shall initiate actions which will ensure the involvement of the pupil's family and the provision of counseling and assessment services, so as to determine the causes of the pupil'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, support staff, teachers, parents/guardians, and if prudent, the pupil are to be involved. If all strategies prove unsuccessful, referral to the appropriate outside agency may be made.

In accordance with state law and Board policy, disruptive pupils whose continuing attendance interrupts the educational program and/or threatens harm to themselves and others may be suspended and considered for expulsion.

Legal References

NJSA 18A:46-3.1 Regional consultants for hearing impaired; appointment; duties
18A:46-5.1 Basic child study team services; provision by boards of education and state operated programs ...
18A:46-5.2 Participation by parent or guardian

NJAC 6A:9-13.5 School social worker
6A:9-13.6 Speech-language specialist
6A:9-13.7 Director of school counseling services
6A:9-13.8 School counselor
6A:9-13.9 School psychologist
6A:9-13.10 Learning disabilities teacher-consultant
6A:14-1.1 et seq. Special Education
6A:32-14.1 Review of mandated programs and services
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 1973

Possible Cross References
4111, 5114, 5120, 5131, 5200, 6010, 6146.2, 6164.4, 6171.4, 6172

The Millville Public School System is a participating member of the Cumberland County Audio-Visual Aids Commission. As such, we have access to the services of the County Film Library.

Commission

The County Audio-Visual Aids Commission consists of eight (8) members, as follows:

1. Superintendent — Millville
2. Board Member and Superintendent — Bridgeton
3. Board Member and Superintendent — Vineland
4. Board Member — Rural District
5. County Librarian
6. County Superintendent

The functions of the commission are to establish a budget and administer the services of the County Film Library.

Film Delivery

Films are delivered and picked up twice per week, on Monday and Thursday. Delivery and pickup will be made at each school. It is the responsibility of each Principal to make sure all films are returned promptly as scheduled.

Legal References

NJAC 6A:9-13.14 School library media specialist
6A:9-13.15 Associate school library media specialist
6A:9-13.16 Professional librarian

Board of Education Island Trees U.F.S.D. v. Pico, 457 U.S. 853 (1982)

Possible Cross References

1312, 6161.1, 6161.11

The Board 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 of Schools 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 business when such facilities or locations provide learning and enrichment opportunities not otherwise available to our pupils. Pupil 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 community agencies that are involved in evaluation and treatment of drug/alcohol problems.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:16-1.1 et seq. Programs to Support Student Development
6A:30-1.4 Evaluation process for the annual review
6A:32-12.1 Reporting requirements

Possible Cross References

1000/1010, 1210, 1220, 1410, 1600, 3280, 4222, 5131.6, 6142.1, 6142.2, 6153, 6164.6, 6171.2, 6171.3, 6171.4, 9420

The 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 that prior written consent is obtained from parents/guardians or emancipated students before any survey is administered 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; or,
H. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Written informed consent shall also be obtained from parents/guardians or emancipated students prior to the administration of any academic or nonacademic survey, assessment, analysis or evaluation that would reveal the student's 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. If parents/guardians object to their child(ren)'s participation in the survey, the child(ren) shall be allowed to opt out.

Prior approval of the Superintendent of Schools is required for all other surveys on topics not listed. Anyone seeking approval of a proposed survey must provide the Superintendent of Schools with details of the survey methodology, its specific educational purpose and a description of how results will be disseminated and applied.

For all surveys the identity of the respondent shall remain confidential.

The Superintendent of Schools 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.

Legal References

NJSA 18A:36-34 Written approval required prior to acquisition of certain survey information from students

NJAC 6A:16-1.4 District policies and procedures

20 U.S.C.A. 1232g - Family Educational Rights and Privacy Act
20 U.S.C.A. 1232h - Protection of Pupil Rights Amendment
No Child Left Behind Act of 2001, Pub. L. 107-110, 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
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1140, 1315, 4132, 5020, 5124, 5141.3, 6147.1

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Media Center / Library** **Policy 6163.1**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The primary objective of the school's Media Center/Library is to implement, enrich and support the educational program of the school. It is the duty of the Media Center/Library 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 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:

- To provide materials that will enrich and support the curriculum, taking into consideration the varied interests and maturity levels of the students served;
- To provide materials that will stimulate growth in factual knowledge, library/media center appreciation, aesthetic values and ethical standards;
- To provide materials on opposing sides of controversial issues so that young citizens may develop the practice of critical analysis of all media;
- To provide materials representative of the many religious, ethnic and cultural groups and their contributions to our American heritage;
- 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 Board of Education delegates the responsibility for selection of materials to the professional personnel giving consideration to requests from teachers, administrators, students and parents/guardians. Final decisions shall rest with the administration in accordance with Board policy.

The school system shall be a participant of the County Audio-Visual Aids Commission.

Legal References

NJAC 6A:9-13.14 School library media specialist
6A:9-13.15 Associate school library media specialist
6A:9-13.16 Professional librarian

Board of Education Island Trees U.F.S.D. v. Pico, 457 U.S. 853 (1982)

Possible Cross References

1312, 6161.1, 6161.11

The Board of Education directs the establishment and implementation of a coordinated system in each building win which general education pupils are served, for the planning and delivery of intervention and referral services that are designed to assist pupils who are experiencing learning, behavior or health difficulties and to assist staff who have difficulties in addressing pupils' learning, behavior or health needs in accordance with the requirements of NJAC 6A:16-8.1.

The intervention and referral services shall be provided to aid pupils in the general education program and, pursuant to NJSA 18A:46-18.1 et seq. and NJAC 6A:16-8.1 et seq., may be provided for pupils who have been determined to be in need of special education programs and services. The intervention and referral services provided for pupils who have been determined to be in need of special education programs and services shall be coordinated with the pupil's Individualized Education Program team as appropriate.

The functions of the systems of intervention and referral services in each school building shall be to:

A. Identify learning, behavior and health difficulties of pupils;
B. Collect thorough information on the identified learning, behavior and health difficulties.
C. Develop and implement action plans that provide for appropriate school or community interventions or referrals to 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;
D. Provide support, guidance and professional development to school staff who identify learning, behavior and health difficulties;
E. Provide support, guidance and professional development to school staff who participate in each building's system for planning and providing intervention and referral services;
F. Actively involve parents or legal guardians in the development and implementation of intervention and referral services action plans;
G. Coordinate the access to delivery of school resources and services for achieving the outcomes identified in the intervention and referral services action plans;
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, intervention and referral services action plans, and related pupil information pursuant to NJAC 6A:16-8.2(a)9;

J. Review and assess the effectiveness of the provisions of each intervention and referral services action plan in achieving the outcomes identified in each action plan and modify each action plan to achieve the outcomes, as appropriate;
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 Building Principal for improving school programs and services, as appropriate;
L. The Board of Education establishes the following guidelines for the involvement of school staff and community members in each building's system of intervention and referral services pursuant to NJAC 6A:16-8.3.

Each school's team will be composed of the Principal or his/her designee; a regular teaching staff member; an educational services staff member; the staff member who referred a pupil in need of assistance or identified an issue requiring remediation; and such other staff members as may be required to assist the pupil or study the issue.

The school's team will identify pupils in need and plan for appropriate intervention or referral services and/or referral to community resources, based on desired outcomes.

When a pupil is referred to the school's team, the team may provide support and guidance to the pupil's classroom teachers, plan and provide for appropriate interventions, coordinate access to and delivery of school services to the pupil, and coordinate the services of community members and/pr community-based social and health provider agencies that may aid in the development and implementation intervention and referral services action plans.

Parents or legal guardians shall be notified whenever a pupil is referred to the school's team, except as such notice may be waived by laws protecting abused children and confidentiality of persons seeking drug or alcohol rehabilitation. Parents or legal guardians shall be offered an opportunity to participate in the development and implementation of intervention and referral plans.

The Principal shall, in consultation with the Superintendent of Schools, report to the Board of Education at the end of the school year on the concerns and issues identified by the team and the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plans.

Legal References

NJAC 6A: 16-8.1 et seq. Intervention and Referral Services

Possible Cross References

6161.4

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Guidance Services** **Policy 6164.2**

| Date Adopted: June 15, 1998 | Date Revised: June 2, 2008 | Page 1 of 1 |
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A guidance program shall be incorporated into the district's educational program to aid pupils in making informed and responsible decisions and in using effective decision-making processes. The guidance program shall be developed and coordinated by the Superintendent of Schools in consultation with teaching staff members he/she had identified as possessing necessary skills and abilities, to help pupils acquire the insights and knowledge they need to become autonomous, mature members of adult society in a democratic nation.

The purpose of the guidance program shall be to help pupils 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 pupil's educational program. Such information shall include facts such as test scores, grades and educational history. Pupil records may also include anecdotes, but shall not carry judgments, opinions and other advice.

Guidance services shall include establishment of a referral system that guards the privacy of the pupil and monitors the efficacy of such referrals, when district resources are not sufficient, as in drug or alcohol counseling.

Legal References

NJSA 18A:35-4.2 Career development program
18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
18A:36-19.1 Military recruiters; access to schools and student information directories
18A:38-36 Employment certificates to part-time pupils; revocation
18A:46-5.1 Basic child study team services; provision by boards of education and state operated programs

NJAC 6A:7-1.7 Equality in school and classroom practices
6A:8-1.1 et seq. Standards and Assessment
6A:9-13.2 Substance awareness coordinator
6A:9-13.7 Director of school counseling services
6A:9-13.8 School counselor
6A:10A-3.1 et seq. School district lead standards-based instruction
6A:10A-4.1et seq. Role of the Abbott district board of education
6A:14-3.4 Evaluation
6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-7.1 et seq. Student Records
6A:32-13.3 Guidance and counseling

Possible Cross References

5000, 5010, 5020, 5113, 5114, 5120, 5124, 5125, 5131.6, 6142.12, 6145, 6146, 6164.4, 6171.1, 6171.2, 6171.4, 6172, 6173

The regular curriculum of the district's schools is designed to accomplish the district's educational goals and objectives for a thorough and efficient system of education for all pupils.

When necessary, the regular program shall be altered or supplemented or other means used to provide for the identified need of the following pupils:

A. The classifiable educationally disabled
B. The gifted and talented
C. Those requiring compensatory or remedial programs
D. The disaffected and alienated
E. Pregnant pupils
F. Pupils requiring home instruction
G. The physically handicapped
H. Those with limited English proficiency
I. The disruptive

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:35-4.9 Pupil promotion and remediation; policies and procedures
18A:35-15 through -26 Bilingual Education Programs
18A:46-1 et seq. Classes and Facilities for Handicapped Children
18A:46A-1 et seq. Auxiliary services

NJAC 6A:8-3.1 et seq. Implementation of the Core Curriculum Content Standards
6A:14-1.1 et seq. Special Education
6A:15-1.1 et seq. Bilingual Education
6A:32-14.1 Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

6142.2, 6171.1, 6171.2, 6171.3, 6171.4, 6172, 6173, 6174, 6178

Pupils whose proficiency in subjects assessed through the Core Curriculum Standards Process is below acceptable levels of performance, shall be required to participate in a remedial/skill maintenance program. Proficiency shall be evaluated through a multi-skills assessment, standardized tests, diagnostic instruments, teacher observation and pupil progress reports.

The programs shall include procedures to evaluate pupil achievement related to the remedial program objectives and standards. The Superintendent of Schools shall coordinate continuous communication between teaching staff members and parents/guardians of pupils participating in remedial educational programs. 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.

An individual pupil improvement plan (IPIP) shall be developed for each pupil who performs below state minimum levels of proficiency after completion of three academic years of instruction beyond kindergarten. Procedures for development, implementation and evaluation of the IPIP's shall include designation of responsible staff and notification of the pupil and his/her parents/guardians of the need for and content of the IPIP in the language and mode of communication understood by them.

All parents/guardians shall be notified in writing of a pupil's needs for a remedial/skill maintenance program and shall be encouraged to participate in its design. Regulations governing these programs and procedures shall be reviewed and adopted by the Board as required by law.

The Superintendent of Schools 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 pupil proficiency.

Legal References

NJSA 18A:7C-1 et seq. High School Graduation Standards
18A:35-4.9 Pupil promotion and remediation; policies and procedures

NJAC 6A:8-4.3 Accountability
6A:8-4.4 Annual review and evaluation of school districts
6A:8-5.1 Graduation
6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

4138.2, 5120, 6141, 6142, 6142.6, 6147, 6171.3

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Gifted & Talented Program** **Policy 6171.2**

| Date Adopted: November 23, 1998 | Date Revised: June 2, 2008 | Page 1 of 2 |
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The district shall provide a program of study for exceptionally able (gifted and/or talented) students in grades Kindergarten through 8 who display outstanding intellectual abilities, academic aptitudes, unique creativity, productive thinking, leadership traits or exceptional talent in the visual and performing arts and in psychomotor skills. Students will have opportunities to enhance/expand their basic education and gain further knowledge and proficiency in areas of special interest and ability. The Board of Education recognizes its responsibility to provide continuous, differentiated, and appropriate educational programs for those exceptionally able students, from the standpoint of sound educational practice and in terms of the intent of State and Federal Law.

Programs will be developed to respond to the range of needs and abilities among gifted and talented students. A variety of instructional methods, grouping and schedules shall be used to provide programs designed to encourage creative thinking, problem solving, and research skills in an effort to further develop higher order thinking skills, abilities, interests, and independent learning.

Acknowledging that special abilities and skills appear at different times in the development of many children the district will carry out a broad-based screening of all students at all grade levels (K-8). Recognizing there is a range of abilities among these identified students, this screening will identify exceptionally able students using multiple indicators of academic and creative potential, including but not limited to tests of academic achievement, aptitude and creativity, samples of student work, nominations obtained from teachers, parents, community members and the students themselves. The screening process will take place each Spring in preparation for the following academic year.

Students moving into the district during the year will be reviewed for participation based on the program criteria from their previous district. As with all Millville students, students new to the district may be recommended to participate in the Spring for the following school year.

The Superintendent of Schools shall coordinate development of criteria to identify gifted and /or talented students and present them to the Board for approval.

The Board directs the Superintendent of Schools to develop educational programs for the gifted and talented that both discover and develop special skills but also provide the opportunity for all students to express their special skills and talents. Such programs

shall be developed in consultation with the teaching staff members and involve, whenever possible, parents and the students. All programs shall conform to the guidelines developed by the NJ Department of Education.

Legal References

NJSA 18A:35-4.15 through -4.16 Legislative findings and declarations; chess instruction for second-grade pupils in gifted and talented and special education programs ...
18A:61C-1 Program promoting cooperation between high schools and institutions of higher education; establishment; objective; increased availability of college-level instruction; scope
18A:61C-4 Program providing college credit courses for high school students on high school campuses; establishment

NJAC 6A:8-1.3 Definitions
6A:8-3.1 Curriculum and instruction
6A:8-3.3 Enrollment in college courses
6A:30-1.4 Evaluation process for the annual review
6A:32-14.1 Review of mandated programs and services

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1600, 6010, 6121, 6171

The district shall comply with all state and federal requirements in developing, implementing, administering and evaluating funded compensatory education programs for pupils determined to be at risk.

Such instructional services and activities shall be designed to improve the level of proficiency in reading, writing, mathematics and other skills of pupils whose academic, social or environmental needs prevent them from succeeding in regular school programs, and to prevent their regression in such skills when regular programs are not in session. Parents/guardians shall be kept informed of their children's progress and shall be invited to consult with staff on ways to give their children the maximum benefits of such programs.

At least once annually, a public meeting shall be held for the express purpose of informing parents/guardians of the programs and activities provided with the Title I funds. The agenda shall include:

A. Informing parents/guardians of their right to consult in the design and implementation of the Title I project;
B. Providing parents/guardians with information about the Title I law, regulations and instructional programs;
C. Soliciting parents/guardians' input about basic skills improvement programs and related activities;
D. Providing parents/guardians an opportunity to establish mechanisms for maintaining ongoing communication among parents/guardians, staff and the Board.

The parents/guardians of all eligible children shall be invited to attend.

<u>Mandated Policy Statements in Addition to Parent Consultation</u>

A. Comparability of personnel
   To be in compliance with the requirements of 20U.S.C. 3807, Section 558(2)(B) (Title1), the Board of Education directs the Superintendent of Schools to assign teachers, administrators, and auxiliary personnel to the school in such a way that equivalence of personnel is ensured.
B. Comparability of materials and supplies
   To be in compliance with the requirements of 20U.S.C. 3807, Section 558(2)(B) (Title1), the Board of Education directs the Superintendent of Schools to distribute curriculum materials and instructional supplies to the school in such a way that equivalence is ensured.
C. Supplement not supplant
   The district shall use Title I and/or state compensatory education funds only to supplement and to the extent practical increase the level of funds that would, in the absence of Title I and/or state compensatory education funds, be made

available for the education of pupils participating in Title I or state compensatory education projects. In no case shall Title I and/or state compensatory education funds be used to supplant those non-Title I or non-state compensatory education funds.

Eligibility for State and Federal Funds
The Superintendent of Schools shall ensure that all requirements for receiving state and federal funds shall be fulfilled in an accurate and timely manner.

Control of such funds and title to 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 of Schools 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 that restrict or expand the district's use of state or federal funds.

Programs especially designed for migrant children shall be provided as necessary.

Legal References
NJSA 18A:35-4.9 Pupil promotion and remediation; policies and procedures
18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions

NJAC 6A:32-14.1 Review of mandated programs and services

42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964
Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Possible Cross References
3220/3230, 3514, 5120, 5200, 6122, 6141, 6142.2, 6142.6, 6171.1, 6171.4

In compliance with state department of education interpretation of the administrative code on special education, the Board adopts the following revision/amendment of its existing policies on providing educational and related services to pupils identified as having educationally disabling conditions as defined in federal and state law.

A. Exemption of educationally disabled pupils from the high school graduation requirements according to NJAC 6A:14-4.11 through -4.12

   A disabled pupil 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. When a pupil has been exempted from any graduation requirement, his/her IEP shall address alternate requirements to be met. By the year specified in code, the Board shall ensure that all pupils with disabilities participate in statewide assessments with appropriate accommodations or modifications, as determined by the pupil's IEP. If the nature of the pupil's disability is so severe that the pupil is not receiving instruction in any of the knowledge and skills measured by the statewide assessment and the pupil cannot complete any of the questions on the assessment in a subject area with or without accommodations, the pupil shall participate in a locally determined assessment of pupil progress.

   By June 30th of a disabled pupil's last year in the elementary program, the pupil's case manager, parent/guardian and teacher(s) shall meet to review the instructional guide and basic plan of the pupil'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 pupil entering the secondary program will address all the elements required in the administrative code, including specifically addressing graduation requirements. Required reviews of the IEP shall continue to address graduation requirements.

   A disabled pupil who has not been exempted from the proficiencies or has performed below the state minimum level of pupil proficiency on one or more areas of the state-mandated high school proficiency test may participate in the special review assessment (SRA).

   Educationally disabled pupils meeting the standards for graduation according to NJAC 6A:14-4.12 shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

B. Prevention of needless public labeling of educationally disabled pupils

The Board directs that the names and other personally identifiable data concerning educationally disabled children 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 educationally disabled pupils on whose behalf the Board of Education must take public action. Motions concerning disabled pupils made at public meetings shall be anonymous and referred to this confidential file. This file shall be maintained in accordance with NJAC 6A:32-7.1.

Further, the Board, administrators, faculty and other personnel shall avoid unnecessary and needless public labeling of such pupils. This shall include the avoidance of public address announcements so designating pupils, any open identification of classrooms with signs so designating, or any item of open or general circulation, such as photographs, audio/videotapes, etc., that so designates an individual pupil or class. Pupil records shall be maintained in accordance with NJAC 6A:32-7.4.

C. Compilation, maintenance, access to and confidentiality of pupil records according to NJAC 6A:32-7.4 through –7.6.

To ensure proper accessibility and confidentiality, the records of educationally disabled pupils shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the district policy 5125 on pupil records in general. To assure the security of special education records:

1. Provision shall be made for access and security of computer-stored records of educationally disabled pupils;
2. Clerical and secretarial tasks related to such records shall be performed only under the supervision of appropriately certified staff.

As with all pupil records, access shall be guaranteed to persons authorized according to NJAC 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 pupil records see 5125, which deals with all requirements common to disabled and general pupil 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.

D. Identification, location and evaluation of potentially educationally disabled pupils, according to NJAC 6A:14-3.3

The Superintendent of Schools shall prepare written procedures for identifying those pupils ages three through 21**,** including pupils attending nonpublic schools, who reside within the district and may be educationally disabled, who are not receiving special

education and/or related services as required. Procedures shall include provision for the referral of pupils who may be experiencing physical, sensory, emotional, communication, cognitive or social difficulties. In order to ensure program placement by a disabled child's third birthday, a written request for initial evaluation shall be forwarded to the district at least 120 days prior to the preschooler attaining age three.

The Board shall ensure that all preschool pupils 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 criteria by which to identify the potentially disabled, and require the participation of staff, parents/guardians and appropriate agencies.

Evaluation and Determination of Eligibility

The evaluation process to determine a pupil'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 NJAC 6A:14-2.3, 2.5, 3.4 and 3.5 dealing with:

- 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;
- An initial evaluation that consists of a multi-disciplinary assessment in all areas of suspected disability and a written report of the results of each assessment;
- Determination that a pupil is eligible for special education and related services when he/she has been identified as having one or more of the thirteen categories of disability described in the administrative code, and the disability adversely affects the pupil's educational performance.

The Superintendent of Schools shall oversee development of detailed procedures to govern the evaluation process, and shall implement them after they have been reviewed and adopted by the Board.

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 pupil to be involved in and progress in the general education curriculum or, for preschool children with disabilities to participate in appropriate activities.

E. Provision of full educational opportunity to educationally disabled pupils
The Board of Education is responsible for providing education for all children resident in the district. 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 pupil 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 goal of the Board's special education program is to provide full educational opportunity to all educationally disabled resident pupils ages three through 21, as those terms are defined in federal and state law. The Board will make available to parents/guardians of educationally disabled children below the age of three information regarding services available through other state, county and local agencies.

The Superintendent of Schools shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports.

The Superintendent of Schools 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 NJAC 6A:14-4.1. This 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.

The Superintendent of Schools 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.

F. Participation of and consultation with the parents of educationally disabled pupils toward the goal of providing full educational opportunity to all educationally disabled pupils ages three through 21

In order to achieve the district's goal of providing full educational opportunity to all educationally disabled pupils in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process, pursuant to NJAC 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 pupil unless it is not feasible to do so, in which case the provisions of administrative code shall be followed.

Written notice to parents/guardians and/or adult pupils shall be provided as follows:

- The Board shall provide written notice no later than 15 calendar days after making a determination;
- 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 pupil may consider the proposal.

The Superintendent of Schools shall develop and present to the Board for review and adoption procedures for:

1. Giving notice to parents/guardians 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 pupil, 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 of their right to appeal and their rights in regard to low-cost legal counsel and fees;
2. Seeking consent of parents/guardians to the actions in 1, when such consent is required;
3. Seeking parent/guardian participation in conferences and determinations as specified in 1, 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;
4. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties.
5. Particularly, parental consent shall be obtained prior to implementation of the initial IEP resulting from evaluation; prior to reevaluation except in the circumstances outlined in code; and prior to the release of pupil records according to NJAC 6:3-6.

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 pupil'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.

No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the pupil is eligible, the development and implementation of the IEP.

G. Provision of special services to enable educationally disabled pupils to participate in regular educational programs to the maximum extent appropriate.

The Board of Education will provide the kind and quality of those special education-related services prescribed in the IEP to enable educationally disabled pupils 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.

When instruction in health, industrial arts, fine arts, music, home economics, and other education programs is provided to groups consisting solely of pupils with disabilities, the size of the groups and age range shall conform to the requirements for special class programs described in the administrative code.

When pupils with disabilities participate in physical education, intramural and interscholastic sports, on-academic and extracurricular activities in groups consisting solely of pupils with disabilities, the age range and group size shall be based on the nature of the activity, needs of the pupils participating in the activity and the level of supervision required.

The evaluation process to determine a pupil'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.

H. Determination of eligibility according to NJAC 6A:14-2.3(i)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 pupil's educational performance or district's programs; the pupil, 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 pupil as potentially disabled, or the school principal or designee if they choose to participate.

A pupil shall be determined eligible and classified for special education and related services when it is determined that the pupil has one or more of the disabilities defined in the administrative code. A pupil shall be determined eligible for speech-language services when he/she exhibits a speech or language disorder as outlined in the administrative code.

I. The individualized education program for each educationally disabled pupil shall be developed in accordance with the provisions of the administrative code, at NJAC 6A:14-2.3(i) and NJAC6A:14-3.7.

The Board shall ensure that an IEP is in effect for every pupil in the district who is receiving special education and related services.

A written individualized education program shall be developed and implemented for each classified pupil and, in accordance with New Jersey law, a review shall be conducted by the appropriate staff members annually or more often, if necessary, to evaluate the disabled pupil's progress and to revise the individualized education program.

Meetings shall be conducted to determine eligibility and to develop, review and revise a pupil'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 of Schools/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 pupil'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 pupil 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.

1. No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the pupil is eligible, the development and implementation of the IEP. The IEP shall be implemented as soon as possible following the IEP meeting.
2. The Board of Education will provide the kind and quality of those special education-related services prescribed in the IEP to enable educationally disabled pupils 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.

J. Protection of pupils rights in regard to evaluation and reevaluation procedures according to NJAC 6A:14-3.4 and 3.8.

Procedures shall provide all due process protection for the rights of the pupil and his/her parents/guardians whether the pupil is already enrolled in the schools or has been located through the process for identification in the section D of this policy.

In order to achieve the district's goal of providing full educational opportunity to all educationally disabled pupils 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 pupil unless it is not feasible to do so, in which case the provisions of administrative code shall be followed. The Superintendent of Schools shall develop and present to the Board for review and adoption procedures for:

1. Giving notice to parents/guardians and adult pupils in accordance with NJAC 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 pupil, 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 pupils of their right to review all educational records with respect to the identification, evaluation and educational placement of the pupil; to appeal these by requesting a due process hearing; and their rights in regard to free and low cost legal services and legal fees;
2. An independent evaluation at the request of the parent/guardian or adult pupil in accordance with NJAC 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, unless the district Board of Education initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;
3. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties. A due process hearing may be initiated by the Board of Education, a parent/guardian or adult pupil;
4. Ensuring what all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of disabled pupils, shall comply with the requirements of NJAC 6A:14-3.4, 3.5 and 3.7.

K. Placement of educationally disabled pupils in the least restrictive environment according to NJAC 6A:14-4.2.
Educational placement decisions made for each disabled pupil shall always be, insofar as possible, in the least restrictive environment commensurate with the pupil's educational needs. This means that to the maximum extent appropriate, educationally disabled pupils shall be educated with children who are not educationally disabled. These decisions should be designed to produce a positive effect on the pupil and to ensure the quality of services which he/she requires.

The Superintendent of Schools shall encourage positive attitudes toward the educationally disabled in all district pupils and personnel.

Special classes, separate schooling or other removal of educationally disabled pupils from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

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 pupil in the least restrictive environment shall be determined annually. Placement shall be provided in appropriate educational settings as close to home as possible. When the IEP does not describe specific restrictions, the pupil shall be educated in the school he/she would attend if not disabled.

L. Establishment and implementation of procedural safeguards according to NJAC 6A:14-2.3 through –2.4 and NJAC 1:6A. The Board of Education directs the Superintendent of Schools to establish and implement the required procedural safeguards.

Procedural safeguards shall include:

1. Giving notice to parents/guardians per NJAC 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 pupil, 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 of their right to appeal and their rights in regard to legal fees;
2. Seeking consent of parents/guardians to the actions in 1, when such consent is required;
3. Seeking parent/guardian participation in conferences and determinations as specified in 1, 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;
4. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties.

The Superintendent of Schools shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports.

These procedures shall provide all due process protection for the rights of the pupil 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.

To implement achievement of the Board's goal for provision of special education, the Superintendent of Schools 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.

M. Complying with other aspects of the district program for special education and/or requirements of NJAC 6A:14

Written Plan
To implement achievement of the Board's goal for provision of special education, the Superintendent of Schools 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 county superintendent, the Superintendent of Schools 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, educationally disabled pupils are subject to the same disciplinary constraints and sanctions as nondisabled pupils. However, before disciplinary action is taken against an educationally disabled pupil, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the pupil's needs, whether a component of the pupil's IEP covers the behavior, or whether the pupil is an immediate danger to himself/herself or others.

A disabled pupil 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. Such suspensions are subject to the same district Board of Education procedures as nondisabled pupils. 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.

Procedures for imposing and implementing disciplinary sanctions on educationally disabled pupils, 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 NJAC 6A:14-2.8, 3.7 and Appendix A)

Early Intervention
The Superintendent of Schools or designee shall gather and make available to parents/guardians of disabled children below the age of three information regarding ameliorative services and programs provided by other state, county and local agencies. The procedures for such dissemination shall be reviewed and adopted by the Board.

Preschool Disabled Program
The Superintendent of Schools shall develop and propose for Board adoption programs and related services for pupils 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.

Placement in Nonpublic Schools
The Board shall provide a genuine opportunity for the equitable participation of pupils 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.

Pupils shall receive programs and services as specified in NJAC 6A:14-6.1.

Limited English Proficient
Pupils with limited English proficiency 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 pupil's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the pupil's ability rather than the impairment. All actions under Parent/Guardian Notification, Consent and Participation are to be conducted in the parents/guardians' dominant language, unless that is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

Cooperation with Other Agencies
The Superintendent of Schools shall investigate the possibilities of working with organizations and agencies providing services for the disabled, and shall present feasible programs and relationships to the Board for consideration.

Evaluation of Program
At least annually, the Board shall review in a public meeting evidence of progress toward achievement of the special education plan as a whole, the success of identification procedures specifically, and the effectiveness of implementation of IEPs.

Eligibility for State and Federal Funds
The Superintendent of Schools 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 of Schools take into consideration physical access to district facilities for disabled pupils, staff and the community in determining location of programs or planning new facilities per state and federal law.

Board of Education Policies & Procedures for Eligibility Under Part B of the Idea for 2008-2009

Part I - Policies

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 district-wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.

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, when appropriate

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.

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 (IEP) 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 is eligible for 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(d) and N.J.A.C. 6A:14-7.5(b)3.

Policy #14
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.

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.

Policy #16
Instructional materials will be provided to blind or print-disabled students in a timely manner.

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.

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.

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.

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.

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 #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, when appropriate.

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.
7. 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.
8. 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.

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.
    - School personnel who are responsible for the implementation/evaluation of the interventions are identified; and,
    - 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 be disabled but are advancing from grade to grade.
4. Steps for initiating a referral to the child study team by school personnel identify:
    - The information/documentation of student performance required in the referral;
    - Forms, if any, that are to be submitted by school personnel;
    - School personnel who are responsible to process referrals; and,
    - 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:
    - School personnel who are responsible to process referrals from parents; and,
    - Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
6. 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:
    - The parent of the student cannot be identified or located.
    - 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.
    - The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.
    - 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.
    - The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a 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:

- The person will determine whether there is a need for a surrogate parent for a student;
- The person will 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,
- The person will 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.
    - The district will appoint a person that will be responsible for training surrogate parents;
    - The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
    - 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;
    - 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,
    - 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:
    - All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
    - All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
    - All persons serving as surrogate parents are at least 18 years of age;
    - 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,
    - 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.

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 district-wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.

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.
    - 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 Electronic Violence and Vandalism Reporting System.
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: (For the purpose of documenting all removals, in-school suspension must be reported via the Electronic Violence and Vandalism Reporting System even if services were provided.)
    - Opportunity for the student to participate and progress in the general curriculum;
    - Services and modifications specified in the student's IEP;
    - Interaction with peers who are not disabled to the extent they would have in the current placement; and,
    - 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:
    - 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;
    - Written documentation of the consultation between school officials and the case manager is maintained;
    - 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:
        - Enable the student to participate and progress appropriately in the general education curriculum; and,
        - Advance appropriately toward achieving the goals set out in the student's IEP; and,
    - 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, 20 U.S.C. §1415(k).

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.

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:
    - Review the Part C Individualized Family Service Plan for the child;
    - Provide the parent(s) written district registration requirements;
    - Provide the parents written information with respect to available district programs for preschool students, including general education placement options; and,
    - 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(d) and 7.5(b)3, no additional written procedures are required.

Policy #14
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. Ensure that the in-service training is integrated to the maximum extent possible with other professional development activities; and,
5. Provide for joint training activities of parents and special education, related services and general 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.

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.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:46-1 et seq. Classes and Facilities for Handicapped Children
18A:46A-1 et seq. Auxiliary Services

NJAC 5:23-7 Barrier free subcode of the uniform construction code
6A:7-1.7 Equality in school and classroom practices
6A:8-1.2 Scope
6A:8-1.3 Definitions
6A:8-3.1 Curriculum and instruction
6A:8-4.1 et seq. Implementation of the Statewide Assessment System
6A:8-5.1 et seq. Implementation of Graduation Requirements
6A:9-1.1 et seq. Professional Licensure and Standards
6A:14-1.1 et seq. Special Education
6A:15-1.4 Bilingual programs for limited English proficient students
6A:23-1.1 et seq. Finance and Business Services
6A:26-6.1 et seq. Planning and Construction Standards for School Facilities
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-7.1 et seq. Student Records
6A:32-8.3 School attendance
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 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 1973
34 CFR 76.1 et seq. - General Administrative Regulation EDGAR
34 CFR 77.1 et seq. - General Administrative Regulation EDGAR
34 CFR 300 - Assistance to States for the Education of Children with Disabilities
(IDEA Regulations)
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 Cedar Rapids
Community School District v. Garrett F., 526 U.S. 66 (1999)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References
1120, 4112.2, 4131/4131.1, 5125, 6121, 6145, 9322

When assessments of a pupil have been conducted by or on behalf of this district to determine initial or continuing eligibility for special education and related services as part of an initial evaluation or reevaluation, the student's parents/guardians are entitled by law to request an Independent Educational Evaluation (IEE) of the student if there is disagreement with any assessment conducted by the district. Upon receipt of a request for an IEE the district has the option of to either provide the IEE at no cost to the parents/guardians or to initiate a due process hearing to demonstrate that its evaluation is appropriate.

Upon receipt of a parental request for an IEE, the district shall either provide the parents(s)/guardian(s) with information about where an IEE may be obtained and the criteria specified below in this policy, or, not later than 20 calendar days after receipt of the parental request for an IEE, request a due process hearing in accordance with the provisions of NJAC 6A:14-2.7, et seq. to show that its evaluation is appropriate.

<u>Criteria for Independent Evaluations at District Expense</u>

A. An IEE paid for with public funds shall:
   - Be conducted in accordance with the provisions of NJAC 6A:14-3.4; and
   - Be obtained from another public school district, educational services commission, jointure commission, a clinic or agency approved in accordance with the provisions of NJAC 6A:14-5, or private practitioner who is certified and/or licensed, where certification or a license is required.

B. An independent medical evaluation may be obtained in accordance with the provisions of NJAC 6A:14-5.1(c).

C. The Board of Education will only pay for an IEE that meets the following additional criteria, unless the parent/guardian can demonstrate to the satisfaction of the Board of Education that unique circumstances warrant deviation from these criteria when the parent/guardian seeks to utilize an evaluator who is not on the list provided by the district. These criteria are the same as those used by the district in selecting evaluators for district-initiated assessments:
   - Where certification or licensure is required, the evaluator must possess the appropriate certification or license issued by an agency or other applicable licensing body of the State of New Jersey. Where certification or licensure is not required, the parents/guardians must provide the Board of Education with documentation demonstrating that the independent evaluator has appropriate education, training and experience to perform the particular evaluation;

- The costs of the IEE are reasonable and customary in accordance with item D below;
- The independent evaluator must be free from any conflict of interest (by way of illustration and not limitation, former employees of this district will not meet this criterion, except where the separation from employment was due to retirement);
- The parents/guardians must authorize and permit the independent evaluator and members of the Child Study Team to directly communicate and share information with each other. The independent evaluator must also agree to release the assessment information, results and report(s) to this district prior to receipt of payment for services and prior to or contemporaneous with the submission of the report to the parents/guardians;
- For an independent evaluation, whether paid for with public or private funds, this district will permit the evaluator to observe the pupil in the classroom or other educational setting as applicable. The observation may not exceed 2 hours and a district staff person shall accompany the evaluator for the duration of the observation. The evaluator shall not disrupt the learning process during the observation. The evaluator may clarify following the observation as to whether the day was typical of the student/class. Other questions the evaluator may have, as a result of the observation may be made to the case manager in writing and the case manager shall follow up and respond as appropriate;
- The independent evaluator shall communicate at least once with the pupil's case manager for the purpose of obtaining the district's perspective on how the pupil is progressing in his/her current program; and,
- The evaluator should be located within a 40-mile radius of this district. Evaluators outside of this area will be approved only on an exception basis and the parent/guardian must demonstrate the necessity of using personnel outside of the approved geographic area.

D. The maximum allowable cost for an IEE will be limited to the reasonable and customary rate within the district or as determined by the Board of Education annually. This rate shall be in the range of what it would cost the Board of Education to provide the same type of assessment through either another public school district, educational services commission, jointure commission, a clinic or agency in accordance with the provisions of NJAC 6A:14-5 or an appropriately certified or licensed private practitioner. The maximum fee shall not be an average of the fees customarily charged in this area, but they shall be established so as to allow parents/guardians to choose from among the qualified professionals

in this area, while eliminating unreasonably excessive fees. The Board-approved rate shall be provided to the parents/guardians with the district's response to the request for an IEE. The Board of Education shall not be responsible for any costs beyond the IEE, such as transportation, lodging, food, etc.

Parents may provide documentation the Board of Education demonstrating unique circumstances in order to justify an IEE that exceeds the maximum allowable cost established by the Board of Education. If, in the judgment of the Board of Education or the Superintendent of Schools/designee, there is no justification for the excess cost, the Board of Education will fund the IEE up to the district's maximum allowable cost and, if the parents/guardians do not agree to assume the remaining costs, the Board of Education will initiate a due process hearing as soon as possible, in order to demonstrate that the evaluation obtained by the parents/guardians did not meet the Board of Education's cost criteria.

Additional Considerations

Parents/guardians are entitled to only one (1) IEE paid for by the Board of Education each time the district conducts an evaluation or reevaluation that contains an assessment with which the parents/guardians disagree. One IEE may include multiple assessments, but the parents/guardians must specify all independent assessments sought at the time they request the IEE and the parents/guardians shall not add to the list of desired assessments after the IEE request is submitted.

It the parents/guardians request an IEE, the district may request that the parent explain why they object to the district evaluation. However, the district shall not require such an explanation and shall not delay either providing the IEE or initiating a due process hearing to defend the district evaluation.

Any IEE submitted to the district, including an IEE obtained by the parents/guardians at private expense, shall be considered in making decisions requiring special education and related services.

If an Administrative Law Judge orders that an IEE be conducted, the district, in accordance with the decision or Order of the Administrative Law Judge shall obtain the IEE, and the Board of Education shall pay the cost of the IEE in accordance with the provisions of this policy.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:46-1 et seq. Classes and Facilities for Handicapped Children
18A:46A-1 et seq. Auxiliary Services

NJAC 5:23-7 Barrier free sub-code of the uniform construction code
6A:7-1.7 Equality in school and classroom practices
6A:8-1.2 Scope
6A:8-1.3 Definitions
6A:8-3.1 Curriculum and instruction
6A:8-4.1 et seq. Implementation of the Statewide Assessment System
6A:8-5.1 et seq. Implementation of Graduation Requirements
6A:9-1.1 et seq. Professional Licensure and Standards
6A:14-1.1 et seq. Special Education
6A14-2.5 Protection in evaluation procedures
6A:14-2.7 Due process hearings
6A:15-1.4 Bilingual programs for limited English proficient students
6A:23-1.1 et seq. Finance and Business Services
6A:26-6.1 et seq. Planning and Construction Standards for School Facilities
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-7.1 et seq. Student Records
6A:32-8.3 School attendance
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services

CFR Section 300.502 Independent educational evaluations
No Child Left Behind Act of 2001, Pub. L. 107-110, 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 1973
34 CFR 76.1 et seq. - General Administrative Regulation EDGAR
34 CFR 77.1 et seq. - General Administrative Regulation EDGAR
34 CFR 300 - Assistance to States for the Education of Children with Disabilities (IDEA Regulations)
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 Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

The Board of Education directs the Director of Special Education to oversee and ensure that appropriate steps are taken to maximize its revenue from the Special Education Medicaid Initiative Program (SEMI) by following the policies and procedures as set forth in this policy.

However, the Board of Education also directs that the Director of Special Education may seek, in the prebudget year, a waiver of the requirements of NJAC 6A:23A-5.3 upon demonstration that for the subsequent school year:

- The district projects, based on reliable evidence, that it will have 30 or fewer Medicaid eligible classified students; or
- The district demonstrates that efforts to participate in SEMI would not provide a cost benefit to the district, based on the projection of the district's available SEMI reimbursement for the budget year as set forth in below.

The waiver request must be submitted to the Executive County Superintendent by the date stipulated by law and the Executive County Superintendent shall promptly review the request and render a decision by the date specified by law. If the waiver is not granted, the district shall submit a SEMI action plan to the Executive County Superintendent as required as part of its annual district budget submission or demonstrate to the Executive County Superintendent that the district has achieved maximum participation in the SEMI program in the prebudget year.

As part of the annual budget information, the New Jersey Department of Education shall provide the district with a projection of available SEMI reimbursement for the budget year, as determined by the New Jersey State Department of Treasury's third party administrator for SEMI. The projection shall be based on the following:

- Number of Medicaid eligible students;
- Assumption of 20 services per eligible students per year;
- One IEP meeting per eligible student per year; and,
- Applicable SEMI reimbursement rates.

Beginning with the 2009-10 school year, the district shall recognize as revenue in its annual district budget no less than 90 percent of said projection.

The district may seek approval from the Executive County Superintendent to use its own projection of SEMI reimbursement upon demonstration that the numbers it used in calculating the projection are more accurate than the projection provided.

The district shall strive to achieve maximum participation in the SEMI program. For purposes of this section, "maximum participation" means obtaining a 90 percent return rate of parental/legal guardian consent forms for all SEMI eligible students and the district shall enter all students following their evaluations into the third-party system to identify the district's universe of eligible students. This can be done without parental/legal guardian consent.

When participating in the SEMI reimbursement program, the district shall comply with program requirements as follows:

- Any service submitted to Medicaid for reimbursement shall be rendered by a Medicaid qualified practitioner, or rendered by a provider under the supervision of a Medicaid qualified practitioner. The following outlines the required documentation for each related service provider:
    A. Nurses – copy of license (DOE certification is not required for SEMI)
    B. Occupational Therapist – copy of license and DOE certification
    C. Physical Therapist - copy of license and DOE certification
    D. Psychologist – copy of DOE certification
    E. Social Worker - copy of DOE certification
    F. Speech Therapist – copy of license, DOE certification, and ASHA certification or Masters Degree in Speech Pathology on or after January 1, 1993.
- Practitioners who are not Medicaid qualified can deliver services under the direction of Medicaid qualified practitioners. These include certified occupational therapist assistants (COTAs), physical therapist assistants (PTAs) and speech correctionists.
- Any direct therapy or other related service shall be prescribed in the related services section of the student's IEP prior to submitting a claim to Medicaid for reimbursement. Delivery of nursing services and dispensing of medication must be referenced in the IEP and supported by physicians' orders or prescriptions. These documents must be maintained on file. Supporting documentation to be maintained by the district shall be the cover/signature page, related services section of the IEP, therapy logs, and the evaluations and assessments conducted by the Medicaid-qualified practitioners.
- Entities where the district has placed SEMI eligible students shall take steps to enable districts to maximize participation, including either logging the eligible services provided directly through the vendor or the sending district, as mutually agreed upon with the district, and obtaining SEMI provider qualification certifications. Every out-of-district placement must provide copies of SEMI provider qualifications, certifications and licenses. This rule applies to the following out-of-district placement options:
    A. Approved Private Schools for Students with Disabilities;
    B. Educational services commissions;
    C. Jointure commissions;
    D. Vocational half-time programs;
    E. Department of Education Regional Day Schools; and,
    F. Special Service School Districts.
- All supporting documentation for a Medicaid claim shall be maintained on file and available for audit or State review for at least seven years from the date of service. Supporting documentation shall include provider certification (current and historical for each provider), provider service logs, licenses and certifications, physician authorizations for nursing services, parental/legal guardian consent forms, attendance records, and copies of the student IEP.

If the district has less than 90 percent participation of SEMI eligible students in the 2007-2008 school year or has failed to comply with all program requirements set forth above, the district shall demonstrate a good faith effort to achieve maximum participation and to maximize available SEMI revenue during the 2008-2009 school year by submitting a SEMI action plan to the Executive County Superintendent for review and approval by September 1, 2008. In subsequent years, each district that has less than 90 percent participation of SEMI eligible students in the prebudget year or that has failed to comply with all program requirements set forth above shall submit a SEMI action plan to the Executive County Superintendent for review and approval as part of the district's proposed budget submission.

The SEMI action plan shall include the following components:

- Procedures for obtaining parental/legal guardian consent forms including the Parental/Legal Guardian Consent Best Practices which are available from the Department.
- Establishment of a benchmark for the 2008-09 school year or for the first year that the district does not have an approved waiver pursuant to the provisions of (b) above, whichever is applicable, for obtaining maximum participation of all SEMI eligible students by the start of the subsequent school year.

The benchmarks for the 2008-09 school year or for the first year that the district does not have an approved waiver, whichever is applicable, for achieving maximum participation shall at a minimum close the gap between current participation and maximum participation by 50 percent by the beginning of the subsequent school year.

The benchmarks shall be based on the percentage of parental/legal guardian consent forms collected from eligible students. The number of parental/legal guardian consent forms shall reflect one parental/legal guardian consent form for each eligible student. This should include documentation of parental/legal guardian refusal to give consent.

Procedures to ensure that all IEP meetings are documented in the third-party administrator's system. IEPs are only claimable if a Medicaid qualified practitioner is present.

Procedures to ensure that all SEMI eligible services, including services provided by entities where the district has placed SEMI eligible students, are documented in the third-party administrator's system.

Procedures to ensure that a valid IEP is on file and the IEP date is on file in the third-party administrator's system for each SEMI eligible student for whom parental/legal guardian consent has been obtained.

Procedures to ensure that service providers used by the district and entities where the district has placed SEMI eligible students have valid licenses and certifications documenting SEMI provider qualifications on file in the third-party administrator's system.

If the district did not achieve 90% participation or achieve its approved benchmarks in the SEMI program for a given budget year and cannot demonstrate that they fully implemented their Department approved SEMI action plan required above, the district shall be subject to review for the withholding of State aid by the Commissioner pursuant to NJSA 18A:55-3 in an amount equal to the SEMI revenue projection based on their approved benchmark for the budget year, if applicable, less actual SEMI reimbursements for the budget year. The State aid deduction shall be made in the second subsequent year after the budget year.

Legal References

NJSA 18A:55-3 School districts, conditions for receipt of State aid; efficiency standards

NJAC 6A:23A-5.3 Accountability Regulation

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.

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 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.

The Board of Education has established the following grievance procedure to resolve complaints of discrimination as mandated by the family education rights and privacy act (FERPA):

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:

- The right to file a grievance over alleged violation of Section 504;
- The right to be represented by counsel in the impartial hearing process ;
- To receive information in your native language or primary mode;
- The right to have an evaluation that draws information from a variety of sources;
- The right to be notified of any proposed action related to eligibility or 504 plan;
- The right to periodic reevaluations and an evaluation before any significant change in program or eligibility;
- The right for students to be given an equal opportunity to participant in non-academic and extracurricular activities offered by the district

504 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

For the purposes of this Policy / Procedure, the following definitions shall apply:

1. A "grievance" is a claim by a student, an employee or representative(s) of the student or an employee based upon an interpretation and/or application that a violation of Section 504 pf the Rehabilitation Act of 1973 has occurred. To be considered under this procedure, a "grievance" must be initiated by the student or employee or their representative(s) within thirty (30) days of the time the student or employee knew or should have known of its occurrence.
2. A "grievant" is the person or persons making the claim.

Purpose

The purpose of this procedure is to secure, at the lowest lever, equitable solutions to problems that may arise under the provisions of Section 504 of the Rehabilitation Act of 1973.

Procedure

Step 1

A student or employee grievant and/or their representative(s) shall first discuss the alleged grievance with the Principal/immediate supervisor.

Step 2

If, after consultation with the Principal/immediate supervisor, 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 state the remedy or solution sought in writing.

The grievant will submit any grievance on the form that accompanies this policy/procedure. This form may be secured at any school office as well as the office of the Affirmative Action Officer. If such written formal grievance is not filed within seven (7) calendar days after the initial discussion in Step 1, the grievance shall be considered to be waived.

Step 3

If the grievant is not satisfied with the disposition of his/her written grievance as noted in 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 Superintendent of Schools.

The Superintendent of Schools 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 Superintendent of Schools and the Board of Education shall render a decision in writing within thirty (30) calendar days after the submission of said grievance.

The grievant can request an appearance before the Board of Education. The Board of Education will decide if an appearance is appropriate on a case-by-case basis. The appearance shall be limited to fifteen (15) minutes. When appearance occurs, the Board of Education shall render a decision within thirty (30) calendar days of the appearance.

Legal References:

29 USCA 794 et seq – Section 504 of the Rehabilitation Act of 1973

Americans With Disabilities Act (ADA)

# Millville School District
# Section 504 – Rehabilitation Act of 1973
# Grievance Procedure Form

**Nature of Grievance:** _____

_____

_____

**Remedy or Solution Sought:** _____

_____

_____

**<u>Step 1</u>**

**Grievance Discussed with Building Principal:** _____
**Date**

**<u>Step 2</u>**

**Grievance Reduced to Writing. Three (3) Copies Filed with the Building Principal and One (1) Copy Forwarded to the Superintendent of Schools.**

**Signed:** _____ _____
**Administrator** **Grievant**

_____ _____
**Date** **Date**

**The Administrator shall insert the grievance disposition on three (3) copies of the Grievance Form, sign and date same. The Administrator shall return two (2) copies to the Grievant and one (1) copy to the Superintendent of Schools immediately.**

**<u>Building Principal's Disposition</u>**

**Granted** ☐ **Remarks:** _____
**Rejected** ☐ **Remarks:** _____
**Withdrawn** ☐ **Remarks:** _____
**Adjusted** ☐ **Remarks:** _____
**Referred to the Superintendent of Schools** ☐

**Signed:** _____ **Date:** _____

# Millville School District
# Section 504 – Rehabilitation Act of 1973
# Grievance Procedure Form (continued)

**Step 3**

**Date Filed with the Superintendent of Schools: _____**

**Step 4**

**Disposition of the Superintendent of Schools**

**Granted ☐ Remarks: _____**
**Rejected ☐ Remarks: _____**
**Withdrawn ☐ Remarks: _____**
**Adjusted ☐ Remarks: _____**
**Referred to the Board of Education ☐**

**Signed: _____ Date: _____**

**Step 5**

**Date Filed with the Board Secretary: _____**

**Disposition of the Board of Education**

**Granted ☐ Remarks: _____**
**Rejected ☐ Remarks: _____**
**Withdrawn ☐ Remarks: _____**
**Adjusted ☐ Remarks: _____**
**Date of Appearance of Grievant (if applicable): _____**

**Signed: _____ Date: _____**

# Millville School District
# Section 504 – Rehabilitation Act of 1973
# Office of Civil Rights Complaint Procedure

If a person believes that any aspect of Section 504 of the Rehabilitation Act of 1973 has been violated, he/she may initiate a complaint to the Office of Civil Rights (OCR). The person or organization filing the complaint need not be the victim of the alleged discrimination; but may issue a complaint on behalf of another person or group. A complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by OCR for good cause. The complaint should be in the form of a letter, explaining:

- Who was discriminated against? (Name, Address, Phone Number)
- In what way? (On the basis of being a "handicapped person" as defined in Section 504, describe how the major life activity of learning is being impacted by your child's disabling condition)
- When the discrimination took place. (On what date did the alleged act of discrimination take place?)
- State in full what occurred to lead you to believe that your child was discriminated against. Provide names, dates and other forms of information which are available to you, such as supporting documents. If you do not already have your child's complete pupil record, this would be an important time to request it of your school district.
- Define the desired outcome(s).
- Who can be contacted for additional information? (List the names, addresses, and phone numbers, if available, of any persons having knowledge of the discriminatory treatment.)
- If you have filed a complaint with any other federal, state or local civil rights agencies, please list these.
- Writer's name, address and phone number (daytime)

**Send Letter To:**

**Officer of Civil Rights, Region II**
**US Department of Education**
**26 Federal Plaza**
**Room 33-130, 02-1010**
**New York, NY 10278-0082**
**(212) 264-4633**
**DT (212) 264)-9464**

**For Technical Assistance (Not Enforcement) Contact:**

**Charles Masterton**
**Equal Opportunity Specialist**
**(212) 264-6618**

The Board of Education assures procedures shall provide due process protection for the rights of the pupil and his/her parents/guardians whether the pupil is already enrolled in the schools or has been located through the process for identification.

In order to achieve the district's goal of providing full educational opportunity to all educationally handicapped pupils in accordance with the administrative code, parent/guardian participation shall be sought at every successive stage of the Special Education decision process. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the pupil unless it is not feasible to do so, in which case the provisions of administrative code shall be followed. The Superintendent of Schools shall develop and present to the Board for review and adoption procedures for:

1. Giving notice to parents/guardians in accordance with NJAC 6:28-2.3 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 pupil, 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 pupils of their right to review all educational records with respect to the identification, evaluation, and educational placement of the pupil; to appeal these by requesting a due process hearing; and their rights in regard to low cost legal services and legal fees;
2. An independent evaluation at the request of the parent/guardian. Such independent evaluation shall be at no cost to the parent/guardian if it is conducted in compliance with administrative code unless the district Board of Education initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. The district Child Study Team shall consider any independent evaluation submitted to it when making decisions regarding Special Education and/or related services;
3. Mediation when disputes arise during any stage of the Special Education process that cannot be settled between the original parties. The Board of Education, a parent/guardian or adult pupil may initiate a due process hearing;
4. Ensuring that all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of handicapped pupils, shall comply with the requirements of NJAC 6:28-2.5

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 pupil's rights when the parents/guardians cannot be located or the

child is a ward of the State of New Jersey. The district shall train such surrogate parents in compliance with the administrative code.

District Special Education Procedures

1. Tests, observations and interviews shall be selected and administered by appropriate member of a multidisciplinary team of professionals consisting of members of the Child Study Team, school physician and other specialists according to NJAC 6:28-3.5, each employing two or more appropriate evaluation procedures.
2. Tests, observations and interviews shall be used by personnel certified and trained in the administration and interpretation of such procedures.
3. Tests shall be validated for the purpose(s) for which they are administered.
4. Tests, observations and interviews shall be selected and administered considering each pupil's cultural background and language abilities and in the pupil's native language.
5. Tests, interviews and observations shall be selected, administered and interpreted so that when a pupil has sensory, manual or communication impairments, the results accurately reflect the ability, which that procedure purports to measure rather than the impairment unless that is the intended purpose of the testing.
6. Tests, observations and interviews shall not be racially or culturally discriminatory.
7. Tests, observations and interviews shall be conducted on an individual basis.
8. Information from group tests shall be used only to supplement individual evaluations.
9. Consideration will be given to the pupil's socio-cultural background and adaptive behavior in the home, school and community.
10. Parents may request an independent evaluation if there is disagreement with the evaluation provided by the district. Such evaluation shall be at no cost to the parents unless a due process hearing has been initiated to show the district's evaluation to be appropriate.
11. At a parent's request, information shall be provided as to where an independent evaluation may be obtained.
12. Any independent evaluation submitted to the Child Study Team shall be considered in making decisions regarding Special Education and/or related services.

Legal References

NJSA 18A:46-1 et seq. Classes and Facilities for Handicapped Children

NJAC 6A:14-1.1 et seq. Special Education

No Child Left Behind Act of 2001, Pub. L. 107-110, 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)

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

The Board endeavors to provide an educational 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.

When the needs of special individuals or groups cannot be met through adaptation or independent study, the Superintendent of Schools shall investigate and propose to the Board for approval alternative programs and facilities.

Each alternative education program shall fulfill the program criteria that are specified in NJAC 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,
D. For students with disabilities the alternate education program shall be consistent with the student's Individualized Education Plan (IEP).

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 of Education may allow a child educated elsewhere than at school to participate in curricular and extracurricular activities or sports activities and/or loan books or materials to a child educated elsewhere than at school.

In the event the Superintendent of Schools determines there is credible evidence that the parent/guardian is not causing the child to receive equivalent instruction elsewhere than at school, the Superintendent of Schools may request a letter of intent from the parent/guardian confirming the child is receiving equivalent instruction elsewere than at school. The Superintendent of Schools may report to the appropriate municipal authorities children whom he/she has reason to believe are not receiving an education in accordance with NJSA 18A:38-25. The New Jersey Department of Edcuation encourages the parent/guardian of school-aged children to notify the Superintendent of Schools of the intent to educate said school-aged children elsewherethan at school to avoid questions with respect to compliance with the compulsory education laws of this state.

Required Services to Home Schooled Students

When a student of this district is home schooled, the district shall:

- 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;
- Review any written request for a special education evaluation and if warranted conduct an evaluation as described in 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 student is eligible for special education and related services, the district shall make a free, appropriate public education available only if the student enrolls in the district. If the student 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.

A child educated at home shall not receive a State-endorsed high school diploma from the Board of Education.

Disruptive/Disaffected Children

The Board of Education recognizes that the active engagement of each pupil is a primary requisite for sound teaching and learning to take place. When a child is unable to benefit from the educational program because he/she is either disruptive or disaffected, then the educational goals of the district for that child will not be realized and the efforts of other pupils may be impeded. In an effort to optimize the educational experience for each child, the Superintendent of Schools shall develop procedures to identify and work with disruptive/disaffected pupils.

When it is determined by the Child Study Team that a disruptive/disaffected pupil is not classifiable, the Board shall consider some other program as an alternative to regular classroom attendance. When the district does not have a suitable alternative program available, the Superintendent of Schools shall recommend to the Board placement in a program of another district,.

In accordance with state law and Board policy, disruptive pupils whose continuing attendance interrupts the educational program and/or threatens harm to themselves and others may be suspended and considered for expulsion. (See Policy 5114).

Removal for Weapons Offenses or Assault

Any pupil who is convicted or found to be delinquent for the following offenses shall be immediately removed by the Superintendent of Schools 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 pupil:

- Possessing a firearm on any school property, on a school bus, or at a school sponsored function; or
- Committing a crime while possessing a firearm.

The Superintendent of Schools shall determine at the end of the year whether the pupil is to return to the district's regular education program, in accordance with procedures established by the Commissioner of Education.

Any pupil who assaults a pupil, 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 of Schools shall determine when the child shall return to the regular education program.

Potential Dropouts

While statute requires attendance of each pupil only until 16 years of age, it is in the best interests of both pupils and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools.

The Board directs that whenever a pupil wishes to withdraw, or has been identified as a potential withdrawal, effort should be made to determine the underlying reason and the resources of the district should be used to assist the pupil in reaching his/her career goals. No pupil under the age of 18 will be permitted to withdraw without the written consent of a parent/guardian.

The Superintendent of Schools shall develop procedures for withdrawal from school that:

A. Make counseling services available to any pupil who wishes to withdraw;
B. Make every effort to satisfy the pupils' future educational needs;
C. Help the pupil define his/her own educational life goals and help plan the realization of those goals;
D. Inform the pupil of the high school equivalency program.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:37-1 et seq. Discipline of pupils
18A:38-1, -25 Attendance at school free of charge ...
18A:54-20 Powers of board (county vocational schools)

NJAC 6A:8-5.1 Graduation requirements
6A:8-5.2 High school diplomas
6A:10A-3.1 et seq School district-led standards-based instruction
6A:10A-4.1 et seq Role of Abbott district board of education
6A:14-1.1 et seq. Special Education
6A:16-5.5 Removal of students from general education for firearms offense
6A:16-5.6 Removal of students from general education for assaults with weapons
6A:16-9.1et seq. Alternative Education Programs
6A:16-10.1 et seq. Home or Out-of-School Instruction for General Education Students
6A:30-1.4 Evaluation process for the annual review
6A:32-13.1 et seq. Student Behavior

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
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

6142.2, 6142.12, 6164.2, 6164.4, 6171.4, 6173

To provide uninterrupted education for pupils 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. In accordance with NJAC 6A:16-10.2(e), 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. A responsible adult must be present at all times while the home instructor is providing instruction.
C. In cases of illness or disability, a written determination from the student's physician documenting the projected need for confinement at the student's residence or other treatment setting for 10 consecutive school days or 15 cumulative school days or more during the school year.
    1. The school district shall forward the written determination to the school physician, who shall verify the need for home instruction.
    2. The school district shall provide instructional services within 5 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.
D. Each case shall be administratively approved.

<u>Temporary or Chronic Health Condition</u>

The Board of Education is committed to providing home or out-of school instruction to students who cannot participate in the regular education program due to temporary or chronic health conditions or treatment needs which preclude participation. The Superintendent of Schools and/or designee shall select the instructors and oversee coordination between the home instructor and the regular classroom teacher in determining the student's instructional program. The home or out-of-school instructional services shall meet the minimum standards that are specified in NJAC 6A:16-10.1(c) including but not limited to:

A. The school district shall establish a written plan for the delivery of instruction and maintain a record of delivery of instructional services and student progress.
    - For a student without disabilities whose projected confinement will exceed 30 consecutive calendar days, the school district shall develop an Individualized Program Plan (IPP) for the student within no more than 30 calendar days from the date on which the school district receives the school physician's verification that the period of confinement would likely exceed this 30 consecutive calendar day threshold.
B. The teacher providing instruction shall be appropriately certified for the subject, grade level and special needs of the student pursuant to NJAC 6A:9, Professional Licensure and Standards.

C. The teacher shall provide one-on-one instruction for no fewer than 5 hours per week on 3 separate days of the week and, if the student is physically able, no fewer than 5 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.
    - If home instruction is provided to students in a small group rather than through on-on-one instruction the minimum number of hours of instruction per week for the group shall be determined by multiplying the number of students in the group by 5 hours. The hours of instruction shall be provided on no fewer than 3 separate days during the week.

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 Core Curriculum Content Standards pursuant to NJAC 6A:8, Standards and Assessment. 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 disabilities, the home instruction shall meet the Core Curriculum Content Standards pursuant to NJAC 6A:8, Standards and Assessment, and the requirements of the district Board of Education for promotion at that 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 according to the requirements of NJAC 6A:14.

<u>Reasons Other Than a Temporary or Chronic Health Condition</u>

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 when:

A. 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;

B. The student is placed on short-term or long-term suspension pursuant to NJAC 6A:16-7.2 and 7.3; or

C. A court order requires that the student receive instructional services in the home or other out-of-school setting.

The Superintendent of Schools and/or designee shall select the instructors and oversee coordination between the home instructor and the regular classroom teacher in determining the student's instructional program. 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 NJAC 6A:16-10.2(d) including but not limited to:

A. The school district shall develop an Individualized Program Plan (IPP) for delivery of instruction and maintain a record of delivery of instructional services and student progress.
    - For a student expected to be on home instruction for 30 calendar days or more, the IPP shall be developed within 30 calendar days after placement.

- For a student on short-term suspension from the general education program pursuant to NJAC 6A:16-7.2, development of an IPP is not required.
- For a student on long-term suspension from the general education program pursuant to NJAC 6A:16-7.3, the IPP shall be developed within 30 days following a determination by the Board of Education.
- The IPP shall be based upon consultation with the student's parent/guardian and a multidisciplinary team of professionals with appropriate instructional and education services credential s to assess the educational, behavioral, emotional, social and health needs of the student and recommended a program to address both educational and behavioral goals.
- The IPP shall incorporate any prior findings and actions recommended through the school building system of Intervention and Referral Services, pursuant to NJAC 6A:16-8, Intervention and Referral Services.
- The IPP shall recommend placement in an appropriate educational program, including support for transition back to the general education setting and,
- The school district shall review the student's progress, consult with the student's parent/guardian and revise the IPP no less than every 60 calendar days

B. The teacher providing instruction shall be appropriately certified for subject, grade level of the student pursuant to NJAC 6A:9, Professional Licensure and Standards.

C. The teacher shall provide one-on-one instruction with no fewer than 10 hours each week on 3 separate days of the week and fewer than 10 additional hours per week of guided learning experience that may include the use of technology to provide audio and visual connections to the student's classroom.

D. The instruction shall meet the Core Curriculum Content Standards in accordance with NJAC 6A:8 and Board of Education requirements for promotion and graduation.

A pupil receiving home instruction is not considered absent.

Legal References

NJAC 6A:14-1.1 et seq. Special education
6A:16-4.3 Reporting, notification and examination procedures for students suspected of being under the influence of alcohol or other drugs
6A:16-5.5 Removal of students from general education for firearms offenses
6A:16-5.6 Removal of students from general education for assaults with weapons offenses
6A:16-10.1 et seq. Home or Out-of-School Instruction
8:61-1.1 Attendance at school by pupils 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)

Possible Cross References

4112.2, 5113, 5114, 5131, 5131.6, 5131.7, 5134, 5141.2, 6146, 6164.2, 6164.4, 6172

The Board of Education believes that preschool education experiences contribute to later academic success for all children. Therefore, within the limits of the budget and as required by law, the Superintendent of Schools 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 those who have not been so identified.

The Superintendent of Schools shall direct development approved preschool programs. He/she shall ensure adherence to all applicable laws and regulation in pursuing funding at the federal and state levels, as well as from private sources.

Implementing procedures shall address the following:

A. 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.
B. All preschool programs sponsored by the Board shall be consistent with the overall philosophy of the school district and aligned with the Core Curriculum Content Standards. They shall be coordinated with other relevant district programs such as Special Education and Title 1 and articulated with the K-8 curriculum.
C. Each preschool classroom shall be assigned at least one certificated teacher with required training or experience with young children, as described in administrative code. Class sizes shall not exceed the limits defined in the code.
D. Proof of immunizations against communicable diseases and examinations shall be in accord with requirements for kindergarten and first grade admission.
E. Programs shall be designed to include parents/guardians as active participants and provide them with meaningful opportunities to be involved in the educational experiences of their children.
F. Preschool classes may serve as laboratories for training teachers in cooperative agreements with colleges or universities.
G. Opportunities may be provided for high school students to participate in laboratory experiences to enhance their understanding of child development and preschool curricula in the interest of future child rearing and for exploration of careers in early childhood education.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

NJAC 6A:8-2.1 Authority for educational goals and standards
6A:8-3.4 Requirements for Early Childhood Education
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

# Millville Board of Education
# District Policy Manual

**Instructional Program** **Series 6000**

**Adult / Community Education** **Policy 6200**

| Date Adopted: September 1, 1966 | Date Revised: May 11, 1998, June 2, 2008 | Page 1 of 1 |
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The Board of Education believes that education is for all residents of all ages and persuasions and seeks to provide those educational experiences that the community desires and that are consistent with the goals of the District. All citizens are encouraged to make their needs known to the Superintendent of Schools. The Board will adopt curricula and extensions to the Community Education Program where such changes appear of significant benefit to the community.

Legal References

NJSA 18A:7C-8 State approved diplomas for adult high school programs
18A:11-1 General mandatory powers and duties
18A:48 et seq Public evening schools
18A:50 et seq Adult Education

NJAC 6A:8-5.1 Graduation requirements

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3240, 3250, 4112.2, 4141, 5111, 5124, 5127, 5131, 6142, 6174

The Board directs the Superintendent of Schools 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 pupils or their parents/guardians. The Superintendent of Schools using district-wide data may release the results of any evaluation. Parents/guardians may obtain an explanation of the results of their child's test from qualified school personnel.

The Superintendent of Schools shall annually recommend improvements in the program and staff based upon the evaluation of the district's program.

The Board will cooperate with the commissioner in the conduct of such statewide 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.

Legal References

NJSA 18A:7A-10 Evaluation of performance of each school
18A:7E-2 through -5 School report card program

NJAC 6A:7-1.4 Responsibilities of the district board of education
6A:8-1.1 et seq. Standards and Assessment
6A:14-4.1(i) General requirements
6A:23-8.3 Commissioner to ensure achievement of the Core Curriculum Content Standards
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-1.2 Definitions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

1000/1010, 1120, 5120, 6000, 6010, 6011, 6141, 6147, 6171.4

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# Property & Facilities

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# Millville Board of Education
# District Policy Manual

**Property & Facilities** **Series 7000**

**Goals & Objectives in Alterations & New Construction** **Policy 7010**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The Board of Education recognizes the importance of planning, developing, and maintaining a physical plant appropriate to the personal and educational needs of the pupils and the educational program needs of the district and the school.

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 buildings and site shall provide, pursuant to law and regulation, suitable accommodations to carry out the educational program of the school including provision for the handicapped;
C. The school buildings shall be safe, clean, attractive and in good repair.

Educational specifications shall be prepared in writing under the direction of the Superintendent of Schools and approved by the Board of Education.

The submission of schematics through final plans for school facilities shall be to the Department of Education Bureau of Facility Planning Services in accordance with law.

Legal References

NJSA 18A: 18A-15 Specifications generally
18A: 18A-16 Preparation and approval of plans and specifications for public schoolhouses
18A: 18A-20 American goods and products to be used where possible

Possible Cross References

3510

The Board of Education recognizes that sound planning based on accurate information is essential to the provision of suitable educational facilities. In order to ensure that future district construction is planned on the basis of need, the Board, in accordance with rules of the State Board of Education, will maintain a long range facilities plan and revise it any time construction plans are sent to the Bureau of Facility Planning Services of the New Jersey Department of Education.

The plan will include a thorough description and analysis of local and regional demographic factors that influence general population growth and public school enrollments. The plan will detail substandard spaces in district facilities and the Board's intent to eliminate their use or to bring such spaces into compliance with rules of the State Board of Education.

In order to apprise the Board of facilities needs, the Superintendent of Schools shall cause the development of the long-range facilities plan, which shall include but not be limited to:

A. Demographic information and enrollment projections
B. Changes to the education program including but not limited to:
    1. Grade organization;
    2. Program revision.
C. A determination of facilities needs based on:
    1. Projected enrollment;
    2. Educational program needs;
    3. Current school capacity;
    4. Physical conditions;
    5. Accessibility of facilities to the disabled;
    6. Compliance with local, state and federal statutes and codes.
D. A facilities program plan including but not limited to:
    1. Description of any new facilities proposed;
    2. Description of any additions to facilities which are proposed;
    3. Description of any renovations or modifications to facilities which are proposed;
    4. Any additional sites or additions to sites to be acquired;
    5. Any improvements to a site;
    6. The construction of structures or special facilities on site including:
        a. Athletic fields,
        b. Stadium,
        c. Playgrounds,
        d. Parking lots,
        e. Any other special facilities.

7. Additions of infrastructure for technology to sites or buildings;
8. Additions to built-in equipment or other furniture and equipment acquired through capital outlay funds;
9. Cost estimates for any item included in the plan;
10. A schedule for any item included in the plan.

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 will provide suitable, barrier-free accommodations to carry out the educational program of the school, including provision for the disabled, pursuant to federal and state law and rules of the State Board of Education.

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.

All substandard facilities must be initially approved by the County Superintendent of Schools.

Legal References

NJSA 18A:7F-7 Appropriation by school district of undesignated fund balance; amounts allowable
18A:7F-26 Distribution of state aid for facilities
18A:7G-1 through -44 et al. Educational Facilities Construction and Financing Act
18A:11-2 Power to sue and be sued; report; census of school children
18A:33-1 District to furnish suitable facilities; adoption of courses of study
18A:33-1.1 Substandard facility; approval; inspection; abandonment

NJAC 5:23-1.1 et seq. Uniform Construction Code
5:23-7.1 et seq. Barrier Free Subcode
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:23-8.1 et seq. Annual Budget Development, Review and Approval
6A:25-1.1 et seq. Qualified Zone Academy Bond Program
6A:26-1.1 et seq. Educational Facilities
6A:30-1.4 Evaluation process for the annual review
6A:32-8.1 et seq. Attendance and Pupil Accounting
6A: 32-12.1 Reporting requirements
6A: 32-12.2 School level-planning
6A: 32-14.1 Review of mandated programs and services
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2240, 2255, 3100, 3260/3270

The Board of Education recognizes that the safety, health and physical well-being of the pupils and staff of the district depend, in large measure, upon the cleanliness and sanitary management of the school facilities.

Safety

The Board will provide, publish, and post rules for safety and the prevention of accidents; instruct pupils in safety and accident prevention; provide protective devices where required by law for the safety of pupils and employees and provide suitable and safe equipment necessary for the operation of the school.

The Superintendent of Schools shall prepare regulations governing school safety and the prevention of accidents and fire that include, as a minimum, the requirements of law and the applicable rules of various departments of state government. Such regulations shall provide procedures and precautions for the safety of 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.

Hygienic Management

The Board directs that a program of hygienic management be instituted in the school facilities and explained annually to all staff members. All facilities shall be inspected for cleanliness and sanitation by the County Board of Health not less than once each year.

In consultation with the school medical inspector, the Superintendent of Schools shall prepare procedures to be followed in the handling and disposal of blood and body fluids. School staff members and volunteers shall be provided the supplies for implementing the procedures. In particular, school nurses, custodians, and teachers shall be trained in proper handling procedures.

The Board recognizes that school employees may, in the performance of their duties, reasonably anticipate contact with human blood or other potentially infectious body fluids that may expose them to bloodborne pathogens such as hepatitis B virus (HBV) and human immunodeficiency virus (HIV). In accordance with federal OSHA regulations, the Board will establish a written Exposure Control Plan designed to eliminate or minimize employee exposure to such infection. The plan shall list all job classifications to tasks in which exposure occurs; describe and require the implementation of workplace controls to eliminate or minimize exposure; require the provision of hepatitis B vaccination to employees who have occupational exposure; and require the

provision of a training program for employees who have occupational exposure. The plan shall be updated annually and as required to include new or revised employees' positions with occupational exposure. A copy of the plan shall be made accessible to employees.

The Superintendent of Schools shall develop and supervise a program for the cleanliness and sanitary management of the school, school grounds and equipment pursuant statute, rules of the New Jersey State Board of Education and the regulations of the Board of Health.

The day-to-day cleanliness of the school facilities shall be the responsibility of the Superintendent of Schools/designee.

Indoor Air Quality Standards
The Board of Education will provide for air quality in the school building that meet the standards established by the New Jersey Department of Labor pursuant to NJAC 12:100-13.

The Board designates that Board Secretary/Business Administrator as the individual who is responsible to ensure compliance with New Jersey Department of Labor standards. The Board Secretary/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. He/she shall ensure that HVAC systems are working properly 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.

The Board Secretary/Business Administrator will notify employees at least 24 hours in advance or promptly in emergency situations of work that may induce air contaminants into their work areas.

Use of Fragrance-Free Products
In order to create a safe learning environment for students, as well as a safe work environment for staff members, Millville Public Schools makes every effort to protect the indoor and outdoor air quality of its buildings. Strong scents and fragrances can contribute to poor indoor air quality that can be unhealthy to students, staff and visitors.

All students, staff members and visitors are asked not to bring personal care products into Millville Public School buildings unless they are identified as fragrance-free. Additionally,

students, staff and visitors are asked to refrain from wearing perfume, cologne and other fragrances and use unscented personal care products in order to promote a fragrance-free environment.

The Superintendent of Schools shall establish procedures to inform students, staff members and visitors of this policy.

Hazardous Substances
The Board of Education 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.

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:

A. 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;
B. 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;
C. 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;
D. 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;
E. Any fuel in a motor vehicle;
F. Wood or wood products;
G. Foods, drugs or cosmetics;
H. Products that are personal property and are intended for personal use; and,
I. 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 of Schools 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 Board Secretary/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 Board Secretary/Business Administrator shall inform the Superintendent of Schools 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 Board of Education on hazardous substances in district use and the purpose of each.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:6-2 Instruction in accident and fire prevention
18A:12-1 Eye protection
18A:12-2 Protective devices
34:5A-1 et seq Water Pollution Control Act

# Millville Board of Education
# District Policy Manual

**Property & Facilities** **Series 7000**

**Retirement of Buildings** **Policy 7113.1**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The Board 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. The Board further recognizes that declining enrollments, diminished resources, district reorganization, or other good cause may require that the use of one or more district facilities for educational purposes be retired.

The Board will not commit itself to the closing of any school facility without first having collected and considered appropriate information regarding pupil enrollments, the educational adequacy of school facilities, relevant safety and traffic factors, district revenues, and alternative district organizational plans. The Board will invite citizen participation in the analysis of that information and the formulation of recommendations. Information on any proposed district reorganization will be disseminated to the public, and public response will be invited by all appropriate means.

Real estate property shall be disposed of by sale or otherwise, in accordance with law. To dispose of an operational school building and all or part of the total acreage the Board will submit a written report for approval to the Department of Education, with a copy to the County Superintendent of Schools.

Ultimately 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.

Upon written approval by the Bureau, the Board shall dispose of the school building and/or acreage according to law.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:20-5 Exchanging lands owned by the board
18A:20-6 Sale at public sale
18A:20-7. Sale at fixed minimum prices; rejection of bids
18A:20-36 Commissioner may order alteration or abandonment of buildings
18A: 33-1. District to furnish suitable facilities; adaptation of courses of study

NJAC 6A:26-7.4 Approval for the disposal of land, including rights or interest therein
6A:26-7.5 Approval for the closing of a school facility

In considering proposals for alterations, additions or major repairs to the district's existing facilities, the Board may employ the services of a licensed architect as a consultant to help determine:

1. Necessity for the project;
2. Probable cost;
3. Alternatives.

The Superintendent of Schools 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.

All requests for change of use will be applied for to the Department of Education, via the County Superintendent of Schools.

Legal References

NJSA 18A: 11-1 General mandatory powers and duties
18A: 33-1. District to furnish suitable facilities; adaptation of courses of study

The Superintendent of Schools shall develop comprehensive educational specifications for new or renovated facilities to be considered by the Board and a licensed architect before plans are drawn. Educational specifications shall include but not be limited to:

A. Identification of facilities needed
   1. Statement of need;
   2. Enrollment projection by cohort or percent of population method when construction is to accommodate increasing enrollments. Projections must be at least a five-year projection.
B. Identification of solution
   1. Statement of proposed new construction;
   2. Statement of proposed additions;
   3. Statement of proposed renovations.
C. Description of activities, physical and environmental features and spatial relationships
   1. Physical aspects – general
      a. General recommendations,
      b. Special features,
         (1) Educational environment
         (2) Athletic environment
         (3) Structural environment
         (4) Electronic and mechanical environment
         (5) Thermal environment
         (6) Visual environment
         (7) Sonic environment
         (8) Safety and health environment
   2. Physical aspects - specific
      For each administrative, educational and auxiliary space there shall be a specification which includes but is not limited to the:
      a. Number of students housed,
      b. Number of teachers, aides or other staff housed,
      c. Approximate square feet,
      d. Number of similar spaces,
      e. Spatial relationship to other spaces,
      f. Description of instructional activities,
      g. Special features,

(1) Architectural
(2) Electronic/electrical
(3) Mechanical
(4) Specialized equipment

There shall also be a summary chart listing all spaces showing net square feet and a total showing gross square feet.

Legal References

NJSA 18A:7G-1 through -44 et al. Educational Facilities Construction and Financing Act
18A:18A-16 Preparation and approval of plans and specifications for public schoolhouses
18A:18A-16.1 Regulations; construction standards for school buildings
18A:18A-17 Facilities for handicapped persons
18A:33-1 District to furnish suitable facilities; adoption of courses of study
18A:46-13 Types of facilities and programs
18A:46-14 Enumeration of facilities and programs
18A:46-15 Facilities and programs; approval by commissioner; special classes for handicapped children; review; improvement

NJAC 5:23-7.1 et seq. Barrier Free Subcode
6A:26-1.1 et seq. Educational Facilities

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)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

2240, 7100

# Millville Board of Education
# District Policy Manual

**Property & Facilities** **Series 7000**

**Public Participation** **Policy 7120**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The Board of Education wishes to have input from all parties interested in planning and construction of new facilities and major alterations. Therefore, the Superintendent of Schools shall develop procedures for encouraging parents, staff and community members to participate in all four stages of school construction:

1. Identifying school building needs;
2. Planning the school plant;
3. Constructing the buildings;
4. Accepting and using the plant.
5. Acquiring land.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

NJAC 6A:26 Educational facilities

Possible Cross References

7115

The Board of Education's criteria for the selection of architects and engineers shall be such as to ensure a high degree of competency. Selection of architects for each project will be made from a Board of Education approved, limited listing developed by applying the criteria referred to below.

The Superintendent of Schools shall, through appropriate delegation, be responsible for:

1. Developing criteria applicable to the selection of architects and similar professionals for the Board of Education approval;
2. Recommending a limited list of architects and similar professionals to be approved by the Board of Education;
3. Providing the information necessary to facilitate review and reappraisal of the limited list of architects and similar professionals;
4. Recommending specific firms from the approved list for each project.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:18A-5. Exceptions to requirement for advertising

NJAC 6A:26 Educational facilities

The Board of Education accepts its responsibility to provide from public funds sufficient supplies and equipment for an effective instructional program. The Board recognizes, however, that from time to time individuals or organizations in the community may wish to contribute additional supplies or equipment to enhance or extend the instructional program.

The Board may accept by resolution duly passed at a public meeting any gift or grant of land, with or without improvement, and of money or other personal property, except that the Superintendent of Schools may accept on behalf of the Board any such gift less than $1,000.00 in value. Grants of land are subject to the appropriate legal limitations and approvals.

The Board reserves the right to refuse to accept any gift that does not contribute toward the achievement of the goals of this district or any gift the ownership of which would tend to deplete the resources of the district. The Board shall not provide public moneys for the purchase of any school property on a matching fund basis.

Any gift accepted by the Board shall become the property of the Board, may not be returned without the approval of the Board, and shall be subject to the same controls and regulations as are other properties of the Board. The Board shall be responsible for the maintenance of any gift it accepts, subject to any joint agreement with another governmental body.

The Board will make every effort to honor the intent of the donor in its use of a gift, but reserves the right to utilize any gift it accepts in the best interests of the pupils and the educational program of the district. In no case shall acceptance of a gift be considered to be an endorsement by the Board of a commercial product or business enterprise or institution of learning.

The Superintendent of Schools shall:

1. Counsel potential donors on the appropriateness of contemplated gifts and encourage such donors to choose as gifts supplies or equipment not likely to be purchased with public funds;
2. Encourage individuals and organizations considering a contribution to the schools to consult with him/her or before appropriating funds to that end;
3. Report to the Board all gifts that have been accepted on behalf of the Board;
4. Acknowledge the receipt of any gift accepted by the Board; and
5. Prepare fitting means for recognizing or memorializing gifts to the school district.

Legal References

NJSA 18A:6-33.1 through -33.12 Incentive Grants
18A:18A-15.1 Payment for goods or services; funds received from a bequest, legacy or gift
18A:20-4 Acceptance and use of gifts
18A:20-11 through -16 Property devised in trust
18A:29A-1 through -7 Governor's Annual Teacher Recognition Act
18A:71A-1 et seq. Authority Structure and General Provisions
18A:71B-1 et seq. Student Financial Aid
18A:71C-1 et seq. Student Loans

NJAC 6A:26-7.4 Approval of land acquisition

Possible Cross References

1230, 3200, 3220/3230, 3453, 5126, 6163.1

The Board of Education, at its discretion, may authorize the sale of advertising space on the school property are owned or leased by the district.

In addition, the Public School Contracts Law (NJSA 18A:18A-1 et. seq.) shall apply to any such contract or agreement entered into by the Board of Education for the purpose of advertisements on school property.

All such advertisements shall required the prior written approval of the Board of Education and the advertiser will be considered an independent contractor and shall not be deemed to be an agent, servant, employee or representative of the Board of Education or this district. In the event the advertiser fails to provide service in accordance with the bid specifications and contract for advertisement, the advertiser shall be considered in breach of contract. Cancellation of the advertisement and/or enforcement of the advertiser's performance bond may result.

At its sole discretion and at any time, the Board of Education reserves the right at any time, to reject any advertising copy, whether or not it has previously acknowledged and/or advertised the exact or similar copy. No advertising space may be used or resold by the advertiser for the promotion, either directly or indirectly, of any business, organization or enterprise other than the one defined in the original contract for advertisement. The advertiser will protect, defend and save harmless the Board of Education from any suites or actions of every nature and description brought against it by reason of the advertisement.

The Board of Education will approve the specifications for advertisements on school buses that will include, but not be limited to:

1. Advertisement sizes and colors;
2. Advertisement mounting procedures and devices;
3. Location of advertisements;
4. Duration of advertisement contracts; and,
5. Any other specifications for advertisements the Board of Educations deems appropriate.

The Board of Education will not accept advertisements to be displayed or maintained on school buses if, in the opinion of the Board of Education and/or its Solicitor, the advertisement or information contained in it:

1. Is false, misleading, deceptive, disrespectful, fraudulent or libelous;
2. Contains material or language that is obscene, profane, vulgar, offensive or reasonably determined to be in poor taste;
3. Promotes unlawful or illegal goods, services or activities;
4. Promotes gambling, the sale or use of tobacco or tobacco-related products or the sale or use of alcoholic beverages;
5. Promotes the sale or use of products associated with violence or violent activities;
6. Promotes the sale or use of products designed for used in connection with sexual activity;
7. Depicts or glamorizes violent or antisocial behavior, or sexual conduct;
8. Resembles a traffic control device;
9. States or implies an endorsement by the Board of Education; or,
10. Is political, religious, issue-related, controversial in nature or not age-appropriate.

The Board of Education will not allow any of its school property to become a public forum for the dissemination, debate or discussion of public issues. The Board of Education has the authority to reject any and all advertising that it deems to be inappropriate or not in the best interest of the Board of Education, the district or its pupils.

The advertiser will protect, defend and save harmless the Board of Education from any suites or actions of every nature and description brought against it by reason of the advertisement(s).

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:18A-1 et seq Public School Contracts Law
18A:18A-4 Contracts and agreement requiring advertising
18A:18A-4.1 Use of competitive contracting
18A:18A-4.2 Five year contract term limit
18A:18A-4.3 Competitive contracting initiated by the Board of Education
18A:18A-4.4 Request for proposal

The Business Administrator/Board Secretary shall be responsible for performing or supervising all the steps of the bid solicitation process in accordance with the law. The steps include:

1. Advertisement and solicitation;
2. Provision of plans and specifications;
3. Notification of time for preparation of bids;
4. Receiving deposits from bidders when required;
5. Determining qualifications of bidders;
6. Receiving and opening bids;
7. Notifying bidders of awarding of contract.

The Board reserves the right to refuse all bids.

Legal References

NJSA 10:5-1 et seq. Law Against Discrimination
18A:18A-1 et seq. Public Schools Contracts Law
18A:18A-21 et seq Bids

The Solicitor shall be responsible for reviewing all construction contracts to be entered into by the Board. In general, all contracts or agreements, which require public advertisement for bids, shall be awarded to the lowest responsible bidder. However, the Board of Education reserves the right to reject all bids.

Only the Board can approve such contracts.

Legal References

NJSA 18A:18A-1 et seq. Public Schools Contracts Law
18A:19-1 et seq. Expenditure of Funds; Audit and Payment of Claims

NJAC 6A:23-7.1et seq. Management of Public School Contracts
6A:23A-6.10 Financial system and payment approval process

After the contract has been signed, only the Board of Education can issue a change order. This holds true whether or not the change would add to the cost of the project.

Contract change orders may be approved by the Board of Education in an amount up to and including 20 percent of the award amount, which includes the amount encumbered pursuant to NJAC 6A:26-4.8(c), but for no more than the approved referendum amount for a capital project funded in whole or in part by bond proceeds, when necessitated by one of the following:

A. Emergencies consistent with NJSA 18A:18A-7;
B. Unforeseeable physical conditions; or
C. Minor modifications to the scope of the project that achieve cost savings, improve service or resolve construction conditions.

All other change orders shall be approved by the NJ Department of Community Affairs, Division of Codes and Standards in accordance with NJAC 6A:26-4.9.

In cases of emergency or when deemed necessary for the timely and orderly completion of a project, in which delays caused by obtaining Board approval, Board Members may be polled for their approval. At a minimum, the Board President, Vice President and members of the Facilities Committee will be polled for their approval of emergency change orders. In all cases, the full Board will approve change orders at the next regular Board meeting, including those approved by polling the Board.

The Board directs the Superintendent of Schools to report any significant changes in the scope of the project to the public. The Superintendent of Schools may elect to make such reports at a regularly scheduled meeting of the Board of Education or by other appropriate means.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:18A-7 Emergency contracts

NJAC 6A:23-7.1et seq. Management of Public School Contracts
6A:26-4.9 Submission of change orders

Included in the 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 should include:

A. Surety bonds;
B. Guarantee of safe working conditions during construction;
C. Contractor's insurance during construction;
D. Guarantees for adjustments and corrections after completion;
E. Guaranteed completion date.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:18A-40 et seq Form and execution of contracts and bonds

NJAC 6A:23-7.2 Acceptance of bonds under the Public School Contracts Law
6A:27-9.5 Bidder's guarantee
6A:27-9.6 Performance surety bond

Contractors who submit a quote or bid to the Board of Education must also submit a copy of their Certificate of Insurance with the bid or quote.

The successful bidder's Certificate of Insurance will be filed in the Board Secretary/Business Administrator's Office for a period of one year following the completion of the work.

In collaboration with the Board Secretary/Business Administrator, the Board of Education will stipulate the minimum accepted Certificate of Insurance.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:18A-40 et seq Form and execution of contracts and bonds

NJAC A:23-7.2 Acceptance of bonds under the Public School Contracts Law
6A:27-9.5 Bidder's guarantee
6A:27-9.6 Performance surety bond

The Board of Education may, at its discretion name a Project Management Firm to oversee construction or renovation projects within the district.

When the need for a Project Management Firm is indicated and advisable, the Board will seek and hire a qualified individual who will:

A. Oversee all aspects of construction or renovation;
B. Ensure that the goals and interests of the Board are satisfied;
C. Enforce the policies and regulations pertaining to construction and renovation projects are complied with;
D. Verify that all aspects of the construction contract and bid specifications are fully met by the contractor(s) involved, including, but not limited to time lines, materials specified, and quality of construction;
E. Report to the Superintendent of Schools and/or the Business Administrator/Board Secretary regarding any suggested change orders;
F. Be responsible for timely and accurate reports to the Board of Education regarding the completion of the project; and
G. Ensure that all laws pertaining to construction and renovation projects are followed by the contractor(s) involved.

The Board of Education directs the Superintendent of Schools and/or the Business Administrator/Board Secretary to establish guidelines for the responsibilities and the review of the performance of the Project Management Firm.

No employee of the Board or Board Member shall be considered to fill the role of Project Management Firm. No Board Member shall be empowered to take unilateral control of any such project.

While the Project Management Firm may oversee the construction or renovation project, under normal circumstances, he/she shall not be empowered to approve change orders without approval of the Board of Education. However, in cases of emergency or when deemed necessary for the timely and orderly completion of a project, in which delays caused by obtaining Board approval, Board Members may be polled for their approval. At a minimum, the Board President, Vice President and members of the Facilities Committee will be polled for their approval of emergency change orders. In all cases, the full Board will approve change orders at the next regular Board meeting, including those approved by polling the Board.

The Board of Education shall not delegate any of its legal authority to the Project Management Firm or any other individual without the provision of appropriate reporting to the Board when the delegated authority is exercised.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:18A-7 Emergency contracts
18A:18A-15 Specifications

NJAC 6A:23-7.1et seq. Management of Public School Contracts
6A:26-4.9 Submission of change orders
6A:26.12 Operation and maintenance of facilities

Possible Cross References

7120, 7200, 7400, 7420, 7430, 7443

# Millville Board of Education
# District Policy Manual

**Property & Facilities** **Series 7000**

**Naming of School Facilities** **Policy 7550**

| Date Adopted: June 2, 2008 | Date Revised: | Page 1 of 1 |
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The right to name schools, rooms, facilities, offices, athletic fields, special purpose areas and/or other district property rests with the Board of Education. Buildings, rooms, facilities and/or other district property may or may not be named at the Board's sole discretion.

Names proposed shall be free from biases, prejudices and political and religious connotations. In selecting a name, the Board shall not discriminate because of gender, race, sexual orientation, creed or national origin.

If named for a person, that person should have been a former school district educator or administrator, local resident, Board Member, county resident, 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.

Names may be submitted by individuals, organizations, committees or the Board itself. For the purposes of this policy, these individuals or groups shall be referred to as the "sponsor." In order to be considered, the sponsor must identify the importance and relevancy of the name submitted for consideration.

Sponsors shall present their proposal to the Superintendent of Schools, who in turn will present it to the Board of Education for consideration. The Board will consider all names submitted. By majority vote of the full Board of Education at a regularly scheduled meeting, the Board may accept or reject the proposed name.

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.

The expenses incurred for any plaque, monument, painting, sign, or engraving of the name selected and/or its installation may be borne by the Board of Education or the sponsor, at the sole discretion of the Board.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

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# Millville Board of Education
# District Policy Manual

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The New Jersey State Constitution requires the Legislature to "provide for the maintenance and support of a thorough and efficient system of free public schools". The Legislature, therefore, has sought to maintain in the management of schools an appropriate balance between local authority and initiative on the one hand, and State control and supervision on the other hand.

The State Department of Education, consisting of the State Board of Education and the Commissioner of Education, with his/her staff, has been created by the Legislature to exercise general control and supervision of public education. The school district has similarly been created as a unit for the exercise of local authority and initiative as defined in Title 18A of New Jersey statutes. Other sections of the statutes state or imply that a local Board of Education or school district have full power to operate the public school program in its charge as it deems fit in compliance with state and federal mandates and pertinent laws of the governing entity.

The Board of Education shall be a body corporate and shall be known as the Board of Education.

The Board of Education shall organize and operate in the manner provided by law and shall have all the powers as are now or may hereafter be provided by law.

In the interpretation of the powers and duties of the Board, it is understood that the Board shall act as a governing body in the determination of general policies for the control, operation, maintenance and expansion of the school district. The details of the administration of these policies shall be the responsibility of the Superintendent of Schools and his/her administrative staff. The Board functions only when it is in session.

The Board of Education sees these as its required functions:

A. <u>Legislative or policy-making</u>
   The Board is responsible for the development of policy and for the employment of a Superintendent of Schools who shall carry out its policies through the development and implementation of regulations/procedures.
B. <u>Appraisal</u>
   The Board is responsible for evaluating the effectiveness of its policies and their implementation.
C. <u>Educational Planning</u>
   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.
D. <u>Provision of financial resources</u>
   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.

E. 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 concerns and opinions of the public.

The Board believes that, by diligently exercising these functions, it will be able to provide, within the financial limitations set by the community, the best educational opportunities available for our children.

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 of Schools, who shall be appointed by a recorded roll call majority vote of the full Board.

The Board may hear appeals and complaints in grievance and disciplinary actions as defined in their policies and by the law.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:10-1 | Constitution of Boards of Education |
| | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-21 et seq. | School Ethics Act |
| | 18A:17-15 | Appointment of superintendents; terms |
| | 18A:33-1 | District to furnish suitable facilities; adoption of courses |
| | 18A:34-1 | Textbooks; selection; furnished free with supplies |
| | 18A:36-2 | Time when schools are open; determination |
| NJAC | 6A:4-1.1 et seq. | Appeals |
| | 6A:8-1.1 et seq. | Standards and Assessments |
| | 6A:28-1.1 et seq. | School Ethics Commission |
| | 6A:30-1.1 et seq. | Evaluation of the Performance of School Districts |
| | 6A:32-1.1 et seq. | School District Operations |
| | 6A:32-3.2 | Requirements for the Code of Ethics for school board members and charter school board of trustees members |

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Role of the Board of Education Member / Limits of Authority** **Policy 9010 / 9011**

| Date Adopted: December 21, 1992 | Date Revised: April 27, 1998, May 5, 2008 | Page 1 of 1 |
|---|---|---|

It is understood that the members of the Board have authority only when acting as a Board legally in session. Individual Board Members lack authority over district affairs.
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.

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.

No Board Member, by virtue of his/her office, shall exercise any administrative responsibility with respect to the daily operation of the school or school district or command the services of any school employee.

The Board shall be responsible for the operation of the schools but shall delegate the administrative function to the Superintendent of Schools, who shall be appointed by a recorded roll call majority vote of the whole number of members of the Board. All policies of the Board will be enforced by the Superintendent of Schools who will be accountable to the Board of Education.

Members of the Board shall adhere to the Code of Ethics for Board Members as specified in Policy 9271.

Board Members visiting the schools for any reason shall observe district regulations for all visitors.

The Board may hear appeals in complaints, grievance and disciplinary actions as defined in these policies and in the statutes.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-21 et seq. | School Ethics Act |
| NJAC | 6A:28-1.1 et seq. | School Ethics Commission |

Possible Cross References

1250, 9020, 9271

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Public Statements Made by Board of Education Members** **Policy 9020**

| Date Adopted: December 21, 1992 | Date Revised: April 27, 1998, May 5, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education recognizes that arbitrary or independent actions of Board Members can produce serious consequences for the effectiveness of school operations. An essential quality of a good Board Member is a deep sense of loyalty to associates and to group decisions cooperatively reached.

All public statements in the name of the Board of Education shall be issued by the Board President, or if appropriate, by the Superintendent of Schools at the direction of the Board President. No individual Board Member shall make public statements in the name of the Board.

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.

Board Members should emphasize to the media, public officials or individual citizens that Board Members may only speak as private citizens unless empowered by the Board to speak for it.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:42-4 | Distribution of literature to candidacy, Board Issues or other public question to be submitted at election; prohibited |

Possible Cross References

1100, 1110, 9010, 9271, 9326.5

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Organization of the Board of Education** **Policy 9100**

| Date Adopted: May 5, 2008 | Date Revised: October 21, 2013 | Page 1 of 1 |
|---|---|---|

The organization meeting of the Board of Education shall be held during the first week of January following the November election, and no later than 8:00 p.m. but if no quorum is present at the time the meeting is called, the meeting may be recessed until 9:00 p.m. If a quorum is not present by 9:00 p.m., the members present may adjourn the meeting to reconvene no later than 8:00 p.m. of another day, but not later than 3 days after the originally scheduled meeting.

Legal References

NJSA 18A:7A-10 First regular meeting of the Board
18A:10-3(c) Organization deadline
10A:10-5 Organization meeting as business meeting

The Millville Board of Education shall be comprised of nine (9) permanent members who are qualified voters and residents of the school district, and who are elected by the voters of the district, at the annual School Board election. In addition, representatives from sending districts will be seated as members in accordance with statute.

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.

<u>Representation on the Board of Education by Sending Districts</u>
Sending districts to the Millville School System shall have representation in accordance with the following:

A. Representation of sending districts shall be in accordance with NJSBA 18A:38-8.2, et. seq;
B. The sending district shall have no representation on the Millville 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 Millville 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 Millville School System in which the pupils of the sending district will be enrolled, the sending district will have representation on the Millville 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 pre-budget 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 Millville School District in which the pupils of the sending districts will have representation on Millville 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. This designation shall be made by the sending Board of Education at its meeting closest in time to the annual organization meeting of the Millville Board of Education and shall serve a one year term beginning with the annual reorganization meeting of the Millville Board of Education;

H. Sending district representatives shall be eligible to vote on any district matters before the Millville Board of Education:
   1. Tuition to be charged the sending district by the Millville School District;
   2. 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;
   3. New capital construction to be utilized by the sending district pupils;
   4. 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 Millville School District's central administrative staff;
   5. Addition or deletion of curricular and extracurricular programs involving pupils of the sending district; and,
   6. Any or all items that pertain to district operations/business, i.e., policies.

I. 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 Millville Board of Education.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-11 | Election and Number of Board Members; terms |

A member of the Board of Education must possess the qualifications required by law and shall be bound by the provisions of the School Ethics Act.

A Board Member:

- Must be a citizen of the United States of America and have been so for at least one year immediately preceding his/her election or appointment;
- Reside within the confines of this district and have been such for at least one year immediately preceding his/her election or appointment;
- Must be at least 18 years of age;
- Shall not have any legal claim against the Board of Education;
- May not have been convicted of a felony;
- Must be able to read and write;
- Must be registered to vote in this district and must not be disqualified from voting pursuant to the provisions of NJSA 19:4-1; and,
- Cannot concurrently hold office as Mayor or a member of the governing body of Millville.

Criminal Background Check

Within 30 days of his/her election or appointment to the Board of Education, each Board Members shall undergo a criminal 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 NJSA 18A-12-1. Individuals who do not complete the process or whose background checks reveal conviction(s) for any of the offenses listed in the statute are ineligible to serve.

Any newly elected/appointed Board Member who can truthfully swear or affirm that he/she possesses the qualifications of membership prescribed by law, including a specific declaration that he/she is not disqualified as a voter pursuant to R.S.19:4-1 and a specific declaration that he/she is not disqualified due to a conviction of a crime or offense listed in NJSA 18A:12-l, may take the oath of office notwithstanding that results of the criminal history background investigation required by NJSA 18A:12-1.2 are not yet available.

Board Members who have not submitted fingerprints to the Commissioner should be reminded of their statutory obligation to do so.

The Board of Education may, at its sole discretion, reimburse the member for the cost of the criminal history check, including all costs for administering and processing it.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-1 | Qualifying Oaths of Board Members |
| | 18A:21 et seq | School Ethics Act |
| | 19:4-1 | Qualifications |

Possible Cross References

9270

Elections of Board Members shall be in accordance with law. Three members of the Board shall be duly chosen each for a full term. Other members, as may be necessary to replace members who will vacate un-expired terms, shall be duly chosen at an annual election on the date prescribed by law.

| Legal References | | |
|---|---|---|
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-11 | Election and Number of Board Members; terms |

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Filling Vacancies** **Policy 9113**

| Date Adopted: December 21, 1992 | Date Revised: April 27, 1998, May 5, 2008 | Page 1 of 1 |
|---|---|---|

The Board 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 qualified resident of the district. The vacancy shall be filled within 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 a committee of the whole.

The person appointed shall serve until the next organizational meeting of the Board of Education, following the next annual School Board Election unless he/she is 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 organizational meeting following the second School Board Election as outlined in NJSA 18A:12-15.

The County Superintendent of Schools is empowered to fill any 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 qualification, some flaw in the election, or when a recount or contested election fails to elect a member. The County Superintendent of Schools may also appoint enough members to make up a quorum.

Vacancies filled by special election or the Commissioner of Education are covered under NJSA 18A:12-15.

In case the office of President or Vice President shall become vacant, the Board shall, within 30 days thereafter, fill the vacancy for the un-expired term. If the Board fails to fill such vacancy within said time, the County Superintendent of Schools shall fill the vacancy for the un-expired term.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:6-56 | Election of members of representative assembly |
| | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-1 | Qualifications of Board Members |
| | 18A:12-3 | Removal of members |
| | 18A:12-7 | Type I District |
| | 18A:12-15 | Vacancies Type II District |
| | 18A:13-11 | Vacancies of Board – Filling |
| | 18A:38-8.1 | Additional member of Board in each sending district |
| | 19:27A-1 et seq | Uniform Recall Election Law |

Possible Cross References

9111, 9114

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Resignation from Office** **Policy 9114**

| Date Adopted: May 5, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

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.

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.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:15 | Vacancies |

Silverstein 1998

Possible Cross References

9113

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. This action requires a recorded roll-call majority vote of the full membership of the Board of Education.

The Board may remove a fellow member who shall fail to attend three consecutive regular meetings, without good cause by the affirmative vote of a majority of the full Board provided that such action shall have been proposed at the preceding meeting of the Board and provided that notice of such action has been given to the absent member in advance of the meeting for which such action has been proposed. This action requires a recorded roll-call majority vote of the full membership of the Board of Education.

| | | |
|---|---|---|
| Legal References | | |
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-3 | Removal of members |
| | 18A:15 | Vacancies |
| Possible Cross References | | |
| | 9114 | |

Before entering the duties of his/her office the Board Member shall take and subscribe the oaths prescribed by the statute and file the same with the Board Secretary.

| Legal References | | |
|---|---|---|
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:12-1 | Qualifying Oaths of Board Members |

Election of officers shall be by plurality vote of the Board. Officers shall serve for one year and until their respective successors are elected and shall qualify. Appointees may be appointed at the organization meeting, but if the Board shall fail to hold said election as prescribed by law, the County Superintendent of Schools shall appoint from among the members of the Board a President and Vice President.

Officers shall serve for one year and/or until their respective successors are elected and may be removed by a majority vote of the full membership of the Board, should either officer refuse to perform the duties of his/her office. This action requires a recorded roll-call majority vote of the full membership of the Board of Education.

In case the office of President or Vice President shall become vacant, the Board shall, within 30 days thereafter, fill the vacancy for the un-expired term. If the Board fails to fill such vacancy within said time, the County Superintendent of Schools shall fill the vacancy for the un-expired term.

| Legal References | | |
|---|---|---|
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:15-1 | President and Vice President election |
| Possible Cross References | | |
| | 9121, 9122 | |

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**President** **Policy 9121**

| Date Adopted: December 21, 1992 | Date Revised: September 23, 2002, May 5, 2008 | Page 1 of 1 |
|---|---|---|

A President shall be elected 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 the Board of Education. In carrying out these responsibilities, the President shall:

- Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Board of Education;
- Consult with the Superintendent of Schools on the Board's agendas;
- Appoint Board committees and chairpersons;
- Call such meetings of the Board as he/she may deem necessary upon at least two day's notice (in accordance with law - NJAC 6:3-1.2);
- Be an ex officio member of all Board committees;
- Confer with the Superintendent of Schools on crucial matters that may occur between Board meetings;
- Approve all bills for expenses or charges incurred with the authority of the Board including expenses of individual Board Members;

As presiding officer at all meetings of the Board the President shall:

- Call the meeting to order at the appointed time;
- Be responsible for the orderly conduct of all Board meetings;
- Announce the business to come before the Board in its proper order;
- Enforce the Board's policies relating to the order of business and the conduct of meetings;
- Recognize persons who desire to speak and protect the speaker who has the floor from disturbance or interference;
- Explain what the effect of a motion would be if it is not clear to every member;
- Restrict discussion to the question when a motion is before the Board;
- Answer all parliamentary inquiries, referring questions of law to the Board Attorney.

The President shall have the right, as other Board Members have, to offer resolutions, discuss questions and vote.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:6-20 | Right to testify |
| | 18A:6-54 | Representative assembly; organization |
| | 18A:13-12 | Organization of Board |
| | 18A:15-1 | President and Vice President - election |
| | 18A:19-9 | Compensation of teachers |
| NJAC | 6A:32-3.1 | Special meetings of the Board |

Possible Cross References

1120, 9020, 9130, 9322

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Vice President** **Policy 9122**

| Date Adopted: May 5, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

A Vice-President shall be elected by a roll call majority vote of the full Board at the organizational meeting.

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.

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.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:6-20 | Right to testify |
| | 18A:6-54 | Representative assembly; organization |
| | 18A:13-12 | Organization of Board |
| | 18A:15-1 | President and Vice President - election |
| | 18A:19-9 | Compensation of teachers |
| NJAC | 6A:32-3.1 | Special meetings of the Board |

Possible Cross References

1120, 9020, 9130, 9322

A Secretary shall be appointed by a recorded roll call majority vote for a term to expire not later than the following June 30th, except as subject to the tenure laws, but he/she shall continue to serve after the expiration of his/her term until his/her successor is appointed and qualified. The Board Secretary shall perform the duties as outlined in the approved job description.

Legal References

NJSA 18A:17-5 Appointment of Board Secretary; term. Compensation, vacancy

The attorney and/or his/her designee for the Board of Education shall be retained as an attorney for legal counsel and service in the affairs of the district.

Duties & Responsibilities

A. Attend all regular, special, and caucus meetings of the Board of Education.
B. Attend meetings of committees of the Board of Education as requested by the President or Chief School Administrator.
C. Be responsible for and conduct the law business of the Board and its committees.
D. Advise the Board generally and give such written opinions as may, from time to time, be deemed necessary.
E. Advise the Board, individual Board members, Secretary of the Board, and Superintendent of Schools regarding school affairs.
F. Advise the Board on all new decisions of the N.J. Commissioner of Education or the courts where pertinent.
G. Advise the Board on the effects of decisions rendered by the N.J. State Board of Education.
H. Prepare, when appropriate, and/or review all contracts in conjunction with the Board's other paid professional staff when deemed necessary.
I. Review and advise regarding notices and specifications for bidders when necessary.
J. Prepare resolutions, deeds, leases, conveyances, bonds, obligations, and other legal instruments relating to the business of the Board as shall be required and conduct such correspondence in connection therewith as may be necessary to advance such matters or as may be requested by the Board.
K. Prosecute, defend, or otherwise appear as counsel for the Board of Education in all actions that may be brought by or against it or any officer or employee thereof in his or her official capacity for or by reason of any matter in which the Board is interested in any Court of the State, whenever requested by the Board.
L. Advise on acquisition of real estate and the examination of title thereof.
M. Prepare and review all school building contracts, performance bonds, maintenance bonds, and all other documents required to effectuate completion of said buildings and alteration pursuant to the appropriate statues and laws of the State.
N. Represent the Board of Education in mediation, fact-finding, arbitration, or court action pursuant to the New Jersey Employer-Employee Relations Act, when requested by the Board.
O. Advise and review all matters regarding Planning Board and Zoning Board applications or proposals in the city that affect the operation of the school district.

P. Be active in organizations that specialize in the study of school law such as the N.J. Association of School Attorneys, National Organization of Legal Problems of Education, Council of School Attorneys of the National School Boards Association, and the N.J. School Boards Association Convention legal seminar.
Q. Maintain a close personal association with other school Board attorneys to benefit by the constant interchange of ideas.

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 of Schools shall establish and the Board of Education shall approve procedures that shall include:

A. A limited number of contact persons 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 to the Superintendent of Schools and shall be maintained on file in the district offices and a process to determine whether the request warrants legal advice of 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. Logs will stored in the office of the Superintendent of Schools.

Contracts for legal services comply with payment requirements and restrictions pursuant to NJSA 18A:19-1 et seq., and as follows:

A. The Board shall establish a maximum dollar limit for legal services prior to budget preparation;
B. Advance payments shall be prohibited;
C. Services to be provided shall be described in detail in the contract;
D. Invoices for payment shall itemize the services provided for the billing period; and,
E. 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.

The Board of Education shall establish and maintain a library consisting of appropriate legal reference materials for district use.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:16-1 | Officers and employees |
| | 18A:19-1 | Expenditure of funds on warrant only |
| NJAC | 6A:23A-5.2 | Additional Measures To Ensure Effective and Efficient Expenditures Of District Funds |

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 of Education rules of audit, which audit shall be completed not later than three months 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 County Superintendent of Schools.

The Secretary of the Board 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 of which shall be available for distribution to interested parties at the meeting.

Within 30 days following receipt of the report of the annual audit the Board of Education of the district shall, at a regularly scheduled public meeting, cause the recommendations of the Auditor to be read and to be discussed. The discussion shall be duly noted in the official minutes of said meeting.

In the event of the resignation or dismissal of the Board Secretary/Business Administrator or any other individual charged with the responsibility of handling school funds, the Auditor shall be asked to review the appropriate books within a thirty (30) day period.

Legal References

NJSA 18A:23-1 through -9 Annual Audit

Possible Cross References

9123, 9125

In order to use the time, effort and expertise of the members of the Board effectively, the Board 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 three-person committee of Board members other than the Board President will include a chairperson. It 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 of Schools 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.
G. The Board President shall make every effort to ensure that each Board member shall have an equal number of assignments throughout the committee structure.
H. The Board President shall make every effort to ensure that each Board member shall be assigned a minimum of one committee chair.

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.

Ad Hoc Committees

Ad Hoc committees shall be appointed by the President to research specific problems before deliberation by the full Board. The same rules shall apply to Ad Hoc 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.

All meetings shall be held in accordance with the provisions of the Open Public Meetings Act.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meeting Public; Frequency; etc - Quorum |
| | 18A:11-1 | General Mandatory Powers and Duties |
| NJAC | 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, 9121, 9320

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Advisory Committees to the Board** **Policy 9133**

| Date Adopted: December 19, 1977 | Date Revised: April 18, 1994, April 27, 1998, May 5, 2008 | Page 1 of 2 |
|---|---|---|

The Board shall, when it deems advisable, appoint advisory committees to assist the Board in research projects, long-range studies, advisory program evaluation, and development of policies or educational goals. Each committee shall be appointed for a specific purpose. Such committees shall be discharged when the work is finished or earlier if by a majority vote of the entire Board.

Such committees shall be representative of the community, in relation to the tasks delegated to them. The Board shall approve the members of a committee, and the method of their selection upon the recommendation of the superintendent.

Such committees shall serve in an advisory capacity only, proposing recommendations based on analysis of a problem, and shall exist only as long as is necessary for the study and the report to the Board on particular projects assigned them. The Board shall give careful consideration to all recommendations, although final action and responsibility shall remain with the Board.

A minimum of two Board Members and the superintendent, or representative, shall be members of all advisory committees, appointed by the Board President.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meeting Public; Frequency; etc - Quorum |
| | 18A:11-1 | General Mandatory Powers and Duties |
| NJAC | 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, 9121, 9320

In order to pursue its educational mission and to protect the public's financial investment in the schools, the Board may, from time to time, engage the services of qualified professional consultants to provide new insights and ideas for dealing with especially difficult problems and/or to provide special services that the staff is unable to provide.

The Board will not contract for vague services such as undefined "management studies," and all proposals will be submitted to the school solicitor for review before a contract for consulting services is signed. The Superintendent of Schools will establish procedures necessary for an efficient working relationship between the consultant and the Board and/or staff members.

Professional services contracts 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 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 individual Board Members are prohibited from contracting with consultants without the written approval of the Board of Education.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers and Duties |
| | 18A:18A-5(a)(1) | Professional Services |

The 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 of Education shall annually approve a maximum dollar limit to be used for public relations activities of the district as defined in NJAC 23A-9.3(c)14, and each type of professional service, with appropriate notification to the Board of Education if it becomes necessary to exceed the established maximum dollar limit. Upon such notification, the Board of Education may adopt a specified dollar amount of increase to the amount established. Such increase shall be approved by formal action of the Board of Education.

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 education 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 of Education 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.

Nothing herein shall preclude the Board of Education from accepting donations or volunteer services from community members, local provide education foundations and local business owners 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 local community members, district employees, members of parent organizations or local business with expertise in related areas such as printing, advertising, publishing or journalism.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:16-1 | Officers and employees |
| | 18A:19-1 | Expenditure of funds on warrant only |
| NJAC | 6A:23A-5.2 | Additional Measures To Ensure Effective and Efficient Expenditures Of District Funds |
| | 6A:23A-9.3(c)14 | Public Relations Expenses |

Orientation of Board Members

The Superintendent of Schools shall prepare materials to introduce new Board Members to the operating procedures of the district and the details of the curriculum.

As required and stipulated by law, all newly elected and reelected Board Members shall attend New Jersey School Boards Association (NJSBA) training within the timeframes established by law.

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 district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). Board Members are required to complete the program only once (N.J.S.A. 18A:12-33).

Sufficient funds shall be allocated to reimburse new board members for attending NJSBA training.

Code of Ethics Training

The Board shall ensure that all Board Members 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.

Annually, at a public Board Meeting, all Board Members will review and discuss the Code of Ethics in accordance with the School Ethics Act, C. 178, P.L. 2001.

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.

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.

District representatives who attend such events, shall prepare 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.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:6-45 through - 50 | NJSBA Established |
| | 18A:11-1 | General Mandatory Powers and Duties |
| | 18A:12-24.1 | Code of Ethics for Board Members |
| | 18A:12-33 | Training Program for Board Members |
| | 18A:17-20.3 | Evaluation of Superintendents; Board Training |
| NJAC | 6A:28-1.2 | Definitions |
| | 6A:28-1.6 | Board Member Training |
| | 6A:32-3.2 | Requirements for the Code of Ethics |
| | 6A:32-4.3 | Evaluation of Chief School Administrator |

Possible Cross References

1500, 2131, 3335, 9250, 9271

Board Members may not receive payment for their services. With Board approval, they may be reimbursed for out-of-pocket expenses incurred on Board business.

Sufficient money will be allocated to reimburse Board Members for expenses incurred attending required orientation sessions.

Such expenses must be approved by a motion of the Board in advance of the expenditure in accordance with law and Policy 3335 – Travel Expenses. Such expenses shall be for the Board Member only, and shall be itemized and documented.

Prior to each trip, the Board Secretary/Business Administrator will review legally allowable expenses with the Board.

Reimbursements shall not exceed legally established limits.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:2-1 | Power to Effectuate Action |
| | 18A:4-23 | Supervision of Schools; Enforcement of Rules |
| | 18A:4-24 | Determining Efficiency |
| | 18A:11-1 | General Mandatory Powers & Duties |
| | 18A:12-4 | Compensation of Members |
| | 18A:12-21 et seq | School Ethics Act |
| | 18A:12-24.1 | Code of Ethics |
| NJAC | 6A:23A-5.8 | Out of State and High Cost Travel |
| | 6A:23A-7.1 et seq | Travel Reimbursement |
| | PL 2005 c.132 | Appropriations Act |
| | PL 2007 c.52 A5 | Various Accountability Measures |
| | | Anthony Esgro, Luis Perez, Clifford Meeks and Frank Speziali, Glassboro Board of Educaiton, CO7-97, March 30, 1998 |
| | | NJ Department of Treasury NJOMB Circular A-87 |

Possible Cross References

3335, 3571, 9200, 9270

Indemnification

Whenever a civil or criminal action has been brought against any person for any act or omission arising out of and in the course of the performance of his/her duties as a member of a Board of Education, and in the case of a criminal action such action results in final disposition in favor of such person, the cost of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, shall be borne by the Board of Education.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers and Duties |
| | 18A:12-20 | Indemnity of Board Members |

The Board of Education accepts the responsibility of governing the operation of the district in the best interests of the total community. Individual members shall all subscribe to the philosophy and guidelines for action outlined by Policy #9271 (Code of Ethics for School Board Members). 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:

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 spouse, sibling, parent, child, or grandchild of a serving Board Member shall be considered for any paid employment in the district. Pre-existing employment shall not be affected. Where such pre-employment exists, the Board Member shall take no active part in contract negotiations, nor shall he/she discuss the vote on the resulting contract, or any other agreement entered into between the Board and the relative.
C. When a relative of a Board Member is employed by the Board, that Board Member shall take no active part in contract negotiations, nor any other agreement entered into between the Board and the relative, nor any action concerning that specific employee, unless a majority of the remaining Board Members present requests that he/she vote;
D. No Board Member will accept gratuities or favors for himself/herself or on behalf of relatives that are offered by a vendor or contractor to the district. Should a Board Member learn that such a situation exists between a relative and a vendor or contractor to the district, he shall recognize that the Board deems this to represent the appearance of conflict of interest. The Board Member shall refrain from voting on matters pertaining to that vendor/contractor, and enter the reason for his/her abstention in the minutes;
E. No Board Member shall be a contractor for goods or services to the district during the Board Member's term or for six months after leaving office.
F. In the event a Board Member is employed by a corporation or business or has secondary interest in a corporation or business which furnishes goods or services to the school district, the Board Member shall declare that interest and refrain from debating or voting upon the question of contracting with the company.
G. Employees of the school district are precluded from serving on the Board by statute which makes it unlawful for a Board member to receive compensation or reward for services to the district.
H. No Board Member having immediate family members employed by the district shall participate in decisions affecting the terms and/or conditions of employment, salary, benefits, appointment, dismissal, etc., of the Superintendent of Schools.

It is not the intent of this policy to prevent the district from contracting with corporations or businesses because a Board Member is an employee of the firm. The policy is designed to placing a Board Member in a position whereby his/her interest in the public schools and his/her interest in his/her place of employment (or other indirect interest) might conflict, and to avoid appearances of conflict of interest even when no such conflict may exist

Legal References

| | | |
|---|---|---|
| NJSA | 18A:6-8 | Interest of School Officers in Sale of Supplies |
| | 18A:6-8.4 | Right to Hold Elective/Appointive Office |
| | 18A:4-24 | Determining Efficiency |
| | 18A:12-1.1 | Ineligibility for Appointment to Paid Office |
| | 18A:12-2 | Inconsistent Interests or Office Prohibited |
| | 18A:12-21 et seq | School Ethics Act |
| | 18A:52:13D-12 et seq | Legislative Findings – Conflict of Interest |
| NJAC | 6A:4-1.1 et seq | Appeals |
| | 6A:28-1.1 et seq | School Ethics Commission |
| | 6A:32-3.2 | Requirements for Code of Ethics for Board Members |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |
| | 6A:23A-6.2 et seq | Accountability - Nepotism |

Visoticky v. City Council of Garfield 113 NJ Super 263 App Div 1971
Vittoria v. W. Orange Bd of Ed. 122 NJ Super 340 App Div 1973
Elms v. Mt Olive Bd of Ed 1977 SLD 713
Scola v. Frinwood Bd of Ed 1978 SLD 413
Salermo v. Old Bridge Twp Bd of Ed 1984 SLD April 23
Scannella v. Scudillo School Ethics Decision Complaint No. C-14-93
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

4112.8, 4212.8, 9271

The members of the 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 pupils 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 of Schools.
K. I will support and protect school personnel in proper performance of their duties.
L. I will refer all complaints to the Superintendent of Schools 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.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:12-2 | Inconsistent Interests or Office Prohibited |
| | 18A:12-21 et seq | School Ethics Act |
| | 18A:12-24 et seq | Conflict of Interest |
| NJAC | 6A:4-1.1 et seq | Appeals |
| | 6A:28-1.1 et seq | School Ethics Commission |
| | 6A:32-3.2 | Requirements for Code of Ethics for Board Members |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |
| | 6A:23A-6.2 et seq | Accountability - Nepotism |

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References
4112.8, 4212.8, 9270

The Board of Education wishes to maintain honest and ethical relations with vendors and to avoid any appearance of impropriety or favoritism in its contracting practices. Therefore the Board of Education prohibits "pay-to-play."

The Board of Education will not vote upon or otherwise participate in the awarding of any contract in the amount of $17, 500 to any individual, firm, partnership, corporation, association or other business entity which has contributed funds including campaign contributions to that member of the Board of Education within the previous one-year period pursuant to P.L. 1973, c.83 (NJSA 19:44A-1 et. seq.).

Contributions to any Board Member from any individual, firm, partnership, association, or other business entity doing business with the school district are prohibited during the term of a contract, pursuant to P.L. 1973, c.83 (NJSA 19:44A-1 et. seq.).

When a business entity referred to above is a natural person, a contribution by that person's spouse or child that resides therewith shall be deemed to be a contribution by the business entity. Where a business entity is other than a natural person, a contribution by any person or the business entity having an interest therein shall be deemed to be a contribution by the business entity.

The disclosure requirement set forth in section 2 of P.L. 2005, c. 271 (NJSA 19:44A-20.26) also shall apply when the contract is required by law to be publicly advertised for bids.

Contributions that are prohibited include cash contributions, in-kind contributions, pledges to make contributions of any kind to a candidate for or holder of public office, or any other thing of value pursuant to P.L. 1973, c.83 (NJSA 19:44A-1 et. seq.).

Not later than 10 days prior to entering into any contract having an anticipated value in excess of $17,500, except for a contract that is required by law to be publicly advertised for bids, any business entity bidding thereon or negotiating therefore, shall submit along with its bid or price quote, a list of political contributions made by the corporation, its principals and employees, or others on its behalf, along with the date and amount of each contribution and the name of the recipient of each contribution. If the required list of contributions is missing, incomplete or untimely, the contract is void *ab initio*, as a material defect that invalidates the contract.

In addition, the business entity may be subject to a fine imposed by the New Jersey Election Law Enforcement Commission.

Provisions of this ban on pay-to-play will not apply to a contract when a public emergency requires the immediate delivery of goods or services.

The Board of Education directs the Board Secretary/Business Administrator to file this policy with the N.J. Secretary of State, Office of Secretary of State, Laws & Commission Section, (P.O. Box 300, Trenton, NJ, 08625-0300), to inform vendors of the requirements of this policy, and to keep the Board of Education informed about the implementation of this policy.

This policy shall not apply to a contract when a district emergency requires the immediate delivery of goods or services.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:12-21 et seq | School Ethics Act |
| | 19:44-1 et seq | Fair & Open Procurement Process |
| | 19:44A:20.26 | Political Contributions |
| NJAC | 6A:4-1.1 et seq | Appeals |
| | 6A:28-1.1 et seq | School Ethics Commission |
| | 6A:32-3.2 | Requirements for Code of Ethics for Board Members |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |
| | Manual for the Evaluation of Local School Districts | |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) | |

Possible Cross References

9270, 9271

Three functional activities are recognized in respect to policies of the Board:

1. Legislative
   Planning is basic to all activity. It is that function which makes policies, selects an executive, and delegates to the executive the placing of plans and policies into operation, and provides the financial means for their execution.
2. Executive
   The executive function is that which is concerned with the placing into operation the plans and policies, keeping the Board of Education informed, and furnishing creative leadership to the Board of Education and to the profession.
3. Appraisal – Appraisal is the function which attempts, through careful examination and study of facts and conditions, to determine the efficiency of operation of the general activities, and the worth and value of results of the activities in relation to the efficiency and value of instruction.

The Board of Education reserves to itself the legislative and appraisal functions, and shall periodically make such appraisal. The executive function shall be completely delegated to the Superintendent of Schools. The Superintendent of Schools shall be completely responsible for devising ways and means for executing efficiently the policies adopted by the Board of Education.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers / Duties |
| | Manual for the Evaluation of Local School Districts | |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) | |

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Development, Distribution & Maintenance of Policy Manual** **Policy 9310**

| Date Adopted: March 20, 1978 | Date Revised: April 27, 1998, May 5, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education desires to make this manual of Bylaws and Policies a useful guide to all members of the Board, and the administration of this district; therefore, copies of this manual shall be given to the following people: Board Members, Superintendent of Schools, Principal, Board Secretary, and Board Attorney. It shall be accessible on the district website for access by bargaining units and the general public.

Copies of this manual shall be numbered and a record maintained by the Board Secretary as to the placement of each copy. Copies of revised pages will be furnished to the holders of copies as changes are made. An additional copy shall be placed in the school library as a reference tool for all staff members.

The manual of bylaws, policies and procedures shall be considered a public record and shall be open for inspection in the Board offices and in each school building during regular office hours, in accordance with the Open Public Records Laws and regulations.

The Superintendent of Schools 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 addition, he/she is designated to review existing policies in light of Board actions and in light of revisions to state statutes and procedures, and to recommend such changes as may be desirous to maintain the Board Manual of Bylaws, Policies and Procedures in a current status.

Each holder of a policy manual shall return the same to the Board Secretary upon the termination of his/her service with the district.

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.

Copies will be made in accordance with the provisions of Policy 9330 Public Access to Board of Education Records.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-20 | Superintendents – Powers / Duties |
| | NJ Dept of State – School District Records | |
| | Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |

Possible Cross References

2210, 9000, 9311, 9314, 9322, 9323/9324

Introduction

In formulating any policy, the Board of Education has pledged to consider the will and needs of the community within the parameters of New Jersey law. The passage of time and changing circumstances may alter the community's point of view. Changes in the law may alter what is allowable or what is required.

Public Input

The Board of Education may, at its discretion, seek input from the public in the development of policies and procedures when appropriate. In such cases, the Board may establish ad hoc committees to study the issue in question and develop policy language. The Board may also seek the advice of pertinent citizen groups in such endeavors.

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.

1. Proposed new or revised policies shall be placed in their entirety on the agenda, and formally introduced 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.
2. Discussion and final action by the Board on a policy shall occur after the second "reading."
3. 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.

Final Action

1. 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.
2. Insofar as possible, each policy statement shall be limited to one subject.
3. Policies and amendments adopted by the Board shall be part of the minutes of the meeting at which they are adopted and shall also be included in the policy manual of the district as soon as possible.
4. Policies and amendments to policies shall be effective immediately upon adoption unless a specific effective date is provided in the adopted resolution.

Emergency Procedures

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 of Schools 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. Whenever possible, the Superintendent of Schools shall consult with the Board President prior to such emergency action. The Superintendent of Schools 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 final determination of what shall be the official policy of the school district.

Continual Review of Board Policies

The Board directs the Superintendent of Schools to develop procedures for continuous orderly review of the policies in the Board policy manual during the time provided for "policy" on the agenda of the regular Board meeting. Each policy shall be reviewed at least once every five years. Any necessary revisions shall be made in conformity with Board policy #9311 – Formulation, Adoption and Amendment of Policy.

If the terms of the policy are not affected by the changes in law, and the policy still reflects the intent of the Board in the matter, then the policy shall be officially readopted as of that date.

The Board directs the Superintendent of Schools to review the rules and regulations implementing any revised or altered policy to ensure that they confirm to the intent of the policy as revised or changed.

The Board of Education shall develop and implement a five year review cycle to ensure that all policies and bylaws of the district are current with present practice and statute.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-20 | Superintendents – Powers / Duties |
| | 47:1A-1 et seq | Public Records |
| | NJ Dept of State – School District Records | |
| | Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) | |

Possible Cross References

2210, 9000, 9310, 9314, 9322, 9323/9324

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Formulation, Adoption & Amendment of Bylaws** **Policy 9312**

| Date Adopted: April 27, 1998 | Date Revised: May 5, 2008 | Page 1 of 1 |
|---|---|---|

The 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.

The Board will formulate and adopt a bylaw safeguarding the right of Board Members to be informed of and to participate fully in the discussion of each proposed new or amended bylaw.

Proposed new bylaws and suggested amendments to or revisions of existing bylaws shall be adopted by a majority vote of all members of the Board during the second of two regularly scheduled meetings of the Board.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-20 | Superintendents – Powers / Duties |
| | 47:1A-1 et seq | Public Records |
| | NJ Dept of State – School District Records | |
| | Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) | |

Possible Cross References

2210, 9000, 9310, 9314, 9322, 9323/9324

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Formulation, Adoption & Amendment of Administrative Regulations** **Policy 9313**

| Date Adopted: April 27, 1998 | Date Revised: May 5, 2008 | Page 1 of 1 |
|---|---|---|

The Board of Education shall delegate to the Superintendent of Schools the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. Such rules and detailed arrangements shall constitute the administrative regulations governing the schools.

The administrative regulations must be in every respect consistent with the policies adopted by the Board. 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 of Schools recommends Board adoption.

These administrative rules and regulations must be consistent with Board contracts and policies, the law rulings of the Commissioner of Education, and rules of the State Board of Education.

In the development of rules, regulations, and procedures for the operation of the school system, the Superintendent of Schools 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 itself will adopt administrative regulations when specific state laws require Board adoption, and may do so when the Superintendent of Schools recommends Board adoption.

The Board reserves the right to review and request revisions of administrative regulations should they, in the Board's judgment, be inconsistent with the policies adopted by the Board.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-20 | Superintendents – Powers / Duties |
| | 47:1A-1 et seq | Public Records |
| | NJ Dept of State – School District Records | |
| | Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) | |

Possible Cross References

2210, 9000, 9310, 9314, 9322, 9323/9324

The Board does not adopt administrative regulations unless specifically required to do so by law, or unless requested to do so by the Superintendent of Schools, or as required by negotiated agreements with employee organizations, in which case, any such regulation shall be subject to amendment as provided in any such agreement. Adoption and amendment of such Board adopted regulations shall be by the same procedure as that specified for policies in 9311.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-20 | Superintendents – Powers / Duties |
| | 47:1A-1 et seq | Public Records |
| | NJ Dept of State – School District Records | |
| | Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) | |

Possible Cross References

2210, 9000, 9310, 9314, 9322, 9323/9324

# Millville Board of Education
# District Policy Manual

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| **Bylaws of the Board of Education** | **Series 9000** |
| **Suspension of Policies, Bylaws & Regulations** | **Policy 9314** |

| | | |
|---|---|---|
| Date Adopted: April 27, 1998 | Date Revised: May 5, 2008 | Page 1 of 1 |

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.

Development of a new policy shall become the Board's prime policy priority. In the event of an emergency requiring immediate action, the Superintendent of Schools shall have the authority to waive policy or regulation in the single instance. In such cases, the Superintendent of Schools shall report the instance to the Board President immediately, and request reconsideration of the policy at the next regular meeting.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-20 | Superintendents – Powers / Duties |
| | 47:1A-1 et seq | Public Records |
| | NJ Dept of State – School District Records | |
| | Matawan Teachers Assn v Bd of Ed 233 NJ Super 504 App Div 1988 | |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) | |

Possible Cross References

2210, 9000, 9310, 9314, 9322, 9323/9324

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Meetings** **Policy 9320**

| Date Adopted: December 19, 1977 | Date Revised: November 23, 1998, May 5, 2008, March 7, 2011 | Page 1 of 1 |
|---|---|---|

The Board of Education shall organize annually at a date and time specified by law at which time newly appointed members shall take office.

During its organization meeting, the Board shall elect one of its members as President and another as Vice President; officially select a depository; appoint a Secretary to the Board and an auditor; and establish the time and place of Board meetings for the ensuing year.

The Board may conduct such other business as it deems desirable.

Regular Meetings
The time and place of the regular business meetings of the Board of Education shall be established at the organization meeting.

The Board of Education shall conduct its business in public in accordance with the provisions of the New Jersey Open Public Meetings Act.

The Board of Education will consider and act upon matters within its authority as prescribed by the statutes, the rules and regulations of the State Board of Education, and its own policies.

Special Meetings
Special meetings of the Board shall be held whenever called by the President or upon the signed petition of a majority of the whole number of members of the Board.

Special meetings of the Board of Education shall be held in public in accordance with the provisions of the New Jersey Open Public Meetings Act. The notice and purpose of all special meetings shall be given to all Board Members and the public. Public discussion shall be limited to those items on the agenda.

Adjourned Meetings
An adjourned meeting is the continuation of the meeting from which there was an adjournment. At the adjourned meeting the business interrupted by the adjournment motion is the first order of business after the reading of the minutes.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 10:4-9.1 | Electronic Notice of Meetings |
| | 18A:10-3 | First Regular Board Meeting |
| | 18A:10-4 | Secretary to Give Notice |
| | 18A:10-5 | Organization Meeting as Business Meeting |
| | 18A:10-6 | Board Meetings |
| NJAC | 6A:32-3.1 | Special Meetings of the Board |

Time/Place of Meetings

The Board of Education shall adopt annually, at its organization meeting, a schedule of meetings for the next ensuing year for the purpose of conducting the regular business of the Board and enabling full discussion of issues before the Board. The schedule shall list the time and date of each meeting, its location, and shall be posted, delivered to the Board's official newspaper, and filed with the clerk of the township. If the schedule so adopted and published is subsequently revised during said year, the Board will publish the revised schedule in the same manner within seven days of its adoption.

Notice of Meetings

The Secretary of the Board shall give notice to all Board Members of all meetings. Adequate notice must be given for all meetings of the Board except in the event of an emergency or when dealing with matter exempted from public purview under the law. Adequate notice means written advance notice of at least 48 hours, giving time, date and location, and to the extent known, the addenda of the meeting. The notice must state whether formal action may or may not be taken at the meeting. The notice must be:

1. Prominently posted in at least one public place reserved for such announcement.
2. Communicated to the designated official newspaper(s).
3. Filed with the clerk of the township.
4. Sent to those persons requesting that such notice be mailed to them.

Annual Notice

Annual notice of the year's regular meeting schedule must be posted publicly, sent to the official newspaper(s), and the clerk of the municipality within 10 days following the annual organization meeting. This notice shall 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 10 days of the revision. This schedule of meetings must be posted and maintained throughout the year.

Advance Notice

Any person may request advance written notice of the current school year's regular or special meetings of the Board of Education. The Board reserves the right to assess a fee for providing such notice with the exclusion of fee for the official newspaper for the district that shall receive such notice free of charge. All requests for notice made under this resolution shall terminate at midnight on the current operating year.

Emergency Meetings

The Board of Education may hold a meeting without providing adequate notice if:

1. Three-quarters of the members present vote to do so, and
2. 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

3. The meeting will be limited to discussion of an action on these matters; and
4. Notice of such meeting was provided as soon as possible following the calling of the such meeting; and
5. One of the following:
   a. either the Board could not reasonably have foreseen at a time when adequate notice could have been provided; or
   b. the need could have been foreseen in time but the Board failed to do so.

Statement of Adequate Notice

At the beginning of every meeting, the Board President shall announce that adequate notice of the meeting has been provided and shall specify the time, place and or in which the notice was provided. If adequate notice was not provided, the President shall say so and in addition, shall state:

1. The nature of the matter of urgency or importance for which the meeting without adequate notice was called; and
2. The nature of the substantial harm to the public interest likely to result from a delay in holding the meeting; and
3. That the meeting will be limited to discussion of and action on such matters of urgency and importance; and
4. The time, place and manner in which some notice of the meeting as provided; and
5. Either of the following:
   a. 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
   b. that such need could reasonably have been foreseen in time for adequate notice, but nevertheless such notice was not provided, and the reasons why.

Statements concerning the provision of adequate notice, or the lack thereof, shall be entered in the minutes of the meeting.

Mailing Lists

A mailing list will be established to send the annual schedule and notice of any additional meetings to persons who apply in writing and submit an annual fee established by the Board. This notice will not include a complete detailed agenda.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 10:4-9.1 | Electronic Notice of Meetings |
| | 18A:10-3 | First Regular Board Meeting |
| | 18A:10-4 | Secretary to Give Notice |
| | 18A:10-5 | Organization Meeting as Business Meeting |
| | 18A:10-6 | Board Meetings |
| NJAC | 6A:32-3.1 | Special Meetings of the Board |

Possible Cross References

1120, 2240, 9320

The Board of Education shall officially transact all business at a legal meeting of the Board in accordance with New Jersey law.

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 the express provision of state or federal law or rule of court shall be rendered 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 of the individuals) concerned shall request in writing that the same be disclosed publicly. This included information contained in public records, and any reports or recommendations concerning a specific individual (see Policy 1120 for "needless public labeling");
D. Any collective bargaining agreement or the terms and conditions that 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 investigation 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 hearing;
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, 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 are honor-bound not to disclose the topic or details of any discussions during the 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.

No official action shall be taken during executive sessions, except such as may be sanctioned by law. To take final action on any matter discussed, the Board shall convene or reconvene in open session.

The minutes of all executive sessions must be approved by a majority vote of the full Board of Education at the following, regularly scheduled meeting of the Board of Education.

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. The Board President has the discretion to limit the time an individual may speak based upon the available time on the agenda. Where possible, notice of time limits will be given at the beginning of the meeting. At least one week prior to the meeting, a member of the public may request time on the agenda. This will be granted at the discretion of the Board President.

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 until the next meeting would not be in the public interest.

No member of the public is permitted to present orally or discuss at an open meeting of the Board complaints against individual employees or students of the district.

Grievances or complaints that have not previously been considered through administrative channels shall not be acted upon by the Board.

Legal References

| | | |
|---|---|---|
| NJSA | 2C:33-8 | Disrupting Meetings |
| | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 47:1A-1 et seq | Public Records |
| NJAC | 6A:32-12.1 | Reporting Requirements |
| | Rice v. Union City Board of Education, 143 NJ Super 64 (1978) | |
| | 5 USC Section 552 as amended by Public Law | |
| | No. 104-231, 110 Stat. 3048 Freedom of Information Act | |
| | Garcetti v. Ceballos 2006 US LEXIS 4341 (May 2006) | |
| | New Jersey Quality Single Accountability Continuum (NJQSAC) | |

Possible Cross References

1120, 3570, 6142.10, 9121, 9271, 9323/9324, 9326, 9330

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 Internet Web Forums and Internet Chat Rooms. Board Members 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 ethic as other forms of Board-related communication including committee meetings and telephone calls. Board Members shall adhere to the following guidelines when communicating electronically:

A. Board Members shall not use electronic messaging as a substitute for deliberations at Board meetings. The Open Public Meetings Act defines a "meeting" as any gathering attended by or open to 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 any 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 communications because of the risk of improper disclosure.
D. Board Members shall adhere to the district "acceptable use" policy in all communications and shall refrain from sending inappropriate, profane, harassing or abusive e-mails.
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 of Schools immediately.

Email Accounts for Board Members

The district shall assign an email account to each Board Member to be used for allowable communications only. This email account shall be used only by the assigned Board Member and only for Board business and communications.

Board Members shall not use personal email accounts to conduct district or school business, but shall use the district assigned email account, instead.

Board Members are urged to review all email communications made to their respective email accounts regularly, in order to be kept fully informed.

Under most instances, Board Members will be excluded from receiving email messages directed to staff members or groups of staff members, unless particular email communications are deemed to be appropriate to be distributed to Board Members by the Chief School Administrator.

Board Members shall not use their assigned email account to communicate with staff members directly to discuss district business. Conversely, staff members shall not use their assigned email account to communicate with Board Members directly to discuss district business. Board Members or staff members who receive such email communications shall notify the Chief School Administrator immediately.

Email communications using such email accounts are subject to the provisions of the Open Public Records Act – NJSA 47:2A-1, et. seq.

Social Networking Websites

The Board of Education is aware of the importance of maintaining proper decorum in the on-line, digital world as well as in person. Board Members must conduct themselves in ways that do not distract from or disrupt the educational process, and/or the business of the district. Board Members are cautioned against improper fraternization with students or staff members using social networking websites on the Internet. Board Members may not list current students or staff members as “friends” on social networking sites.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:12-21 et seq | School Ethics Act |
| | 19:44-1 et seq | Fair & Open Procurement Process |
| | 47:1A-1 et seq | Public Records |
| NJAC | 6A:28-1.1 et seq | School Ethics Commission |
| | 6A:32-3.2 | Requirements for Code of Ethics for Board Members |

Possible Cross References

1120, 3570, 6142.10, 9121, 9271, 9323/9324, 9326, 9330

The Board of Education recognizes the significance of the Open Public Meetings Law (NJSA 10:4- 6 et seq. P.L.1975, c. 231) as it pertains to its regular, special, emergency and adjourned meetings.

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 of Education shall permit meetings to be held and business to be conducted by audio-video means in certain limited circumstances as described in this policy. All requirements of the Open Public Meetings Law shall be strictly adhered to.

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 of Education Members may attend public meetings of the Board by audio-video connections if he/she is prevented physically attending said meeting because of:

- Personal illness or disability;
- Employment requirements;
- District business;
- Family emergencies; or,
- Other just causes.

Therefore, the Board of Education hereby authorizes the Board President to permit Board Members to participate in a Board Meeting using his/her audio-visual device if there is good cause why the Board Member cannot attend in person and the request is received at least twenty-four (24) hours in advance to allow a good quality electronic connection to be established. No more than two (2) Board Members at a time may participate in the same public meeting may participate by audio-video connection. Additionally, no individual Board Member may participate electronically more than two (2) times in any consecutive twelve (12) month period.

Board Members who participate in a Board meeting through electronic means shall be counted toward achieving a quorum of the Board. The location of the meeting must be in the normal location for Board meetings (110 N. 3rd Street, Millville, NJ 08332) in order to allow the public to adequately observe the meeting. When a regular Board meeting is held in any other location, electronic participating shall not be permitted. Also, electronic participation in executive sessions shall not be permitted.

Minutes of all meetings shall specify if a Board Member was physically present or present through electronic means. When a Board Member attends a meeting electronically, all votes shall be by roll call vote. A Board Member who is attending electronically must identify himself/herself by name and be recognized by the Board President before speaking.

The Board of Education shall not purchase or provide any audio-video device for any Board Member to enable him/her to participate electronically in a Board meeting.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 10:4-9.1 | Electronic Notice of Meetings |
| | 18A:10-3 | First Regular Board Meeting |
| | 18A:10-4 | Secretary to Give Notice |
| | 18A:10-5 | Organization Meeting as Business Meeting |
| | 18A:10-6 | Board Meetings |
| NJAC | 6A:32-3.1 | Special Meetings of the Board |

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Agenda Preparation / Advance Delivery of Meeting Materials** **Policy 9323 / 9324**

| Date Adopted: April 27, 1998 | Date Revised: May 5, 2008 | Page 1 of 1 |
|---|---|---|

The Superintendent of Schools 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 of Schools and Board President. The agenda shall allow time for the remarks of citizens, staff members or pupils who wish to speak briefly before the Board.

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, notice of which has been provided in the annual schedule of meetings, items of business not on the agenda 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 Board of Education will provide an agenda of the topics called upon for any and all special or emergency meetings. The Board will also make note of any action that will be taken but this action is solely at the discretion of the Board.

The agenda together with supporting materials, shall be distributed to Board Members sufficiently prior to the Board meeting to permit Board Members to give items of business careful consideration. The agenda shall also be made available to the press, representatives of the community, and staff groups, and others upon request.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-4 | Secretary to Give Notice |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:12-21 et seq | School Ethics Act |

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Meeting Conduct** **Policy 9325**

| Date Adopted: May 5, 2008 | Date Revised: | Page 1 of 1 |
|---|---|---|

All actions of the 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.

Orderly Procedure

All meetings of the Board of Education are conducted using *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 *Robert's Rules of Order* will be followed during meetings of the Board of Education.

Board Actions

All actions of the Board of Education shall be taken only during 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 insure full dissemination of its official actions, to apprise the public of the schools and the educational program, and to hear the views of the public, the Board of Education shall provide a period of public participation in each of its regular and special meetings, but the Board reserves the right to establish rules for the conduct of such public participation.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-4 | Secretary to Give Notice |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |

Possible Cross References

1000/1010, 1100, 1100.1, 1250, 9020, 9271, 9325.4

A quorum of the Board of Education must be present to conduct business. In the event a quorum is not present at the hour of convening, the meeting may be recessed up to 30 minutes of the same day. If a quorum is not then present the members may adjourn the meeting to commence on a later date.

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.

Legal References

| | | |
|---|---|---|
| NJSA | 10:4-6 et seq | Open Public Meetings Act |
| | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |

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 of Education Bylaws, or otherwise by *Robert's Rules of Order*.

| Legal References | | |
|---|---|---|
| NJSA | 18A:10-6 | Board Meetings |
| | 18A:11-1 | General Mandatory Powers / Duties |

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 simple majority vote of those present and voting (minimally, a majority of the quorum), except as provided by statute. Abstentions shall not be counted as votes, but shall be recorded and are deemed to count as no vote at all.

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 statute. Proxy voting is prohibited. Any member may request that the Board be polled.

It shall be the responsibility of the President to certify the results of every matter voted upon by the Board. He/she may at his/her discretion poll the members of the Board to be certain of the outcome of the vote.

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.

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 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 involving holding a meeting, not withstanding the failure to provide adequate notice shall require an affirmative vote of three-quarters of the members present (NJSA 10:4-9(b)

Actions requiring a recorded roll-call majority vote of the full membership of the 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), Board Secretary (NJSA 18A17-5), Assistant or Acting Board Secretary. (NJSA 18A:17-13)
C. Appointing or removing an Assistant Superintendent of Schools. (NJSA 18A:17-16)
D. Appointment or transfer of a teaching staff member. (NJSA 18A:25-1; 18A:27-1)
E. Approval of employee salary deductions for governmental bonds. (NJSA 18A:16-8)
F. Disposition or exchange of lands owned by the Board of Education. (NJSA 18A:20-5, 18A:20-8)
G. Selection of textbooks. (NJSA 18A:34-1)
H. Restoration or removal following suspension by the Superintendent of Schools, Assistant Principal, Teacher or Instructional Aid. (NJSA 18A:25-6)
I. Withholding, for inefficiency or other good cause, a prescribed employment or adjustment salary increment. (NJSA 18A:29-14)
J. Admission after October 1st of a pupil who has never attended public or private school. (NJSA 18A:38-6)
K. 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)
L. 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)
M. Determining sufficiency of charges warranting dismissal or reduction in salary of a tenured employee. (NJSA 18A:6-11)
N. Removal of the President or Vice President of the Board. (NJSA 18A:15-2)
O. Purchase of bonds or other obligations as securities. (NJSA 18A:20-37)
P. Sale of bonds or other obligations purchased as securities. (NJSA 18A:20-39)
Q. Adoption of school budget to be submitted to voters. (NJSA 18A:22-32)
R. Adoption of school budget in Type II districts with a Board of School Estimate. (NJSA 18A:22-26)
S. Approval of capital construction projects. (NJSA 18A:7G-1 et seq, NJAC 6A:26-1 et seq)
T. Authorization of school bonds. (NJSA 18A:24-10)

Additional Legal References

NJSA 18A:11-1 General Mandatory Powers / Duties

Aurentz v Little Egg Harbor Twp Planning Bd 171 NJ Super Law Div 1979
King v. Asbury Park Bd of Ed 1939-49 SLD 20
Matawan Teachers Assn v Bd of Ed 223 Super 504 App Div 1988
Lincoln Park Bd of Ed v Boonton Bd of Ed 97 NJAR 2d EDU July 24
Little Ferry Bd of Ed v Ridgefield Park Bd of Ed 97 NJAR 2d EDU July 24
Green Twp Bd of Ed v Newton Bd of Ed 97 NJAR 2d EDU August 5

Prior to addressing the Board, each speaker is requested to state his/her name, address and nature of his/her remarks.

At the discretion of the Board President, public remarks may be limited to a specific amount of time.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers / Duties |

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 of Schools, Board Secretary/Business Administrator, 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;
H. A record of each motion placed before the Board, the result of the vote, and the vote of each member.
I. Temporary notes written by the Board Secretary/designee as an administrative convenience in the preparation of Board minutes and notes written by a school official or Board Member for his/her personal convenience are not public records and are not open for public inspection;

A copy of the minutes shall be of the previous meeting shall be provided to all Board Members along with agenda materials.

A copy of 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 of Schools as a permanent record.

<u>Minutes of Closed Meetings</u>

Minutes of any closed meetings or executive sessions of Board Meetings shall include:

A. A statement of the reason(s) for the closed meeting or executive session which will be compliant with the most recent rulings of the Department of Education;
B. A record of all members present;
C. A description of the reason for entering into an executive session and the exception from the Open Public Meetings Law supporting the decision for the executive session;
D. All minutes of closed meetings and executive sessions shall be filed securely apart from the minutes of regular meetings of the Board of Education.

The minutes of closed meetings and executive sessions must be made available to the public as soon as the reason(s) for confidentiality no longer applies or has been acted upon. When a closed

meeting or executive session deals with more than once privileged matter, the minutes shall be prepared in such a way that each matter can be separated and disclosed in a timely manner. Minutes of closed meetings and executive sessions will be dated to reflect when they were released to the public.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:10-6 et seq | Open Public Meetings Act |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-7 | Secretary to Give Notices / Keep Minutes |
| | 47:1A-1 et seq | Examination/Copies of Public Records OPRA |
| NJAC | 6A:8-4.3 | Accountability |
| | 6A:30-1.4 | Evaluation Process for Annual Review |
| | 6A:32-12.1 | Reporting Requirements |
| | 6A:23A-1.2 et seq | Fiscal Accountability Definitions |

Exec Order No. 9 Sept 30, 1963 modified by Exed Order No. 11 Nov 15, 1974
Maurice River Bd of Ed v Maurice River Teachers Assn 193 NJ Super 488 App Div 1984
Matawan Ed Assn v. Matawan-Aberdeen Ed Bd 121 NJ Super 328
Liebeskind v Mayor & Mun Coun of Bayonne 265 NJ Super 389 400-401 App Div 1993
Atlantic City Convention Cntr Auth v South Jersey Publishin Co Inc 135 NJ 53 1994
Manual for the Evaluation of Local School Districts
NJ Dept of State Div Archives & Records Management School District Records Retention Schedule
Robt Wayne Tarus v Boro of Pine Hill et al NJ Supreme Court A-93-2005 decided March 7, 2007
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3570, 9123, 9330

At its option, the Board of Education may cause any or all of its public meetings to be tape recorded for the purpose of providing clarification, if needed, during the preparation of the official minutes of that meeting. Should tapes be prepared, they shall be treated and maintained in conformity with NJSA 47:1A-1 et seq., "The Right to Know Law" (Open Public Records Act) and NJSA 47:3-15 et seq., "The Destruction of Public Records Law".

Public access to the contents of meeting tapes that are extant in conformity with the previously cited passages of NJSA 47 shall be provided exclusively through the Board office. Requests for such access shall be made to the Board Secretary in writing, with an appointment to be set by the Board Secretary. The Board reserves the right to assess a reasonable charge for providing copies of said tapes.

The Board also recognizes that there may be occasions when the use of a tape recording device may be a useful tool for a parent/guardian or citizen. At the same time, the Board recognizes that the indiscriminate use of these devices and the uncontrolled disclosure of recordings, has a real potential for abuse, invasion of privacy, a detrimental effect on the educational purpose of the schools. Therefore, no equipment that interferes with the orderly conduct of a meeting of the Board of Education will be permitted.

Anyone wishing to audio or video record a Board of Education meeting shall give notice to the Board Secretary/Business Administrator one day prior to the meeting to be recorded.

Videotaping Board Meetings by the Public

In accordance with the Open Public Meetings Act, the Board of Education welcomes participation by interested parties through videotaping of meetings according to the following guidelines:

1. A permanent record, either by tape or shorthand reporter is made of the proceedings;
2. Only two cameras shall be used at any time on a first come, first served basis. Equipment used shall be that approved pursuant to Supreme Court guidelines. No additional lighting shall be permitted nor shall television monitors be in use during the meeting;
3. The camera shall be placed at the direction of the Board President and shall be located in such a place so as to permit unobstructed view of the meeting by the cameras. The organization(s) conducting the videotaping of the meeting shall take all necessary safety precautions to properly secure the power cable and the actual videotaping equipment to minimize the danger and risk of accident with respect to the general public and Board Members attending the meeting, and shall be held responsible for any and all equipment used as well as the safety of the public and Board Members in attendance;
4. The Board shall be notified at least one-half hour before the commencement of the meeting and an opportunity shall be given prior to the meeting to set up the equipment;
5. Those meetings or portions of meetings that are closed to the public shall not be videotaped; and,
6. At no time shall the videotaping interfere or hinder the Board from conducting the meeting in an orderly and efficient manner.

A copy of this policy and/or guidelines for taping meetings shall be given to the interested party prior to the commencement of any taping of Board meetings.

At its option, the Board of Education may cause any or all of its public meetings to be videotaped. Should tapes be prepared, they shall be treated in conformity with NJSA 47: 1a-i et. seq., "The Open Public Records Act" and NJSA 47:3-15 et seq., "The Destruction of Public Records Law."

Legal References

| | | |
|---|---|---|
| NJSA | 18A:10-6 et seq | Open Public Meetings Act |
| | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:17-7 | Secretary to Give Notices / Keep Minutes |
| | 47:1A-1 et seq | Examination/Copies of Public Records OPRA |

Maurice River Bd of Ed v Maurice River Teachers Assn 193 NJ Super 488 App Div 1984

Atlantic City Convention Cntr Auth v South Jersey Publishin Co Inc 135 NJ 53 1994

# Millville Board of Education
# District Policy Manual

**Bylaws of the Board of Education** **Series 9000**

**Chain of Command** **Policy 9326.3**

| Date Adopted: May 5, 2008 | Date Revised: | Page 1 of 1 |
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The Board of Education recognizes that at times concerns may arise. It is the Board's intention to attempt to resolve these matters promptly and efficiently. In order to resolve issues in a professional manner, Board Members, employees, parents and/or community members, and are to follow the "chain of command." The "chain of command" provides for courtesy and respect among all those who are involved in the concern.

Legal References

NJSA 18A:11-1 General Mandatory Powers / Duties

In any case where a particular student is discussed, it shall be the procedure that no names or designations that would identify a student or class be used in the minutes. The Superintendent of Schools is directed to devise methods to protect the identity of the student by using other identification means both in public meetings and in executive sessions of the Board of Education.

| | | |
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| Legal References | | |
| NJSA | 18A:11-1 | General mandatory powers and duties |
| | 18A:42-4 | Distribution of literature to candidacy, Board Issues or other public question to be submitted at election; prohibited |
| Possible Cross References | | |
| | 1100, 1110, 9010, 9020, 9271 | |

In accordance with the provisions of P.L. 2001, c.404, the Board of Education will provide reasonable access, inspection, copying and examination of all public records except those specifically exempted by law.

For the purpose of this policy, Board records shall be defined as, "any paper, written or printed book, document drawing, map, plan, photograph, microfilm, data processed or image processed, stored or maintained electronically or by sound-recording or in a similar device or any copy thereof, that has been made, maintained or kept on file in the course of the Board's official business and/or that has been received in the course of the Board's official business."

Exemptions

Documents, records and/or information that are exempted from public access include:

1. In general, the portion of any document that discloses the social security number, credit card number, unlisted telephone number or driver license number of any person;
2. Personnel or pension records, except that an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received are considered government records;
3. Inter-agency or intra-agency advisory consultative or deliberative material;
4. Any record within the attorney-client privilege;
5. Administrative or technical information regarding computer hardware, software or networks that, if disclosed, would jeopardize computer security;
6. Emergency or security information or procedures for any building or facility that, if disclosed, would jeopardize security;
7. Information that, if disclosed would give an advantage to competitors or bidders;
8. Information relating to any sexual harassment complaint;
9. Information relating to any grievance filed by or against an individual in connection with collective negotiations;
10. Information that is a communication between the Board and its insurance carrier, administrative service organization or risk management office; and
11. Information that is to be kept confidential pursuant to a court order.

Custodian of Board Records

The Custodian of Board Records shall be the Board Secretary/Business Administrator.

Responsibility of the Custodian of School Records

The Custodian of Board Records must permit Board records to be inspected, examined, and copied during regular business hours. The district position of Board Secretary/Business Administrator is officially designated by this action custodian of Board records. The Board Secretary/Business Administrator is required to keep and maintain all records and documents belonging to the Board except.

Timely Access

In general, the Custodian of Board Records has a duty to provide access to a Board record immediately. However, there may be instances where the requested record(s) may be archived. In that case, the Custodian of Board Records will attempt to provide the requested record(s) within seven (7) business days after receiving the request. In general, failure to respond within seven (7) business days may be deemed a denial of the request.

Redaction of Records

In general, before providing public access, the Custodian of School Records has a duty to redact any information that discloses the social security number, credit card number, unlisted telephone number, driver license number and/or other exempted information.

Form for Requesting Records

The custodian shall adopt a form for the public to use to make requests for Board records. The form must provide the following:

1. Space for the name, address and telephone of the requestor;
2. Space for a brief description of the record sought;
3. Space for the custodian to indicate which record will be made available, and fees (if any), to be charged;
4. Specific directions and procedures for requesting the record;
5. A statement as to whether prepayment of fees (if any) are required;
6. An indication that, in general, the custodian has seven (7) business days after receiving the request to respond;
7. A statement of the requestor's right to challenge a decision denying access and the procedure for filing an appeal;
8. Space for the requestor to sign and date the form;
9. Space for the custodian to sign and date the form if the request is fulfilled or denied.

Fees Charged for Copying Records

The Board may assess fees for providing copies of records. If the Custodian of School Records can demonstrate that the actual cost for duplicating a record exceeds these rates, he/she shall charge the actual cost per page. Under certain circumstances, special service fees may also be charged.

Appeal of Denial or Access to Records

A person who is denied access to a Board Record may file suit in Superior Court or may file a complaint with the newly created Government Records Council within the New Jersey Department of Community Affairs.

Legal References

NJSA 10:4-6 et seq. Open Public Meetings Act
18A:4-14 Uniform system of bookkeeping for school districts
18A:7A-11 Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills
18A:11-2 Power to sue and be sued; reports; census of school
18A:11-2b N.J.S.A. 18A:17-7 through -12 Secretary to give notices and keep minutes, etc.
18A:17-28(e) Duties of business manager
18A:17-35 Records of receipts and payments
18A:17-36 Accounting; monthly and annual reports
18A:17-46 Act of violence; report by school employee; notice of action taken; annual report
18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")
47:3-15 et seq. Destruction of Public Records Law

NJAC 2:36-1.1 et seq. Child Nutrition Programs
6A:16-5.3 Incident reporting of violence, vandalism and substance abuse
6A:23-2.1 et seq. Double Entry Bookkeeping and GAAP Accounting in Local School Districts
6A:27-7.9 Vehicle records
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A: 32-7.1 et. seq. Student Records
6A:32-12.2 School level planning
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.)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Possible Cross References

3570, 4112.6, 4212.6, 5125

The Board of Education shall be a member of the New Jersey School Boards Association, the County School Boards Association and such other associations as determined by the Board of Education annually.

| Legal References | | |
|---|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers / Duties |
| | 18A:6-45 | NJSBA Established |
| | 18A:6-50 | NJSBA Dues |

To ensure that the Board has the opportunity to make its views known to the elected representatives of the district at the local, state and national level, the Superintendent of Schools is directed to notify the Board of any pending legislation that might affect the district.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers / Duties |

# Millville Board of Education
# District Policy Manual

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| **Bylaws of the Board of Education** | **Series 9000** |
| **Board of Education Self-Evaluation** | **Policy 9400** |

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| Date Adopted: April 27, 1998 | Date Revised: May 5, 2008 | Page 1 of 1 |

The members of the Board of Education shall conduct an annual self-evaluation each year to determine the degree to which they are meeting their responsibilities as Members of the Board of Education and the needs of their educational community. This self-evaluation shall be positive, frank and honest, and shall be used to establish priorities for action and specific goals and objectives to strengthen the operation of the Board.

The Board shall use a multifaceted self-evaluation instrument as recommended by the New Jersey School Boards Association. This function shall be the responsibility of the Board President.

Legal References

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| NJSA 18A:11-1 | General Mandatory Powers / Duties |

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 of Schools 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 their appointed or elected terms of office. Recognition is to be made on a non-discriminatory basis.

Legal References

| | | |
|---|---|---|
| NJSA | 18A:11-1 | General Mandatory Powers / Duties |

The Board has directed the annual evaluation of all parts of the district operation. The evaluation of the district as a whole must rest on the results of these individual evaluations. Therefore, the Superintendent of Schools is directed to coordinate the results of the evaluation of:

A. Administration
B. Business and Non-Instructional Operations (including all construction of whatever type)
C. Personnel (as a whole)
D. Instructional Programs (including pupil progress and the State evaluation) into a unified report to the Board on the strengths and weaknesses of the district on or before the October meeting of the Board.

This unified report shall state the indicators of achievement used in each area.

Legal References

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|---|---|
| NJSA 18A:11-1 | General Mandatory Powers / Duties |