

FOREWORD

The Board of Education has authorized the Superintendent to promulgate administrative regulations except where approval by the Board is required by statute or administrative code for the orderly operations of the Beverly City School District that are binding on all pupils, employees, and visitors to the district.

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

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

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



REGULATION

BEVERLY CITY BOARD OF EDUCATION

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R 1000 ADMINISTRATION

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R 1240 EVALUATION OF CHIEF SCHOOL ADMINISTRATOR

A. Frequency of Evaluation

The Chief School Administrator shall be evaluated annually.

B. Evaluation Criteria

1. Job description
2. Annual goals
3. The following criteria as enumerated by the N.J.S.B.A. shall also be used:
 - a. Ability to manage;
 - b. Ability to lead;
 - c. Ability to make decisions;
 - d. Ability to communicate;
 - e. Supervision and staff development;
 - f. Responsiveness to others;
 - g. Creativity;
 - h. Ability to maintain an effective educational climate;
 - i. Effective implementation of Board policies and procedures;
 - j. Use of physical and financial resources of the district in a judicious manner;
 - k. Demonstration of a broad knowledge of matters that will aid in effectively managing the school district.



C. Collection and Reporting of Evaluation Data

1. The Committee of the Board shall collect appropriate data to properly evaluate the Chief School Administrator.
2. The Committee of the Board shall appoint not more than three members to collect the data.
3. The Chief School Administrator shall cooperate with the Committee members of the Board designated to collect the data.

D. Preparation of Written Evaluation Report

1. The Committee of the Board shall in a committee session consider all of the collected data.
2. The Committee of the Board shall discuss the data and evaluate the Chief School Administrator based on the evaluation criteria as described in B. above.
3. The Committee of the Board shall designate one individual to prepare a draft of the written evaluation document.
4. The Committee of the Board shall review the draft evaluation document and determine required revisions.
5. The Committee of the Board shall by majority vote approve the evaluation document and have it approved by a majority vote of the Board.

E. Conduct of Annual Performance Conference

1. The Committee of the Board shall conduct the evaluation conference.
2. The chairperson of the Committee of the Board shall chair a private session of the Committee, at which the Chief School Administrator is present, at which the conference is conducted.
3. The Chief School Administrator shall have the right to discuss the evaluation with the Committee of the Board and file any exceptions to the evaluation in writing.
4. Any exceptions filed by the Chief School Administrator shall be included with any copy of the Board's evaluation.

Adopted: 15 September 2010



R 1330 EVALUATION OF SCHOOL BUSINESS ADMINISTRATOR

A. Frequency of Evaluation

The Chief School Administrator will evaluate the performance of the School Business Administrator annually, no later than April 1, or more frequently as the Chief School Administrator deems necessary.

B. Purpose

The evaluation of the School Business Administrator shall be for the purpose of:

1. Promoting professional excellence and improving the skills of the School Business Administrator;
2. Improving the effectiveness and efficiency of the financial management system;
3. Reviewing the performance of the School Business Administrator against specific criteria developed by the Chief School Administrator in consultation with the Board.

C. Evaluation Criteria

1. Criteria for the evaluation of the School Business Administrator will be based upon the job description and will relate directly to each of the tasks described. Each criteria will be brief and will focus on a major function of the position, be based on observable information rather than factors requiring subjective judgment, and be written in a consistent format.
2. The Board shall develop and approve criteria for the evaluation which will be reviewed as necessary and as requested by the School Business Administrator but not less than annually, and upon any revision of the School Business Administrator's job description. Any proposed revision of the evaluation criteria will be provided to the School Business Administrator for comment before its adoption, and a copy of the adopted revision shall be provided to the School Business Administrator within ten working days of its adoption.
3. On or about April 1, the Chief School Administrator will complete a written evaluation of the School Business Administrator.



4. Upon completion, the Chief School Administrator will provide a copy of the evaluation to the School Business Administrator.
5. The Chief School Administrator and School Business Administrator will meet for an Annual Summary Conference to discuss the evaluation, establish a plan for performance, improvement, and growth.
6. An opportunity will be provided for the School Business Administrator to enter performance data not included in the annual performance report and to respond to any commentary in the written evaluation.

D. Collection and Reporting of Evaluation Data

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

1. Direct observation;
2. Review of a document produced by the School Business Administrator in the performance of his/her assigned duties;
3. Interviews with the School Business Administrator by the Chief School Administrator regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments (such as competency tests, staff surveys, and the like);
5. A review of the School Business Administrator's performance by an outside observer (such as the district auditor);
6. Audio-visual monitoring of the School Business Administrator in the performance of assigned duties; and
7. Reference to previous performance reports.

E. Preparation of Written Evaluation Report

An annual written performance report shall be prepared, no later than April 1, by the Chief School Administrator. The report will include, but need not be limited to:

1. Performance areas needing improvement;



2. A plan for professional growth and development; and
3. Provision for performance data not included in the report which may be entered into the report by the School Business Administrator within ten working days after the completion of the report.

F. Conduct of Annual Performance Conference

1. An annual summary conference with the School Business Administrator will be conducted by the Chief School Administrator before the annual performance report is filed.
2. The conference shall include but need not be limited to:
 - a. A performance review based upon achieving and implementing, as applicable, the district's goals, program objectives, policies, priorities, and statutory requirements;
 - b. A review of the most recent audit report; and
 - c. Growth toward the performance objectives established in the previous performance conference.
3. The purpose of the annual performance conference shall be to provide a total review of the year's work, to identify strategies for improvement where necessary, to recognize achievement and good practice, and to specify a plan for professional growth and development. Adequate time shall be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
4. The annual performance report will be signed by the Chief School Administrator at the time of the annual performance conference and by the School Business Administrator within ten working days of that conference. It will be filed in the School Business Administrator's personnel file, and a copy will be provided to him/her.
5. It will be the duty of the School Business Administrator to implement the plan for professional growth as prepared; his/her failure to do so may result in disciplinary action up to and including certification of tenure charges.

Issued: 15 September 2010



R 1400 JOB DESCRIPTIONS

- A. A job description shall be prepared for each job position in the district, including all administrative, educational specialist, instructional, and support staff positions.
- B. Each job description must include:
 - 1. The goals of the position as they relate to district goals;
 - 2. The qualifications of the position holder including the certificate and endorsement required for the position and such other prerequisites for employment as the possession of a license to operate a vehicle or machine;
 - 3. The functions, duties, and responsibilities of the position;
 - 4. The extent and limits of the position holder's authority; and
 - 5. The working relationships of the position within and outside the school district.
- C. Each job description will:
 - 1. Be written in clear language that briefly describes the major functions of the position;
 - 2. Whenever possible, be generic in form, covering a number of specific positions;
 - 3. Be written in the same format, using the active and present tense, operational verbs, common terminology, and a direct, simple style; and
 - 4. Be gender neutral or employ both male and female pronouns.
- D. Maintenance of district job descriptions shall be the responsibility of the Chief School Administrator's office. Job descriptions shall be reviewed on the request of a single position holder.
- E. Each employee shall be sent a copy of his/her current job description by the Chief School Administrator. Any revision of a job description shall be provided to each holder of a position covered by the job description within thirty working days of its approval.
- F. Suggested revisions to job descriptions by a job holder shall be referred initially to the job holder's immediate supervisor.

Adopted: 15 September 2010



R 1510 RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/ NON-DISCRIMINATION

It is the policy of the Board of Education that no qualified handicapped/disabled person shall, on the basis of handicap/disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, activity or vocational opportunities sponsored by this Board. The Board shall comply with §504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The Board shall also comply with the Individuals with Disabilities Education Act through the implementation of Policy No. 2460 and Regulations Nos. 2460 through 2460.14.

DEFINITIONS

Handicapped/Disabled Person - means any person who (1) has a physical or mental impairment that substantially limits one or more of a person's major life activities and includes specific learning disabilities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. (34 CFR sec. 104.3(j))

Disability - means a pupil with mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities and who by reason thereof, needs special education and related services 20 U.S. 1401 §602(A), or an individual who has a physical or mental impairment that substantially limits one or more major life activities of such individual. 42 U.S.C. §1201 §3.

Physical or Mental Impairment - means (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (34 CFR sec. 104.3(j)(2)(i))

Major Life Activities - means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (34 CFR sec. 104.3(j)(2)(ii)). **Has a record of such impairment** - means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. (34 CFR sec. 104.3(j)(2)(iii)). **Is regarded as having an impairment** - means (1) has a physical or mental impairment that does not substantially limit major life activities but



that is treated by a recipient as constituting such a limitation; (2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment, or (3) has none of the impairments defined above, but is treated by a recipient as having such an impairment. (34 CFR sec. 104.3(j)(2)(iv))

Recipient - Any state or its political subdivision, including this Board of Education. (34 CFR sec. 104.3(f))

Qualified Handicapped/Disabled Person - means:

1. With respect to employment, a handicapped/disabled person who, with reasonable accommodation, can perform the essential functions of the job in question;
2. With respect to public preschool, elementary, secondary, or adult educational services, a handicapped/disabled person (1) of an age during which nonhandicapped/nondisabled persons are provided such services, (2) of any age during which it is mandatory under state or federal law to provide such services to handicapped/disabled persons, or (3) to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act;
3. With respect to post secondary and vocational educational services, a handicapped/disabled person who meets the academic and technical standards requisite to admission or participation in the school district's education program or activity; and
4. With respect to other services, a handicapped/disabled person who meets the essential eligibility requirements for the receipt of such services. (34 CFR sec. 104.3(k)(1-4))

Handicap - means any condition or characteristic that renders a person handicapped/disabled.

Disability - means any condition or characteristic that renders a person disabled.

Aids, Benefits, and Services - means aids, benefits and services to be equally effective, are not required to produce the identical result or level of achievement for handicapped/disabled and nonhandicapped/nondisabled persons, but must afford handicapped/disabled persons equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement, in the most integrated setting appropriate to the person's needs. (34 CFR sec. 104.4(b)(2))



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Act - means the Rehabilitation Act of 1973, Public Law 93-112, as amended by the Rehabilitation Act Amendments of 1974. Public Law 93-516, 29 U.S.C. 794, the Americans with Disabilities Act 42 U.S.C. §1201 et seq., and the Individuals with Disabilities Act 20 U.S. 1400 et seq.

"Aggrieved individual" means a qualified handicapped/disabled person who alleges a grievance or the representative of such qualified handicapped/disabled person.

"Board of Education" means the Board of Education of the Beverly City School District.

"Complainant" means a parent(s) or legal guardian(s) of a qualified handicapped/disabled pupil or qualified handicapped/disabled person who files a grievance in accordance with the grievance procedure.

"Compliance Officer" means the district official responsible for the coordination of activities relating to compliance with §504.

"Day" means either calendar or working day as specified.

"Employee" means an individual who receives remuneration from the school district for services rendered.

"Grievance" means an unresolved problem concerning the interpretation or application by an officer or employee of this school district of law and regulations regarding discrimination by reason of handicap/disability.

"Immediate supervisor" means any employee responsible for, or exercising any degree of supervision or authority over another employee or pupil.

"Intermediate supervisor" means the administrator to whom the immediate supervisor is directly responsible.

"Pupil" means an individual enrolled in any formal educational program provided by the school district.

"School district" means the Beverly City School District.



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District Coordinator

The Board will appoint a District Coordinator to coordinate its efforts to comply with the Rehabilitation Act and the Americans with Disabilities Act and Title IX. Such procedures to coordinate its efforts to comply with the act will be contained in this Regulation for pupils, employees and other qualified persons. The District Coordinator will be responsible for the initial evaluation of all allegations, reasonable accommodations, if required, and re-evaluations. The District Coordinator will comply with the mediation and due process requirements pursuant to N.J.A.C. 6A-14-2.6 and 6A:14-2.7 where applicable in cases arising from §504.

Notice

The Board shall notify members of the community, applicants, including those with impaired vision or hearing, and unions/associations within the school district, that the Board of Education does not discriminate on the basis of handicap/disability in violation of §504 or the Americans with Disabilities Act. This notice may include any of the following methods: the posting of notices, publication in local newspapers and magazines and/or distribution of memoranda or other written communications. The policy and regulation may be reprinted in part or in full and distributed to serve as adequate notice.

State or Local Law

The obligation to comply with the Rehabilitation Act and the Americans with Disabilities Act is not obviated or alleviated by the existence of any State or local law or other requirement that, on the basis of handicap/disability, imposes prohibitions or limits upon the eligibility of qualified handicapped/disabled persons to receive services or to practice any occupation or profession, or because employment opportunities in any occupation or profession are or may be more limited for handicapped/disabled persons than nonhandicapped/nondisabled persons.

EMPLOYMENT PRACTICES

Discrimination Prohibited

No qualified handicapped/disabled person shall, on the basis of handicap/disability, be subjected to discrimination in employment under any program or activity to which the Act applies. The Board of Education will take positive steps to employ and advance in employment qualified handicapped/disabled persons in programs assisted under the Act. The Board of Education will make all decisions concerning employment under any program or activity to which the Act applies in a manner which ensures that discrimination on the basis of handicap/disability does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap/disability.



The Board of Education will not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped/disabled applicants or employees to discrimination prohibited by the Rehabilitation Act. This shall apply to

1. Recruitment, advertising, and the processing of applications for employment;
2. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;
3. Rates of pay or any other form of compensation and changes in compensation;
4. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
5. Leaves of absences, sick leave, or other leave;
6. Fringe benefits available by virtue of employment, whether or not administered by the Board of Education;
7. Selection and financial support for training including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absences to pursue training;
8. Employer sponsored activities, including social or recreational programs; and
9. Any other term, condition, or privilege of employment.

The Board of Education's obligation to comply with these requirements is not affected by any inconsistent term or any collective bargaining agreement to which the Board is a party.

Reasonable Accommodation

The Board of Education will make reasonable accommodation to the known physical or mental limitation of any otherwise qualified handicapped/disabled applicant or employee unless the Board can demonstrate that the accommodation would impose an undue hardship on the operation of the program. Reasonable accommodation may include making facilities used by employees readily accessible to and usable by handicapped/disabled persons and job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. In determining whether the accommodation would impose an undue hardship on the operation of the program, the Board of Education will consider:



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1. The overall size of the school district's program with respect to the number of employees, number and type of facilities and the size of the budget;
2. The type of operation, including the composition and structure of the school district's workforce; and
3. The nature and cost of the accommodation needed.

The Board of Education will not deny any employment opportunity to a qualified handicapped/disabled employee or applicant if the basis of the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

Employment Criteria

The Board of Education and its administration will not use any employment test or other selection criterion that screens out or tends to screen out handicapped/disabled persons or any class of handicapped/disabled persons unless the test score or other selection criterion is shown to be job-related for the position in question and alternative job-related tests or criteria that do not screen out as many handicapped/disabled persons shown by the Coordinator to be available. The Board of Education and its administration may select and administer tests concerning employment so as to best ensure that when administered to an applicant or employee who has a handicap/disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Pre-employment Inquiries

Except as provided for in this regulation and the Rehabilitation Act, the Board of Education and its administration, will not conduct pre-employment medical examination and will not make pre-employment inquiry of an applicant as to whether the applicant is a handicapped/disabled person or as to the nature or severity of the handicap/disability. The school district may make pre-employment inquiry into an applicant's ability to perform job related functions.

When the Board of Education is taking remedial action to correct effects of past discrimination or to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity, as provided for in the Rehabilitation Act, or when the Board is taking affirmative action pursuant to §504 of the Rehabilitation Act, the Board may invite applicants for employment to indicate whether and to what extent they are handicapped/disabled. This is permitted provided the Board states clearly on a written questionnaire or makes clear



orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts and the Board states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide information will not subject the applicant or employee to any adverse treatment, and that the information will only be used in accordance with this part of the Regulation and applicable section of the Rehabilitation Act.

The Board of Education may condition an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty provided that all entering employees are subjected to such an examination regardless of handicap/disability and the results of such an examination are used only in accordance with the requirements of the policy, regulation and the Rehabilitation Act.

Information obtained in accordance with pre-employment inquiries as to the medical condition or history of the applicant will be collected and maintained on separate forms that will be accorded confidentiality as medical records. Supervisors may be informed of restrictions on the work or duties of handicapped/disabled persons and any reasonable accommodations. First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment. Government officials investigating compliance with the Rehabilitation Act shall be provided relevant information upon request.

Complaints About Employment Discrimination

Complaints about employment discrimination under §504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act shall first be made in writing to the Chief School Administrator or his/her designee. If the complaint cannot be resolved the following grievance procedure shall be followed:

Grievance Procedure - Employment

This grievance procedure shall apply to qualified handicapped/disabled persons who are employees with alleged discriminatory act(s) under the provisions of §504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

1. The aggrieved individual shall file a written complaint, stating the specific facts of his/her grievance and the alleged discriminatory act, with the compliance officer.



2. The District Coordinator shall make all reasonable efforts to resolve the matter informally by having the aggrieved individual review the complaint with his/her immediate supervisor.
3. The immediate supervisor shall render a determination to the aggrieved individual within five working days after hearing the complaint. If such complaint is not satisfactorily resolved at this stage, the aggrieved individual may proceed to the next level of appeal.
4. Within three working days after a determination has been made at the preceding stage, the aggrieved individual may present the complaint in writing to the intermediate supervisor, if such there be, who shall orally discuss the complaint with the aggrieved individual. The intermediate supervisor shall render a determination in writing to the aggrieved individual within seven working days after receiving the complaint. If such complaint is not satisfactorily resolved at this stage, the aggrieved individual may proceed to the next level of appeal.
5. Within three working days after a determination has been made by the intermediate supervisor, the aggrieved individual may make a written request to the compliance officer for review and determination.
6. The District Coordinator shall immediately notify the individual, immediate supervisor, and intermediate supervisor in the case to submit written statements to him/her within five working days setting forth the specific nature of the complaint, the facts relating thereto, and the determinations previously rendered.
7. The District Coordinator shall notify all parties concerned in the case of the time and place when an informal hearing will be held where the parties may appear and present oral and written statements supplementing their position in the case and the manner in which the hearing will be conducted. Such hearing shall be held within seven working days of receipt of the written statements pursuant to paragraph 5.
8. The District Coordinator shall render a determination within twelve working days after the written statements pursuant to paragraph 5 have been presented to him/her, or five working days after the completion of the informal hearing. The District Coordinator will provide a written copy of his/her determination to all parties.



9. The aggrieved individual may appeal the determination of the District Coordinator to the Board within three working days of the receipt of the compliance officer's determination. The appeal shall be in writing and attached to copies of the original complaint, the minutes of the informal hearing, and the written determination of the District Coordinator. The Board or a committee thereof may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.
10. Within forty-five calendar days of the filing of appeal, the Board shall provide both parties with a written decision.
11. If the complaint has not been satisfactorily resolved in the above stages, the aggrieved individual may appeal in writing directly to the Office of Civil Rights.

FACILITIES

Discrimination Prohibited

No qualified handicapped/disabled person shall, because a Board of Education facility is inaccessible to or usable by handicapped/disabled persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any activity to which this section of the Regulation applies.

Existing Facilities

The Board of Education will operate its programs and activities so that the program, when viewed in its entirety, is readily accessible to handicapped/disabled persons. The Board of Education is not required to make each of its facilities accessible to and usable by handicapped/disabled persons. The Board may comply with these requirements through such means as redesign of equipment, realignment of classes or other services, assignment of aides, alternative sites, alterations of existing facilities or construction of new facilities or any other methods that result in making its programs or activities accessible to handicapped/disabled persons. The Board is not required to make structural changes in existing facilities where other methods that are effective in achieving compliance with this Regulation and the Rehabilitation Act. The Board will give priority to those methods that offer programs and activities to handicapped/disabled persons in the most integrated setting appropriate. The Board of Education will develop a plan to make its facilities comply with this policy and the Rehabilitation Act. The plan shall be developed with the assistance of interested persons, including handicapped/disabled persons or organizations representing handicapped/disabled persons.



New Construction

The Board of Education will design and construct each new facility or part of each new facility, or in the renovation of facilities or part thereof, in a manner that each such facility is readily accessible to and usable by handicapped/disabled persons. The alterations are not required if the alteration has little likelihood of being accomplished without removing or altering a load-bearing structural member. The Board of Education will comply with the provisions of N.J.S.A. 18A and N.J.A.C. 6 for the construction, remodeling and/or renovation of its facilities.

Complaints About Accessibility of Facility

Complaints about access to facilities shall first be made to the Chief School Administrator or his/her designee. If the complaint cannot be resolved the following grievance procedure shall be followed:

Grievance Procedure - Facilities

This grievance procedure shall apply to qualified handicapped/disabled persons who are not employees or pupils with alleged discriminatory act(s) under the provisions of §504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

1. The aggrieved individual shall file a written complaint, stating the specific facts of his/her grievance and the alleged discriminatory act, with the District Coordinator.
2. The District Coordinator shall make all reasonable efforts to resolve the matter informally by reviewing the complaint with the aggrieved individual.
3. In the event the complaint cannot be resolved through an informal meeting, the District Coordinator shall notify all parties concerned in the case of the time and place when an informal hearing will be held where the parties may appear and present oral and written statements supplementing their position in the case and the manner in which the hearing will be conducted. Such hearing shall be held within seven working days of receipt of the written statements pursuant to paragraph 5.
4. The District Coordinator shall render a determination within twelve working days after the written statements pursuant to paragraph 5 have been presented to him/her, or five working days after the completion of the informal hearing. The District Coordinator will provide a written copy of his/her determination to all parties.



5. The aggrieved individual may appeal the determination of the District Coordinator to the Board within three working days of the receipt of the District Coordinator's determination. The appeal shall be in writing and attached to copies of the original complaint, the minutes of the informal hearing, and the written determination of the compliance officer. The Board or a committee thereof may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.
6. Within forty-five calendar days of the filing of appeal, the Board shall provide both parties with a written decision.
7. If the complaint has not been satisfactorily resolved in the above stages, the aggrieved individual may appeal in writing directly to the Office of Civil Rights.

EDUCATIONAL PROGRAM

The Board of Education will not, on the basis of handicap/disability, exclude qualified handicapped/disabled persons from the program or activity and will take into account the needs of such persons in determining the aid, benefits or services to be provided under the program or activity.

Pupils not otherwise eligible for special education programs and/or related services pursuant to N.J.A.C. 6A:14-1 et seq. may be referred to the District 504 Coordinator by the parent(s) or legal guardian(s), staff member and/or a request directly from the pupil.

The Board will provide a reasonable accommodation(s) to otherwise qualified pupils notwithstanding any program and/or related services required pursuant to N.J.A.C. 6A:14-1 et seq. Timelines for re-evaluations of pupils receiving a reasonable accommodation(s) will be established by the District Coordinator. A re-evaluation may be requested by the parent(s) or legal guardian(s) and/or the pupil at any time upon written request to the District Coordinator.

Location and Notification

The administration will undertake to identify and locate every qualified handicapped/disabled person residing within the school district who is not receiving a public school education and will take steps to notify such handicapped/disabled persons and their parent(s) or legal guardian(s) of the school district's duty under the policy and Rehabilitation Act. Pupils not otherwise eligible for program and/or related services pursuant to N.J.A.C. 6A:14-1 et seq., may be referred to the District Coordinator by the parent(s) or legal guardian(s), staff member and/or a request directly from the pupil.



Free Appropriate Public Education

The school district is required to provide a free appropriate public education to each qualified handicapped/disabled person who resides within the school district regardless of the nature or severity of the person's handicap/disability. An appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of handicapped/disabled persons as adequately as the needs of nonhandicapped/nondisabled persons are met and are based upon adherence to procedures that satisfy the requirements of this regulation.

The school district may place a handicapped/disabled person in or refer such person to a program other than the one it operates as its means of carrying out the provisions of this regulation and IDEA. The school district continues to maintain responsibility for ensuring the requirements of this section are met in respect to any handicapped/disabled person so placed or referred.

A free appropriate public education must be provided to handicapped/disabled person without cost to the handicapped/disabled person or to his/her parent(s) or legal guardian(s), except for those fees that are imposed on nonhandicapped/nondisabled persons or their parent(s) or legal guardian(s). If the handicapped/disabled person is placed in a program not operated by the school district the school district will ensure adequate transportation to and from the program and it shall be provided at no greater cost than would be incurred by the person or his parent(s) or legal guardian(s) if the handicapped/disabled person was placed in the program operated by the school district. If a public or private residential placement is necessary to provide a free appropriate education to a handicapped/disabled person because of his/her handicap/disability, the program, including non-medical care and room and board shall be provided at no cost to the person or his/her parent(s) or legal guardian(s).

Educational Setting

The school administration will place a handicapped/disabled person in the regular educational environment within the school district unless the school district demonstrates that the education of the handicapped/disabled person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The administration will consider the proximity of any alternative setting for handicapped/disabled persons to the person's home. The Board will ensure that handicapped/disabled persons participate with nonhandicapped/nondisabled persons in such activities and services to the maximum extent appropriate to the needs of the handicapped/disabled person in question.



Evaluation And Placement

The Board of Education establishes standards and procedures for the evaluation and placement of pupils who, because of handicap/disability, need or are believed to need special education or related services through Policy No. 2460 and Regulations Nos. 2460 through 2460.14. Individuals qualifying under §504 shall be evaluated using the following procedures:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as to best to ensure that, when a test is administered to a pupil with impaired sensory, manual, or speaking skills, the test results accurately reflect the pupil's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the pupil's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

In interpreting evaluation data and in making placement decisions, the school district will:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
2. Establish procedures to ensure that the information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data and the placement options; and
4. Ensure that the placement decision is made in conformity with this regulation and the Rehabilitation Act of 1973.

Timelines for re-evaluations of pupils receiving a reasonable accommodation(s) will be established by the District 504 Coordinator. A re-evaluation may be requested by the parent(s) or legal guardian(s) and/or the pupil at any time upon written request to the District Coordinator.



Section 504 Accommodation Plan

The District Coordinator based on the evaluation of the pupil eligible for services under §504 shall prepare a Section 504 Accommodation Plan which contains at least the following elements as related to the pupil:

1. Name.
2. Date of Birth.
3. Current educational placement.
4. Name of the District Coordinator or designee preparing the Section 504 Accommodation Plan.
5. Handicapping/Disabling condition.
 - a. Major life activity impaired.
 - b. Educational impact.
 - c. Impact on related educational progress.
6. Accommodation (as appropriate).
 - a. Physical and learning environment.
 - b. Instructional.
 - c. Behavioral.
 - d. Evaluation.
 - e. Medical.
 - f. Transportation.
 - g. Other.
7. Location of the Accommodation.



8. A listing of individuals participating in the development of the plan, along with their titles and the date(s) of their participation.
9. A certification by the parent(s) or legal guardian(s) of the pupil that they have participated in the development of the plan and give their consent to its implementation.
10. A waiver of the fifteen days notice prior to the implementation of the plan by the parent(s) or legal guardian(s) if the plan is to be implemented sooner than the fifteen days.

Procedural Safeguards

The school district will establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap/disability, need or are believed to need special education or related services, a system of procedural safeguards that includes notice, an opportunity for the parent(s) or legal guardian(s) of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parent(s) or legal guardian(s) and representation by council, and a review procedure. These procedural safeguards shall be in accordance with N.J.A.C. 6A:14 et seq. and Policy No. 2460 and Regulation 2460.7 and/or the grievance procedures contained herein.

Grievance Procedure - Pupils

This grievance procedure shall apply to qualified handicapped/disabled persons who are pupils with alleged discriminatory act(s) under the provisions of §504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

1. The parent(s) or legal guardian(s) of a qualified handicapped/disabled pupil or adult qualified handicapped/disabled pupil who believe the pupil has a valid basis for a grievance under §504, or the American Disabilities Act shall file an informal complaint in writing, stating the specific facts of his/her grievance and the alleged discriminatory act, with the District Coordinator.
2. The District Coordinator shall make all reasonable efforts to resolve the matter informally by reviewing the grievance with appropriate staff which may include, but not be limited to, the Chief School Administrator, Child Study Team staff and/or the classroom teacher(s).



3. The District Coordinator will investigate and document the complaint including dates of meetings, dispositions and date of dispositions. The District Coordinator will provide a written reply to the aggrieved individual within seven working days.
4. If the complainant is not satisfied with the District Coordinator's written reply, the complainant must file a formal complaint in writing, setting out the circumstances that give rise to the alleged grievance. This written complaint must be filed with the District Coordinator within three working days.
5. The District Coordinator will appoint a qualified hearing officer within seven working days of the receipt of the written grievance. The hearing officer will conduct a hearing within seven working days. The hearing officer will give the parent(s) or legal guardian(s), pupil or adult pupil a full and fair opportunity to present evidence relevant to the issues raised under the grievance. The parent(s) or legal guardian(s), pupil or adult pupil may, at their own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present a written decision to the District Coordinator and aggrieved individual within seven working days of the hearing.
6. The complainant may file a written appeal to the Board if not satisfied with the hearing officer's decision. The Board, through the Chief School Administrator, will provide a written disposition of the alleged grievance.
7. The complainant may request Mediation and Due Process in accordance with N.J.A.C. 6A:14-2.6 and 2.7 if unsatisfied with the written decision of the Board, or if specifically requested by the parent(s) or legal guardian(s), or adult pupil the aforementioned N.J.A.C. 6A:14-2.6 and 2.7 grievance procedure must be followed.

Nonacademic Services

The Board of Education will provide non-academic and extracurricular services and activities in such manner as is necessary to afford handicapped/disabled pupils an equal opportunity for participation in such services and activities. These services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or school clubs, referrals to agencies which provide assistance to handicapped/disabled persons, and employment to pupils, including both employment by the school district and assistance in making available outside employment.



The Board of Education and administration will ensure that qualified handicapped/disabled pupils are not counseled toward more restrictive career objectives than are nonhandicapped/nondisabled pupils with similar interests and abilities. The Board will provide to qualified handicapped/disabled pupils an equal opportunity for participation in physical education courses, athletics, and similar programs and activities. The school district may offer separate physical education and athletic activities to handicapped/disabled pupils only if separate or differentiation is consistent with the requirements of the Rehabilitation Act and no qualified handicapped/disabled person is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

MISCELLANEOUS

Provisions Applicable to All Grievance Procedures

1. If the same or substantially the same grievance is made by more than one individual, a single individual may process the grievance through the grievance procedure on behalf of all aggrieved individuals. The names of all aggrieved individuals shall appear on all documents related to the settlement of the grievance.
2. An aggrieved individual may be represented or accompanied at any time by a person chosen by the individual.
3. An employee may use personal leave time when it becomes necessary to process a grievance during work hours.
4. A grievance that arises late in the school term will be submitted to an expedited process in order that the grievance may be resolved as soon after the school term as possible.
5. There will be no reprisal of any kind taken against any aggrieved individual for participation in a grievance.
6. All documents, communications, and records regarding the processing of a grievance will be filed in a separate file and will not be kept in the personnel or pupil file.

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REGULATION

BEVERLY CITY BOARD OF EDUCATION

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Equal Employment Opportunity

Complaint Procedure

M

R 1530 EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for employment the opportunity to appeal an alleged denial of equal employment opportunity in violation of state and federal laws and Policy No. 1530, guaranteeing “equal access to all categories of employment without regard to the candidate's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.”
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual employees.

B. Definitions

1. “Board of Education” means the Board of Education of the Beverly City School District.
2. “Complaint” means an alleged discriminatory act or practice.
3. “Complainant” means a staff member who alleges a discriminatory act or practice.
4. “Day” means a working or calendar day as identified.
5. “Discriminatory act or practice” means denial of equal employment opportunity in violation of state and federal laws and Policy No. 1530.
6. “School district” means the Beverly City School District.



C. Procedure

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
 - a. The complainant's name and address,
 - b. The specific act or practice that the complainant complains of,
 - c. The school employee, if any, responsible for the allegedly discriminatory act,
 - d. The results of discussions conducted in accordance with paragraph C1, and
 - e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Chief School Administrator.
4. The response of the Affirmative Action Officer may be appealed to the Chief School Administrator in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Chief School Administrator must render a decision), the complainant will be given an informal hearing before the Chief School Administrator, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Chief School Administrator may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.



6. The Chief School Administrator will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
7. The complainant may appeal the Chief School Administrator's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Chief School Administrator's decision. The appeal shall include:
 - a. The original complaint,
 - b. The response to the complaint,
 - c. The Chief School Administrator's decision,
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
 - e. The complainant's reason for believing the Chief School Administrator's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.



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Equal Employment Opportunity
Complaint Procedure

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

- a. Commissioner of Education
Division of Controversies and Disputes
New Jersey State Department of Education
225 West State Street
Trenton, New Jersey 08625
Telephone: (609) 292-5705 or the
- b. New Jersey Division on Civil Rights
1100 Raymond Boulevard
Newark, New Jersey 07102
Telephone: (973) 648-2700

D. Record

- 1. The records of any complaint processed in accordance with this procedure shall be maintained in a file kept by the Affirmative Action Officer.
- 2. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

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REGULATION

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Affirmative Action Program for Employment and
Contract Practices/Employment Practices
Plan Complaint Procedure

M

R 1550 AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT AND CONTRACT PRACTICES/EMPLOYMENT PRACTICES PLAN COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for district employment the opportunity to appeal an alleged violation of the district's Affirmative Action Plan for employment and contract practices, as set forth in Policy No. 1550 or in a plan formally adopted by the Board of Education and approved by the Commissioner.
2. No qualified handicapped person, shall, on the basis of handicap, be subjected to discrimination in employment and the Board will take positive steps to employ and advance in employment qualified handicapped persons in programs and activities.
3. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
4. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
5. All participants in the procedure will respect the confidentiality that this district accords to information about individual teaching staff members.

B. Definitions

1. "Board of Education" means the Board of Education of the Beverly City School District.
2. "Complaint" means an alleged violation of the district's Affirmative Action Plan or Policy.
3. "Complainant" means a teaching staff member who alleges a violation of the district's Affirmative Action Plan or Policy No. 1550.



4. "Day" means a working or calendar day as identified.
 5. "School district" means the Beverly City School District.
 6. "Violation" means the failure of a district official or employee to take the positive steps outlined in Policy No. 1550 or the duly approved Affirmative Action Plan to remove impermissible bias or preference from all aspects of district employment practices and/or to correct the results of past discrimination.
- C. Procedure
1. A complainant who believes that he/she has been harmed or adversely affected by a failure to enforce the district's Affirmative Action Plan for employment and contract practices shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
 2. If the matter is not resolved to the satisfaction of the complainant within fifteen working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
 - a. The complainant's name and address,
 - b. The specific failure to act that the complainant complains of,
 - c. The school officer or employee, if any, responsible for the alleged violation of the Affirmative Action Plan,
 - d. The results of discussions conducted in accordance with paragraph C1, and
 - e. The reasons why those results are not satisfactory.
 3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than fifteen working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Chief School Administrator.



4. The response of the Affirmative Action Officer may be appealed to the Chief School Administrator in writing within five working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have violated the Affirmative Action Plan.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Chief School Administrator must render a decision), the complainant will be given an informal hearing before the Chief School Administrator, at a time and place convenient to the parties, but no later than fifteen working days after the request for a hearing has been submitted. The Chief School Administrator may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation complained of.
6. The Chief School Administrator will render a written decision in the matter no later than fifteen working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board of Education.
7. The complainant may appeal the Chief School Administrator's decision to the Board by filing a written appeal with the Board Secretary no later than five working days after receipt of the Chief School Administrator's decision. The appeal will include:
 - a. The original complaint,
 - b. The response to the complaint,
 - c. The Chief School Administrator's decision,
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
 - e. The complainant's reason for believing the Chief School Administrator's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.



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Affirmative Action Program for Employment and
Contract Practices/Employment Practices
Plan Complaint Procedure

9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
 10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
 11. The complainant will be informed of his/her right to appeal the Board's decision to the:
 - a. Commissioner of Education
Division of Controversies and Disputes
New Jersey State Department of Education
225 East State Street
Trenton, New Jersey 08625-0500
Telephone: (609) 292-5705 or the
 - b. New Jersey Division on Civil Rights
31 Clinton Street
Newark, New Jersey 07102
Telephone: (973) 648-2700
- D. Record
1. The records of any complaint processed in accordance with this procedure shall be kept in a file maintained by the Affirmative Action Officer.
 2. A copy of the decision rendered at its highest level of appeal will be kept in the complainant's personnel file.

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R 1570 INTERNAL CONTROLS

A. Segregation of Business Duties and Organizational Structure

1. The school district shall evaluate business processes annually and allocate available resources appropriately in an effort to establish a strong control environment.
2. The School Business Administrator/Board Secretary shall identify processes that when performed by the same individuals are a violation of sound segregation of duties. The School 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, except as required by a. and b. below.
 - a. The functions of human resources and payroll shall be segregated and completed by different employees in all districts.
3. The district shall include in the Comprehensive Annual Financial Report (CAFR) a detailed organizational chart for the Central Office that tie to the district's position control logs, including but not limited to, the business, human resources, and information management functions.

B. Standard Operating Procedures (SOPs) for Business Functions

1. The school district shall establish SOPs for each task or function of the business operations of the district.
2. The SOP Manual shall include sections on each routine task or function of the following areas:
 - a. Accounting including general ledger, accounts payable, accounts receivable, payroll and fixed assets, and year-end procedures for each;
 - b. Cash management;
 - c. Budget development and administration including tasks such as authorization of transfers and overtime;



- d. Position control;
 - e. Purchasing including such tasks as preparation of requisitions, approval of purchase orders and encumbering of funds, bid and quote requirements, and verification of receipt of goods and services;
 - f. Facilities including administration of work and health and safety;
 - g. Security;
 - h. Emergency preparedness;
 - i. Risk management;
 - j. Transportation;
 - k. Food service;
 - l. Technology systems; and
 - m. Information management.
3. A standard operating procedure shall be established that ensures office supplies are ordered in appropriate quantities, maintained in appropriate storage facilities, and monitored to keep track of inventory.

C. Financial and Human Resource Management Systems, Access Controls

- 1. School districts with budgets in excess of \$25,000,000 or with more than 300 employees shall maintain an Enterprise Resource Planning (ERP) System which integrates all data and processes of the school district into a unified system. The ERP system shall use multiple components of computer software and hardware and a unified database to store data for the various system modules to achieve the integration.
 - a. Districts affected by C.1. above that do not have an ERP system in place on July 1, 2008 shall fully implement one by the 2010-2011 school year and maintain both the existing system(s) and run a beta test ERP system during the 2009-2010 school year.



2. Whenever considering financial systems or the automation of other services or functions, the Chief School Administrator or School Business Administrator/Board Secretary shall notify the Executive County Superintendent in writing to see if opportunities for a shared service system exist.
 3. Access controls shall be established for key elements of financial systems to ensure that a single person does not have the ability to make system edits that would violate segregation of duties controls.
 - a. The process for creating, modifying, and deleting user accounts shall include the use of user access request forms.
 - b. All requests for financial applications shall be approved and specified by the School Business Administrator/Board Secretary.
 - c. All requests for network access shall be granted by the head of the technology department, if one exists.
 - d. A review of user access shall be conducted yearly at a minimum by the relevant department managers and an audit trail should be maintained to verify the performance of this review.
 - e. Access to the network and key applications within a district shall be restricted to authorized users through the use of unique user names and passwords.
 - f. Proper protocols shall be implemented that appropriately address password expiration and complexity.
- D. Personnel Tracking and Accounting
1. The school 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. Districts are required to maintain a position control roster. The position control roster shall:
 - a. Share a common database and be integrated with the district's payroll system;
 - b. Agree to the account codes in the budget software;



- c. Ensure that the data within the position control roster system includes, at a minimum, the following information:
- (1) The employee's name;
 - (2) The date of hire;
 - (3) A permanent position tracking number for each employee including:
 - (a) The expenditure account codes for the general fund consistent with the State prescribed budget, special revenue fund and enterprise funds;
 - (b) The building(s) the position is assigned;
 - (c) The certification title and endorsement held, as applicable;
 - (d) The assignment position title as follows:
 - i. Chief School Administrator;
 - ii. Assistant Superintendent;
 - iii. School Business Administrator;
 - iv. Board Secretary (when other than i., ii., or iii. above);
 - v. Chief School Administrator;
 - vi. Vice Principal;
 - vii. Director;
 - viii. Supervisor;
 - ix. Facilitator;



- x. Instructional Coach by Subject Area;
- xi. Department Chairperson by Subject Area;
- xii. Certificated Administrator – Other;
- xiii. Guidance;
- xiv. Media Specialist/Librarian;
- xv. School Nurse;
- xvi. Social Worker;
- xvii. Psychologist;
- xviii. Therapist – OT;
- xix. Therapist – PT;
- xx. Therapist – Speech;
- xxi. Certificated Support Staff – Other;
- xxii. Teacher by Subject Area;
- xxiii. Instructional Assistants;
- xxiv. Certificated Instructional-Other;
- xxv. Aides supported by IEP;
- xxvi. Other Aides;
- xxvii. Maintenance Worker;
- xxviii. Custodian;
- xxix. Food Service; and
- xxx. Other Non-certificated.



- (4) A control number for substitute teachers;
- (5) A control number for overtime;
- (6) A control number for extra pay;
- (7) The status of the position (filled, vacant, abolished, etc.);
- (8) An indication, when available, of whether the employee is retiring in the budget year or not being renewed including associated costs such as contractual buyouts, severance pay, paid vacation or sick days, etc;
- (9) Each of the following: base salary, step, longevity, guide, stipends by type, overtime and other extra compensation;
- (10) The benefits paid by the district, net of employee reimbursements or co-pays, by type of benefit and for FICA and Medicare;
- (11) The position's full-time equivalent value by location;
- (12) The date the position was filled; and
- (13) The date the position was originally created by the Board. If the date the position was originally created is not available, this item shall represent the date the person currently filling that position was approved by the Board.

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R 2000 PROGRAM

<u>Number</u>	<u>Title</u>
R 2200	Curriculum Content
R 2230	Course Guides
R 2260	Affirmative Action Program for School and Classroom Practices Complaint Procedure
R 2330	Homework
R 2340	Field Trips
R 2361	Acceptable Use of Computer Network/Computers and Resources
R 2411	Guidance and Counseling
R 2412	Home Instruction Due to Health Condition
R 2414	At Risk Pupils
R 2415	Title I Services
R 2415.20	No Child Left Behind Complaints
R 2417	Pupil Intervention and Referral Services
R 2423	Bilingual and ESL Education
R 2430	Co-Curricular Activities
R 2431.1	Emergency Procedures for Athletic Practices and Competitions
R 2431.2	Medical Examination to Determine Fitness for Participation in Athletics
R 2432	School Sponsored Publications
R 2460	Special Education/Sending Districts
R 2461	Special Education/Receiving Districts
R 2464	Gifted and Talented Pupils
R 2481	Home or Out-of-School Instruction for General Education Pupils
R 2510	Adoption of Textbooks
R 2520	Instructional Supplies
R 2530	Resource Materials
R 2531	Use of Copyrighted Materials
R 2560	Live Animals in School
R 2624	Grading System



R 2200 CURRICULUM CONTENT

Courses of study and instructional materials and programs shall be designed to eliminate discrimination and promote understanding and mutual respect between children of different races, colors, creeds, sexes, sexual orientations, ancestries, national origins, social or economic status, and/or disabilities.

In order to eliminate possible bias in the curriculum, staff shall use the following criteria:

- A. When instructional material contains stereotypes or discriminatory statements, staff should help pupils identify the stereotypes or discriminatory statement(s) and discuss with pupils the consequences of repeated stereotyping and discriminatory statements.
- B. If a particular instructional material is highly objectionable, staff should not use it, N.J.A.C. 6:4-1.3(f); such material should be brought to the attention of the Building Principal so that the Affirmative Action Officer can evaluate the objectionable material. Alternatively, the teacher might discuss the questionable material instead of eliminating it, depending on the makeup and maturity of the class and the purposes of the instruction.
- C. Another recommended technique for handling materials that contain biases or stereotypes is to offset it by using unbiased supplementary materials, N.J.A.C. 6:4-1.3(f).
- D. Community involvement when developing instructional programs and attendant materials shall be encouraged.

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R 2230 COURSE GUIDES

A course guide will be prepared for each course of study to be taught in this district. Course guides should be planned and organized to provide sequential learning experiences in the grade levels concerned.

A. Preparation

1. The preparation of course guides is the responsibility of the Chief School Administrator at the elementary level.
2. Course guides are best developed with the assistance of the teaching staff members who will use them. Accordingly, appropriate staff representatives will be appointed to committees to study, revise, and/or develop course guides.

B. Content

1. Content standards should be broad statements related to district educational goals and arising from the philosophy of the course.
2. Performance indicators should be specific statements of behavioral objectives, that is, the concepts, skills, attitudes, and appreciation's to be achieved. The degree of specificity should be consistent with the nature of the course.
3. Teaching strategies should include, where appropriate, specific instructional methods/modalities, the time to be spent on tasks, recommended pupil activities, and resources.
4. Evaluation techniques should include such specific techniques as sample tests, suggested projects or performance outcomes, and individual study.

C. Implementation

Teachers will adhere to the content of course guides in accordance with Policy No. 2230.

Issued: 15 September 2010



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

A. Purpose and Application

1. The purpose of this procedure is to give any pupil or the parent(s) or legal guardian(s) of a pupil the opportunity to appeal an alleged violation of the district's Affirmative Action Plan for school and classroom practices, as set forth in Policy No. 2260.
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and will be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual pupils.

B. Definitions

1. "Affirmative Action Officer" means the district official responsible for the coordination of activities relating to compliance with the Affirmative Action Plan.
2. "Affirmative Action Plan" means the Affirmative Action Plan for school and classroom practices adopted by the Board.
3. "Board of Education" means the Board of Education of the Beverly City School District.
4. "Complainant" means a pupil or parent(s) or legal guardian(s) who believes that he/she has been harmed or adversely affected by a failure to enforce the district's Affirmative Action Plan.
5. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of this school district of law and regulations regarding the Affirmative Action Plan.



6. "Day" means a working or calendar day as identified.
 7. "Pupil" means an individual enrolled in any formal educational program provided by the school district.
 8. "School district" means the Beverly City School District.
 9. "Violation" means the failure of a district official or employee to take the positive steps outlined in Policy No. 2260 and/or included in the Affirmative Action Plan.
- C. Procedure
1. A complainant shall discuss his/her complaint with the Affirmative Action Officer most closely involved in an attempt to resolve the matter informally.
 2. If the matter is not resolved to the satisfaction of the complainant within thirty calendar days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
 - a. The pupil's name and, in the complaint of a person acting on behalf of the pupil, the name and address of the complainant,
 - b. The specific failure to act that the complainant complains of,
 - c. The school employee, if any, responsible for the alleged violation of the Affirmative Action Plan,
 - d. The results of discussions conducted in accordance with paragraph C1, and
 - e. The reasons why those results are not satisfactory.
 3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven calendar days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.



4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three calendar days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have violated the Affirmative Action Plan.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Chief School Administrator must render a decision), the complainant will be given an informal hearing before the Chief School Administrator, at a time and place convenient to the parties, but no later than seven calendar days after the request for a hearing has been submitted. The Chief School Administrator may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation complained of.
6. The Chief School Administrator will render a written decision in the matter no later than seven calendar days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board.
7. The complainant may appeal the Chief School Administrator's decision to the Board by filing a written appeal with the Board Secretary no later than three calendar days after receipt of the Chief School Administrator's decision. The appeal shall include:
 - a. The original complaint,
 - b. The response to the complaint,
 - c. The Chief School Administrator's decision,
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
 - e. The complainant's reason for believing the Chief School Administrator's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.



9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
 10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
 11. The complainant will be informed of his/her right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.
- D. Record

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

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R 2330 HOMEWORK

A. Content of Homework

1. Any homework assigned to pupils must be closely integrated with the curriculum. There should be a direct relationship between classroom studies and assigned homework. Homework should reinforce and extend the lessons learned in school.
2. Homework should help pupils learn by providing practice in the mastery of skills, experience in gathering information and integrating knowledge, and an opportunity to remediate learning problems.
3. Homework should help develop the pupil's responsibility and provide an opportunity for the pupil to exercise independent work and judgment.
4. The concepts on which a homework assignment is based should have been thoroughly taught and reviewed in class. Homework assignments should include only those exercises and activities that a pupil can accomplish independently.
5. Homework assignments should not require the use of research or resource tools that are not readily available in the pupils' homes or in sufficient quantity in the public or school library, or available for borrowing from the classroom.
6. Homework assignments should not require extensive copy work unless the writing of numbers or script is the skill being taught.
7. Homework must never serve a punitive or disciplinary function; learning, in school or at home, must always be a positive experience, rewarding for its own sake.

B. Assignment of Homework

1. The number, frequency, and degree of difficulty of homework assignments should be based on the ability and needs of the individual pupil.
2. Homework should be assigned with clarity so that pupils know precisely what is expected of them. It may be helpful for teachers to post the homework assignment at the beginning of the class period and to encourage pupils to ask questions about any aspect of the assignment they do not fully understand. Homework should never be assigned hurriedly or in a confused manner.



3. Teachers should observe the following guidelines for the introduction and assignment of homework. Time allotments include all aspects of the homework assignment--outside reading, research, drill work, and the like.

- a. Kindergarten

Home experiences related to classroom lessons should be assigned to pupils when appropriate.

- b. Grades 1, 2, and 3

Formal homework assignments should be introduced in grade one. Lessons should be geared to the needs and abilities of individual pupils. The amount of time allocated should increase through the grades from fifteen to thirty minutes several times a week. Occasional long term assignments are given during the year.

- c. Grades 4 and 5

Homework should be regularly scheduled, should require no more than thirty to sixty minutes of preparation daily, and should be based on the needs and abilities of individual pupils. Occasional long term assignments are given during the year.

- d. Grades 6, 7, and 8

Homework should be regularly scheduled, should require no more than seventy five to one hundred twenty minutes of preparation daily, and should be based on the needs and abilities of individual pupils.

In departmentalized junior high or elementary grades, pupils' total daily homework load and out-of-school responsibilities should be considered in determining the amount of homework to be assigned. Major tests that require substantial periods of study will be taken into consideration in determining the total estimated homework load.

4. To the degree reasonably possible, teachers should plan and announce homework assignments, especially long term assignments, well in advance so that pupils can adjust their schedules appropriately.



5. A pupil who has been absent from school will be given an opportunity to make up homework assignments, provided the assignments are completed within two days of every day missed of his/her absence. That period may be extended for the completion of long term assignments.
 6. The parent(s) or legal guardian(s) of an absent pupil may request homework assignments to be completed during the pupil's absence. Teachers are expected to comply with any such request.
- C. Evaluation of Homework
1. All homework must be evaluated by the teacher and the teacher's evaluation must be communicated to the pupil.
 2. Teachers should insist on high standards of quality in homework. The homework lesson should teach the values of thorough preparation, careful research, neat execution, thoughtful work, and prompt submission.
- D. Checklist for Teachers
- Teachers should be able to answer affirmatively the following questions about a homework assignment.
1. Does the homework serve a valid purpose?
 2. Is it well within the capacities of the pupil?
 3. Does the assignment grow out of school experience?
 4. Is the work related to pupils' interests? Is it interesting?
 5. Is the work adapted to individual needs, interests, and capacities?
 6. Are pupils entirely clear about what they are to do?
 7. Can the pupils do the work without the assistance of parent(s) or legal guardian(s) or others?
 8. Can the homework be evaluated fairly and/or be used in the daily program?

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R 2340 FIELD TRIPS

A. Definition

A “field trip” is any journey by a group of pupils away from the school premises that has been duly approved in accordance with Policy No. 2340. A school sponsored trip taken by pupils as part of a co-curricular activity is not a field trip and is governed instead by Regulation No. 5850.

B. Approval of Trips

1. A list of field trips considered appropriate for each grade level or subject area will be prepared cooperatively by teaching staff members and approved by the Chief School Administrator. The approved list will be reviewed annually for additions, deletions, and revisions and will be distributed to teachers as a suggested guideline. In addition, the curriculum guide for a specific course of study may include suggested field trips.
2. To ensure the equitable allocation of budgeted field trip funds, each teacher shall submit a list of proposed field trips to the Chief School Administrator at the beginning of the school year. The acceptance of the list does not constitute approval of any specific field trip on the list or of the number of field trips proposed by a teacher.
3. A teacher shall request approval of a specific field trip by submitting a written application to the Chief School Administrator no less than thirty working days prior to the date of the anticipated trip. Field trip application forms are available in the Main office.
4. The field trip application will include:
 - a. Proposed date of the trip (which should be checked in advance against the school calendar) and any alternate date(s);
 - b. The proposed destination and, if the destination is not generally known, its description and the reason it is selected by the teacher;
 - c. The relationship of the trip to NJCCCS;
 - d. The location of the destination and the route that will be taken to it;



- e. Transportation arrangements, the estimated cost of transportation, and the provision of safe and adequate loading and unloading areas for bus-borne pupils;
 - f. The time of departure and the estimated time of return to the school;
 - g. Provisions for emergency and sanitation facilities;
 - h. Admission fees and tolls, if any; and
 - i. Provisions for meals, if any are required.
5. The Chief School Administrator may deny a field trip request when:
- a. The application is incomplete;
 - b. The anticipated cost is excessive;
 - c. The proposed trip bears insufficient relationship to the curriculum;
 - d. The pupils involved will have been taken from the class for the trip and other activities for an excessive amount of time;
 - e. The trip conflicts with other scheduled events or with other demands on school buses;
 - f. The class has exceeded its equitable allocation of field trips;
 - g. The trip will occur during an exam period or immediately before the end of a marking period; or
 - h. The destination and trip activity are inappropriate choices for pupils of the age and maturity typical of the class.
6. A request for all field trips must receive the preliminary approval of the Chief School Administrator before it is submitted to the Board of Education for final approval.



7. The teacher will be given written approval or denial of the teacher's request for a field trip. A denial of approval will include the reason(s) for the denial.
- C. Planning and Preparation
1. Each teacher who plans a field trip should take the following preliminary steps:
 - a. Determine that the proposed trip is the best method available for achieving the desired learning outcomes. Consult the list of approved field trip destinations for alternatives;
 - b. Consult the school calendar for any conflicts with the projected date of the field trip and for any clusters of field trips on or about that date;
 - c. Determine whether classes can be combined in a joint field trip for maximum economy;
 - d. Gather the information necessary to fill out the field trip application form; and
 - e. Complete and submit the form.
 2. If the field trip is approved, the teacher should take the following preparatory steps:
 - a. Discuss the proposed trip with pupils, giving particular attention to;
 - (1) The purpose of the trip and its relationship to the course of study,
 - (2) What in the trip the pupils should give particular attention to and ask questions about,
 - (3) Any reports, note taking, sketching, or the like pupils should accomplish on the trip,
 - (4) The assignment of background materials and research to enhance the value of the trip, and
 - (5) Rules of conduct and expected behaviors, both at the trip destination and in transit to and from the destination.



- b. Distribute and collect a permission slip for each pupil who will participate in the trip. The slip must be signed by the pupil's parent(s) or legal guardian(s). The slip will include notice of:

- (1) The date, departure time, and return time;
- (2) The destination and its location;
- (3) The name of the teacher in charge;
- (4) The means of transportation; and
- (5) The purpose of the trip.

All Signed permission slips will be filed in the main office.

- c. Make arrangements for travel and inform the School Business Administrator/Board Secretary of those arrangements in writing.

- d. Arrange with officials at the point of destination for:

- (1) The pupils' admission;
- (2) The provision of any materials that will enhance the trip;
- (3) The services of guides, if necessary; and
- (4) The provision of meals, if necessary.

- e. Arrange for chaperones, who may be other teaching staff members or volunteer parent(s) or legal guardian(s), and apprise them of their responsibilities.

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

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



- (1) To permit other teachers to plan for the absences; and
 - (2) To encourage other teachers to incorporate the field trip experience in their lesson plans.
 - h. Notify the cafeteria manager, no later than two working days in advance, of the number of pupils who will miss lunch on the day of the field trip.
 - i. Prepare a roster of pupils who will participate in the field trip.
 - j. Make alternate educational arrangements for any pupils who will not participate in the field trip.
 - k. Ascertain whether any pupil participating in the field trip will or may require medication in the course of the trip and arrange for the presence of the school nurse, a registered nurse, or the pupil's parent(s) or legal guardian(s) to administer the medication, except where pupils are allowed to self administer medication under statutory authority. If none can be present, report the matter to the Chief School Administrator who may deny the pupil's participation.
3. On the day of the field trip, the teacher will:
- a. If the weather is inclement and the trip is to take place out of doors or involves transportation that might be made hazardous by the weather.
 - (1) Check with the Chief School Administrator who may determine to cancel or postpone the trip.
 - (2) If the trip is canceled or postponed, promptly inform chaperones.
 - b. Take attendance and deliver to the Main office a roster of the pupils who are actually leaving on the field trip.
 - c. Ascertain that the full complement of assigned chaperones is present and prepared.
 - d. Ascertain that all pupils participating in the field trip have left the school by the arranged method of transportation. Only in exceptional circumstances, approved in advance by the Chief School Administrator, may pupils be delivered directly to the destination by means other than those arranged by the teacher.



- e. Take all reasonable steps to assure that pupils profit educationally from the trip.
- f. Make no change or substitutions in the trip itinerary unless an emergency has occurred (see paragraph E following).
- g. Ascertain that all pupils participating in the field trip have left the destination by the arranged method of transportation. Only in exceptional circumstances, approved in advance by the Principal, or in an emergency may pupils be taken from the destination by means other than those arranged by the teacher.
- h. If the trip will bring pupils back to school after the end of the school day, ascertain that the Chief School Administrator will remain on the premises until the pupil's return or has appointed an emergency coordinator to remain on school premises. Plan to stay at the school or assign a chaperone to stay at the school until the last pupil has been picked up or has departed for home by his/her regular transportation.

D. Chaperones

- 1. The teacher in charge of the trip is responsible for appointing and training chaperones. Chaperones should be persons known to the teacher to be responsible, dependable, and comfortable with children of the pupil's age and maturity.
- 2. The Board will pay the expenses of chaperones to the extent that the expenses of pupils and teachers are paid.
- 3. Chaperones will be assigned a specific group of pupils and are accountable for the welfare of those pupils. Pupils must not be left unattended; if the chaperone must briefly leave his/her assigned pupils, the chaperone should ask the teacher or another chaperone to take his/her place for the absence.
- 4. Smoking and the use of alcohol or drugs or the possession of weapons is prohibited for both pupils and chaperones.
- 5. Prior to their arrival at the destination, chaperones should inform the pupils in their charge of:



- a. The conduct expected of them,
 - b. The time and place of departure, and
 - c. Any other information necessary to the conduct of the trip, such as meal arrangements and the location of restrooms.
6. Chaperones should attempt to regulate pupil conduct. Any significant or persistent disciplinary problem should be reported to the teacher for appropriate action.

E. Emergencies

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

1. An emergency on a school bus will be governed by the procedures set forth in Regulation No. 8630.
2. In the event a pupil is lost or missing, and all reasonable efforts to find him/her have failed, the teacher shall call the Principal.
3. In the event of a medical emergency, the teacher shall summon first aid and/or ambulance services. Any medical emergency shall be immediately reported to the Principal. Within twenty-four hours of the trip, the teacher shall file with the Principal a full written report of the emergency and the steps taken to protect the victim's health and safety.
4. In the event of a delay that will bring pupils back to school later than anticipated and after the end of the school day, the teacher will, as soon as he/she can estimate the actual time of arrival, call the Chief School Administrator or a person designated by the Principal to remain at the school as emergency coordinator. The Chief School Administrator or emergency coordinator will:
 - a. Inform parent(s) or legal guardian(s) of the delay by telephone;
 - b. Make the school facilities available to waiting parents or legal guardians;
 - c. Remain at the telephone to answer incoming calls; and



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

F. Overnight Trips

1. A field trip that will remove pupils from the district overnight must be specifically approved by the Board. The request and approval procedures outlined in paragraph B6 above must be followed.
2. All of the provisions of this regulation are applicable to overnight field trips.
3. Pupils and their parent(s) or legal guardian(s) may be required, as a condition of their participation in the trip, to attend a meeting at which they will be informed of the:
 - a. Purpose of the trip;
 - b. The particulars of the trip such as itinerary, departure and return times, duration, overnight accommodations, and points of interest;
 - c. Rules of conduct and behavior expectations, both on the trip and at the destination;
 - d. Need, if any, for special clothing, supplies, apparatus, or equipment; and
 - e. Costs, if any, of the trip.

G. Follow-up and Evaluation

1. The teacher in charge of the field trip should express his/her appreciation to:
 - a. The chaperones, both lay and professional;
 - b. The officials and guides at the destination; and
 - c. Any other persons or representatives who assisted in the conduct of the trip.
2. The teacher in charge should incorporate the field trip experience into pupil's learning by:



- a. Conducting a discussion and a critical evaluation of the experience;
 - b. Encouraging creative projects on themes experienced on the field trip;
 - c. Testing pupils on information gained and attitudes formed; and/or
 - d. Assigning pupils written reports or presentations on the experience.
3. The teacher will assist the Chief School Administrator in a critical evaluation of the trip by filing a written report of the trip that includes its benefits and drawbacks. The report should address these questions, as appropriate to the trip:
 - a. Was the destination the best choice for the teaching purpose served?
 - b. Were there sufficient materials available to pupils as background for the trip?
 - c. Did the trip experiences encourage new understandings, impart new knowledge, or stimulate pupils to new activity?
 - d. Did the trip experience relate to other school learning experiences?
 - e. Did the trip impart accurate information and a truthful picture?
 - f. Were the pupils exposed to any hazard to their physical or emotional well-being?
 - g. Was the trip worth the time and expense?
 - h. Were there any serious problems with pupil conduct and management?
 - i. To what extent, if any, did the trip generate cooperation and a positive relationship between the school and the community?

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R 2361 ACCEPTABLE USE OF COMPUTER NETWORK/COMPUTERS AND RESOURCES

The school district provides computer equipment, computer services, and Internet access to its pupils and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The “system administrators” referred to herein as employees of the school district who administer the school district computer network/computers and the system administrators reserve the right to monitor all activity on network/computer facilities/computers.

Because of the complex association between so many government agencies and computer networks/computers, the end user of these computer networks/computers must adhere to strict regulations. Regulations are provided here so that staff, community, and pupil users and the parent(s) or legal guardian(s) of pupils are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network and elsewhere. The signatures of the pupil and his/her parent(s) or legal guardian(s) on the district-approved consent and waiver agreement are legally binding and indicate that the parties have read the terms and conditions carefully, understand their significance, and agree to abide by the rules established under Policy and Regulation No. 2361.

Pupils are responsible for good behavior on computer networks/computers just as they are in a classroom or a school hallway. Communications on the computer network/computers are often public in nature. Policies and Regulations governing behavior and communications apply. The school district's networks, Internet access and computers are provided for pupils to conduct research and communicate with others. Access to computer network services/computers is given to pupils who agree to act in a considerate and responsible manner. Parent permission is required. Access is a privilege--not a right. Access entails responsibility. Individual users of the district computer network/computers are responsible for their behavior and communications over the computer network/computers. It is presumed that users will comply with district standards and will honor the agreements they have signed. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network/computers who violate the policies and regulations of the Board.

Computer network/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private.



Within reason, freedom of speech and access to information will be honored. During school, teachers of younger pupils will guide them toward appropriate materials. Outside of school, families bear the same responsibility for such guidance as they exercise with information sources such as television, telephones, movies, radio and other potentially offensive media. As outlined in Board policy and procedures on pupil rights and responsibilities, copies of these are available in school offices. Behavior including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language and/or accessing visual depictions that are obscene as defined in section 1460 of Title 18, United States Code;
3. Using or accessing visual depictions that are child pornography, as defined in section 2256 of Title 18, United States Code;
4. Using or accessing visual depictions that are harmful to minors including any pictures, images, graphic image file or other visual depiction that taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or
5. Depicts, describes, or represents in a patently offensive way, with respect to what is suitable for minors, sexual acts or conduct; or taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
6. Harassing, insulting or attacking others;
7. Damaging computers, computer systems or computer network/computers;
8. Violating copyright laws;
9. Using another's password;
10. Trespassing in another's folders, work or files;
11. Intentionally wasting limited resources;
12. Employing the network/computers for commercial purposes; and/or
13. Engaging in other activities that do not advance the educational purposes for which computer network/computers are provided.



Internet Safety

Compliance with Children's Internet Protection Act

The school district has technology protection measures for all computers in the school district, including computers in media centers/libraries, that block and/or filter visual depictions that are obscene, child pornography and harmful to minors as defined in 2, 3, and 4 above and in the Children's Internet Protection Act. The school district will certify the school, including media centers/libraries are in compliance with the Children's Internet Protection Act and the district enforces Policy 2361.

Compliance with Neighborhood Children's Internet Protection Act

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

1. Access by minors to inappropriate matter on the Internet and World Wide Web;
2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
3. Unauthorized access, including “hacking” and other unlawful activities by minors online;
4. Unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and
5. Measures designed to restrict minors access to materials harmful to minors.

Notwithstanding the visual depictions defined in the Children's Internet Protection Act and as defined in 2, 3, and 4 above, the Board shall determine Internet material that is inappropriate for minors. The Board will provide reasonable public notice and will hold one annual public hearing during a regular monthly board meeting or during a designated special board meeting to address and receive public community input on the Internet safety policy - Policy and Regulation 2361.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which, without the approval of the system administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any business or solicit the performance of any activity, which is prohibited by law.



Because the school district provides, through connection to the Internet, access to other computer systems around the world, pupils and their parent(s) or legal guardian(s) understand that the Board and system administrators have no control over content. While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide pupil access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Pupils and their parent(s) or legal guardian(s) are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Parent(s) or legal guardian(s) having accounts on the system should be aware of the existence of such materials and monitor home usage of the school district computer network. Pupils knowingly bringing such materials into the school environment will be disciplined in accordance with Board policies and regulations and such activities may result in termination of such pupil's accounts on the computer network and their independent use of computers.

On-line Conduct

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

Users and their parent(s) or legal guardian(s) specifically agree to indemnify the Beverly City School District and the system administrators for any losses, costs, or damages, including reasonable attorney's fees incurred by the Board relating to, or arising out of any breach of this section by the user.

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



Software Libraries on the Network

Software libraries on the network are provided to pupils as an educational resource. No pupil may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network/computers (e.g., computer viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

Public Posting Areas (Message Boards/Usenet Groups)

Usenet messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network. The system administrators, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat).



Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network must have an educational purpose and are subject to review. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of fifteen days. A canceled account will not retain its E-mail. Members are expected to remove old messages within fifteen days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer networks or computers.

Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A member who exceeds his/her quota of disk space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network, the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words, which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network/computers or may be terminated as a user and be subject to other disciplinary action.



Vandalism

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

Printing

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

Internet Sites and the World Wide Web

The system administrator may establish an Internet site(s) on the World Wide Web or other Internet locations. Such sites shall be administered and supervised by the system administrator, who shall ensure that the content of the site complies with federal, state and local laws and regulations as well as Board policies and regulations.

Violations

Violations of the Acceptable Use of Computer Network/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation Nos. 2361, Acceptable Use of Computer Network/Computers and Resources, No. 5600, Pupil Discipline, No. 5610, Suspension and No. 5620, Expulsion as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Principal or designee in matters relating to the use of computer networks/computers and in matters of school suspension. The Superintendent or designee and the Board shall determine when school expulsion and/or legal action or actions by the authorities are the appropriate course of action.

Individuals violating this policy shall be subject to the consequences as indicated in Regulation No. 2361 and other appropriate discipline, which includes but are not limited to:



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

Decisions of the Principal may be appealed in accordance with Policy No. 5710 Pupil Grievances.

Issued: 15 September 2010



R 2411 GUIDANCE AND COUNSELING

A. Counseling Services

1. The purpose of guidance and counseling services is to assist pupils in self-examination, self-evaluation, and analysis of alternatives so that each pupil can benefit most fully from his/her education and life experiences.
2. Counseling services will include:
 - a. Career awareness and exploration, and academic planning through consideration of personal interests, past and potential performance, and present opportunities,
 - b. Personal/social development including adjustment to situational problems, understanding of the consequences of personal behavior, and referral to assistance where appropriate, and
 - c. Crisis counseling to assist pupils undergoing extreme emotional reactions that disrupt immediate functioning, including post-crisis planning and referral for treatment as necessary.
3. All counseling services shall be free of bias on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.

B. Career Awareness and Exploration

In fulfillment of the New Jersey Core Curriculum Content Standards, the school district shall provide a comprehensive program of guidance and counseling to facilitate career awareness and exploration for all pupils which shall be designed to:

1. Assist pupils in making informed educational and occupational choices;
2. Encourage pupils to maintain portfolios consisting of accomplishments related to the Cross Content Workplace Readiness Standards;
3. Develop pupil competency in self-management, educational and occupational exploration and career planning;



4. Make pupils aware of the relationship among personal qualities, education, training and the world of work; and
 5. Acquaint pupils with the relationship between achieving academic standards and the attainment of career goals.
- C. Consulting Services
1. The purpose of consulting services is the improvement of the instructional program and the delivery of educational services by the collaboration of those staff members responsible for the instructional program and the development of individual pupils.
 2. Consulting services will include:
 - a. Identification of the needs of pupils,
 - b. Identification, evaluation, and program implementation of pupils with special needs,
 - c. Development and implementation of preventive and supportive programs to address such problems as pupil attendance, violence, and suicide,
 - d. Alerting professional staff to the purposes, functions, and availability of guidance and counseling services,
 - e. Encouragement of cooperation among teaching staff members and parent(s) or legal guardian(s) in resolving individual pupil problems and addressing pupil needs,
 - f. Establishment and maintenance of fruitful relationships with state and local agencies for the purpose of professional referral and the sharing of experiences,
 - g. Cooperation with business and industry to facilitate pupil job placement and vocational training, and
 - h. Maintenance of a library of occupational and educational information.



D. Evaluation

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

1. Annual record of graduate placements in post-secondary situations;
2. Assessments of past graduates as to the effectiveness of guidance services received in the high school;
3. Results of surveys of parent(s) or legal guardian(s) and staff evaluations of guidance services;
4. Analysis of the efficacy of outside referrals;
5. Assessments by persons not employed in the school district and expert in the field of guidance and counseling; and
6. The personal evaluations of the guidance and counseling staff members to identify weaknesses in the administration of the program.

Issued: 15 September 2010



R 2412 HOME INSTRUCTION DUE TO HEALTH CONDITION

The Board of Education will provide instructional services to an enrolled pupil whether a general education pupil in Kindergarten through grade eight or special education pupil age three to twenty-one, at the pupil's home or another suitable out-of-school setting such as a hospital or rehabilitation program when the pupil is confined to the home or another out-of-school setting due to a temporary or chronic health condition or has a need for treatment which precludes participation in their usual education setting, whether general education or special education.

A. Request For Home Instruction Due To A Temporary or Chronic Health Condition

1. The parent(s) or legal guardian(s) shall submit a request to the Building Principal that includes a written determination from the pupil's physician documenting the projected need for confinement at the pupil's residence or other treatment setting for ten consecutive school days or fifteen cumulative school days or more during the school year.
2. The Building Principal shall forward the written determination to the school physician, who shall review the written determination and verify the need for home instruction. The school physician may contact the pupil's physician to secure additional information concerning the pupil's diagnosis or need for treatment and shall either verify the need for home instruction or shall provide reasons for denial to the Building Principal.
3. The Building Principal shall notify the parent(s) or legal guardian(s) concerning the school physician's verification or reasons for denial within five school days after receipt of the written determination by the pupil's physician.

B. Providing Services

1. The school district shall provide instructional services within five school days after receipt of the school physician's verification or, if verification is made prior to the pupil's confinement, during the first week of the pupil's confinement to the home or out-of-school setting.
2. The school district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly or through contract with another district Board of Education, Educational Services Commission, Jointure Commission, or approved clinic or agency pursuant to N.J.A.C. 6A:14 for the following categories of pupils:



- a. A pupil who resides within the area served by this Board of Education and is enrolled in a public school program; or
- b. A pupil who is enrolled in a nonpublic school that is located within the area served by this Board of Education pursuant to N.J.S.A. 18A:46A-1 et seq.

C. Requirements For Home or Out-of-School Instruction

- 1. The district shall establish a written plan for the delivery of instruction and maintain a record of delivery of instructional services and pupil progress for each pupil receiving home or out-of-school instruction.
 - a. For a pupil without disabilities whose projected confinement will exceed thirty consecutive calendar days, the Building Principal shall coordinate the development of an Individualized Program Plan (IPP) for the pupil within no more than thirty calendar days from the date on which the school district received the school physician's verification that the period of confinement would likely exceed this thirty consecutive calendar day threshold.
- 2. The teacher providing instruction shall be appropriately certified for the subject, grade level, and special needs of the pupil pursuant to N.J.A.C. 6A:9, Professional Licensure and Standards.
- 3. The teacher shall provide one-on-one instruction for no fewer than five hours per week on three separate days of the week and, if the pupil is physically able, no fewer than five hours per week of additional guided learning experiences that may include the use of technology to provide audio and visual connections to the pupil's classroom.
 - a. If home instruction is provided to pupils in a small group rather than through one-on-one instruction, the minimum number of hours of instruction per week for the group shall be determined by multiplying the number of pupils in the group by five hours. The hours of instruction shall be provided on no fewer than three separate days during the week.



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Home Instruction Due to Health Condition

4. For a pupil with disabilities, the home instruction shall be consistent with the pupil's Individualized Education Plan (IEP) to the extent appropriate and shall meet the Core Curriculum Content Standards pursuant to N.J.A.C. 6A:8, Standards and Assessment. When the provision of home instruction will exceed thirty consecutive school days in a school year, the IEP team shall convene a meeting to review and, if appropriate, revise the pupil's IEP.
5. For a pupil without disability, the home instruction shall meet the Core Curriculum Content Standards pursuant to N.J.A.C. 6A:8, Standards and Assessment, and the district's requirements for promotion at that grade level. When the provision of home instruction will exceed sixty calendar days, the school physician shall refer the pupil to the Child Study Team for evaluation according to the requirements N.J.A.C. 6A:14.

Issued: 15 September 2010



R 2414 AT RISK PUPILS

A. Assessment

1. School district personnel will use a variety of tests and/or assessments to determine if a pupil should be categorized as at risk of not meeting the proficiencies of the New Jersey Core Curriculum Content Standards.
2. Information regarding the district's assessment program, along with interpretive materials, will be released to the public as required by rules of the State Board of Education.

B. Basic Skills Improvement Program

The Basic Skills Improvement Program to be prepared and recommended to the Board for submission to the County Superintendent will provide for:

1. The enrollment in preventive and remedial programs shall be required for pupils at risk who do not meet New Jersey Curriculum Content Standards Assessments;
2. The screening of pupils, within one month of enrollment, to determine whether they should be enrolled in preventive and remedial programs;
3. Supplemental instructional and related activities and services responsive to identified deficiencies and designed to meet the academic, social, economic, and environmental needs of pupils;
4. Evaluation of the progress of pupils toward proficiency in meeting the New Jersey Core Curriculum Content Standards;
5. Evaluation of the effectiveness of the district at risk program, in terms of pupil gains and other relevant factors;
6. A detailed budget for the administration, personnel, supplies, equipment, training of staff, and health and community services required for the at risk program;
7. Both the pupil and the pupil's parent(s) or legal guardian(s) will be notified of the pupil's need for at risk education. Notification will be made in writing in the language or mode of communication that is understood by the pupil and the parent(s) or legal guardian(s);



8. Continuing communication between teaching staff members and the parent(s) or legal guardian(s) of pupils receiving at risk education;
9. Programs and services may be offered during the regular school day, beyond the school day or in the summer; and
10. The Board shall provide training for the staff necessary to implement the programs and services for pupils at risk.

Issued: 15 September 2010



R 2415 TITLE I SERVICES

The Board of Education elects to augment the instructional program of educationally deprived pupils by projects supported by federal funds allocated under Title I - The Improving America's Schools Act of 1994 (IASA) (Public Law 103-382) Part A and Part C Subpart 2.

Purpose

The purpose of Title I is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State performance standards developed for all children.

Title I Grants

The school district is eligible to receive a Basic Grant. The amount of the grant shall be in accordance with Federal and State Title I guidelines. The school district may be eligible for the following Title I grants:

- A. Basic Grant - The school district is eligible for a Basic Grant based on State expenditure levels, county poverty levels and number of eligible children in accordance with the Title I guidelines and regulations.
- B. Concentration Grants - The county may be eligible for a Concentration Grant based on the number of Title I eligible children in the county or on the county's poverty rate. The school district is eligible for the Concentration Grant if the county does not qualify for the grant and if the school districts where pupil poverty rates exceed those of the county where they live. Concentration Grants will be distributed to the county and/or the school district in accordance with all Title I guidelines and regulations.
- C. Target Grants - The school district is eligible to receive a Target Grant if it has at least ten formula children and if the number of low income children is at least five percent of the total school population, aged 5 to 17 years old. Target Grants will be distributed in accordance with the Title I guidelines and regulations.

Application Procedure

- A. The school district will submit an application and plan for Consolidated Grant funds to the New Jersey Department of Education for approval. The school district plan and application must describe:



1. Any additional high quality assessments, if any, other than those described in the State Plan, that the school district and the individual schools will use to;
 - a. Determine success in meeting the State's pupil performance standards;
 - b. Provide information on individual pupil progress;
 - c. Assist in diagnosis, teaching and learning in the classroom that will enable children served under the Title I to meet the State standards and attain success in the local curriculum; and
 - d. Determine that revisions are needed to Title I projects to facilitate the above.
 2. Indicators that will be used to provide information on individual pupil progress toward meeting the State performance standards and to aid in improving instruction;
 3. The professional development activities;
 4. Poverty criteria used to select eligible school attendance areas;
 5. How pupils most in need of services in non school-wide schools will be selected;
 6. How the school district will coordinate and integrate services provided with other educational services, federal programs and programs provided by other State agencies, at the school district or individual school level;
 7. Plans to provide for and include eligible children in private schools;
 8. How school improvement and corrective action will be carried out;
- B. The school district will develop the Title I plan in consultation with parent(s) or legal guardian(s) of children in schools served under Title I.

Program Requirement, Determination and Allocation of Funds

- A. Determination - Title I funds will be used only in eligible school attendance areas as designated in the Title I guidelines and regulations. In order for a school to be designated as an eligible school attendance area, for Title I purposes, the percentage of children from low-income families in the school attendance area must be at least as high as the percentage of children from low-income families in the school district as a whole.



- B. Ranking Order - The school district may rank its attendance areas by grade-span grouping or for the entire school district. If funds are insufficient to serve all eligible school attendance areas, the school district will:
1. Annually rank, without regard to grade-span, eligible school attendance areas in which the concentration of children from low income families exceeds 75% from highest to lowest according to the percentage of children from low income families; and
 2. Serve such eligible school attendance areas in rank order.
- C. Remaining Funds - If funds remain after serving these eligible school attendance areas, a school district will:
1. Annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and
 2. Serve such eligible school attendance areas in rank order either within each grade-span grouping or within the school district as a whole.
- D. Measures of Identification - The school district will use the best available measure for identifying children from low-income families to identify eligible school attendance areas, determine the ranking of each area and to determine allocations. This measure shall be the number of children ages five through seventeen in poverty counted in the most recent census date, the number of children eligible for free and reduced-price lunches under the National School Lunch Act, the number of children in families receiving assistance under the Aid to Families with Dependent Children program, the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators. This requirement is not applicable if the school district has a total enrollment of less than 1,000 children.
- E. Waiver for Desegregation Plan - The U.S. Secretary of Education may approve the school district's written request for a waiver of the eligible attendance area requirements in accordance with Title I guidelines and regulations.
- F. School District Discretion - In general the school district may:
1. Designate as eligible any school attendance area or school in which at least 35% of the children are from low income families;



2. Use Title I funds in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;
 3. Elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if:
 - a. The school meets the comparability requirements;
 - b. The school is receiving supplemental funds from other state or local sources; and
 - c. The funds expended from other sources are equal to or exceed the amount that would be provided under Title I.
 4. SPECIAL RULE: If a Local Educational Agency (LEA) chooses not to serve an eligible school attendance area, the number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside receives Title I funds.
- G. Allocations: In general:
1. The school district will allocate Title I funds to eligible school attendance areas or eligible schools, in rank order, on the basis of the total number of children from low-income families in each area or school.
 2. The per-pupil amount of funds allocated to each school attendance area or school shall be at least 125% of the per pupil amount of funds the school district received for that year under the poverty criteria described by the school district's plan. This will not apply if the school district only serves schools in which the percentage of such children is 35% or greater.
 3. The school district may reduce the amount of funds allocated for a school attendance area or school by the amount of any supplemental state and local funds expended in that school attendance area or school for programs that meet the requirements for school-wide or target assistance schools.



4. The school district will reserve Title I funds as necessary to provide services comparable to those provided to children in schools funded with Title I funds to serve:
 - a. Where appropriate, eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters;
 - b. Children in local institutions for neglected or delinquent children; and
 - c. Where appropriate, neglected and delinquent children in community day school programs.
- H. Children Enrolled in Private Schools - The school district will offer Title I services to eligible children enrolled in private elementary and secondary schools. The services and benefits will be equitable in comparison to services and benefits for participating public school children. The school district will contact the private school in writing and consult with private school officials before the school district makes any decision that affects the private school children. This consultation shall include the following:
 1. Criteria for low income;
 2. How the children's needs will be identified;
 3. What services will be offered;
 4. How and where the services will be provided; and
 5. How the services will be assessed and the size and scope of equitable services to be provided to the eligible private school children and the proportion of funds allocated for such services.

The school district will keep records of the consultation with the private school officials and funds will be allocated to private schools in accordance with Title I guidelines and regulations.
- I. Coordination Requirements - The school district will provide the State Department of Education assurances that it will provide the maximum coordination between the Title I program, the regular school program and services provided by other programs for specialized populations. The Title I program will consider the special needs of homeless children, migrant children, disabled children and Limited English Proficient (LEP) children. Title I funds will be reserved so that migrant children who are otherwise eligible to receive Title I service, even if they arrive in the school year, are served.



- J. Application Procedures - The school district may apply for Title I funds under Basic Grants, Concentration Grants and Local Neglected or Delinquent (N or D) Grants either individually or cooperatively with other school districts in accordance with Title I guidelines and regulations.
- K. Submission of Application - The school district will submit its Title I application and supporting information in accordance with Title I guidelines and regulations.
- L. Application Review - The Department of Education will review the school district's application in accordance with Title I guidelines and regulations.

Fiscal Requirements

- A. The amount of funds the school district may be entitled to is based on the school district formula count as indicated in the Title I guidelines and regulations. The school district will use Title I funds for projects designed to provide supplemental services to meet the special educational needs of educationally deprived children at the preschool, elementary and secondary school levels. Title I funds will only be used to pay for authorized activities as indicated in the school district's application and plan and as provided for in the Title I guidelines and regulations.
- B. Utilization - The school district may use Title I funds for projects designed to provide supplemental services to meet the special education needs of educationally deprived children at the preschool, elementary and secondary school levels. Funds will be used and the funds will only pay for Title I activities in accordance with Title I guidelines and regulations.
- C. Maintenance of Effort - The school district may receive the full Title I allocation if the State Department of Education determines that either the school district's per pupil expenditures or aggregate expenditures of State and local funds for free public education in the preceding year were not less than 90% of the expenditures for the second preceding year. The school district's allocation will be reduced by the exact percentage that the school district failed to meet the 90% level.
- D. Comparability of Services - Title I funds will be used only to supplement the district's regular programs and will not be used to supplant state and local funds received by this district. The school district will use state and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance. Moreover, state and local funds will be used to provide comparable services in all schools receiving Title I assistance.



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Title I Services

In order to achieve comparability of services, the Board directs the Superintendent to assign teachers, administrators, and auxiliary personnel and to provide curriculum materials and instructional supplies to schools and classes in such a manner as to ensure equivalence throughout the district in professional services and educational materials.

Title I services provided to private school pupils will be equivalent to those provided to public school pupils.

- E. Supplement - The school district will use Title I funds to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-federal sources for the education of pupils participating in Title I programs and projects.
- F. Capital Expenses - The school district may apply to the State Department of Education for costs associated with capital expenses incurred to provide equitable services for eligible private school children.
- G. Property - Property acquired through Title I funds for use in public or private schools will be acquired in accordance with the Public School Contracts Law, will be held in title by the Board of Education, and will not be used for other purposes so long as it is required in the Title I program. Property no longer required for Title I purposes will be used for other, similarly funded projects or disposed of in accordance with state and federal guidelines.

20 U.S.C.A. 3801 et seq.

34 C.F.R. Part 200

20 U.S.C.A. 6301 et seq.

Title I Program Guidelines, New Jersey Department of Education

Issued: 15 September 2010



R 2415.20 NO CHILD LEFT BEHIND COMPLAINTS

Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the No Child Left Behind Act of 2001 (NCLB), a Board of Education shall adopt a policy and written procedures that offer parent(s) or legal guardian(s), public agencies, other individuals, or organizations a method for receipt and resolution of complaints alleging violations in the administration of the NCLB programs.

- A. Complaint Procedure Alleging A Violation By A School, School District, Or Other Agency Authorized By The School District Or The New Jersey Department Of Education (NJDOE)
1. A Complaint is a written allegation that a school, school district, other agency authorized by the school district, or the NJDOE has violated the law in the administration of education programs required by the NCLB Act.
 2. A Complaint shall identify:
 - a. The alleged NCLB violation;
 - b. The facts supporting the alleged violation; and
 - c. Any supporting documentation.
 3. A Complaint 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 at the address indicated below.
 4. A Complaint shall be submitted to the Building Principal. The Complaint shall be in writing and shall be mailed, hand-delivered, or electronically submitted to the Building Principal.
 5. The Building Principal shall be responsible to coordinate the investigation of the allegations in the Complaint.
 - a. The Building Principal shall acknowledge receipt of the Complaint to the complainant within ten business days of receipt of the Complaint.



- b. The Building Principal may meet with building and district administrative staff, teaching staff, support staff, pupils, and/or the complainant(s) to determine if a violation of the administration of a NCLB program has occurred.
 - c. The Building Principal may request additional information from the complainant regarding the Complaint.
 - d. The Building Principal shall submit a written report regarding the outcome of the investigation to the complainant.
 - e. If the outcome of the investigation concludes a violation has occurred, the Building Principal shall identify and impose the appropriate consequences or corrective action to resolve the Complaint.
 - f. The outcome of the investigation may conclude the Complaint alleges a violation in the administration of a program by the NJDOE and the complainant shall be informed of the NJDOE Complaint Policy and Procedures as outlined in B. below.
6. If the complainant is not satisfied with the outcome of the investigation, the complainant may initiate a Complaint by submitting a written Complaint to the NJDOE to the attention of the County Superintendent. A list of the County Offices of Education and County Superintendents can be found at <http://www.state.nj.us/njded/regions/> or by calling (609) 292-4469.
7. When a written Complaint is received by the County Superintendent, the appropriate NJDOE personnel will issue a Letter of Acknowledgement to the complainant within ten business days of receipt of the Complaint. This letter shall contain the following information:
- a. The date the Complaint was received;
 - b. A brief statement of the manner in which the NJDOE will investigate the Complaint;
 - c. If necessary, request for additional information regarding the Complaint;
 - d. The name and phone number of a contact person for status updates; and



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No Child Left Behind Complaints

e. A tentative resolution date that is sixty days from the date the written Complaint was received by the County Office.

(1) 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.

8. The County Superintendent will coordinate the investigation of a Complaint. When the investigation is complete, the County Superintendent will notify the complainant in writing regarding the outcome of the investigation.

9. If a violation has occurred, the Assistant Commissioner assigned to oversee the matter shall identify and impose appropriate consequences or corrective actions as required by regulation to resolve the Complaint.

10. If the complainant does not agree with the NJDOE's decision, the complainant may appeal to the United States Department of Education Secretary at:

Office of Hearings & Appeals
400 Maryland Avenue, SW
Washington, DC 20202-4611
(202) 619-9700

or at their website at:

<http://www.ed-oha.org/index.html>

B. Complaint Procedure Alleging A Violation By The New Jersey Department Of Education (NJDOE)

1. A Complaint is a written allegation the NJDOE has violated the law in the administration of education programs required by the NCLB.

2. A Complaint shall identify:

a. The alleged NCLB violation;

b. The facts supporting the alleged violation; and

c. Any supporting documentation.



3. To initiate a Complaint alleging the NJDOE has violated the administration of a NCLB program, a complainant must submit a written Complaint to the New Jersey Department of Education Chief of Staff or the United States Department of Education Secretary at the address indicated below. The NJDOE requests the complainant first contact the New Jersey Department of Education Chief of Staff to resolve the issue.

New Jersey Department of Education
Office of the Chief of Staff
P.O. Box 500
Trenton, New Jersey 08625-0500
(609) 292-4442

U.S. Department of Education
Office of Hearings & Appeals
400 Maryland Avenue, SW
Washington, DC 20202-4611
(202) 619-9700
<http://www.ed-oha.org/index.html>

4. When a written Complaint is received by the NJDOE, the Chief of Staff will assign the investigation of this Complaint to the Office of Strategic Initiatives and Accountability or other designated office. This Office will issue a Letter of Acknowledgement to the complainant within ten business days of receipt of the Complaint. This letter shall contain the following information:
 - a. The date the Complaint was received;
 - b. A brief statement of the manner in which the Department of Education will investigate the Complaint;
 - c. If necessary, request for additional information regarding the Complaint;
 - d. The name and phone number of a contact person for status updates; and
 - e. A tentative resolution date that is sixty days from the date that the written Complaint was received.



- (1) 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.
5. The NJDOE Office of Strategic Initiatives and Accountability will coordinate the investigation of a Complaint concerning an alleged violation by the NJDOE. When the investigation is complete, the Chief of Staff will notify the complainant in writing regarding the outcome of the investigation.
6. If it is determined a violation by the NJDOE has occurred, the Chief of Staff shall identify and impose appropriate consequences or corrective actions as required by regulation to resolve the Complaint.
7. If a complainant does not agree with the NJDOE's decision, the complainant may appeal to the United States Department of Education Secretary at the address above.

New Jersey Department of Education 1/26/07 Memorandum – No Child Left Behind Complaint Policy and Procedure

Issued: 15 September 2010



R 2417 PUPIL INTERVENTION AND REFERRAL SERVICES

- A. The Superintendent will establish and implement district-wide procedures for the school building in 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 difficulties and to assist staff who have difficulties in addressing pupils' learning, behavior, or health needs in accordance with the requirements of N.J.A.C. 6A:16-8.1.
- B. The Building Principal will establish an Intervention and Referral Services Team referred to as the I&RS Team. The I&RS Team will be comprised of the following:
 - 1. The Chief School Administrator or his/her designee other than special education, who is appointed by the Chief School Administrator to act on his/her behalf and with his/her authority, shall act as chairperson;
 - 2. A member of the Child Study Team (CST);
 - 3. The staff member who referred a pupil in need of assistance or identified a school issue for discussion; and
 - 4. Such other school staff members as may effectively aid in the development and implementation of the assistance plan for a particular pupil.
 - 5. The district will provide support, guidance, and professional development to school staff who participate in the building's system for planning and providing intervention and referral services.
- C. Pupil Referral
 - 1. A pupil not known to have a disability who is experiencing difficulty in the classroom may be referred to the I&RS Team by the classroom teacher or by his/her parent(s) or legal guardian(s). The pupil's parent(s) or legal guardian(s) shall be informed of any such referral.
 - a. The district will provide support, guidance, and professional development to school staff who identify learning, behavior, and health difficulties.



2. When it appears that a referred pupil may have a disability, the I&RS Team shall refer the pupil to the CST for evaluation pursuant to Policy No. 2460 for a determination of the pupil's eligibility for special education and/or related services.
 3. The I&RS Team shall consult with the pupil's regular classroom teacher, parent(s) or legal guardian(s), and any school employee as appropriate to gather relevant information regarding the pupil's educational status, attendance, classroom behavior, and school conduct.
 4. The school nurse shall review the pupil's health records and inform the committee of any condition relevant to the pupil's difficulties. Any information regarding any infection with HIV virus or AIDS may be released only with the written permission of the adult pupil or the pupil's parent(s) or legal guardian(s).
 5. As appropriate, the I&RS Team may consult with community-based social and health agencies that provide services to the pupil or the pupil's family.
- D. Intervention and Referral Action Plans
1. The I&RS Team shall prepare a written action plan for referred pupils who require supportive services, modifications to their regular educational program, or assessment and referral to school or community-based social and/or health provider agencies.
 2. The intervention and referral services action plan shall:
 - a. Detail any modifications in the pupil's educational program,
 - b. List the persons who will implement the action plan,
 - c. Include any recommendations for assessment and referral to specified school or community-based social and/or health provider agencies,
 - d. Document parental notification of the pupil's referral and any change in educational placement or the withholding of parental notification because child abuse was suspected or federal rules mandated confidentiality in an alcohol or drug related matter,



- e. The parent(s) or legal guardian(s) shall be actively involved in the development and implementation of any intervention and referral services action plans, and
 - f. Identify the committee member to monitor and review the pupil's progress.
 - 3. The implementation and effectiveness of the intervention and referral services action plan shall be reviewed within eight calendar weeks from the beginning of its implementation. The committee shall consult the referring staff member for his/her assessment of the effectiveness of the plan.
 - 4. If the implementation of the action plan is determined to be ineffective, the plan shall be reviewed and amended as necessary. If the review indicates a disability, the pupil shall be referred to the CST.
- E. Records and Reports
- 1. Records of all requests for assistance, intervention and referral services action plans, and related pupil information shall be maintained in accordance with federal and State laws pursuant to N.J.A.C. 6A:16-8.2(a)9.
 - 2. At the end of the school year, the Principal shall, in consultation with the I&RS Team, develop a report on the concerns and problems identified through committee discussions and documented in intervention and referral services action plans. The report shall include:
 - a. A description of the needs and issues identified through referrals to the committee,
 - b. An identification and analysis of significant needs and issues that could facilitate school planning for the subsequent year; and
 - c. A description of activities planned in response to the needs and issues significant in school planning.

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R 2423 BILINGUAL AND ESL EDUCATION

A. Definitions

1. "Bilingual education program" means a full-time program of instruction in all those courses or subjects which a child is required by law or rule to receive, given in the native language of the limited English proficient pupils enrolled in the program and also in English; in the aural comprehension, speaking, reading, and writing of the native language of the limited English proficient pupils enrolled in the programs, in the aural comprehension, speaking, reading, and writing of English; and in the history and culture of the country, territory, or geographic area which is the native land of the parents of limited English proficient pupils enrolled in the program, and in the history and culture of the United States. All pupils in bilingual education programs receive English as a second language instruction.
2. "Bilingual part-time component" means a program alternative in which pupils are assigned to mainstream English program classes, but are scheduled daily for their developmental reading and mathematics instruction with a certified bilingual teacher.
3. "Bilingual resource program" means a program alternative in which pupils receive daily instruction from a certified bilingual teacher in identified subjects and with specific assignments on an individual pupil basis.
4. "Bilingual tutorial program" means a program alternative in which pupils are provided one period of instruction from a certified bilingual teacher in a content area required for graduation and a second period of tutoring in other required content areas.
5. "Dual language bilingual education program" means a full-time program of instruction in elementary and secondary schools which provide structured English language instruction and instruction in a second language in all content areas for LEP pupils and for native English speaking pupils enrolled in the program.
6. "Educational needs" means the particular educational requirements of pupils of limited English proficiency, the fulfillment of which will provide them with equal educational opportunities.



7. "English as a second language (ESL) program" means a daily developmental second language program of up to two periods of instruction based on pupil language proficiency which teaches aural comprehension, speaking, reading, and writing in English using second language teaching techniques, and incorporates the cultural aspects of the pupil's experiences in their ESL instruction. A period is the time allocated in the school schedule for instruction in core subjects.
8. "English language fluency" means the ability to speak the language with sufficient structural accuracy; use vocabulary to participate effectively in most formal and informal conversations on practical, social, and school topics; read material for information; and complete forms and write essays and reports on familiar topics. Language fluency is not the same as language proficiency, which is the full command of language skills.
9. "English language proficiency test" means a test which measures English language skills in the areas of aural comprehension, speaking, reading, and writing.
10. "English language services" means services designed to improve the English language skills of pupils of limited English proficiency. These services, provided in school districts with less than ten pupils of limited English proficiency, are in addition to the regular school program and have as their goal the development of aural comprehension, speaking, reading, and writing skills in English.
11. "ESL standards for Pre-Kindergarten through grade twelve pupils" means the WIDA English Language Proficiency Standards for English Language Learners in Pre-Kindergarten through Grade Twelve, 2007 edition, developed by the World-Class Instructional Design and Assessment (WIDA) Consortium. These are the standards and language competencies limited English proficient pupils in Pre-Kindergarten programs and elementary and secondary schools need to become fully proficient in English and to have unrestricted access to grade-appropriate instruction in challenging academic subjects.
12. "Exit criteria" means the criteria which must be applied before a pupil may be exited from a bilingual, ESL, or English language services education program.
13. "High-intensity ESL program" means a program alternative in which pupils receive two or more class periods a day of ESL instruction. One period is the standard ESL class and the other period is a tutorial or ESL reading class.



14. "Instructional program alternative" means a part-time program of instruction that may be established by a Board of Education in consultation with and approval of the New Jersey Department of Education. All pupils in an instructional program alternative receive English as a second language.
15. "Limited English proficient (LEP) pupils" means pupils from Pre-Kindergarten through grade twelve whose native language is other than English and who have sufficient difficulty speaking, reading, writing, or understanding the English language as measured by an English language proficiency test, so as to be denied the opportunity to learn successfully in the classrooms where the language of instruction is English. This term means the same as limited English speaking ability, the term used in N.J.S.A. 18A:35-15 to 26.
16. "Native language" means the language first acquired by the pupil, the language most often spoken by the pupil, or the language most often spoken in the pupil's home, regardless of the language spoken by the pupil.
17. "Parent(s)" means the natural parent(s) or the legal guardian(s), foster parent(s), surrogate parent(s), or person acting in the place of a parent with whom the pupil legally resides. Where parents are separated or divorced, parent means the person(s) who has legal custody of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
18. "Review process" is the process established by the Board of Education to assess limited English proficient pupils for exit from a bilingual, ESL, or English language services program.
19. "Sheltered English instruction" is an instructional approach used to make academic instruction in English understandable to LEP pupils. Sheltered English classes are taught by regular classroom teachers who have received training on strategies to make subject area content comprehensible for LEP pupils.

B. Identification of Eligible Limited English Proficient (LEP) Pupils

1. The Director of Pupil Personnel Services will determine the native language of each LEP pupil at the time of enrollment of the pupil in the school district. The Director of Pupil Personnel Services will:
 - a. Maintain a census indicating all pupils identified whose native language is other than English; and



- b. Report annually to the New Jersey Department of Education as part of the Fall LEP Enrollment Summary, the number of all LEP pupils whose native language is other than English and, of that group, the number who are LEP pupils.
 2. The Board approved screening process, initiated by a home language survey, shall determine which pupils in Kindergarten to grade twelve, of those whose native language is other than English, must be tested to determine English language proficiency. The screening shall be conducted by a bilingual/ESL or other certified teacher and shall be designed to distinguish those pupils that are proficient English speakers and need no further testing.
 3. The district shall determine the English language proficiency of all Kindergarten to grade twelve pupils, who are not screened out, whose native language is other than English by the administration of a Department of Education approved English language proficiency test assessing the level of reading in English, reviewing the previous academic performance of pupils as well as standardized tests in English and reviewing the input of teaching staff members responsible for the educational program for the limited English proficient pupils. Pupils who do not meet the New Jersey Department of Education standard on a Department-approved language proficiency test and who have at least one other indicator, are pupils of limited English proficiency. The district shall also use age-appropriate assessment methodologies to identify limited English proficient preschool pupils in order to determine their individual language development needs.
- C. Bilingual Programs for Limited English Proficient Pupils
 1. All Kindergarten through twelfth grade LEP pupils enrolled in the district will receive required courses and support services outlined in a. through g. below to prepare LEP pupils to meet the Core Curriculum Content Standards for high school graduation. This may include tutoring, after-school programs, summer programs, and remedial services as needed by LEP pupils. The district shall also provide appropriate instructional programs to eligible pre-school LEP pupils based on need according to the New Jersey Preschool Teaching and Learning Expectations: Standards of Quality (2004). These standards are guidelines for good practice and are intended for districts that provide preschool programs.
 - a. English language services designed to improve English language proficiency of LEP pupils whenever there are one or more, but fewer than ten LEP pupils enrolled within the schools of the district. English language services shall be in addition to the regular school program.



- b. An ESL program that provides up to two periods of ESL instruction based on pupil language proficiency whenever there are ten or more LEP pupils enrolled within the schools of the district.
 - (1) The ESL curriculum that addresses the WIDA English Language Proficiency Standards as amended and supplemented shall be developed and adopted by the Board to address the instructional needs of LEP pupils.
 - (2) The ESL curriculum will be cross referenced to the district's bilingual education and content area curricula to ensure that ESL instruction is correlated to all the content areas being taught.
- c. A bilingual education program will be established whenever there are twenty or more limited English proficient pupils in any one language classification enrolled in the district pursuant to N.J.S.A. 18A:35-18. The bilingual education program shall:
 - (1) Be designed to prepare LEP pupils to acquire sufficient English skills and content knowledge to meet the Core Curriculum Content Standards. All LEP pupils participating in the bilingual program will also receive ESL instruction;
 - (2) Include a bilingual program curriculum that addresses the Core Curriculum Content Standards, the WIDA English Language Proficiency Standards, and the use of two languages. The bilingual education curriculum shall be adopted by the Board; and
 - (3) Include a full range of required courses and activities offered on the same basis and under the same rules that apply to all pupils within the district.
- d. LEP pupils will be provided equitable instructional opportunities to participate in all non-academic courses necessary to meet the Core Curriculum Standards, including comprehensive health and physical education, the visual and performing arts and career awareness programs. These instructional opportunities shall be designed to assist LEP pupils to fully comprehend all subject matter and demonstrate their mastery of the content matter.



- e. The district shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through twelve to enable LEP pupils to meet the Core Curriculum Content Standards for graduation. When sufficient numbers of pupils are not available to form a bilingual class in a subject area, plans shall be developed in consultation with and approved by the New Jersey Department of Education to meet the needs of the pupils.
 - f. Additional programs and services shall be designed to meet the special needs of eligible LEP pupils and will include, but not be limited to: remedial instruction through Title I programs; special education; school-to-work programs; computer training; and gifted and talented education services.
 - g. The Board may establish dual language bilingual education programs in the schools and may make provisions for the coordination of instruction and services with the district's World Languages program. This program, if established by the Board, shall also enroll pupils whose primary language is English and shall be designed to help pupils achieve proficiency in English and in a second language while mastering subject matter skills. Instruction shall, to the extent necessary, be in all courses or subjects of study allowing pupils to meet all grade promotion and graduation standards. Where possible, these classes will be comprised of approximately equal numbers of pupils of limited English proficiency and of pupils whose native language is English.
2. The Board may establish a program in bilingual education for any language classification with fewer than twenty pupils.

D. Waiver Process

The school district may request a waiver from establishing a bilingual education program, pursuant to N.J.S.A. 18A:35-18, to establish an instructional program alternative on an annual basis with the approval of the Department of Education when there are twenty or more pupils eligible for the bilingual education program in Kindergarten through grade twelve, and the district is able to demonstrate that due to age range, grade span, and/or geographic location of eligible pupils, it would be impractical to provide a full-time bilingual program.



1. Any instructional program alternatives shall be developed in consultation with and approved annually by the Department of Education after review of pupil enrollment and achievement data. All bilingual instructional program alternatives shall be designed to assist LEP pupils to develop sufficient English skills and subject matter skills to meet the Core Curriculum Content Standards.
 2. The instructional program alternatives to be established shall include, but are not limited to: bilingual part-time component, bilingual resource program, bilingual tutorial program, sheltered English instruction program, and high-intensity ESL program.
 3. In the event the district implements program alternatives, the district shall annually submit pupil enrollment and achievement data that demonstrate the continued need for these programs.
- E. Department of Education Approval of Bilingual, ESL, or English Language Services Programs
1. The school district's bilingual, ESL, or English language services program plans shall be submitted to the New Jersey Department of Education every three years for approval. The plans will include the following information:
 - a. Identification of pupils;
 - b. Program description;
 - c. Number of certified staff hired for the program;
 - d. Bilingual and ESL curriculum development;
 - e. Evaluation design;
 - f. Review process for exit; and
 - g. A budget for bilingual and ESL programs and/or English language services programs. The budget must indicate how the bilingual categorical aid funds are directly related to the bilingual/ESL program instructional services and materials.



2. The district shall annually submit data on the number of LEP pupils served, exit data for the LEP pupils enrolled in the district, and data on the number of immigrant pupils enrolled in the district.
 3. The district's bilingual/ESL programs will be monitored and evaluated by the New Jersey Department of Education.
- F. Supportive Services
- Pupils enrolled in bilingual, ESL, or English language services programs shall have full access to educational services available to other pupils in the district. To the extent that it is administratively feasible, supportive services to LEP pupils, such as counseling, tutoring, and career guidance, should be provided by bilingual personnel who are familiar with and knowledgeable of the unique needs and background of LEP pupils and their parents.
- G. In-service Training
1. In-service training will be provided for bilingual, ESL, and mainstream teachers based on their needs and to include instructional strategies to help LEP pupils meet the Core Curriculum Content Standards and the WIDA English Language Proficiency Standards. All ESL and bilingual teachers will receive training in the use of the ESL curriculum.
 2. The Professional Development Plan of the district shall include the needs of bilingual and ESL teachers that shall be addressed through in-service training.
- H. Certification of Staff
- All teachers in these programs will hold the following certifications:
1. Bilingual Classes - a valid New Jersey instructional certificate with an endorsement for the appropriate grade level and/or content area, as well as an endorsement in bilingual education.
 2. ESL Classes - a valid New Jersey instructional certificate in English as a second language.
 3. English Language Services - a valid New Jersey instructional certificate.



- I. Bilingual, ESL, and English Language Services Program Enrollment, Assessment, Exit and Re-entry
 1. All LEP pupils from Kindergarten through twelfth grade shall be enrolled in the bilingual, ESL, or English language services program.
 2. Pupils enrolled in a bilingual, ESL, or English language services program shall be assessed annually with a Department of Education approved English language proficiency test to determine their progress in achieving English language proficiency goals and readiness for exiting the program.
 3. LEP pupils enrolled in one of these programs shall be placed in a monolingual English program when they have demonstrated readiness to function successfully in an English only program. This process shall be initiated by the pupil's level of English proficiency as measured by a Department of Education established standard on an English language proficiency test, and the readiness of the pupil shall be further assessed on the basis of multiple indicators which shall, at a minimum, include classroom performance, the pupil's reading level in English, the judgment of the teaching staff member or members responsible for the educational program of the pupil, and performance on achievement tests in English according to P.L. 1991, c.12.
 4. A parent(s) or legal guardian(s) may remove a pupil who is enrolled in a bilingual education program pursuant to provisions in N.J.S.A. 18A:35-22.1.
 5. Pupils enrolled in a bilingual, ESL, or English language services program shall be assessed annually to determine their progress in achieving English language proficiency goals and readiness for exiting the program.
 6. Newly exited pupils who are not progressing in the mainstream English program may be considered for reentry to bilingual and ESL programs as follows:
 - a. After a minimum of one-half of an academic year and within two years of exit, the mainstream English classroom teacher, with the approval of the Building Principal, may recommend retesting.
 - b. A waiver of the minimum time limitation may be approved by the Executive County Superintendent upon request of the Chief School Administrator if the pupil is experiencing extreme difficulty in adjusting to the mainstream program.



- c. The recommendation for retesting will be based on the teacher's judgment that the pupil is experiencing difficulties due to problems in using English as evidenced by the pupil's inability to: communicate effectively with peers and adults; understand directions given by the teacher; and/or comprehend basic verbal and written materials.
 - d. The pupil shall be tested using a different form of the test or a different language proficiency test than the one used to exit the pupils.
 - e. If the pupil scores below the State established standard on the language proficiency test, the pupil shall be re-enrolled into the bilingual or ESL program.
- 7. When the review process for exiting a pupil from a bilingual, ESL, or English language services program has been completed, the pupil's parent(s) or legal guardian(s) shall be informed by mail of the determination of placement. If the parent(s), legal guardian(s) or teaching staff member disagrees with the placement, he/she may appeal the decision in writing to the Director of Pupil Personnel Services, who will provide a written explanation for the decision within ten working days. The complainant may appeal this decision in writing to the Board. The Board will review the appeal and respond in writing within forty-five calendar days. Upon exhausting an appeal to the Board, the complainant may appeal to the Commissioner of Education pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3.
- J. Graduation Requirements for Limited English Proficient Pupils

All LEP pupils must satisfy requirements for high school graduation according to N.J.A.C. 6A:8-5.1(a).
- K. Location of Programs

All bilingual, ESL, and English language services programs shall be conducted within classrooms approved by the Executive County Superintendent of Schools within the regular school buildings of the district per N.J.S.A. 18A:35-20.
- L. Notification to Parents/Legal Guardians
 - 1. The district will notify the parent(s) or legal guardian(s) of the LEP pupil by mail that their child has been identified as eligible for enrollment in a bilingual, ESL, or English language services program.
 - a. The notice will inform the parent(s) or legal guardian(s) they have the option of declining enrollment if they choose by providing notice to the district no later than ten days after receiving the eligibility notice.



- b. The notice shall be in writing and in the language of which the child of the parent(s) or legal guardian(s) so notified possesses a primary speaking ability, and in English.
 - c. Whenever the district determines, on the basis of a pupil's level of English proficiency, that a pupil should exit from a program of bilingual education, the district shall notify the parent(s) or legal guardian(s) of the pupil by mail.
2. The parent(s) or legal guardian(s) of pupils enrolled in a bilingual, ESL, or English language services program shall receive progress reports in the same manner and frequency as progress reports are sent to parent(s) and legal guardian(s) of other pupils enrolled in the school district.
3. Progress reports shall be written in English and in the native language of the parent(s) or legal guardian(s) of pupils enrolled in the bilingual or ESL program unless it can be demonstrated and documented in the three-year plan that this requirement would place an unreasonable burden on the district.
4. The district shall notify the parent(s) or legal guardian(s) when pupils meet the exit criteria and are placed in a monolingual English program. The notice shall be in English and in the language in which the parent(s) or legal guardian(s) possesses a primary speaking ability.

M. Joint Programs

The school district may join with any other school districts, with the approval of the Executive County Superintendent of Schools, on a case-by-case basis to provide bilingual, ESL, or English language services programs.

N. Parental Involvement

1. The Director of Pupil Personnel Services will provide for maximum practicable involvement of parent(s) or legal guardian(s) of LEP pupils in the development and review of program objectives and dissemination of information to and from the Boards of Education and communities served by the bilingual, ESL, or English language services education program.
2. A district that implements a bilingual education program shall establish a parent advisory committee on bilingual education on which the majority will be parents or legal guardians of pupils of limited English proficiency.

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R 2430 CO-CURRICULAR ACTIVITIES

A. Definition

“Co-curricular activities” means activities conducted on or off school premises by clubs, associations, and organizations of pupils sponsored by the Board of Education; “co-curricular activities” also includes the pupil clubs, associations, and organizations that conduct those activities. “Co-curricular activities” does not include athletic competitions or practices or athletic teams or organizations.

B. Recognition

1. All co-curricular activities must be approved by the Board. An organization of pupils or an activity conducted by and for pupils becomes a co-curricular activity only when it has been duly approved by the Board.
2. The Board will approve annually and maintain a list of approved co-curricular activities, which will be distributed to the Principal. The list will include:
 - a. Those co-curricular activities that have been in operation and have been found to address satisfactorily a continuing need,
 - b. Newly approved co-curricular activities,
 - c. A brief description of each approved activity,
 - d. The name of the advisor of each activity, and
 - e. The name of the custodian of the activity's fund.
3. A new co-curricular activity may be initiated in accordance with the following procedures:
 - a. A written proposal for the new activity must be submitted to the Principal. The proposal will include;
 - (1) The name and purpose of the proposed activity and the date of the request,
 - (2) The name of a faculty member who has agreed to be its advisor,



- (3) A plan for the use of school facilities, including the facility required, the times and frequency of use, and the portion of the school year the facility will be used,
 - (4) The need, if any, for support personnel or services,
 - (5) A description of the activities that participating pupils will conduct;
 - (6) An estimation of the costs, if any, that the activity will incur,
 - (7) A statement as to whether or not the proposed activity will involve fund raising and, if fund raising will be involved, the use that will be made of those funds,
 - (8) The manner in which pupil leaders will be chosen and organizational decisions will be made,
 - (9) The number of pupils who intend to participate in the activity, and
 - (10) Qualifications for participation, if any, and, if pupils must qualify on a basis other than interest and availability, the rationale for that qualification.
- b. A duly submitted proposal for a new co-curricular activity may be approved if:
- (1) Its objectives are in harmony with the educational goals adopted by the Board;
 - (2) It is designed to meet assessed pupil needs and interests;
 - (3) Participation is open to all interested pupils available for participation or, if participation is limited, any qualifications for participation are reasonably justified by the purpose of the activity;



(4) The proposed use of school facilities does not interfere with the instructional program or the conduct of established co-curricular activities; and

(5) The proposed activity will be properly supervised.

C. Pupil Participation

1. The program of co-curricular activities should be sufficiently varied to meet the wide range of pupils' vocational, recreational, social, and cultural needs and interests.
2. All pupils will be provided with information on co-curricular activities at the start of the school year and will be invited to participate in one or more activities.
3. Eligibility standards are set forth in Policy No. 2430.
4. When a pupil becomes ineligible for participation in co-curricular activities by reason of poor attendance or poor academic performance, his/her teacher will so inform the advisors of the co-curricular activities in which the pupil participates. The advisor will suspend the pupil's participation, except as exempted by Policy No. 2430.

D. Supervision

1. Each co-curricular activity must be supervised by at least one staff member appointed by the Board as advisor.
2. The Superintendent will provide appropriate in-service training for co-curricular advisors.
3. Co-curricular advisors will be provided with an advisors' handbook that includes, as a minimum, these regulations and detailed school procedures for the conduct of co-curricular activities.
4. Each co-curricular advisor shall:
 - a. Meet regularly and promptly with participating pupils at the assigned time and place of the activity and ensure an orderly environment appropriate to the purpose of the activity;



- b. Instruct participating pupils in the purpose and conduct of the activity and explain any rules and/or standards to be observed in the conduct of the activity;
 - c. Encourage participating pupils to take appropriate responsibility for the conduct and leadership of the activity;
 - d. Prepare and submit to the Principal a calendar of activities for the school year;
 - e. Prepare and maintain a membership list of participating pupils, keep an attendance record, and submit the membership list to the Principal;
 - f. Ascertain that each participating pupil is involved in the activity to the extent commensurate with his/her interests and abilities;
 - g. Report periodically or as required to the Principal on the conduct and/or achievements of the activity;
 - h. Take all reasonable and necessary steps to safeguard the health and safety of participating pupils, including the prohibition of hazing and similar initiation rites;
 - i. Ensure the proper accounting and deposit of any funds raised or collected by the activity, in accordance with Policy No. 6660; and
 - j. Cooperate with the Principal in a year-end evaluation of the activity.
5. The advisor responsible for an activity scheduled for an evening or a weekend (such as a performance or social event) should consult Regulation No. 5850 and No. 9161 and should:
- a. Request permission for the activity and for the use of the facility from the Principal;
 - b. Provide publicity and advertising information to the Principal in advance of the event;
 - c. Order any necessary tickets and/or program, correct proofs, and print;
 - d. Provide for any music required by hiring musicians and/or collecting records and tapes;



- e. Arrange with the Principal for the provision of any additional security and/or traffic services, in accordance with Regulation No. 9320;
- f. Arrange for any required audio or lighting equipment and supplies;
- g. Provide for the checking of participants' and spectators' outerwear;
- h. Provide for any food services that will be required;
- i. Arrange for ushers and chaperones;
- j. Provide for the prompt deposit of any moneys collected; and
- k. After the event, report to the Principal;
 - (1) The number of tickets sold,
 - (2) The number of persons who attended the event,
 - (3) The amount of money collected and deposited, and
 - (4) An evaluation of the event, including an account of any unusual incidents.

6. Staff members other than the activity advisor should attend activities as follows:

- a. An administrator should be assigned to attend each evening and each weekend co-curricular activity;
- b. Teachers are encouraged to support and attend a function that has been planned and prepared by a significant proportion of the pupils assigned to them;
- c. All faculty members are encouraged to support and attend special co-curricular events that involve a significant degree of pupil planning and preparation such as plays, concerts, and dances.

E. Evaluation

- 1. An evaluation of each co-curricular activity will be conducted by the Principal and the advisor at the end of the school year or the conclusion of the activity.



2. The evaluation will measure the activity against its stated objectives to determine if the objectives were met. Criteria may include:
 - a. Membership and attendance records;
 - b. Regularity of meetings;
 - c. The planning and execution of special events;
 - d. Evidence of pupil leadership and assumption of responsibility; and
 - e. Such other indicia of pupils' growth and development as the evaluators may choose.
 3. The evaluation will include recommendations for the improvement of the activity or, if so indicated, for the cancellation of the activity.
 4. The Chief School Administrator will conduct an annual evaluation of the overall program of co-curricular activities. That evaluation should consider whether the program has resulted in:
 - a. Improvement in school attendance;
 - b. Improvement in academic performance;
 - c. Increased participation in school activities;
 - d. Improvement in school morale and pupil behaviors; and
 - e. Social interaction, Team building.
- F. Records
1. A pupil's participation in co-curricular activities shall be recorded in his/her record, will be preserved for the duration of the pupil's enrollment in the school, and may be released only in accordance with Policy No. 8330.
 2. Records of the conduct of co-curricular activities will be maintained by the Principal and will include, as appropriate to the activity:
 - a. The period in which the activity occurred;



- b. The numbers of participating pupils in each school year and/or present at each co-curricular event;
- c. The name of the activity advisor;
- d. The printed product of the activity, such as copies of the school newspaper or literary collection;
- e. Copies of reports of the activity in newspapers and/or other public relations releases; and
- f. The financial records of the activity.

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R 2431.1 EMERGENCY PROCEDURES FOR ATHLETIC PRACTICES AND COMPETITIONS

A. Definitions

1. “Athletic competition” and “athletic activities” mean all practice sessions and competitive contests, games, events, and exhibitions with individual pupils or teams of the school or of other districts and include cheerleading.
2. “Health personnel” means the school nurse, the school medical inspector, the designated team doctor, a licensed physician, and members of the first aid squad or ambulance team.
3. “Parent” means the parent(s) or legal guardian(s) having legal custody and control of a pupil.
4. “Pupil” means a pupil enrolled in this district and a pupil enrolled in any district who is present in this district for the purpose of participating in a program of athletic competition sponsored by the Board of Education.

B. Precautions

1. All athletic coaches, including assistant coaches, will be trained in first aid and in the identification of injured and disabled pupil athletes.
2. Athletic coaches are responsible at all times for the supervision of pupils to whom they have been assigned. Pupils shall not be left unattended at any time.
3. Pupils who participate in athletic competition shall be trained in proper athletic procedures, in the proper use of athletic equipment, and in the proper use of protective equipment and clothing.
4. Pupil athletes shall be required to report promptly to the athletic coach any injury or disability occurring to the pupil himself/herself or to another pupil.
5. First aid supplies and equipment shall be readily available at all athletic activities and shall be maintained in proper condition.
6. First aid and emergency medical procedures will utilize universal precautions in handling blood and body fluids as indicated in Policy and Regulation No. 7420 and Regulation No. 7420.1.



C. Emergency Procedures

The following procedures shall be implemented whenever a pupil athlete is injured or disabled in the course of an athletic practice or competition sponsored by this district.

1. If no health personnel are present, or if none can be immediately summoned to the pupil's aid, the athletic coach shall administer such first aid as may be necessary.
2. If the pupil's injury or disability requires more than routine first aid, the athletic coach shall:
 - a. Summon an ambulance by calling 911, or
 - b. Arrange for the pupil's transportation to the nearest medical facility or the office of the school medical inspector.
3. The athletic coach or his/her designee shall promptly notify the Building Principal, the Superintendent, and the pupil's parent(s) or legal guardian(s) of the pupil's injury or disability and the condition and location of the pupil.
4. An injured or disabled pupil who has been transported away from school premises must be accompanied by the athletic coach, a member of the athletic department, a health professional, or other responsible adult known to the athletic coach.
5. These procedures shall be followed when the injured or disabled pupil is a member of a visiting team or district, and every effort shall be made to cooperate with the staff of the district in which the pupil is enrolled.

D. Reports

1. The athletic coach shall complete and file a report of every injury or disability that occurs to a pupil in the course of his/her participation in the athletic program of this district, regardless of the severity of the injury or disability. The report shall include:
 - a. The date and location of the incident,
 - b. The name, age, grade level, and gender of each injured or disabled pupil,
 - c. The district in which the pupil is enrolled,
 - d. The name and district of each pupil involved in the incident,



- e. A narrative account of the incident,
 - f. A detailed description of the injury or disability,
 - g. The treatment given on school premises and the names of the health personnel, if any, who treated the pupil,
 - h. The place, if any, to which the pupil was taken and the persons who accompanied the pupil, and
 - i. A memorandum of the notice given to the pupil's parent(s) or legal guardian(s).
- 2. Copies of the report shall be filed with the school nurse and the Chief School Administrator within twenty-four hours of the incident.
 - 3. The Chief School Administrator shall report the incident to the Board.
 - 4. The parent(s) or legal guardian(s) of each injured or disabled pupil will be given assistance in the completion and filing of insurance claim forms.
 - 5. A copy of each report of an incident of pupil injury or disability that occurs in the course of athletic activities shall be maintained by the athletic director, who shall analyze reports for patterns that indicate a need for revision of the district's safety and/or athletics program. The athletic director shall report the findings of his/her analysis to the Chief School Administrator at the close of each sport season.
- E. Readmission to Athletic Activities
- A pupil injured or disabled in the course of an athletic activity will be permitted to participate in athletic competition only on the written permission of the school medical inspector or designated team doctor, who must first examine the pupil to determine his/her fitness to participate in athletics. Written notice of that determination, signed by the school medical inspector or designated team doctor as appropriate, shall be given to the pupil's parent(s) or legal guardian(s).

Adopted: 15 September 2010



R 2431.2 MEDICAL EXAMINATION TO DETERMINE FITNESS FOR
PARTICIPATION IN ATHLETICS

A. The medical examination conducted to determine the fitness of a pupil for participation in athletics shall include, as a minimum, the following:

1. Medical History Questionnaire

A medical history questionnaire will be completed and signed by the parent(s) or legal guardian(s) of the pupil, to determine if whether the pupil:

- a. Has been medically advised not to participate in any sport, and the reason for such advice,
- b. Is under physician's care and the reasons for such care,
- c. Has experienced loss of consciousness after an injury,
- d. Has experienced a fracture or dislocation,
- e. Has undergone any surgery,
- f. Takes any medication on a regular basis, the names of such medication, and the reasons for such medication,
- g. Has allergies including, but not limited to: hives, asthma, and or reactions to bee stings,
- h. Has experienced frequent chest pains or palpitations,
- i. Has a recent history of fatigue and undue tiredness,
- j. Has a history of fainting with exercise, and
- k. Has a history of a family member experiencing sudden death.



2. Medical Examination/Physical Examination

The medical examination shall include a physical examination will be conducted and will which includes, as at a minimum, no less than the following:

- a. Measurement of weight, height, and blood pressure,
- b. Examination of the skin to determine the presence of infection, scars of previous surgery or trauma, jaundice, and purpura,
- c. Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses and examination of the sclera for the presence of jaundice,
- d. Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum, and gross hearing loss,
- e. Examination of the nose to assess the presence of deformity which may affect endurance,
- f. Assessment of the neck to determine range of motion and the presence of pain association with such motion,
- g. Examination of chest contour,
- h. Auscultation and percussion of the lungs,
- i. Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate before and after exercise,
- j. Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly, or abnormal masses,
- k. Assessment of the back to determine range of motion and abnormal curvature of the spine,
- l. Examination of extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars, and varicosities,



- m. Examination of the testes to determine presence and descent of both testes, abnormal masses or configurations, or hernia,
- n. Assessment of physiological maturation, and
- o. Neurological examination to assess balance and coordination and the presence of abnormal reflexes.

B. Health History Update

A health history update, completed by the pupil's parent(s) or legal guardian(s), shall provide information about any medical problems experienced by the pupil since the last medical examination. As a minimum, the health history update shall include information, if any, about the pupil's:

- 1. Hospitalizations and operations,
- 2. Illnesses,
- 3. Injuries,
- 4. Care administered by a physician, and
- 5. Medications.

Adopted: 15 September 2010



R 2432 SCHOOL SPONSORED PUBLICATIONS

A. Objectives

The program of school sponsored publications is intended to:

1. Disseminate news to those who are actively interested in the school - pupils, teachers, parent(s) or legal guardian(s), administrators, alumni/ae, and other members of the school community;
2. Provide a means for the expression of thought;
3. Foster a wholesome school spirit and support the best traditions of the school;
4. Promote and encourage other school sponsored activities;
5. Provide training and experience in journalism, graphics, photography, and creative writing;
6. Create an appreciation for the best forms of journalism both in and out of school;
7. Record the history of the school; and
8. Assist the district's public information program.

B. Guidelines

1. Excellence in writing will be sought, and the ethics of responsible journalism will determine what will be printed. All facts printed will be based on careful research.
2. Pupils will have a right to their views and attitudes on all issues with the proviso that the tenor of articles and stories submitted will not violate the prohibitions of paragraph C.
3. Constructive criticism is encouraged.



C. Prohibited Material

No school sponsored publication may contain materials that:

1. Are grossly prejudicial to an ethnic, national, religious, or racial group or to either gender;
2. Libel any person or persons;
3. Infringe rights of privacy protected by law or regulation;
4. Seek to establish the supremacy of a particular religious denomination, sect, or point of view over any other;
5. Advocate the use or advertise the availability of any substance or material that constitutes a direct and substantial danger to the health of pupils;
6. Contain obscenity or material otherwise deemed to be harmful to impressionable pupils;
7. Incite violence, advocate the use of force, or urge the violation of law or school regulations;
8. Advertise goods or services for the benefit of profit making organizations;
9. Solicit funds for nonschool organizations when such solicitations have not been approved by the Board; or
10. Promote, favor, or oppose any candidate for election to the Board or the adoption of any bond issue, proposal, or question submitted at any school election.

D. Review Procedures

1. To ensure compliance with these rules, all material intended for publication in a school sponsored publication will be reviewed by the advisor.
2. The author of material found unacceptable for publication in a school sponsored publication pursuant to paragraph D1 may appeal that decision to the Principal.



3. The Principal will promptly convene a committee comprised of the advisors of the school newspaper, yearbook, and literary magazine and the president of each class.
 4. The committee will review the appeal, including the material and the advisor's specific reason for rejecting the material, and will render an advisory opinion to the Chief School Administrator.
 5. The Chief School Administrator will decide whether or not the material may be published and will deliver his/her decision to the appellant within two school days of the receipt of the appeal.
 6. If the Chief School Administrator denies publication, the author may appeal that decision to the Superintendent and any adverse decision of the Superintendent may be appealed to the Board of Education. At each level, a decision will be made within three school days of the receipt of the appeal.
- E. Faculty Duties
- Faculty advisors to school sponsored publications shall:
1. Serve in a liaison capacity between the staff of the publication and the faculty and administration;
 2. Instruct members of the publication staff in proper journalistic techniques and standards;
 3. Offer editorial advice and suggestion when necessary;
 4. Interpret the publication guidelines set forth in paragraph C;
 5. Review material intended for publication; and
 6. Proofread each publication before it is printed and distributed.
- F. Distribution
1. Distribution of school publications will be limited to those times and places that best serve the purpose of reaching the designated audience without disturbing normal school building activities.

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Special Education
M

R 2460 SPECIAL EDUCATION

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

- R 2460.1 Special Education - Location, Identification, and Referral
- R 2460.8 Special Education - Free and Appropriate Public Education
- R 2460.9 Special Education - Transition From Early
Intervention Programs to Preschool Programs
- R 2460.16 Special Education - Instructional Material to Blind or
Print-Disabled Pupils

Definitions:

Refer to N.J.A.C. 6A:14-1.3 for definitions of terms used in Regulations 2460.1 through 2460.16.

Adopted: 15 September 2010



R 2460.1 SPECIAL EDUCATION - LOCATION, IDENTIFICATION, AND REFERRAL

All pupils with disabilities, who are in need of special education and related services, including pupils with disabilities attending nonpublic schools, and highly mobile pupils such as migrant workers' children and homeless pupils regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3

A. Procedures for Locating Pupils With Disabilities

1. The Director of Pupil Personnel Services will coordinate the child find activities to locate, identify and evaluate all children, ages three through twenty-one, who reside within the school district or attend nonpublic schools within the school district and who may be disabled.
2. By April of each school year, the Director of Pupil Personnel Services or his/her designee will conduct child find activities which may include but not limited to:
 - a. Development of child find materials for distribution.
 - b. Broadcasting of child find information on the school district cable television station. (if applicable)
 - c. Distribution of flyers to the parents of all pupils enrolled in the school district.
 - d. Mailing of child find material to nonpublic schools in the area.
 - e. Mailing of child find material to local pediatricians, hospitals and clergy.
 - f. The Superintendent or designee ensures that if any native language speakers for languages other than English are identified, public service communications will include but not be limited to native language announcements on local foreign language radio stations and/or cable television stations.
 - g. Public service announcements in local newspapers.



- h. Distribution of child find materials in supermarkets, convenience stores, shelters for the homeless, public and private social service agency locations and nursery school providers.
- i. Mailing information letters to local physicians, hospitals, nursery schools, non-public schools, health departments, community centers, rescue squads and churches.
- j. A guide to preschool services for potentially disabled children ages three to five is made available to parent(s) or legal guardian(s).
- k. Posting of State developed child find materials in the Superintendent's office for potentially disabled pupils and/or early intervention program.
- l. Training of home school advocate/school community liaisons or others to assist in the identification of potentially disabled pupils.
- m. Listings of Early Intervention Program (EIP), local nursery schools and pediatricians are maintained. The district's preschool coordinator (or other) maintains contact with EIP coordinator and nursery school director.
- n. Information is distributed through the Parent Advisory Committee.
- o. School handbooks distributed to parents contain information describing special education services.
- p. Distribution of information to the school district's ESL/Bilingual teachers describing child find activities.
- q. Pupils entering Kindergarten are screened annually to identify potentially disabled pupils.
- r. Intervention and Referral Services Committees (I&RS) have been established in all school buildings.
- s. Nonpublic schools or parents of children who attend nonpublic schools may make referrals regarding potentially disabled pupils directly to the Burlington County Educational Services Commission.



3. No later than April of each school year the Child Study Team will contact by mail the nonpublic school official to request input from nonpublic school parents and officials for suggestions on ways to conduct child find activities for pupils attending nonpublic schools.

The child find activities for nonpublic pupils shall be comparable to the child find activities for public school pupils.

Based on the suggestions from the representatives of the nonpublic schools and parent(s), the Child Study Team will modify the child find activities for the next school year, as appropriate.

B. Procedures for Intervention in the General Education Program

A staff member or agency shall provide in writing a request for intervention services for pupils ages three to fourteen, to the Building Principal or designee. The request shall contain the following:

1. Reason for request (including parental or adult pupil request);
2. Descriptive behavior of pupil performance; and
3. Indication of the prior interventions.

Teachers and other school professionals, as appropriate, will be in-serviced annually by the Building Principal or designee regarding the procedures for initiating and providing interventions in the general education program. The parent(s) will be informed of the procedures to initiate interventions in the general education program.

The Superintendent or designee will oversee the district's implementation and effectiveness of the procedures for interventions in the general education program.

An Intervention and Referral Services Committee (I&RS) will be in place in each school building pursuant to N.J.A.C. 6A:16-8.1.

The Building Principal or designee will be responsible for the following:

1. The implementation and effectiveness of building level I&RS Committee;



2. Will identify the roles and responsibilities of building staff who participate in planning and providing intervention services; and
3. Review, assess and document the effectiveness of the services provided in achieving the outcome identified in the intervention plan.

*Sample forms are located in the Resource Manual for Intervention and Referral Services published by the NJDOE.

4. The I&RS Committee shall:
 - a. Plan and provide appropriate intervention services;
 - b. Actively involve the parent(s) in the development and implementation of intervention plans;
 - c. Develop an action plan for an identified pupil which specifies specific tasks, resources, persons responsible, completion dates, date for review;
 - d. Coordinate the services of community based social and health provider agencies;
 - e. Process and complete the documentation forms;
 - f. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan;
 - g. Ensure the type, frequency, duration, and effectiveness of the interventions are documented.
5. The Building Principal will insure that:
 - a. I&RS Committee receive in-service training by the Building Principal or designee by September 1 each school year;
 - b. Staff handbooks are updated by the Principal and include information regarding intervention procedures;



- c. New instructional staff attend the district's orientation program commencing in the month of August which includes information on I&RS Committee; and
- d. Parent/pupil handbooks distributed in the month of September and include information on intervention services.

C. Procedures for Referral

Referral procedures are included in professional staff handbooks and referral forms are available in the Principal's office, the Child Study Team office, and the Office of the Director of Pupil Personnel Services.

1. Parental Notification of Referral Procedures

Referral procedures shall be included in the Parent Handbook. These procedures and publications shall be updated annually and be distributed to the parent(s) and appropriate social service and welfare agencies not later than October 1 of each year.

2. Parent Initiated Referral

When a parent makes a written request for an evaluation to determine eligibility for services:

- a. The written request shall be received and dated by the district recipient;
- b. The written request shall be immediately forwarded to the office of special services/special education;
- c. A file will be initiated to include a timeline for processing the referral including the date that initiates the twenty-day timeline for conducting the referral/identification meeting and any forms used to open a case;
- d. Upon receipt of the referral a request for a summary and review of health and medical information regarding the pupil shall be forwarded to the school nurse who will transmit the summary to the Child Study Team (CST);



- e. The case manager will convene a referral/identification meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date the request was received by the district;
- f. A “Notice of a Referral/Identification Meeting” will be sent to the parent(s);
- g. The notice will contain “Parental Rights in Special Education” (PRISE) Booklet; and
- h. The referral/identification meeting will be attended by the parent(s), CST and regular education teacher.

3. School Initiated Referral

Referral of a pupil may be made by administrative, instructional and other professional staff to determine eligibility for special services when:

- a. It is determined (optional: through the I&RS Committee) that interventions in the general education program have not adequately addressed the educational difficulties and it is believed that the pupil may be disabled.
- b. It can be documented that the nature of the pupil’s educational problem(s) is such that an evaluation to determine eligibility for services is warranted without delay.
- c. The Principal, through in-service training, shall ensure that pupils who may be potentially disabled are referred even though they are advancing from grade to grade.

The following procedure will be followed for a school initiated referral:

- a. A referral to the CST will be completed by the referring staff member;
- b. I&RS documentation including, but not limited to: teacher reports, grades and other relevant data (optional: the intervention record) shall be forwarded with the referral to the CST along with any other relevant data;



- c. I&RS documentation does not need to be forwarded for direct referral when the nature of the pupil's problem is such that the evaluation is warranted without delay;
 - d. The referral should be dated upon receipt by the CST;
 - e. A file will be initiated to include a timeline for processing the referral including the date that initiates the twenty-day timeline for conducting the referral/identification meeting;
 - f. Upon receipt of the referral, a request for a summary and review of health and medical information regarding the pupil shall be forwarded to the school nurse who will transmit the summary to the CST;
 - g. The case manager will convene a referral/identification meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date recorded on the referral;
 - h. A "Notice of a Referral/Identification Meeting" will be sent to the parent(s);
 - i. The notice shall contain "Parental Rights in Special Education" (PRISE); and
 - j. The referral/identification meeting will be attended by the parent(s), CST and regular education teacher.
- 4. The district may use community rehabilitation programs approved by the New Jersey Department of Labor, Division of Vocational Rehabilitation Services or any other State agency empowered to accept secondary level pupil placement according to N.J.A.C. 6A:14-4.7(f)1.
 - 5. Each evaluation of the pupil requires an assessment to determine appropriate post-secondary outcomes as part of transition services planning.
 - 6. Each IEP Team member is required to certify in writing whether the IEP Team report reflects his or her conclusions. In the event the IEP Team report does not reflect the IEP Team member's conclusion, the IEP Team member must submit a dissenting opinion in order to ensure the parent(s) is aware of dissenting opinions regarding the determination of eligibility for a specific learning disability.



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Special Education - Location, Identification, and Referral

7. The parent(s) must receive a copy of their child's evaluation report and any documentation leading to a determination of eligibility not less than ten calendar days prior to the eligibility conference in order to ensure the parent(s) has a reasonable amount of time to review documentation prior to an eligibility conference.
8. A pupil may be referred directly to the Child Study Team when warranted.

Adopted: 15 September 2010



R 2460.8 SPECIAL EDUCATION - FREE AND APPROPRIATE PUBLIC EDUCATION

A free and appropriate public education is available to all pupils with disabilities between the ages of three and twenty-one including pupils with disabilities who have been suspended or expelled from school.

Procedures regarding the provision of a free and appropriate public education to pupils with disabilities who are suspended or expelled are as follows:

1. School officials responsible for implementing suspensions/expulsions in the district are the following: (List school officials/designees by district organizational level.)
 - a. 6-8 Chief School Administrator;
 - b. PreK – 5 Chief School Administrator.
2. Each time a pupil with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager by the Chief School Administrator or designee. (Notification must be in written format for documentation.)
3. Each Chief School Administrator or designee will ensure that a system is in place to track the number of days a pupil with disabilities has been removed for disciplinary reasons. Documentation will include:
 - a. Pupil's name;
 - b. The infraction;
 - c. Time suspended; and
 - d. The cumulative days suspended including removal for a portion of the school day which is counted proportionately.



4. When a pupil is suspended from transportation:
 - a. Suspension from transportation is not counted as a day of removal if the pupil attended school.
 - b. Suspension from transportation is counted as a day of removal if the pupil does not attend school.
 - c. Suspension from transportation may be counted as a day of absence rather than a day of removal if the district made available an alternate means of transportation and the pupil does not attend school.
5. When a pupil with a disability participates in an in-school suspension program, the Principal or designee shall ensure that participation in the program is not considered removal when determining whether a manifestation determination must be conducted if the program provides the following:
 - a. Opportunity for the pupil to participate and progress in the general curriculum,
 - b. Services and modifications specified in the pupil's IEP,
 - c. Interaction with non-disabled peers to the extent they would have in the current placement, and
 - d. The pupil is counted as present for the time spent in the in-school suspension program.
6. When a series of short-term removals will accumulate to more than ten school days in the year:
 - a. The Chief School Administrator or designee and the case manager will 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 the school administration and the case manager shall be maintained by the case manager.



- b. If it is determined that there is no change in placement, the Principal/Vice Principal or designee, the case manager, and special education teacher will consult to determine the extent to which services are necessary to:
 - (1) Enable the pupil to participate and progress appropriately in the general education curriculum; and
 - (2) Advance appropriately toward achieving the goals set out in the pupil's IEP.

Written documentation of the consultation and services provided shall be maintained in the pupil's file.

- 7. When a disabled pupil is removed from his/her current placement for more than ten days and the removal does not constitute a change in placement, the case manager shall convene a meeting of the IEP Team and, as necessary or required, conduct a functional behavior assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, 20 U.S.C. §1415(k). The IEP Team shall:
 - a. Review the behavioral intervention plan and its implementation;
 - b. Determine if modifications are necessary; and
 - c. Modify the behavioral intervention plan and its implementation as appropriate. The plan will be modified to the extent necessary if at least one member of the team determines that modifications are necessary.

The case manager will document the date and the outcome of the meeting.

The documentation shall be placed in the pupil's file.

Procedures Regarding the Provision of a Free and Appropriate Public Education to Preschool Age Pupils with Disabilities

To ensure that preschoolers with disabilities who are not participating in an early intervention program have their initial IEP's in effect by their third birthday, a written request for an initial evaluation shall be forwarded to the district.

The following procedures will be followed:

- 1. A parent of a preschool-age pupil suspected of having a disability, who requests a Child Study Team (CST) evaluation by telephone, will be advised to submit a written request for an evaluation to the Preschool Coordinator or Chief School Administrator.



2. Upon receipt of the written request, the request shall be dated and signed by the recipient.
3. The district will respond to referrals of preschoolers according to N.J.A.C. 6A:14-3.3(e).
4. A file will be initiated for the potentially disabled preschooler:
 - a. The Child Study Team will convene a referral/identification meeting within twenty calendar days (excluding school holidays but not summer vacation) of the date recorded on the request;
 - b. A "Notice of Referral/ Identification Meeting" will be sent to the parent(s);
 - c. The notice will contain "Parental Rights in Special Education" (PRISE) Booklet;
 - d. The meeting will be attended by the CST, including a speech language specialist, the parent(s), and a teacher who is knowledgeable about the district's program; and
 - e. A program shall be in place no later than ninety calendar days from the date of consent.

Procedures Regarding the Provision of a Free, Appropriate Public Education to Pupils with Disabilities Who Are Advancing From Grade to Grade

The Principal through in-service training shall ensure pupils with disabilities who are advancing from grade to grade with the support of specially designed services, continue to be eligible when as part of a reevaluation, the IEP Team determines the pupil continues to require specially designed services to progress in the general education curriculum and the use of functional assessment information supports the IEP Team's determination.

Procedures Involving Procedural Safeguards to Pupils Not Yet Eligible For Special Education

Disciplinary procedural safeguards will apply to pupils not yet eligible for special education. The parent(s) and/or adult pupil may assert any of the protections of the law if the district had knowledge the pupil was a pupil with a disability before the behavior that precipitated the disciplinary action occurred.

Adopted: 15 September 2010



R 2460.9 SPECIAL EDUCATION - TRANSITION FROM EARLY INTERVENTION PROGRAMS TO PRESCHOOL PROGRAMS

Children with disabilities participating in early intervention programs (EIP) assisted under IDEA Part C who will participate in preschool programs under N.J.A.C. 6A:14-1.1 et seq. will experience a smooth transition and will have an Individualized Education Program (IEP) developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.

Procedure for Child Study Team (CST) Member Attendance at the Transition Planning Conference

1. The district will make available a CST member to participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:
 - a. Review the Part C Individualized Family Service Plan for the child;
 - b. Provide the parent(s) written registration requirements;
 - c. Provide the parent(s) written information with respect to available district programs for preschool pupils, including general education placement options; and
 - d. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's IEP meeting.
2. The district will work collaboratively with the EIP designated service coordinator or early intervention system to eliminate barriers regarding meeting times and locations.
3. School district officials shall adhere to all procedures contained in N.J.A.C. 6A:14-1.1 et seq. for transitioning children with disabilities from EIP to preschool programs.
4. The Part C service coordinator shall be invited to the initial IEP meeting for a pupil transitioning from Part C to Part B.

Adopted: 15 September 2010



R 2460.16 SPECIAL EDUCATION - INSTRUCTIONAL MATERIAL TO
BLIND OR PRINT-DISABLED PUPILS

All pupils that are blind or print-disabled will be provided instructional materials in a timely manner in accordance with a plan developed by the district.

The plan to provide the instructional material to blind or print-disabled pupils in a timely manner will:

1. Be included in the Individualized Education Program of each pupil with a disability;
2. Set forth the instructional materials needed by the pupil;
3. Indicate how the instructional material will be provided to the blind or print-disabled pupil; and
4. Address any assistive technology needed to permit the pupil to utilize the instructional material to be provided.

Adopted: 15 September 2010



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Special Education/Receiving Districts
M

R 2461 SPECIAL EDUCATION/RECEIVING DISTRICTS

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

- R 2461.01 Special Education/Receiving Schools – IEP Implementation
- R 2461.02 Special Education/Receiving Schools – Suspension/Expulsion
- R 2461.03 Special Education/Receiving Schools – Pupil Records
- R 2461.05 Special Education/Receiving Schools – IEP Compliance
- R 2461.08 Special Education/Receiving Schools – In-Service Training

Definitions:

Refer to N.J.A.C. 6A:14 and the Individuals with Disabilities Education Act for definitions of terms used in Regulations 2461.01 through 2461.08.

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R 2461.01 SPECIAL EDUCATION/RECEIVING SCHOOLS – IEP IMPLEMENTATION

The receiving school district, in order to be in compliance with N.J.A.C. 6A:14, will provide all special education services to all special education pupils in accordance with New Jersey Administrative Code, the Individuals with Disabilities Act, Board Policies 2460 and 2461 and corresponding Regulations.

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

A. Procedures for Ensuring the Pupil's Individualized Education Program (IEP) Can Be Implemented

1. The following procedures will be used to ensure the pupil's IEP can be implemented in the receiving school setting prior to accepting the pupil. [N.J.A.C. 6A:14-7.5(b)1]:
 - a. The case manager in the receiving school district will review the IEP.
 - b. The receiving district will only accept the pupil if the case manager determines the pupil's IEP can be implemented. The receiving district will not accept the pupil if the case manager determines the receiving district cannot implement the IEP.

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

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

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R 2461.02 SPECIAL EDUCATION/RECEIVING SCHOOLS – SUSPENSION/EXPULSION

The receiving school district, in order to be in compliance with N.J.A.C. 6A:14, will provide all special education services to all special education pupils in accordance with New Jersey Administrative Code, the Individuals with Disabilities Act, Board Policies 2460 and 2461 and corresponding Regulations.

Procedures for Collaboration For Pupils With Disabilities Who Are Suspended/Expelled

The receiving school will collaborate with the district Board of Education in the provision for a free, appropriate public education for the population served including pupils with disabilities who are suspended.

1. The Chief School Administrator is responsible for implementing suspensions/expulsions in the receiving school.
2. Each time a pupil with a disability is removed from his/her current placement for disciplinary reasons, the Building Principal will notify the case manager of the sending district.
3. The Building Principal or his/her designee will have a system in place to track the number of days a pupil with disabilities has been removed for disciplinary reasons.
4. Suspension from transportation will be counted as a day of removal if the pupil does not attend school.
5. If the receiving school has an in-school suspension program, participation in the program will not be counted as a day of removal if the program provides the following:
 - a. An opportunity for the pupil to progress in the general curriculum;
 - b. The services and modifications specified in the pupil's IEP;
 - c. Interaction with peers who are not disabled to the extent they would have interaction with in the current placement; and



- d. The pupil is counted as present for the time spent in the in-school suspension program.
- 6. When a series of short-term removals will accumulate to more than ten school days in the year:
 - a. The Chief School Administrator of the receiving school and the sending district case manager will consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(b)2;
 - b. Written documentation of the consultation between school officials and the case manager of the sending district will be maintained by the Child Study Team;
 - c. If it is determined that there is no change in placement, the Building Principal of the receiving district, the case manager of the sending district and special education teacher will consult to determine the extent to which services are necessary to:
 - (1) Enable the pupil to progress appropriately in the general education curriculum; and
 - (2) Advance appropriately toward achieving the goals set out in the pupil's IEP.
 - d. Written documentation of the consultation and services provided will be maintained by the Child Study Team of the receiving district.
 - e. Steps will be in place to review the behavioral intervention plan and if necessary convene the IEP team as required according to N.J.A.C. 6A:14 Appendix D, 34 C.F.R. §300-520(c)(1) and (2).

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R 2461.03 SPECIAL EDUCATION/RECEIVING SCHOOLS – PUPIL RECORDS

The receiving school district, in order to be in compliance with N.J.A.C. 6A:14, will provide all special education services to all special education pupils in accordance with New Jersey Administrative Code, the Individuals with Disabilities Act, Board Policies 2460 and 2461 and corresponding Regulations.

A. Procedures to Ensure the Individualized Education Program (IEP) is Accessible

1. Procedures regarding pupil records will be developed and implemented to ensure that the IEP is accessible to each teacher or service provider in accordance with N.J.A.C. 6A:14-3.7(a)2.
2. The compilation, maintenance, access to and confidentiality of pupil records will be in accordance with N.J.A.C. 6:3-6. Access means the right to view, to make notes, and/or have a reproduction of the record.
3. All pupil records will be returned to the sending district within fifteen calendar days of a pupil's last day of enrollment.
4. If the IEP is copied, the receiving district will be sure the IEP is kept confidential and is maintained according to N.J.A.C. 6:3-6.4(b). The IEP will be maintained in a central file at the school attended by the pupil and if the records are maintained in a different location, there will be a notation on the central file as to where such other records are located.

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R 2461.05 SPECIAL EDUCATION/RECEIVING SCHOOLS – IEP COMPLIANCE

The receiving school district, in order to be in compliance with N.J.A.C. 6A:14, will provide all special education services to all special education pupils in accordance with New Jersey Administrative Code, the Individuals with Disabilities Act, Board Policies 2460 and 2461 and corresponding Regulations.

- A. Procedures Regarding the Provision of Services Required by the Individualized Education Program (IEP)
 - 1. The programs and services provided by the receiving school will be in accordance with the requirements of N.J.A.C. 6A:14-1.1 et seq.; and
 - 2. If a change in the delivery of special education or related services is necessary due to a change in personnel or pupil need, the receiving school will contact the sending district to convene an IEP team meeting to review and, if appropriate, revise the IEP.

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

The receiving school district, in order to be in compliance with N.J.A.C. 6A:14, will provide all special education services to all special education pupils in accordance with New Jersey Administrative Code, the Individuals with Disabilities Act, Board Policies 2460 and 2461 and corresponding Regulations.

A. Procedures to Meet the Training Needs of Paraprofessionals, Professionals and Parents of Pupils with Disabilities

1. The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services will be identified and appropriate in-service training will be provided. The receiving school shall maintain information to demonstrate its efforts to address training as defined in the five following areas:
 - a. To prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
 - b. To enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of pupils with disabilities that impedes the learning of pupils with disabilities and others;
 - c. To 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;
 - (1) The adoption of promising practices will be addressed through the review and dissemination by the school building curriculum committee, through turnkey trainings, presentations at Board meetings, Parent-Teacher Association meetings and other methods as determined by the receiving district.
 - d. To insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and



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- e. To provide for joint training activities of parents, special education, and related services and general education personnel [34 C.F.R. § 300.380].
2. The Building Principal and Director of Pupil Personnel Services in the receiving district will conduct a needs assessment on an annual basis to identify the in-service training needs as part of the district-wide development activities.
3. The effectiveness of the in-service program will be evaluated at least once at the end of each year by a written survey administered and compiled by the Building Principal and Director of Pupil Personnel Services.
4. Documentation of the needs assessment, training activities and evaluation procedures will be maintained by the Child Study Team secretary in the receiving district for three years after the activities are completed.

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R 2464 GIFTED AND TALENTED PUPILS

Identification

Grades Kindergarten - 2

The classroom teacher is responsible for the identification and nomination of potential Gifted and Talented pupils using the following criteria:

- District formulated teacher checklist.
- Standardized test performance (90% or higher) in reading, language or math or above proficient in math and literacy on State test.
- Classroom performance - above peers.
- Teacher recommendation.

Grades 3 - 8

The classroom teacher(s) is/are responsible for the identification and nomination of potential Gifted and Talented pupils using the following criteria:

- District formulated teacher checklist.
- Standardized test performance (90% or higher) in reading, language or math or above proficient on State test in literacy or math.
- Test of cognitive skills, used for a cognitive index, will be administered to all pupils in grades 2 and 5. A score of 130 (+) must be obtained.
- Classroom performance - above peers.
- Teacher(s) recommendation.
- The nominating teacher will complete the required forms in the packet. Referral packets will be picked up and returned to the Gifted and Talented Coordinator/ Curriculum Specialist.



Placement and Evaluation

1. Placement

- a. Once the nomination packet is complete the Gifted and Talented Coordinator, Gifted and Talented Teacher and nominating teacher will meet to evaluate each pupil's information.

Kindergarten - 2

Pupils will be serviced in the classroom through differentiated instruction by the homeroom teacher. If Gifted and Talented teacher's schedule permits, they may be pulled out for additional group activities.

Grades 3 - 8

Pupils will be serviced in the classroom through differentiated instruction by the subject area teacher and instructed on a pullout basis, one period a day, three days a week, if a pullout program is provided.

- b. Permission of parent(s) or legal guardian(s) received.

2. Ongoing Evaluation

a. During School Year

If a pupil in grades 3 - 8 receives a C in the same subject area for two consecutive marking periods, the child will be removed from the Gifted and Talented pullout program.

At the end of the school year each child will be reevaluated following the end of the year procedure.

b. End of Year

The teacher of the Gifted and Talented will evaluate the enrolled pupils for participation in the pullout program for the following academic year using the following criteria:

- (1) New State/standardized test scores;



- (2) Review of pupil report card; and
- (3) Subject Area homeroom teacher input.

Curriculum and Instruction

- 1. Extracurricular Enrichment Activities
 - a. Traditional - open to all interested / eligible pupils (when offered)
 - (1) Science Fair;
 - (2) Spelling Bee;
 - (3) Star Lab;
 - (4) NASA Rocks;
 - (5) Field trips; and
 - (6) Assemblies.
 - b. Gifted and Talented - for identified pupils
 - (1) Extending/enriching classroom activities;
 - (2) Challenging projects to foster cognitive development/divergent thought processes, accommodating individual interests;
 - (3) Pullout, small group work if pullout program is offered; and
 - (4) Field trips.

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R 2481 HOME OR OUT-OF-SCHOOL INSTRUCTION FOR GENERAL EDUCATION PUPILS

The Board of Education will provide instructional services to an enrolled general education pupil at the pupil's home or other suitable out-of-school setting pursuant to N.J.A.C. 6A:16-10.2.

A. Conditions For Providing Instructional Services – N.J.A.C. 6A:16-10.2(a)

1. The pupil is mandated by State law and rule for placement in an alternative education program for violations of N.J.A.C. 6A:16-5.5 and 5.6 but placement is not immediately available;
2. The pupil is placed on short-term or long-term suspension from participation in the general education program pursuant to N.J.A.C. 6A:16-7.2 and 7.3; or
3. A court order requires the pupil receive instructional services in the home or other out-of-school setting.

B. Providing Services

1. The school district shall provide services no later than five school days after the pupil has left the general education program.
2. The school district in which the pupil resides shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly or through contract with another Board of Education, Educational Services Commission, Jointure Commission or approved clinic or agency.

C. Standards For Home or Out-Of-School Instruction

1. The Building Principal shall coordinate the development of an Individualized Program Plan (IPP) for delivery of instruction and maintain a record of delivery of instructional services and pupil progress.
 - a. For a pupil expected to be on home instruction for thirty calendar days or more, the IPP shall be developed within thirty calendar days after placement;



- (1) For a pupil on short-term suspension from the general education program pursuant to N.J.A.C. 6A:16-7.2, development of an IPP is not required.
 - (2) For a pupil on long-term suspension from the general education program pursuant to N.J.A.C. 6A:16-7.3, the IPP shall be developed within thirty days following a determination by the school district.
 - b. The IPP shall be based upon consultation with the pupil's parent(s) or legal guardian(s) and a multi-disciplinary team of professionals with appropriate instructional and educational services credentials to assess the educational, behavioral, emotional, social, and health needs of the pupil and recommend a program to address both educational and behavioral goals;
 - c. The IPP shall incorporate any prior findings and actions recommended through the school building system of Intervention and Referral Services, pursuant to N.J.A.C. 6A:16-8, Intervention and Referral Services;
 - d. The IPP shall recommend placement in an appropriate educational program, including supports for transition back to the general education setting; and
 - e. The Building Principal shall review the pupil's progress, consult with the pupil's parent(s) or legal guardian(s), and coordinate the revision of the IPP no less than every sixty calendar days.
2. The teacher providing instruction shall be appropriately certified for the subject and grade level of the pupil pursuant to N.J.A.C. 6A:9, Professional Licensure and Standards.
 3. The teacher shall provide one-on-one instruction for no fewer than ten hours per week on three separate days of the week and no fewer than ten hours per week of additional guided learning experiences that may include the use of technology to provide audio and visual connections to the pupil's classroom.



- a. If home instruction is provided to pupils in a small group rather than through one-on-one instruction, direct instruction, that may include guided learning experiences, shall be provided for no fewer than twenty hours per week provided on no fewer than three separate days during the week and the pupil to teacher ratio shall not exceed 10:1.
 4. The instruction shall meet the Core Curriculum Content Standards in accordance with N.J.A.C. 6A:8 and the district's requirements for promotion and graduation.
 5. If instruction is delivered in the pupil's home, a parent(s) or legal guardian(s) or other adult twenty-one years of age or older who has been designated by the parent(s) or legal guardian(s) shall be present during all periods of home instruction.
 6. Refusal or failure by a parent(s) or legal guardian(s) to participate in the development and revision of the pupil's IPP as required or to be present in the home as required in 5. above may be deemed a violation of compulsory education laws, pursuant to N.J.S.A. 18A:38-25 through 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq.
- D. Record Keeping
1. The Building Principal shall maintain a summary record concerning pupils receiving home or out-of-school instruction because they could not be placed in the setting recommended as most appropriate in the pupils' IPPs.
 - a. The summary record shall provide information concerning the number of pupils categorized by age, grade and gender, the number of weeks on home instruction before placement in the recommended setting, and the reasons for delay.
 - b. The Superintendent shall provide the summary report annually to the County Superintendent of Schools.

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R 2510 ADOPTION OF TEXTBOOKS

A. Definition

A “textbook” is the principal source of instructional material for any given course of study, in whatever form the material may be presented, which is available to or distributed to every pupil enrolled in the course of study.

B. Textbook Selection Committee

1. A textbook selection committee(s) will be named annually by the Chief School Administrator.
2. The Chief School Administrator will appoint to the committee no fewer than two teaching staff members, who represent a range of interests and backgrounds.
3. The Chief School Administrator will chair the committee.
4. If the Board so approves, members of the textbook selection committees may be given compensation during the summer months for the work of reviewing potential textbook selections.

C. Recommendation Procedures

1. Any teaching staff member may request the textbook selection committee’s consideration of a possible textbook.
2. The textbook selection committee will investigate current textbooks on the market.
3. A textbook recommended for screening should be read and examined by each of the textbook selection committee members or, in a departmentalized school, by the appropriate subject area representatives. The committee members should have examined, wherever possible, at least three other books similar in nature to the textbook recommended for adoption.
4. Each textbook selection committee member should submit to the chairperson a written evaluation of the textbook.
5. The committee chairperson will also read and examine each recommended textbook.



6. The committee chairperson or the person initiating the request for consideration will prepare an evaluation report for submission to the Superintendent.
 7. The Chief School Administrator will forward the recommendation to the Board. He/She may first convene the textbook selection committee or confer with the chairman of the committee to discuss the evaluation report and the merits of the recommended textbook.
- D. Review of Textbooks Currently In Use
1. Each textbook that has been in use in the district for five years or more will be evaluated annually by the textbook selection committee for its continuing usefulness. In addition, any teaching staff member may recommend the review of a textbook currently in use and used for less than five years.
 2. The textbook selection committee will consider:
 - a. The length of service of the current textbook,
 - b. The copyright date,
 - c. The average condition of the textbooks currently in use,
 - d. The cost of replacements,
 - e. The merits of the textbook in the light of the standards by which new textbooks are measured, and
 - f. If review has been especially requested, the reason for the request.
 3. A recommendation to retire a textbook will be forwarded to the Superintendent with a full report of the committee's findings. Any such recommendation should be accompanied by the committee's suggestion for a replacement textbook.
- E. Standards of Review
- In the review of any suggested textbook, the textbook selection committee shall consider:
1. The reliability and reputation for scholarship of its author and publisher;



2. Whether the content of the textbook
 - a. Relates to the course of study in which it will be used,
 - b. Can be read and understood by the pupils for which its use is intended,
 - c. Is accurate and up to date,
 - d. Clearly distinguishes fact from opinion,
 - e. Is well organized and presented,
 - f. Includes helpful and thoughtfully prepared indexes, graphic materials, references, bibliographies, glossaries, and appendices, and
 - g. Is biased.
3. The ways in which a proposed textbook improves on the book it replaces;
4. Whether the proposed textbook's binding, paper, and typeface are appropriate and durable;
5. The cost and probable life of the proposed textbook;
6. Whether the presentation of any controversial subject is objective and suitable to the maturity of the pupils for whose use the book is intended;
7. The experience other schools and/or districts may have had with the use of the proposed textbook; and
8. The textbook's compliance with the district's affirmative action plan for school and classroom practices, as set forth in Policy No. 2260.

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R 2520 INSTRUCTIONAL SUPPLIES

A. Definition

“Supplies” are the consumable materials distributed to teachers and pupils for the implementation of the instructional program. “Supplies” include, but are not necessarily limited to, paper, pencils, chalk, erasers, paste, clay, artistic materials, craft paper, markers, string, adhesive tape, scissors, soap, and the like.

B. Supply Procedures

1. Supplies will be kept in a supply closet or room in the school building. The Principal or designee will be responsible for the content and inventory of the supply closet.
2. Each teacher will request supplies each year by submitting a written request to the Principal. The teacher should request a sufficient quantity of supplies to satisfy the needs of his/her class for at least eight weeks.
3. The teacher’s request will be recorded in the Main office.
4. At the end of each school year, a record of the supplies requested and used in each classroom will be given to the Principal.
5. The Principal will invite all teaching staff members to suggest additional supplies and/or replacements for the supplies currently used.

C. Cost of Supplies

Supplies will be made available without charge to all pupils, except in the following circumstances:

1. Where non-reusable clothing or personal equipment, such as gym outfits, is required for reason of safety, health, or the protection of school property, pupils will be requested to provide their own clothing or equipment. The Principal may require that such clothing or equipment meet school standards (other than color or style) and may recommend a suitable commercial source for the clothing or equipment.



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2. Where a pupil enrolled in a class or activity in which a product is made, such as woodshop or home economics, chooses to prepare and keep a useful item, the pupil may be required to pay the costs of the materials used. Pupils shall always be given the option of preparing an item for use by the school, for which no charge will be made. Any charge made under this regulation will be presented in writing by the teacher with a copy to the Principal, and the moneys collected will be deposited with the Main office.
3. Pupils may be required to provide supplies for their participation in co-curricular activities.
4. A pupil who is eligible for free and reduced rate meals will not be required to pay for any supplies, including those exempted from free distribution in paragraphs D1, 2, and 3 above.
5. Teachers are advised to report to the Principal any pupil who is unable to pay for the supplies listed above.

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R 2530 RESOURCE MATERIALS

A. Definition

“Resource materials” are all those sources of information for the use of pupils that have not been designated as textbooks and generally must be shared by individual pupils. Resource materials include reference books, fiction and nonfiction books, maps, audio and audio-visual materials, CD ROM’s, pamphlets, periodicals, pictures and on-line references. Resource materials may be maintained in classroom library collections and/or in the school library or media center.

B. Selection Process

1. The Principal will accept the written requests of teaching staff members for new and revised reference materials. Each request should include the:
 - a. Name and originator of the work,
 - b. Its publisher or distributor,
 - c. A brief description of the material, and
 - d. The reason for the request, including the relevance of the material to the instructional program.
2. All recommendations will be forwarded to the Principal for consideration. The Principal will attempt to review each requested work or, alternatively, to consult with other educational institutions that have used the material.
3. The Principal or designee may consult such selection aids as booklists, school library journals, previews, school library catalogs, and subject bibliographies prepared by specialists in the field.
4. The Principal or designee will measure each recommendation against the standards for selection (see paragraph C) and the amount budgeted for resource materials in the current or succeeding school year, as appropriate.
5. The Principal will present to the Superintendent a list of recommended purchases. The list will include multiple copies of material for which a high level of interest and need is anticipated.



C. Selection Standards

Standards to be applied in the selection of resource materials are those set forth in Policy No. 2530, repeated here.

1. Material will be suited to the varied interests, abilities, reading levels, and maturation levels of the pupils to be served.
2. Materials will be factually accurate and of genuine literary or artistic value.
3. Materials will be of a quality and durability appropriate to their intended uses and longevity.
4. Materials will relate to, support, and enrich the courses of study adopted by the Board.

D. Removal of Reference Materials

1. The Chief School Administrator or designee will conduct a periodic review of reference collections for their:
 - a. Continuing usefulness,
 - b. Relevance to the curriculum,
 - c. Representation of the needs and interests of all grade levels, subject areas, and departments, and
 - d. Balance of content, types of material, and manner of presentation.
2. Standard materials subject to frequent use that are worn or missing should be replaced periodically.
3. Outdated materials and materials no longer relevant to the curriculum may be withdrawn from the collection on Board approval.
4. A complaint about reference materials shall be handled in accordance with Policy No. 9130 and Regulation No. 9130.

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R 2531 USE OF COPYRIGHTED MATERIALS

A. Literary Material

1. A single copy may be made of any of the following by or for a teacher at his/her individual request for scholarly research or for use in teaching or in preparation for teaching a class:
 - a. A chapter from a book;
 - b. An article from a periodical or newspaper;
 - c. A short story, short essay or short poem; whether or not from a collective work; or
 - d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.
2. Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion provided that:
 - a. Each copy includes a notice of copyright; and
 - b. The material copied is brief and the copying is spontaneous and noncumulative as measured by the following definitions of brevity, spontaneity, and noncumulative effect.
 - (1) Noncumulative Effect: Reproduction of a copyrighted work is noncumulative if:
 - (a) The copying of the material is for only one course in the school in which the copies are made;
 - (b) Not more than one short poem, article, story, essay or two excerpts has been copied from the same author or more than three from the same collective work or periodical volume during one class term. This section does not apply to current news periodicals and newspapers and current news sections of other periodicals;



- (c) There have been no more than nine instances of such multiple copying for one course during one class term. This section does not apply to current news periodicals and newspapers and current news sections of other periodicals.
- 3. Notwithstanding any of the above, the following prohibitions shall be in effect:
 - a. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately;
 - b. There shall be no copying of or from works intended to be consumable in the course of study or of teaching. Consumable works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like material;
 - c. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; or be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term;
 - d. No charge shall be made to the pupil for the copied material.
- B. Televised Material
 - 1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission).
 - 2. An off-air recording may be used by individual teachers in the course of relevant teaching activities and may be repeated when instructional reinforcement is necessary, in the classroom or similar place of instruction or the home of a pupil receiving home instruction, during the first ten school days in the retention period. After the first ten school days, an off-air recording may be used during the remainder of the retention period only to permit teachers to evaluate its effectiveness in the instructional period.
 - 3. Off-air recordings may be made only at the request of and used by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.



4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.
5. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

C. Pre-recorded Video

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

1. A blanket license for showing the pre-recorded video obtained from the Motion Picture Licensing Corporation (MPLC) or other group authorized to license the pre-recorded material.
2. A specific license for the showing of a pre-recorded video not covered by a blanket license.

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

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

D. Music

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



- b. For academic purposes other than performance:
 - (1) Multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement, or aria, but in no case more than ten percent of the work. The number of copies shall not exceed one copy per pupil.
 - (2) A single copy of an entire performable unit (section, movement, aria, etc.) that is
 - (a) Confirmed by the copyright proprietor to be out of print, or
 - (b) Unavailable except in a larger work, may be made by or for a teacher solely for the purpose of scholarly research or in preparation to teach a class.
 - c. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
 - d. A single copy of recordings of performances by pupils may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
 - e. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by the school district or by an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the district or the teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)
2. The following uses of copies of copyrighted music are prohibited.
- a. Copying to create or replace or substitute for anthologies, compilations, or collective works;
 - b. Copying of or from works intended to be consumable in the course of study or of teaching such as workbooks, exercises, standardized tests, answer sheets, and like material;



- c. Copying for the purpose of performance, except as permitted in paragraph C1a;
- d. Copying for the purpose of substituting for the purchase of music, except as permitted in paragraph C1a and paragraph C1b; and
- e. Copying without inclusion of the copyright notice that appears on the printed copy.

E. Computer Software and the Internet

- 1. A software program shall not be copied onto a blank disk except as expressly permitted by the program itself.
- 2. An archival disk may be made as a back-up program disk. The archival disk shall be used only when the original software disk has been mistakenly damaged or destroyed and may not be used for any other purpose.
- 3. Software shall not be loaded into more than one computer at any one time, unless a site license has been purchased to permit loading multiple computers.
- 4. Copyrighted materials shall not be downloaded from the Internet without the express permission of the author and the payment of any required fees.

F. Obtaining Permission for Copying

- 1. A teacher may request and obtain permission to copy material from a copyrighted work; the teacher may then use the work as expressly permitted and will not be bound by the limitations and prohibitions set forth above.
- 2. Request for permission must be in writing and should be sent, together with an envelope addressed to the sender, to the permissions department of the publisher of the work. The request should include:
 - a. The title, author or editor, and edition of materials for which permission is sought;



- b. The exact material to be used, with specification of amount, page numbers, chapters, including, if possible, a photocopy of the material;
 - c. The number of copies the requestor proposes to make;
 - d. The use to be made of the duplicated materials;
 - e. The form of distribution;
 - f. Whether or not the copies will be sold; and
 - g. The process by which the material will be reproduced.
3. A copy of the written permission granted by the publisher or copyright owner shall be preserved by the teacher who may be required to present the written permission to the Principal or designee.
4. Teachers shall inform pupils on the limitations of the use of copyrighted material.

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R 2560 LIVE ANIMALS IN SCHOOL

A. Standards for Use

1. A teacher or other qualified adult supervisor must assume primary responsibility for the purposes and conditions of any study, activity, or performance that involves live animals in school.
2. Each study involving live animals will have as a clearly defined objective the teaching of some biological principle(s).
3. All animals used must be lawfully acquired in accordance with State and local laws, be healthy and free from transmissible diseases, and must have been vaccinated against rabies if susceptible. Proof of vaccination must be provided to the Chief School Administrator or designee before the live animal is brought into the school building.
4. Animals may be handled only by the responsible adult supervisor and the pupil(s) directly involved in the study or performance.
5. Animals must be properly fed and provided with sanitary cage quarters.
6. When animals are kept on school grounds or in a school building over vacation periods, adequate housing must be provided and a qualified caretaker must be assigned the specific duties of care and feeding.
7. Teachers of pupils pursuing investigations at other than regular class periods while in school as part of a school assignment or project (such as a school science fair) will be bound by these regulations.
8. The Chief School Administrator or designee must approve a live animal being brought into the school building and the use of any animal in a course of instruction or the establishment of an animal habitat in a classroom.
9. The Chief School Administrator or designee will make a determination that no pupil in a class where the animal will be housed is allergic to the animal and would suffer an adverse reaction to the animal. The Chief School Administrator or designee should also attempt to determine if any other pupil in the school building could suffer an adverse reaction. If the Chief School Administrator or designee determines that there is a pupil(s) who would suffer an adverse reaction, the Chief School Administrator or designee shall deny approval to have the animal in the school.



B. Injury to Persons

The following steps will be followed in the event a pupil, staff member, or visitor to school is bitten or scratched by an animal in school. The teaching staff member or adult supervisor in charge will:

1. Take immediate and prudent steps to prevent further injury;
2. Follow Regulation No. 8441 for The Care of Injured and Ill Persons; and
3. Capture and impound the animal, pending a determination of the Board of Health regarding any further action.

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R 2624 GRADING SYSTEM

A. Purpose of Grading

1. The purpose of grading is to assist pupils in the process of learning; all grading systems will be subject to continual review and revision to that end.
2. Grades acknowledge a pupil's demonstrated proficiency in the New Jersey Core Curriculum Content Standards and locally established learning goals and objectives:
 - a. Active participation in and attention to daily lessons,
 - b. Prompt, thorough, accurate, and neat preparation of assignments,
 - c. Thorough preparation and performance on tests and assessments,
 - d. Cooperation with the teacher's efforts, and
 - e. Willingness to work to the best of his/her ability and to do more than the minimum expected.

B. Preparation for Grading

1. Each pupil must be informed of the behavior and achievements expected of him/her at the outset of each course of study or unit of study.
2. Each pupil must be kept informed of his/her progress during the course of a unit of study. Pupils who so request are entitled to see the grades resulting from their performance during the grading period.
3. Each method of grading shall be appropriate to the course of study and the maturity and abilities of the pupils.
4. The process of review and revision will involve teaching staff members, parent(s) or legal guardian(s), and, as appropriate, pupils.



C. Grading Periods

1. Grades will be awarded at the end of each of the four marking periods in each school year.
2. Pupils will be given notice of their mid-term grades at mid-point of each marking period.
3. Pupils will be given a final grade in each subject at the end of the school year.
4. Grades will be recorded on report cards for parent(s) or legal guardian(s) notification in accordance with Policy No. 5420 and Regulation No. 5420.

D. Basis for Grading

The teacher responsible for assigning a grade should take into consideration the pupil's:

1. Completion of written assignments prepared in the classroom or elsewhere;
2. Oral contributions in class, including discussion responses, observations, panel participation, presentations, initiation of topics;
3. Performance on oral and written tests and quizzes;
4. Research into standard references and other background materials;
5. Oral and written reports on materials read by the pupil;
6. Laboratory work;
7. Term papers;
8. Special oral or written reports;
9. Other evidences of the pupil's constructive efforts and achievements in learning; and
10. For the final grade, the pupil's attendance record, in accordance with Policy Nos. 5200, 5410, and 5460.



E. Meaning of Grades

1. The following grades will be given in each academic subject at the end of each marking period:
 - a. A grade of A indicates superior performance. It may be given to a pupil whose achievement is significantly above grade level; whose work achieves a quality and quantity that consistently excels; and who demonstrates a high degree of initiative, application, and purpose.
 - b. A grade of B indicates above average performance. It should be given to a pupil whose achievement is above grade level; whose work frequently excels; and who generally demonstrates strength in the subject.
 - c. A grade of C indicates average performance. It should be given to a pupil whose achievement in most areas of the subject are average; whose work is acceptable; and who demonstrates a satisfactory degree of proficiency.
 - d. A grade of D indicates below average performance. It should be given to a pupil whose achievement in the subject is barely passing; whose work is the minimum acceptable for credit; and who demonstrates only weak proficiencies in the subject.
 - e. A grade of F indicates failing performance and that no credit can be given for the subject. It should be given to a pupil who has not met the minimum requirements of the course; who has demonstrated an inability or unwillingness to master the basic elements of the course; or who has failed to meet the minimum attendance standards necessary to pass a course of study.
2. The following grading scales and indicators shall be used:

Kindergarten

O	=	Outstanding
S	=	Satisfactory
S-	=	Partially Satisfactory
N	=	Needs Improvement



Grades 1 - 3

100 – 90	O	=	Outstanding
89 – 80	S	=	Satisfactory
79 – 70	S-	=	Partially Satisfactory
60 – 60	N	=	Needs Improvement
Below 60	U	=	Unsatisfactory

Grades 4 - 8

100 – 90	=	A	O	=	Outstanding
89 – 80	=	B	S	=	Satisfactory
79 – 70	=	C	N	=	Needs Improvement
60 – 60	=	D	U	=	Unsatisfactory
Below 60	=	F	Failing		
			I	=	Improving

3. A grade of “Incomplete” will be given to those pupils unable to complete the work assigned to the course for reasons beyond the pupil’s control, such as the pupil’s disability.
 - a. A teacher who submits a grade of incomplete will accompany the grade with a reasonable estimate of the amount of time the pupil will require to complete the work necessary for the granting of credit.
 - b. Except as may be required by unusual circumstances, make up work should be completed within two weeks of the end of the marking period or, if the pupil is disabled at the end of the marking period, two weeks after the pupil’s return to school.
 - c. The pupil’s completed work will be graded and the teacher will submit a grade, which will replace the incomplete grade on the pupil’s transcript.

F. Grade Validation

In order that he/she may justify a grade, each teacher is directed to retain in his/her possession the following records to validate grades awarded to pupils. The records should be kept for a minimum of six years after the end of the school year in which the grades were awarded.



1. The daily attendance and tardiness record;
2. All grades earned for classroom activities such as quizzes, tests, reports, and class recitations;
3. All grades earned for activities conducted elsewhere, such as homework assignments and term papers;
4. Any notation regarding the meaning of each grade and its relation to the type of activity or material covered;
5. Any notation of discussions with the pupil on a grade or the pupil's cumulative grade average;
6. Any referrals for guidance, discipline, and the like; and
7. Any notations recording communications between the teacher and the parent(s) or legal guardian(s), the Principal, or other teaching staff members.

G. Appeal

1. Each teacher is responsible for the determination of the grade a pupil receives for participation in the teacher's course of study.
2. Each teacher may be required to furnish reasons, supported by evidence (see paragraph E above) to substantiate any grade earned.
3. If a grade is challenged by a pupil or a parent(s) or legal guardian(s), the teacher will convene a conference and will explain the grading system and the reasons for the final grade.
4. If the parent(s) or legal guardian(s) or pupil is not satisfied by the teacher's explanations, he/she may appeal the grade to the Principal, who will consult with the teacher and the pupil in an attempt to resolve the dispute. The Principal will give every reasonable deference to the teacher's professional judgment.
5. If the Chief School Administrator determines that the grade should be changed, he/she will alter the grade on all records and indicate by whose authority the grade has been changed.



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6. No reprisals will be taken in any form against a teacher who remains determined in his/her belief that the grade originally given is fair and correct.
7. The Superintendent may hear an appeal from the Principal's determination. Only in the most extraordinary circumstances will the Superintendent alter a grade determined at the school building level.

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R 3126 INDUCTION PROGRAM FOR PROVISIONAL TEACHERS

The Board of Education is authorized to employ a holder of a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) after its mentoring plan has been approved pursuant to N.J.A.C. 6A:9-8.4.

A. Definitions

1. “Certificate of Eligibility or CE” means a credential with lifetime validity issued to persons who have completed degree, academic study, and applicable test requirements for certification. The CE permits the applicant to seek and accept employment in positions requiring certification.
2. “Certificate of Eligibility with Advanced Standing or (CEAS) means a credential with a lifetime validity issued to persons who have completed degree, academic study, applicable test requirements, and traditional professional preparation programs for certification. The CEAS permits the applicant to seek and accept employment in positions requiring certification.
3. “Mentor teacher” means a New Jersey certified experienced teacher who is assigned to provide support and guidance to a novice teacher.
4. “Novice teacher” means any full-time or part-time teacher who has not completed one year of full-time teaching under a valid State teaching certificate.
5. “Professional Development Committee” means the local district committee established by the Board of Education pursuant to N.J.A.C. 6A:9-15.3(d) to plan and implement local district professional development programs.
6. “Professional Standards for Teachers” means the knowledge, skills, and dispositions that all new teachers must acquire and describes what all teachers should know and be able to do.

B. State-Approved District Training Program

1. The State-approved district training program shall provide essential knowledge and skills through the following training:
 - a. On-going mentoring of the provisional teacher shall take place over a period of thirty weeks or proportionally longer if the provisional teacher holds a part-time teaching position in accordance with the district’s mentor plan pursuant to N.J.A.C. 6A:9-8.4 and in accordance with the Professional Standards for Teachers.



- b. The Building Principal or an appropriately certified school administrative designee shall observe and formally evaluate the provisional teacher in accordance with N.J.A.C. 6A:9-8.6 and 8.7.
- c. Except for d. and e. below, a minimum of two hundred hours of formal instruction in professional education aligned with the Professional Standards for Teachers shall be completed by the provisional teacher concurrently with the requirements of a. and b. above. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9-8.1(c).
- d. For provisional teachers who are holders of a career and technical education CE, a minimum of two hundred hours of formal instruction in a State-approved career and technical education professional education program that is aligned with the Professional Standards for Teachers and that includes the essential knowledge and skills regarding the delivery of career and technical education programs shall be completed concurrently with the requirements of a. and b. above. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9-8.1(b). The effective date of this requirement shall be February 1, 2010.
- e. For provisional teachers who are holders of an elementary school (Kindergarten through grade five) endorsement, a minimum of two hundred ninety hours of formal instruction over no more than two years in a State-approved program of formal instruction that is aligned with the Professional Standards for Teachers shall be completed. This instruction must include in the first calendar year of a teacher's employment a minimum of forty-five hours of study in the teaching of language arts/literacy at the Kindergarten through grade five level and a minimum of forty-five hours of study in teaching mathematics at the Kindergarten through grade five level. The effective date of this requirement shall be October 31, 2009. Provisional teachers holding an elementary school (Kindergarten to grade five) certificate of eligibility may be exempted from completing forty-five hours of study in the teaching of language arts/literacy at the Kindergarten through grade five level as well as from completing forty-five hours of study in the teaching of language arts/literacy at the Kindergarten through grade five level if:



- (1) For each area of study, they have completed forty-five hours of study in that area within the three years prior to receiving their certificate of eligibility as documented by a New Jersey Department of Education approved alternate route regional training center or through equivalent coursework on the transcript of a regionally accredited four-year college or university; or
 - (2) For each area of study, they document the equivalent of at least one year of successful experience as a full-time teacher during which the subject area is regularly taught, among the other subjects for which a Kindergarten through grade five teacher would be responsible. This experience must take place within the three years prior to receiving their certificate of eligibility and documented by submitting a completed, original form provided by the Department of Education.
2. Districts or consortia of districts, in conjunction with a college or university, shall provide formal instruction to the provisional teachers they employ pursuant to B.1.d. above. The district or consortium shall submit a written plan for the department's approval. In the event that joint sponsorship with a college or university cannot be achieved, the department may authorize the district or consortium to provide the formal instruction independently or in joint sponsorship with a non-collegiate entity. The district or consortium's written plan shall include documentation of its efforts to secure college or university participation.
3. Districts unable to provide formal instruction to provisional teachers in their employ shall provide access to formal instruction through a network of department-authorized providers.

C. Requirements for Local Mentor Plan

1. A "novice teacher" means any full-time or part-time teacher who has not completed one year of full-time teaching under a valid State teaching certificate. All novice teachers are required to participate in a mentoring program that takes place over a period of thirty weeks for provisional teachers holding a CEAS and thirty-four weeks for provisional teachers holding a CE.

Provisional teachers shall participate for a proportionally longer period of time if in a part-time teaching position. The mentoring program shall be implemented by the mentor teacher, supervised by the school Principal, and conducted within the parameters of a school district's local mentor plan and the requirements of N.J.A.C. 6A:9-8.3.



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- a. In the event that no State funds are available to pay the costs of mentoring fees, candidates who are required to complete a provisional year of teaching in order to obtain standard certification shall be responsible for payment of mentoring fees during the provisional year.
 - b. All novice teachers whose positions require possession of instructional certificates in accordance with N.J.S.A. 18A:26-2 and N.J.A.C. 6A:9-5.1(a) shall comply with the requirements of the district's mentoring plan.
2. Novice teachers in positions requiring the possession of instructional certificates shall comply with the provisions of N.J.A.C. 6A:9-8 and shall ensure the following:
 - a. The rigorous mentoring shall be provided to novice teachers by developing a local mentor plan in which experienced teachers give confidential support and guidance to novice teachers in accordance with the Professional Standards for Teachers;
 - b. That each novice teacher is assigned a mentor at the beginning of the contracted teaching assignment;
 - c. That the district's mentor plan includes in-person contact between the mentor teacher and the novice teacher over the course of thirty weeks or proportionally longer if the novice teacher holds a part-time teaching assignment;
 - d. That the local Professional Development Committee established pursuant to N.J.A.C. 6A:9-15.3(d) develops the district's mentor plan; and
 - e. That the Board of Education shall report annually the implementation of the district's mentor plan as required by the Department of Education.
3. The district's Professional Development Committee shall ensure the development of a district mentor plan as follows:
 - a. The district's Professional Development Committee shall develop a district mentor plan that includes:

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- (1) Goals that at a minimum enhance teacher knowledge of and strategies related to the CCCS in order to facilitate pupil achievement; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist novice teachers in the performance of their duties and adjustment to the challenges of teaching;
 - (2) An application process for selecting mentor teachers;
 - (3) Criteria for mentor teacher selection;
 - (4) Provisions for comprehensive mentor training;
 - (5) Identification of mentor teacher responsibilities;
 - (6) Logistics for mentor plan implementation;
 - (7) Consideration of collaborative arrangements with colleges and universities;
 - (8) Provisions for the use of State funds; and
 - (9) An addendum with criteria and guidelines for the twenty-day clinical experience pursuant to N.J.A.C. 6A:9-8.3(b)1.
- b. The Professional Development Committee shall submit the district's mentor plan to the Board of Education for initial approval.
 - c. The Professional Development Committee shall submit the addendum for the twenty-day clinical experience pursuant to N.J.A.C. 6A:9-8.3(b)1 to the Board of Education for initial approval and to the Executive County Superintendent for final approval.
 - d. After the mentor plan is reviewed, the Board shall submit the plan to the Executive County Superintendent for final review and approval. The Executive County Superintendent shall notify the Department of Plan Approval.
 - e. Every three years, the district's mentor plan shall be revised and re-submitted to the Executive County Superintendent based on program evaluation.

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4. The Board of Education shall be responsible for the implementation of the district's mentor plan through the following:
 - a. The plan shall provide criteria for selection of mentor teachers. At a minimum, the criteria shall include the following:
 - (1) The Board may select a certified teacher with at least three years of experience who is actively teaching in the district to serve as a mentor teacher;
 - (2) The mentor teacher applicant is committed to the goals of the local mentor plan;
 - (3) The mentor teacher applicant has agreed to maintain the confidential nature of the mentor teacher/novice teacher relationship;
 - (4) The mentor teacher applicant has demonstrated exemplary command of content area knowledge and of pedagogy;
 - (5) The mentor teacher applicant is experienced and certified in the subject area in which the novice teacher is teaching, where possible;
 - (6) The mentor teacher applicant is knowledgeable about the social and workplace norms of the school district and the community the Board of Education serves;
 - (7) The mentor teacher applicant is knowledgeable about the resources and opportunities in the district and able to act as a referral source to the novice teacher;
 - (8) The mentor teacher applicant provides letters of recommendation as determined by the district mentor plan from those who are familiar with the mentor teacher applicant's work; and
 - (9) The mentor teacher applicant agrees to complete a comprehensive mentor training program.
 - b. Annually, the district shall submit a report on the effectiveness of the district's mentor plan to the Department of Education. The report, using data collected on a Department of Education developed form, shall include program impact on job satisfaction, adequacy of time and training, and recommended program changes and additions.

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- c. The district shall align the mentor plan with the Professional Standards for Teachers.
- 5. The Board of Education shall be responsible to budget any State funds appropriated for the novice teacher mentoring program.
 - a. Subject to the availability of funds, the department shall appropriate State funds based on the number of novice teachers employed each year in a given public school district.
 - b. The Board of Education shall ensure that State funds appropriated for this program shall supplement, and not supplant, any Federal, State, or local funds already devoted to planning and implementing a novice teacher mentor program.
 - c. The Board of Education shall ensure that State funds shall be used for one or more of the following:
 - (1) Stipends for mentor teachers;
 - (2) The costs associated with release time;
 - (3) Substitutes for mentor teachers and novice teachers; and
 - (4) Professional development and training activities related to the program.
- D. Evaluation of Provisional Teachers
 - 1. An appropriately certified Building Principal or administrative designee authorized to supervise instructional staff shall observe and evaluate the provisional teacher three times during the first year of mentoring for purposes of certification. All performance evaluations shall be aligned with the Professional Standards for Teachers as defined in N.J.A.C. 6A:9-3.3 and reported on State-developed forms. Performance evaluations for career and technical education teachers shall also include career and technical education knowledge and skills.
 - a. The first formative evaluation shall be completed at the end of ten weeks, or proportionally longer if the teacher is part-time, after the provisional teacher assumes full responsibility of a classroom.

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- b. The second formative evaluation shall be completed at the end of twenty weeks, or proportionally longer for part-time teachers, after the provisional teacher assumes full responsibility of a classroom.
 - c. The final summative evaluation shall be completed at the end of thirty weeks, or proportionally longer for part-time teachers, after the provisional teacher assumes full responsibility of a classroom. This final, summative evaluation shall be completed by the Building Principal who shall make one of three recommendations for certification pursuant to N.J.A.C. 6A:9-8.7(b).
 2. Within fifteen days following each evaluation, the evaluator pursuant to a. above shall provide a copy of the evaluation to the provisional teacher.
 3. Mentor teachers shall not assess or evaluate the performance of provisional teachers. 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.
- E. Recommendation for Certification of Provisional Teachers
 1. Within thirty days after the conclusion of the State-approved district training program, the Building Principal shall submit the final evaluation directly to the Secretary of the New Jersey State Board of Examiners that shall contain a recommendation regarding standard certification for each provisional teacher.
 2. The final evaluation for each provisional teacher shall include one of the following recommendations:
 - a. Approved: Recommends issuance of a standard certificate;
 - b. Insufficient: Recommends that a standard certificate not be issued but that the candidate be permitted to seek entry on one more occasion into a State-approved district training program. A second rating of "insufficient" shall be deemed a "disapproved" in accord with c. below; or
 - c. Disapproved: Recommends that a standard certificate not be issued and that the candidate not be allowed to enter into another State-approved district training program.

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3. Candidates who receive a recommendation of "disapproved" or two recommendations of "insufficient" may petition the Board of Examiners for approval of additional opportunities to seek provisional employment in districts other than those in which they received unfavorable recommendations pursuant to N.J.A.C. 6A:9-17.18.

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R 3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

A. Evaluations

1. Each nontenured teaching staff member shall be evaluated in strict compliance with statute, N.J.S.A. 18A:27-3.1, rules of the State Board of Education, N.J.A.C. 6A:32-4.1 et seq., and the policies and procedures of this district. At least three evaluations shall be conducted annually and at least one evaluation shall be conducted in each semester.
2. Evaluations shall set forth both the strengths and weaknesses of the teaching staff member in order to provide an accurate assessment of his/her performance and to encourage the improvement of that performance.
3. Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured teaching staff members in the improvement of professional skills.

B. Nonrenewal Recommendation

1. When a nontenured teaching staff member's performance does not meet the standards of the district, the Chief School Administrator shall recommend, no later than February 1, that the teaching staff member should not be reemployed in the following school year.
2. The nontenured teaching staff member shall be informed by the Chief School Administrator, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the staff member on or before May 15.
3. A recommendation by the Chief School Administrator for nonrenewal may be based upon the teaching staff member's evaluations, job performance, or any factor affecting his/her employment in this district. Nonrenewal shall not be recommended for any reasons that are trivial and insubstantial; unsupported by facts; based upon the teaching staff member's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability, if any; or is based upon the teaching staff member's exercise of his/her protected right of free expression and association. Expressions or associations that interfere with the operation of the district may not rise to the level of protected activity.



4. Nontenured teaching staff members' contracts can only be renewed upon the Chief School Administrator's recommendation and a majority vote of the full Board. The Board may not withhold its approval for arbitrary and capricious reasons.
- C. Nonrenewal Action
1. The Chief School Administrator will notify the Board Members of the recommendation not to renew the staff member's contract and the reasons for the recommendation in a written notice to the Board no later than May 10.
 2. A nontenured teaching staff member not recommended for renewal by the Chief School Administrator is deemed not renewed. A Board's vote is not required on the Chief School Administrator's recommendation(s) to not renew a nontenured staff member.
- D. Notice of Nonrenewal
1. Notice of the Chief School Administrator's decision not to renew shall be given to each nontenured teaching staff member not recommended for renewal on or before May 15 in accordance with N.J.S.A. 18A:27-10. The Board may delegate the Chief School Administrator or the Board Secretary to give written notice of nonrenewal.
 2. Notice shall be in writing and provided to the nontenured teaching staff member not recommended for renewal on or before May 15. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the employee's address of record.
- E. Request for Statement of Reasons
1. A nonrenewed teaching staff member will be given a written statement of the reasons for which he/she was not renewed provided the staff member's request for a statement of reasons has been received by the Chief School Administrator within fifteen calendar days after the teaching staff member received written notice of his/her nonrenewal. N.J.S.A. 18A:27-3.2.
 2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the employee's evaluations and the employee has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.



3. The statement of reasons may be prepared by the Chief School Administrator or the Board Secretary and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee's request.

F. Nonrenewal Appearance

1. A teaching staff member who has requested a statement of reasons for his/her nonrenewal will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Chief School Administrator a written request for such an appearance no later than ten calendar days after he/she has received the written statement of reasons. N.J.A.C. 6A:32-4.6(a).
2. A date shall be set for an informal appearance, which shall be held within thirty calendar days of the employee's receipt of the Board's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13. The Board will determine a reasonable length of time to be devoted to the appearance, taking into account the circumstances of the nonrenewal and the statement of the reasons given to the employee. N.J.A.C. 6A:32-4.6(a). The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.A.C. 10:4-12(b)(8).
3. The teaching staff member requesting the appearance shall be given written notice, no later than seventy-two hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.
4. The purpose of the appearance shall be to permit the nonrenewed teaching staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured teaching staff member, whose renewal has not been recommended by the Chief School Administrator, can appeal to the Board, on which the Chief School Administrator sits as a non-voting member pursuant to N.J.S.A. 18A:17-20. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding and the appearance will not become an adversary proceeding.
5. The teaching staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on in his/her behalf. Witnesses need not be sworn under oath, and their statements will be recorded. The Board will simply hear witnesses and will not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and shall be excused from the meeting after making their statements.



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Nonrenewal of Nontenured Teaching Staff Member

G. Final Determination

1. A nontenured teaching staff member not recommended for renewal by the Chief School Administrator is deemed not renewed. A Board vote is not required on the Chief School Administrator's recommendation(s) to not renew a nontenured teaching staff member. However, an informal appearance before the Board, the Chief School Administrator may make a recommendation for reemployment to the voting members of the Board. The voting members of the Board, by a majority vote of the full Board in public session, must approve the reemployment based on the Chief School Administrator's recommendation.
2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Chief School Administrator, offer the teaching staff member reemployment after an informal hearing.
3. The final determination will be delivered to the teaching staff member, in writing, no later than three days after the informal appearance. The Board may delegate the Chief School Administrator or the Board Secretary to deliver the final determination.

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R 3146 CONDUCT OF REDUCTION IN FORCE

A. Seniority Lists

In order to determine the teaching staff member(s) affected by a reduction in force, a seniority list will be prepared for each seniority category. The Chief School Administrator will

1. Determine the category or categories of employment in which each teaching staff member has served by reference to positions held and qualifying certification.
2. Determine whether the member has earned tenure in the district and in the position in which the category falls, in accordance with N.J.S.A. 18A:28-6. Tenure is earned in the positions of Assistant Superintendent, School Business Administrator, Chief School Administrator, Assistant Principal, Vice Principal, supervisor, educational services personnel, school nurse, and teacher.
3. Calculate length of service in each category within a tenure position in which the employee has earned tenure.
 - a. Length of service may be expressed in calendar months and days or in calendar years and portions of years, to two decimal places.
 - b. Length of service commences from the day on which the employee began service in the category and ends with the end of the current school year or, in the case of previously rified employees, the day on which the employee's district service was terminated.
4. Deduct from time of service in the category any periods of unpaid absence taken for any purpose other than study or research, except that the first thirty days, consecutive and aggregate, of such unpaid absence taken within any one school year will not be deducted.
5. Add periods of prior active military service, to a maximum of four years, to the member's length of service in the first category of district employment. Each full year of military service equals one year of seniority; a fraction of a year, ten months or longer, equals one year of seniority for a ten month employee.
6. Enter the total amount of service for the member's initial category of employment.



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Conduct of Reduction in Force

7. If the member has been transferred to a second category or successive categories, calculate the service time of each category in accordance with A1 through A4 and enter separately.
 - a. Service in succeeding categories is included in the member's seniority in each earlier category.
 - b. Each seniority list must clearly indicate the category or categories in which the member has earned seniority and the total accrued time in each.
- B. RIF Procedures
 1. Determine the category or categories of employment to be reduced in number in a reduction in force.
 2. Transfer or dismiss nontenured teaching staff members in the reduced category, in accordance with Policy No. 3146.
 3. If no nontenured member remains in the category, the least senior tenured member shall be transferred to a previous seniority category in the same tenure position over a nontenured member or a less senior member in that category.
 4. If there are no positions within his/her seniority categories in the same tenure position to which the member may be transferred, the member shall be transferred to a position outside his/her seniority categories but within the same tenure position, provided the member is appropriately certified for the position and the position is held by a nontenured employee.
 5. If there are no positions to which he/she can be transferred by right of seniority or tenure in the same tenure position, the member shall revert in reverse chronological order to each seniority category and tenure position in which he/she was previously employed in the district, in accordance with the procedure set forth in B3 through B4 above.
 6. When there are no positions which the tenured member affected by a reduction in staff can claim over other tenured employees by superior seniority or over nontenured employees by tenure, he/she shall be dismissed, shall receive sixty days notice of such dismissal or pay in lieu thereof, and shall be placed on a preferred eligible list for each category in which he/she was employed by the district.

Issued: 15 September 2010



R 3160 PHYSICAL EXAMINATION

A. Definitions

1. “Employee assurance statement” means a statement signed by the employee certifying that information supplied by the employee is true to the best of the employee’s knowledge.
2. “Employee” or “staff member” means the holder of any full-time or part-time position of employment.
3. “Health history” means the record of a person's past health events obtained in writing, completed by the individual or their physician.
4. “Health screening” means the testing of people, using one or more diagnostic tools, to determine the presence or precursors of a particular disease.
5. “Medical evaluation” means the examination of the body by the school medical inspector or by any physician licensed to practice medicine.
6. “Physical examination” means the assessment of an individual’s health.
7. “Psychiatric examination” means an examination for the purpose of diagnosis and treatment of mental disorders.

B. Employees’ Initial Physical Examination

Each newly employed teaching staff member shall be required to undergo a physical examination. The physical examination shall include, but is not limited a health history, health screenings, and medical evaluation.

1. A health history shall be completed by the employee or by his/her physician which shall include the employee’s:
 - a. Past serious illnesses and injuries;
 - b. Current health problems;
 - c. Allergies; and
 - d. Record of immunizations.



2. The employee shall submit to health screenings which shall include his/her:
 - a. Height and weight;
 - b. Blood pressure;
 - c. Pulse and respiration rate;
 - d. Vision screening;
 - e. Hearing screening.
3. Health screening shall also include a Mantoux test for the presence of tuberculosis.
 - a. A newly employed member will be exempt from the Mantoux test if he/she presents satisfactory documentation of a test
 - (1) Administered in a New Jersey school district from which the member has transferred, or
 - (2) Administered in any place within the six months previous to the member's initial employment in this district.
 - b. Procedures for the administration of the Mantoux test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines issued by the State Department of Health and titled School Tuberculin Testing in New Jersey.
 - c. If the results of the Mantoux test so indicate, the employee shall be referred for a chest X-ray and medical evaluation to determine the presence of tuberculosis at the employee's expense. The employee shall submit the report of the X-ray and evaluation to the school medical inspector. If the school medical inspector does not receive the report within four weeks of the referral or is unwilling to accept the findings of the report, he/she may direct the employee to submit to a chest X-ray examination at Board expense, the results of which will be reported directly to the school medical inspector.



- d. An employee who presents a physician's or nurse practitioner's documentation, acceptable to the school medical inspector, showing significant tuberculin reaction and a subsequent negative chest X-ray will be exempt from the Mantoux test.
 4. A medical evaluation that shall be limited to those assessments or information necessary to determine the employee's physical and mental fitness to perform with reasonable accommodation in the position which the employee seeks or currently holds and to detect any health risks to pupils and other employees. The employee's medical evaluation shall include, but not be limited to, a record of immunizations. Guidance regarding immunizations for adults may be found in "Adult Immunization: Recommendations of the Immunization Practices Advisory Committee (ACIP)", available from the Immunization Program, Centers for Disease Control, Public Health, U.S. Department of Health and Human Services, Atlanta GA 30333.
 5. A teaching staff member may provide health status information, including medications, which may be of value to medical personnel in the event of an emergency requiring treatment. The staff member may also choose to share with the Chief School Administrator and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.
- C. Health Records
1. All employee medical records, including computerized records, shall be secured, and shall be stored and maintained separate from other personnel files.
 2. Only the employee, the Chief School Administrator, and the school medical inspector shall have access to the medical information in that individual's file.
 3. The portion of the employee's medical record containing a health history may be shared with the Chief School Administrator and the school nurse with the consent of the employee, as provided in B.5.above.
- D. Employees' Physical Examination and Medical Updates
- School employee physical, examinations and/or annual medical updates shall not require disclosure of HIV status.



E. Candidates Records

1. All records regarding pre-employment physicals and drug tests will be maintained in separate medical files and treated as confidential medical records. These records will be:
 - a. Kept separate from a candidate's personnel file;
 - b. Kept in a locked cabinet in a central school district location; and
 - c. Accessible only to the Chief School Administrator and/or designee.
2. The records of a candidate's physical examination will be submitted to the school medical inspector, who will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he/she has made application. That determination will be made a part of the candidate's application.
3. A candidate's medical records will be maintained separately from his/her application and will be kept confidential in accordance with paragraph D.
 - a. If and when the candidate is employed by this district, the records will be kept in the person's medical file.
 - b. If the candidate is not employed by this district within three years, the records will be destroyed.

Adopted: 15 September 2010



R 3211.3 CONSULTING OUTSIDE THE DISTRICT

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

A. Definitions

1. Agency - A public or private agency requesting the services of the school district's teaching staff member.
2. Other school districts - A school district other than the school district that employs the teaching staff member, including all supervisory and administrative personnel.
3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.
4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the teaching staff member, except out-of-pocket expenses.
5. Staff member - A contracted member of the school district's teaching staff, including all supervisory and administrative personnel.

B. Procedure - Consulting For No Additional Remuneration

1. The teaching staff member or the agency requesting the expertise and knowledge of the teaching staff member must submit a written request to the Chief School Administrator or designee. The written request must include the following:
 - a. The date(s) the teaching staff member will be away from the district;
 - b. The time of day the teaching staff member's will be away from the school district;
 - c. Any out-of-pocket costs to the school district;



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Consulting Outside the District

- d. Any reimbursements that the teaching staff member is entitled to from the other school district or agency;
 - e. The specific services requested of the teaching staff member; and
 - f. The location where the services will be provided.
2. The Chief School Administrator or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school district for reciprocal services, a reduction in the future or existing cost of services to the school district, the teaching staff member's attendance record and the impact of the teaching staff member being out of the school district for the requested time.
 3. The Chief School Administrator or designee will determine and recommend each request on a case by case basis and the decision is final. The Chief School Administrator may require the other district or agency to pay the cost of any substitute personnel related to the request.
 4. If deemed to be in the best interest of the school district, the Chief School Administrator's recommendation will be submitted to the Board for approval.
 5. The Board's approval of the Chief School Administrator's recommendation will permit the teaching staff member's consulting activity attendance and the teaching staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the teaching staff member if the request is approved by the Board.

C. Reporting Activities

The teaching staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

Issued: 15 September 2010



R 3212 PROFESSIONAL STAFF ATTENDANCE REVIEW AND IMPROVEMENT PLAN

A. Review of Attendance Data

1. A record shall be kept of the attendance of each teaching staff member, including teachers, educational services personnel, and administrators. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. The record will distinguish sick leave, professional days, unpaid leaves of absence, personal leave, and other. The employee's attendance record will include notation of verification of an absence where such verification is required by Policy No. 3432. The employee's rate of absence shall be calculated every pay period and entered on his/her attendance record. An employee's attendance record shall be part of the employee's personnel file.
2. At the end of each month, a cumulative attendance record shall be assembled for the school.
3. An attendance summary shall be prepared from the cumulative attendance record. The attendance summary shall show the rate of absence for the school. The attendance summary shall be posted in the school.
4. A record shall be made of the appointment of substitutes for absent employees and the wages paid to substitutes.

B. Attendance Improvement Plan

1. Planning

The Chief School Administrator will meet with the Building Principal and appropriate administrators to discuss the attendance summary. The attendance summary shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year. Specific strategies for reducing the rate of absence shall be developed.

2. Implementation

- a. The Chief School Administrator shall be responsible for implementing the district's plan for the improvement of professional staff member attendance in his/her school building.



- b. The Chief School Administrator shall encourage the regular attendance of the teaching staff members in his/her building. He/She shall maintain contact with absent employees and confer personally with each employee who returns from an absence of any duration, impressing upon employees the district's concern for their health and well-being. The Chief School Administrator shall, by appropriate means, recognize teaching staff members whose attendance is exemplary.
- c. The Chief School Administrator shall incorporate, and shall direct other supervisors to incorporate, a teaching staff member's attendance record in his/her evaluation.
- d. The Chief School Administrator may require teachers to evaluate the work done by substitutes in their absence.
- e. Appropriate administrative staff shall report to the Chief School Administrator any teaching staff member whom he/she suspects of misusing sick leave or falsifying the reasons for absence.

3. In-service Training

The Chief School Administrator shall meet with the teaching staff members assigned to his/her building at the beginning of each school year to inform employees of Board policy and district regulations on attendance, to familiarize employees with the forms to be used in reporting and verifying absences, to review with employees the cost of absenteeism to the district and the value of accumulated sick leave to the employee, and to acquaint employees with the degree to which attendance will affect evaluation reports.

4. Counseling

- a. The Building Principal/Chief School Administrator may, in his/her discretion, call a conference with a teaching staff member where the number and/or pattern of the members' absences or the reasons offered for the member's absences indicate a misunderstanding of the teaching staff member's responsibility to the school district or the possible misuse of the privilege of paid leave.



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- b. Prior to the giving of any admonition or reprimand or imposition of discipline of any kind, the Chief School Administrator shall determine the nature of the absences and consider any extenuating circumstances.
- c. A written report of any attendance conference shall be prepared and retained with the teaching staff member's evaluations. The member shall, in accordance with Board policy on teaching staff member evaluation, be permitted to examine the report and affix his/her comments, if any, to the report.

Issued: 15 September 2010



R 3218 SUBSTANCE ABUSE

Procedures

- A. Basic procedures to be used when an employee is suspected of having a dependency upon or illegal use of a controlled dangerous substance.

1. The employee's behavior shall be observed and documented by concerned staff. Such behavior as poor working performance, negative personality changes, and poor attendance could be symptomatic of a substance abuse problem. The concerned staff member shall make this report to the Building Principal or a designee of the Building Principal, the school physician (school medical inspector), or the school nurse.
2. The school physician (school medical inspector) or the school nurse shall notify the Building Principal/Chief School Administrator upon receiving any such report(s). The Chief School Administrator will notify the appropriate administrator of any such report(s). The Chief School Administrator and school nurse when appropriate will discuss their concern for the employee's health and performance to determine if further pursuance is appropriate and necessary.
3. The appropriate administrator or school nurse, as determined by the Chief School Administrator, shall discuss the suspected behavior with the employee as to the extent of the problem. The Chief School Administrator shall keep accurate and detailed official written records of all incidents related to suspected substance abuse.
4. If the suspected dependency or use is confirmed, the employee shall be required to obtain professional counseling or complete an appropriate rehabilitation program.

If necessary, an immediate leave of absence may be granted to the employee by the Chief School Administrator. The school nurse will recommend at least two certified counseling agencies or a rehabilitation program to the Chief School Administrator.

- B. Procedures to be followed when an employee confides to a colleague or administrator that he/she has a substance abuse problem:

1. The staff member shall encourage the employee to seek help.



2. Report the concern about the potential substance abuse problem to the Building Principal/Chief School Administrator.
 3. The school physician or the school nurse must report the substance abuse problem to the Chief School Administrator. The Chief School Administrator will then follow paragraph C2 of this regulation.
- C. Procedures to be followed when an employee is suspected of being under the influence of a substance during working hours:
1. Whenever it appears to any teaching staff member, school nurse, or any other employee of the school district that an employee may be under the influence of a controlled dangerous substance as defined by the New Jersey Statutes, or any chemical (including alcohol/anabolic steroids) or chemical compound which releases vapor or fumes causing condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, this situation shall be immediately reported to the Chief School Administrator, the school physician, or the school nurse.
 2. The school physician or school nurse shall notify the Chief School Administrator when they receive a report. The Chief School Administrator shall:
 - a. Notify the Chief School Administrator.
 - b. Arrange for the immediate examination of the employee by the school doctor or a doctor selected by the employee, or if such doctor is not immediately available, then arrange transportation to the local hospital. The employee shall be accompanied to the doctor or emergency room by a member of the school staff designated by the Building Principal and/or the Chief School Administrator.
 - c. A report shall be requested from the examining physician which shall set forth whether or not the employee is under the influence of a substance, or any chemical, which includes alcohol, anabolic steroids, or chemical compound. This test must be made within twenty-four hours of the initial report made by the Chief School Administrator.
 - d. The employee shall not be permitted to resume work until he/she has submitted to the Building Principal/Chief School Administrator a written report from his/her personal physician or the physician who initially examined him/her certifying that he/she is physically and mentally able to return to work.



- e. If the report indicates a positive diagnosis, a Violence, Vandalism, and Substance Abuse Incident Report shall be completed by the Chief School Administrator.

- f. If the report indicates a positive diagnosis, the following sanctions apply:

First offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for three required sessions. A report from the agency must be submitted to the Chief School Administrator within one week after the third counseling session. A warning letter from the Chief School Administrator will be placed in the employee's personnel folder.

Second offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for five sessions. A report from the agency must be submitted to the Chief School Administrator within one week after the fifth counseling session. A letter of reprimand will be placed in the employee's personnel folder advising him/her that a third incident will result in a suspension without pay and a loss of an increment for the following year.

Third offense: Provided the employee is not dismissed, the employee must enroll in a certified rehabilitation program. A letter must be sent to the Chief School Administrator at the conclusion of the treatment programs. Also, the employee will be suspended for a week without pay and lose his/her increment the following year.

Fourth offense: Provided the employee is not dismissed, the employee will have a hearing before the Board in which a decision will be rendered by the Board relating to the continued employment of the employee.

- g. If the employee is suspected of substance abuse or use and, in the judgment of the Board of Education, and/or its agents, shows evidence of deviation from normal, physical or mental health, the Board may require the employee to undergo a physical examination in accordance with N.J.S.A. 18A:16-2, 18A:16-3 and N.J.A.C. 6:29-7.4(f). An employee who fails to comply with this requirement shall be subject to discipline.



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Substance Abuse

3. If the employee refuses to be examined for suspected substance abuse, the supervisor will notify the Chief School Administrator immediately, or in his/her absence, his/her designee. The Chief School Administrator or designee shall request the school employee leave the school premises immediately. If the school employee refuses to leave the school premises when required, the appropriate law enforcement agency will be called and a police report will be filed.
- D. Procedures to be followed when an employee is found in possession of, and/or selling/distributing alcohol, anabolic steroids, and/or a controlled dangerous substance as defined by New Jersey Statutes and/or Codes.
1. A report will be immediately filed with the appropriate law enforcement agency if any employee is found to be using, be in possession of, or selling illicit drugs, alcohol, or anabolic steroids on the school's premises or as part of any school function.
 2. If in the course of any investigation by the appropriate law enforcement agency, an employee is arrested by the police, he/she will be immediately suspended from work with pay until a Board hearing can be arranged for further disciplinary action.
 3. Should the employee be found guilty of a criminal offense, he/she will have a Board hearing at which time the Board will render a decision regarding disciplinary action. He/she may be suspended without pay, lose an increment, be required to attend a rehabilitation program, or be terminated from employment.
- E. Any school staff member(s) who in good faith reports an employee to the Chief School Administrator or the school medical inspector or the school nurse in an attempt to help such person cure his/her dependency upon or illegal use of controlled dangerous substance(s) as defined by N.J.S.A. 2A:170-25-9 and N.J.S.A. 24:21-2 shall not be liable in civil damages as a result of making any such report as specified in N.J.S.A. 2A:62A-4. Alcohol and anabolic steroids are not listed as a controlled, dangerous substance by statute or code.

N.J.S.A. 2C:33-15 et seq.

N.J.S.A. 24:21-2 et seq.

42 C.F.R. II

34 CFR 85.600 et seq.

20 U.S.C.A. 1145g, 3224a

41 U.S.C.A. 701 et seq.

Issued: 15 September 2010



R 3221 EVALUATION OF NONTENURED TEACHING STAFF MEMBERS

The observation and evaluation of nontenured teaching staff members will be conducted by members of the administrative and supervisory staff who hold appropriate certification for the supervision of instruction. Evaluations will be conducted in accordance with the following procedures:

A. Evaluation Criteria

1. Evaluation criteria for each position will derive from the job description for the position and will relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:
 - a. Briefly stated and focused on major criteria of the position,
 - b. Based on observable information rather than on factors requiring subjective judgment,
 - c. Generic, covering a number of specific positions, and
 - d. Written in the same format and in a direct, simple style.
2. Maintenance of job evaluation criteria will be the responsibility of the Chief School Administrator. Evaluation criteria will be reviewed annually and
 - a. Whenever the corresponding job description is revised,
 - b. On the request of a single job holder, or
 - c. On the request of a majority of persons holding a particular job.
3. Each nontenured teaching staff member will be sent a copy of the current evaluation criteria for his/her position by the Chief School Administrator. Any revisions thereto shall be provided to each holder of that job within thirty working days of its adoption. Suggested revisions to evaluation criteria by job holders shall be referred initially to the job holder's immediate supervisor for review.



B. Collection of Evaluation Data

Data will be gathered any one or more of the following evaluation methods:

1. Direct observation of the teaching staff member in the course of performing an assigned duty;
2. Review of a product from the teaching staff member that results from the performance of his/her assigned duties;
3. Interviews of the teaching staff member regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments (such as competency tests, pupil surveys, and the like);
5. Audio-visual monitoring of the teaching staff member in the performance of his/her assigned duties; and
6. Reference to previous performance reports.

C. Observations

1. Nontenured teaching staff members will be evaluated no fewer than three times in every school year and at least once during each semester. A nontenured teaching staff member employed fewer than sixty days in the school year may be observed and evaluated only once during the school year, and a nontenured teaching staff member employed fewer than one hundred twenty days in the school year may be observed and evaluated only twice during the school year.
2. Classroom instructors will be observed in the performance of their duties by a visitation to the assigned work station. The visit will not be less than one class period (secondary level) or for the duration of one complete subject lesson (elementary level). There shall be no fewer than three such observations annually and at least one in each semester.
3. In the case of the nontenured teaching staff member who is not regularly assigned to classroom instruction, the evaluator shall confer with the employee at the beginning of each three month period, the first of such periods commencing at the



beginning of the school year. They shall together determine the job performance that will be observed. The period of the observation will be appropriate to the performance to be observed and will be conducted in as few separate sessions as possible. The evaluator shall record each separate instance of observation and the activity observed.

4. Wherever possible, multiple observations that focus on different areas of responsibility are desirable. Multiple observations should be spread over time to allow time for improvement.
5. Each observation will be recorded on a separate form and a copy sent to the nontenured teaching staff member within twenty-four hours prior to the observation conference.

D. Evaluations

1. A written evaluation of each nontenured teaching staff member in the performance of his/her duties will be prepared within ten days of each observation or before the end of each three-month period during which a nontenured teaching staff member not regularly assigned to classroom instruction has been evaluated.
2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare an annual written evaluation of each nontenured teaching staff member's total performance as an employee of the school district. This written evaluation will be submitted to the Chief School Administrator, if the Chief School Administrator did not prepare the annual written evaluation, sufficiently in advance of the conference to provide the Chief School Administrator input on the annual written evaluation. Any such input will be appended to the written evaluation.

E. Post Observation Conferences

1. No later than ten days after the observation of each classroom instructor and no later than the end of each three-month period of observation of non-classroom instructors, the teaching staff member and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with paragraph D1 above.



2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the teaching staff member whenever the need for such aid is indicated. In addition, the evaluator must note the effects of the observation (if any) on the teaching staff member's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.
 3. Two copies of the written evaluation will be prepared and both the supervisor and the nontenured teaching staff member shall sign each copy and retain one copy.
 4. The nontenured teaching staff member shall have the right to submit his or her written disclaimer of an evaluation within ten days following the conference and such disclaimer shall be attached to each party's copy of the evaluation report.
 5. Each observation report will be filed in the teaching staff member's personnel file. A copy will be provided to the teaching staff member within seventy-two hours of the conference.
- F. Annual Summary Conference And Written Evaluation
1. An annual summary conference will be held with each nontenured teaching staff member by the administrator or supervisor who prepared the annual written evaluation (whenever possible) before the staff member's annual written evaluation is filed.
 2. The annual written evaluation will include a review of the nontenured teaching staff member's total performance as an employee of the district, including, but not limited to:
 - a. Performance areas of strength;
 - b. Performance areas needing improvement based upon the job description;
 - c. An individual professional development plan developed by the supervisor and the teaching staff member; and
 - d. A summary of indicators of pupil 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.



3. Adequate time will be allotted for the annual summary conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
 4. The annual written evaluation prepared by the evaluator will be signed by the evaluator at the time of the conference and by the nontenured teaching staff member within five working days of the conference. The signature of the staff member will not necessarily be construed to indicate assent with the report.
 5. The teaching staff member shall have the right to submit a written disclaimer of such evaluation within ten days following the conference and such disclaimer shall be attached to each party's copy of the evaluation report.
 6. Each annual written evaluation shall be filed in the teaching staff member's personnel file. A copy will be provided to the staff member within ten working days of the conference.
- G. Review of Pupil Progress and Growth
1. A review will be conducted, at least annually, of pupil progress and growth in each class, for the purpose of determining whether or not changes in the performance of the teacher or in the program would lead to improved results by the pupils during the subsequent school year.
 2. The review of pupil progress and growth will be made by a supervisor who is familiar with the pupils involved and the school context against indicators previously determined by the teacher and agreed upon by his/her immediate supervisor.
 3. A summary of the pupil progress and growth data and its implications will be placed in the teacher's annual performance report. The pupil progress and growth report will be one measure of the teacher's annual performance evaluation.
 4. If the review of the pupil data reveals that pupils have not made the progress expected, the supervisor and staff member shall jointly determine what changes should be made to improve pupil performance. Any such changes are subject to approval of the Chief School Administrator before being implemented.



H. Individual Professional Improvement Plan

1. An Individual Professional Improvement Plan will be prepared annually for each nontenured teaching staff member.
2. All new teachers with standard certificates must complete 100 clock hours of State-approved professional development every five years in accordance with N.J.A.C. 6A:9-15.1 et seq. and therefore, must have a Professional Improvement Plan within sixty days of the Board's approval of the employment contract.
 - a. The content of each teacher's professional improvement plan shall align with the Professional Standards for Teachers as set forth in N.J.A.C. 6A:9-3.3.
 - b. The activities in each teacher's professional improvement plan shall align with the professional development standards as outlined in N.J.A.C. 6A:9-15.2(d).
3. At the time the Professional Improvement Plan is prepared, a review will also be made of the staff member's efforts to achieve the prior year's plan.
4. Copies of the Individual Professional Improvement Plan will be placed in the teaching staff member's annual performance report and given to the teaching staff member. The degree to which the teaching staff member achieved the requirements of the previous plan will be a measure of the staff member's annual performance evaluation.
5. It is the duty of the teaching staff member to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including dismissal.

Adopted: 15 September 2010



R 3222 EVALUATION OF TENURED TEACHING STAFF MEMBERS

The observation and evaluation of tenured teaching staff members will be conducted by members of the administrative and supervisory staff who hold appropriate certification for the supervision of instruction and have been appointed by the Board of Education to observe and evaluate teaching staff members. Evaluation will be conducted in accordance with the following procedures.

A. Evaluation Criteria

1. Evaluation criteria for each position shall derive from the job description for the position and relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:
 - a. Briefly stated and focused on major criteria of the position,
 - b. Based on observable information rather than on factors requiring subjective judgment,
 - c. Generic, covering a number of specific positions, and
 - d. Written in the same format and in a direct, simple style.
2. Maintenance of job evaluation criteria shall be the responsibility of the Chief School Administrator. Evaluation criteria will be reviewed annually, and
 - a. Whenever the corresponding job description is revised,
 - b. On the request of a single job holder, or
 - c. On the request of a majority of persons holding a particular job.
3. Each tenured teaching staff member will be sent a copy of the current evaluation criteria for his/her position by the Chief School Administrator. Any revisions will be provided to each holder of that job within thirty working days of its adoption. Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.



B. Collection of Evaluation Data

Data will be gathered any one or more of the following evaluation methods:

1. Direct observation of the teaching staff member in the course of performing an assigned duty;
2. Review of a product from the teaching staff member that results from the performance of his/her assigned duties;
3. Interviews of the teaching staff member regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments (such as competency tests, pupil surveys, and the like);
5. Audio visual monitoring of the teaching staff member in the performance of his/her assigned duties; and
6. Reference to previous performance reports.

C. Observations

1. Tenured teaching members will be evaluated at least once during each school year.
2. Classroom instructors will be observed in the performance of their duties by a visitation to the classroom that will not be less than one class period (secondary level) or for the duration of one complete subject lesson (elementary level).
3. In the case of the tenured teaching staff member who is not regularly assigned to classroom instruction, the evaluator will confer with the employee at the beginning of each school year. They shall together determine those general duties in the performance of which the employee will be observed. Actual observation will total not less than one hour's time and will be conducted in as few separate sessions as possible. The evaluator shall record each separate instance of observation and the activity observed.
4. Each observation will be recorded on a separate form and a copy sent to the tenured teaching staff member within seventy-two hours prior to the observation conference.



D. Evaluations

1. A written evaluation of each tenured teaching staff member in the performance of his/her duties will be prepared within fifteen calendar days of each observation.
2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare a written evaluation of each tenured teaching staff member's total performance as an employee of the school district. This evaluation shall be submitted to the Building Principal sufficiently in advance of the conference to enable the Chief School Administrator to amend it. It will be appended to the evaluation based on performance observation and will be presented to the employee at the conference.

E. Post Observation Conferences

1. No later than fifteen calendar days after the observation of each classroom instructor, the teaching staff member and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with D1 and D2 above.
2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the teaching staff member whenever the need for such aid is indicated. In addition, the evaluator must point up the effects of the observation (if any) on the teaching staff member's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.
3. Two copies of the written evaluation will be prepared and both the Chief School Administrator and the tenured teaching staff member shall sign each copy and retain one copy.
4. If the tenured teaching staff member so wishes, he/she may prepare a written disclaimer to the evaluation. Any such disclaimer will be appended to the evaluation, provided it is received not more than ten calendar days after the conference.
5. Each observation report will be filed in the teaching staff member's personnel file. A copy will be provided to the teaching staff member within ten working days of the conference.



F. Annual Performance Conference and Report

1. An annual performance conference will be held with each tenured teaching staff member by the administrator or supervisor who prepared the annual performance report (whenever possible) before the staff member's annual performance report is filed.
2. The annual performance conference will include a review of the:
 - a. Staff member's performance based upon his/her job description,
 - b. Staff member's progress toward the objectives of his/her Individual Performance Improvement Plan developed at the previous annual conference, and
 - c. Available indicators of pupil progress and growth toward their program objectives.
3. The purpose of the annual performance conference is to provide for a total review of the year's work, to identify strategies for improvement where necessary, and to recognize achievement and good practice. Adequate time should be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
4. The annual performance report shall be signed by the evaluator at the time of the conference and by the tenured teaching staff member within five working days of the conference. The signature of the staff member shall not necessarily be construed to indicate assent with the report.
5. The teaching staff member will be allowed up to ten working days following the conference to add material to the report not included by the evaluator.
6. Each annual performance report will be filed in the teaching staff member's personnel file. A copy will be provided to the staff member within ten working days of the conference.

G. Review of Pupil Progress and Growth

1. A review will be made, at least annually, of pupil progress and growth in each class, for the purpose of determining whether or not changes in the performance of the teacher or in the program would lead to improved results by the pupils during the subsequent school year.



2. The review of pupil progress and growth will be made by a Chief School Administrator who is familiar with the pupils involved and the school context against indicators previously determined by the teacher and agreed upon by his/her immediate supervisor.
 3. A summary of the pupil progress and growth data and its implications are to be placed in the teacher's annual performance report. The pupil progress and growth report will be one measure of the teacher's annual performance evaluation.
 4. If the review of the pupil data reveals that pupils have not made the progress expected, the Chief School Administrator and staff member shall jointly determine what changes shall be made to improve pupil performance. Any such changes are subject to approval of the Chief School Administrator before being implemented.
- H. Individual Performance Improvement Plan
1. An Individual Performance Improvement Plan will be prepared annually for each tenured teaching staff member to correct deficiencies and to continue professional growth. The plan will derive from the applicable evaluation criteria and focus on the most important areas of professional growth for each staff member as determined from weaknesses identified in his/her evaluation.
 2. The Individual Performance Improvement Plan will be prepared in cooperation with the teaching staff member whenever possible and shall include:
 - a. Areas of required growth,
 - b. Methods of achieving that growth,
 - c. A schedule for implementation of those methods, and
 - d. The responsibility of the teaching staff member and district for implementing the plan.
 3. At the time of preparation of a Performance Improvement Plan, a review will also be made of the effort by the staff member to achieve the prior year's plan.



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Evaluation of Tenured Teaching Staff Members

4. Copies of the Individual Performance Improvement Plan will be placed in the teaching staff member's annual performance report and given to the teaching staff member. The degree to which the teaching staff member achieved the requirements of the previous plan will be a measure of the staff member's annual performance evaluation.
5. It is the duty of the teaching staff member to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including certification of tenure charges.

Adopted: 15 September 2010



R 3223.1 EVALUATION OF NONTENURED ADMINISTRATORS

The observation and evaluation of nontenured administrators will be conducted by appropriate administrative staff members. Evaluation will be conducted in accordance with the following procedures.

A. Evaluation Criteria

1. Evaluation criteria for each administrative position will derive from the job description for the position and will relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:
 - a. Briefly stated and focused on major criteria of the position,
 - b. Based on observable information rather than on factors requiring subjective judgment,
 - c. Generic, covering a number of specific positions, and
 - d. Written in the same format and in a direct, simple style.
2. Maintenance of administrative job evaluation criteria will be the responsibility of the Chief School Administrator. Evaluation criteria will be reviewed annually, and
 - a. Whenever the corresponding job description is revised, or
 - b. On the request of a single job holder.
3. Each nontenured administrator will be sent a copy of the current evaluation criteria for his/her position annually by the Chief School Administrator. Any revisions thereto shall be provided to each holder of that job within thirty working days of its adoption. Suggested revisions to evaluation criteria by job holders shall be referred initially to the job holder's immediate supervisor for review.

B. Collection of Evaluation Data

Data will be gathered any one or more of the following evaluation methods:

1. Direct observation of the administrator in the course of performing an assigned duty;



2. Review of a product from the administrator that results from the performance of his/her assigned duties;
 3. Interviews of the administrator regarding his/her knowledge of assigned duties;
 4. Paper and pencil instruments (such as competency tests, pupil surveys, and the like);
 5. Audio-visual monitoring of the administrator in the performance of his/her assigned duties; and
 6. Reference to previous performance reports.
- C. Observations
1. Nontenured administrators will be evaluated no fewer than three times in every school year and at least once during each semester. A nontenured administrator employed fewer than sixty days in the school year may be observed and evaluated only once during the school year, and a nontenured administrator employed fewer than one hundred twenty days in the school year may be observed and evaluated only twice during the school year.
 2. The evaluator shall confer with the administrator at the beginning of each three month period, the first of such periods commencing at the beginning of the school year. They shall together determine the job performance that will be observed. The period of the observation will be appropriate to the performance to be observed and will be conducted in as few separate sessions as possible. The evaluator shall record each separate instance of observation and the activity observed.
 3. Wherever possible, multiple observations that focus on different areas of responsibility are desirable. Multiple observations should be spread over time to allow time for improvement.
 4. Each observation will be recorded on a separate form and a copy sent to the nontenured administrator within seventy-two hours prior to the observation conference.



D. Evaluations

1. A written evaluation of each nontenured administrator in the performance of his/her duties will be prepared before the end of each three-month period during which a nontenured administrator has been evaluated.
2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare a written evaluation of each nontenured administrator's total performance as an employee of the school district. This evaluation will be submitted to the administrator sufficiently in advance of the conference to enable the administrator or the Chief School Administrator to amend it. It will be appended to the evaluation based on performance observation and will be presented to the administrator at the conference.

E. Post Observation Conferences

1. No later than the end of each three-month period of observation, the administrator and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with D1 and D2 above.
2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the administrator whenever the need for such aid is indicated. In addition, the evaluator must point up the effects of the observation (if any) on the administrator's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.
3. Two copies of the written evaluation will be prepared and both the Chief School Administrator and the nontenured administrator shall sign each copy and retain one copy.
4. If the nontenured administrator so wishes, he/she may prepare a written disclaimer to the evaluation. Any disclaimer will be appended to the evaluation, provided it is received not more than ten calendar days after the conference.
5. Each observation report will be filed in the administrator's personnel file. A copy will be provided to the administrator within ten working days of the conference.



F. Annual Performance Conference and Report

1. An annual performance conference will be held with each nontenured administrator by the evaluator who prepared the annual performance report (whenever possible) before the administrator's annual performance report is filed.
2. The annual performance conference will include a review of the:
 - a. Administrator's performance based upon his/her job description,
 - b. Administrator's progress toward the objectives of his/her Individual Performance Improvement Plan developed at the previous annual conference (if applicable), and
 - c. Available indicators of pupil progress and growth toward their program objectives (if applicable).
3. The purpose of the annual performance conference is to provide for a total review of the year's work, to identify strategies for improvement where necessary, and to recognize achievement and good practice. Adequate time should be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
4. The annual performance report will be signed by the evaluator at the time of the conference and by the nontenured administrator within five working days of the conference. The signature of the administrator will not necessarily be construed to indicate assent with the report.
5. The administrator shall have up to ten working days following the conference to add material to the report not included by the evaluator.
6. Each annual performance report shall be filed in the administrator's personnel file. A copy will be provided to the staff member within ten working days of the conference.

G. Review of Pupil Progress and Growth

1. A review will be conducted, at least annually, of pupil progress and growth in each class, for the purpose of determining whether or not changes in the performance of the administrator or in the program would lead to improved results by the pupils during the subsequent school year.



2. The review of pupil progress and growth will be made by an evaluator who is familiar with the pupils involved and the school context against indicators previously determined by the administrator and agreed upon by the Chief School Administrator.
 3. A summary of the pupil progress and growth data and its implications will be placed in the administrator's annual performance report. If applicable, the pupil progress and growth report will be one measure of the administrator's annual performance evaluation.
 4. If the review of the pupil data reveals that pupils have not made the progress expected, the supervisor and staff member shall jointly determine what changes should be made to improve pupil performance. Any such changes are subject to approval of the Chief School Administrator before being implemented.
- H. Individual Performance Improvement Plan
1. An Individual Performance Improvement Plan will be prepared annually for each nontenured administrator to correct deficiencies and to continue professional growth. The plan will derive from the applicable evaluation criteria and focus on the most important areas of professional growth for each administrator as determined from weaknesses identified in his/her evaluation.
 2. The Performance Improvement Plan will be prepared in cooperation with the administrator whenever possible and will include:
 - a. Areas of required growth,
 - b. Methods of achieving that growth,
 - c. A schedule for implementation of those methods, and
 - d. The responsibility of the administrator and the district for implementing the plan.
 3. At the time the Performance Improvement Plan is prepared, a review will also be made of the administrator's efforts to achieve the prior year's plan.



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Evaluation of Nontenured Administrators

4. Copies of the Individual Performance Improvement Plan will be placed in the administrator's annual performance report and given to the administrator. The degree to which the administrator achieved the requirements of the previous plan will be a measure of his/her annual performance evaluation.
5. It is the duty of the administrator to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including dismissal.

Adopted: 15 September 2010



R 3223.2 EVALUATION OF TENURED ADMINISTRATORS

The observation and evaluation of tenured administrators will be conducted by appropriate administrative staff members. Evaluation will be conducted in accordance with the following procedures.

A. Evaluation Criteria

1. Evaluation criteria for each administrative position will derive from the job description for the position and will relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:
 - a. Briefly stated and focused on major criteria of the position,
 - b. Based on observable information rather than on factors requiring subjective judgment,
 - c. Generic, covering a number of specific positions, and
 - d. Written in the same format and in a direct, simple style.
2. Maintenance of administrative job evaluation criteria will be the responsibility of the Chief School Administrator. Evaluation criteria will be reviewed annually, and
 - a. Whenever the corresponding job description is revised, or
 - b. On the request of a single job holder.
3. Each tenured administrator will be sent a copy of the current evaluation criteria for his/her position annually by the Chief School Administrator. Any revisions will be provided to each holder of that job within thirty working days of its adoption. Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.

B. Collection of Evaluation Data

Data will be gathered any one or more of the following evaluation methods:



1. Direct observation of the administrator in the course of performing an assigned duty;
2. Review of a product from the administrator that results from the performance of his/her assigned duties;
3. Interviews of the administrator regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments (such as competency tests, pupil surveys, and the like);
5. Audio-visual monitoring of the administrator in the performance of his/her assigned duties; and
6. Reference to previous performance reports.

C. Observations

1. Tenured administrators will be evaluated at least once during each school year.
2. The evaluator shall confer with the administrator at the beginning of each school year. They shall together determine the job performance that will be observed. The observation period will occupy not less than one hour's time.
3. Each observation will be recorded on a separate form and a copy sent to the tenured administrator within seventy-two hours prior to the observation conference.

D. Evaluations

1. A written evaluation of each tenured administrator in the performance of his/her duties will be prepared within fifteen calendar days of the observation.
2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare a written evaluation of each tenured administrator's total performance as an employee of the school district. This evaluation will be submitted to the administrator sufficiently in advance of the conference to enable the administrator or the Chief School Administrator to amend it. It will be appended to the evaluation based on performance observation and will be presented to the administrator at the conference.



E. Post Observation Conferences

1. No later than fifteen days after the observation, the administrator and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with D1 and D2 above.
2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the administrator whenever the need for such aid is indicated. In addition, the evaluator must point up the effects of the observation (if any) on the administrator's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.
3. Two copies of the written evaluation will be prepared and both the supervisor and the tenured administrator shall sign each copy and retain one copy.
4. If the tenured administrator so wishes, he/she may prepare a written disclaimer to the evaluation. Any disclaimer will be appended to the evaluation, provided it is received not more than ten calendar days after the conference.
5. Each observation report will be filed in the administrator's personnel file. A copy will be provided to the administrator within ten working days of the conference.

F. Annual Performance Conference and Report

1. An annual performance conference will be held with each tenured administrator by the evaluator who prepared the annual performance report (whenever possible) before the administrator's annual performance report is filed.
2. The annual performance conference will include a review of the:
 - a. Administrator's performance based upon his/her job description,
 - b. Administrator's progress toward the objectives of his/her Individual Performance Improvement Plan developed at the previous annual conference (if applicable), and
 - c. Available indicators of pupil progress and growth toward their program objectives (if applicable).



3. The purpose of the annual performance conference is to provide for a total review of the year's work, to identify strategies for improvement where necessary, and to recognize achievement and good practice. Adequate time should be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
 4. The annual performance report will be signed by the evaluator at the time of the conference and by the tenured administrator within five working days of the conference. The signature of the administrator will not necessarily be construed to indicate assent with the report.
 5. The administrator shall have up to ten working days following the conference to add material to the report not included by the evaluator.
 6. Each annual performance report shall be filed in the administrator's personnel file. A copy will be provided to the staff member within ten working days of the conference.
- G. Review of Pupil Progress and Growth
1. A review will be conducted, at least annually, of pupil progress and growth in each class, for the purpose of determining whether or not changes in the performance of the administrator or in the program would lead to improved results by the pupils during the subsequent school year.
 2. The review of pupil progress and growth will be made by an evaluator who is familiar with the pupils involved and the school context against indicators previously determined by the administrator and agreed upon by the Chief School Administrator.
 3. A summary of the pupil progress and growth data and its implications will be placed in the administrator's annual performance report. If applicable, the pupil progress and growth report will be one measure of the administrator's annual performance evaluation.
 4. If the review of the pupil data reveals that pupils have not made the progress expected, the supervisor and administrator shall jointly determine what changes should be made to improve pupil performance. Any such changes are subject to approval of the Chief School Administrator before being implemented.



H. Individual Performance Improvement Plan

1. An Individual Performance Improvement Plan will be prepared annually for each tenured administrator to correct deficiencies and to continue professional growth. The plan will derive from the applicable evaluation criteria and focus on the most important areas of professional growth for each administrator as determined from weaknesses identified in his/her evaluation.
2. The Performance Improvement Plan will be prepared in cooperation with the administrator whenever possible and will include:
 - a. Areas of required growth,
 - b. Methods of achieving that growth,
 - c. A schedule for implementation of those methods, and
 - d. The responsibility of the administrator and the district for implementing the plan.
3. At the time the Performance Improvement Plan is prepared, a review will also be made of the administrator's efforts to achieve the prior year's plan.
4. Copies of the Individual Performance Improvement Plan will be placed in the administrator's annual performance report and given to the administrator. The degree to which the administrator achieved the requirements of the previous plan will be a measure of his/her annual performance evaluation.
5. It is the duty of the administrator to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including certification of charges.

Adopted: 15 September 2010



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Outside Activities

R 3230 OUTSIDE ACTIVITIES

A. Outside Employment

1. A full-time employee may engage in outside employment only when such employment does not:
 - a. Constitute a conflict of interest,
 - b. Occur at a time when the employee has assigned district duties, or
 - c. Diminish the employee's efficiency in performing assigned district duties.

B. Private Enterprise

1. No employee may conduct activities on school district property designed to advance a private enterprise without the express permission of the Chief School Administrator or designee. Permission will not be given for solicitations or collections on behalf of a private enterprise.
2. No employee may, on school premises, advertise, recruit, or finance trips for pupils other than those expressly approved by the Board of Education. School property may not be used as the point of departure or arrival for any such privately arranged trip.

C. Outside Associations

Employees should avoid conduct and associations outside the classroom that, if known, would have an adverse or harmful effect upon pupils or the instructional program.

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R 3232 TUTORIAL SERVICES

- A. Tutoring in the Instructional and Athletic Program
1. Teachers or coaches will make every reasonable effort to assist pupils assigned to them who need extra help in the reinforcement of skills.
 2. In-school tutoring or coaching assistance may be given during the course of the school day or during the periods immediately before or after the school day.
 3. In-school tutoring and coaching is part of a teaching staff member's district responsibility and no teacher or coach may charge a fee for such services.
- B. Tutoring or Coaching Outside the School
1. A teacher or coach who believes that a pupil would profit educationally by regularly scheduled outside tutorial or coaching help will so inform the Building Principal/Chief School Administrator. No such recommendation may be made until the teacher or coach has offered extra help in accordance with paragraph A.
 2. If the Building Principal/Chief School Administrator concurs in the teacher's recommendation, he/she will notify the pupil's parent(s) or legal guardian(s).
 3. The responsibility of securing a tutor or coach rests with the parent or legal guardian, but the teacher or coach and, where applicable, the pupil's guidance counselor should be prepared to discuss the pupil's performance and needs with the parent(s) or legal guardian(s).
 4. On the parent's or legal guardian's written request (in accordance with Policy No. 8330), the teacher or coach should cooperate with the tutor or coach providing services, in providing information and materials used in class and in specifying skills needing reinforcement.
 5. Private tutoring or coaching is to be provided off school premises, and reimbursement is to be made by the pupil or parent(s) or legal guardian(s) directly to the tutor or coach.
 6. Teachers and coaches are prohibited from providing private tutoring or coaching services to pupils assigned to them in the regular school program. A teacher or coach who tutors or coaches a pupil privately may not participate as a member of an evaluation team or special review assessment team for that pupil.
 7. No tutoring or coaching for which a teacher or coach receives a fee shall be carried on in the school building.

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R 3233 POLITICAL ACTIVITIES

A. Prohibited Activities

The following political activities are prohibited on school district premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;
2. The distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;
3. Collection of and solicitation for campaign funds;
4. Solicitation for campaign workers;
5. Use of pupils for writing or addressing political materials or the distribution of such materials to or by pupils;
6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a district facility used as a polling place; and
7. Any activity in the presence of pupils while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

B. Permitted Activities

The following political activities are permitted on school premises.

1. Conduct of pupil and employee elections and any campaigning connected with those elections.
2. Classroom discussion and study of politics and political issues, when such discussion and study are appropriate to studies such as history, current events, or political science.



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Political Activities

3. Distribution of political materials when approved by the Chief School Administrator and when relevant to the class, curriculum, and maturity of the pupils. Any such material shall be presented by the teacher without bias or discrimination.
- C. Nothing in this Regulation shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or pupil.

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R 3240 PROFESSIONAL DEVELOPMENT

A. Professional Development Plans

The school district will develop and implement professional development plans for teachers aligned with the requirements and the Professional Development Standards set forth in N.J.A.C. 6A:9. The district's professional development activities shall:

1. Improve teachers' understanding of the content and pedagogy related to their teaching assignment;
2. Promote individual and collaborative professional learning with adequate and consistent time for teachers, including English as a second language, gifted and talented, bilingual and special education teachers, to work together in and across content areas and grade levels to review pupil work, analyze classroom assessments and other achievement data, critique lesson plans, and solve instructional problems;
3. Include evaluation and analysis of professional development results in order to improve professional development by reviewing the following:
 - a. Pupil test scores, work products, and attitudinal measures;
 - b. Progress made in achieving professional development goals;
 - c. Staff feedback on the effectiveness of professional learning activities and Professional Development Plans;
 - d. Analysis of the costs associated with professional development opportunities in relation to the impact on pupil achievement and district goals;
4. Include ongoing analysis by administrators and teachers regarding the effectiveness of implementation of professional development initiatives; and
5. Include school district support through policies and adequate resources.

All school leaders shall develop and implement a professional growth plan aligned with the requirements and the Professional Development Standards set forth in N.J.A.C. 6A:9.



B. Professional Development Programs

1. Teaching staff members may be excused from the performance of their duties, without loss of compensation, for participation in relevant professional development programs, provided such participation:
 - a. Meets the requirements of Policy No. 3240 and this regulation; and
 - b. Has received final advance approval in accordance with paragraph B.5. below.
2. The use of school district funds for travel expenditures for professional development activities shall be in accordance with N.J.S.A. 18A:11-12 and the State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars pertaining to travel, meals, events, and entertainment, and the additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.
3. A written request for permission to participate in a professional meeting must be submitted to the Chief School Administrator or designee forty-five working days prior to the meeting when possible. The request will include:
 - a. The date, time, and place of the meeting;
 - b. The name and address of the sponsoring organization; and
 - c. The purpose of the meeting and its anticipated value to the school or district.
4. The request will be evaluated considering:
 - a. The member's participation in other professional meetings;
 - b. Other requests for participation in the same meeting;
 - c. The value to the school and/or district of the member's participation;
 - d. The requirements as outlined in N.J.A.C. 6A:23A-7 et seq.; and
 - e. Remaining available budgetary allocations for professional development activities.



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Professional Development

5. The Chief School Administrator or designee will grant or deny permission to attend the activity pending Board approval. The Board of Education must approve all travel expenditures in accordance with N.J.S.A. 18A:11-12 and State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars pertaining to travel, meals, events and entertainment, and the additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.
 6. Each teaching staff member excused from his/her duties to attend a professional development program or activity shall prepare and submit to the Chief School administrator or designee, with a copy to the School Business Administrator/Board Secretary, within 5 school days after the program or activity, an original, written summary report of the meeting that includes:
 - a. The primary purpose of the travel;
 - b. The key issues addressed at the event; and
 - c. The relevance to improving instruction or the operations of the school district.
 7. Copies of the member's report will be distributed to such other teaching staff members as will benefit from the shared experience and information. The participant may be required to meet with other teaching staff members to discuss the meeting.
 8. Any vouchers and claims for payment to be reimbursed pursuant to Policy No. 3240 shall be submitted to the Business Administrator, along with supporting receipts and other appropriate documentation, no later than 5 school days after the meeting.
- C. Required Professional Development for Teachers
1. Each active teacher shall be required to complete 100 clock hours of approved professional development every five years in accordance with the requirements of N.J.A.C. 6A:9-15.2. At least two hours of instruction in suicide prevention must be part of the 100 clock hours of professional development in accordance with the provisions of N.J.S.A. 18A:6-111.

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2. The content of each teacher's professional development shall be specified in a Professional Development Plan and shall be developed in accordance with N.J.A.C. 6A:32-4.4 and 4.5 to meet the needs of the individual teacher in the context of his or her job.
3. The content of each teacher's professional development shall align with the Professional Standards for Teachers as set forth in N.J.A.C. 6A:9-3.3.
4. The activities in each teacher's Professional Development Plan shall align with the Professional Development Standards in N.J.A.C. 6A:9-15.2(d). Professional development experiences may include experiences as outlined in N.J.A.C. 6A:9-15.2(f).
5. The Board will establish a Professional Development Committee, pursuant to N.J.A.C. 6A:9-15.3(e), comprised of four teachers elected by the Board's instructional and educational services staff through their majority representative and two administrative staff members appointed by the Chief School Administrator. Election of teacher representatives shall conform to the procedures as outlined in N.J.A.C. 6A:9-15.3(g). School level committees shall consist of the Principal or designee and at least three teachers who will be elected through the majority representative. The school level committees shall oversee the development of school level plans for professional development. The school level plan shall include a description of school level and team-based learning in the school and will be based on identified school goals and pupil and teacher needs. Plans developed by the district's local Professional Development Committee shall be presented to the Board of Education for review and then to the County Professional Development Board for approval. Once the district's Professional Development Plan has been approved by the County Professional Development Board, the Board of Education has responsibility for final approval.
6. The 100 clock hours of approved professional development is legally binding and it shall be each active individual teacher's responsibility, in conjunction with the Board policies, to take whatever steps are necessary in order to meet the requirement. The State and the Board will actively assist and support a teacher's efforts to meet this requirement. The his/her designee or Chief School Administrator, through the Professional Development Plan process, is responsible to monitor the teacher's efforts continuously through progressive supervision where the teacher's progress is inadequate.

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Professional Development

7. Accrued professional development hours shall be portable between schools and districts. The Chief School Administrator shall certify in writing to a new school district the accrued professional development hours for any teacher leaving the school district.

Issued: 15 September 2010



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In-service Training

R 3244 IN-SERVICE TRAINING

In-Service programs shall be the responsibility of the administrative team. They shall solicit from teachers and staff input on the need for in-service instruction and shall develop an appropriate program, establish a schedule and notify the appropriate individuals and inform the Chief School Administrator, who shall apprise the Board of Education regarding the in-service program for teachers and staff.

N.J.A.C. 6:8-2.8(a)4

Issued: 15 September 2010



R 3270 LESSON PLANS AND PLAN BOOKS

A. Lesson Plans

1. Each teaching staff member assigned specific instructional responsibilities shall prepare regular lesson plans.
2. Each lesson plan must include the:
 - a. Name of the unit or area of learning;
 - b. Goals and objectives;
 - c. New Jersey Core Curriculum Content standards;
 - d. Content outline;
 - e. Duration of the lesson;
 - f. Instructional methodology;
 - g. Evaluation procedures;
 - h. Progress Indicators;
 - i. Any seat work or activity center assignments;
 - j. Homework assignments; and
 - k. Resource materials.
3. Lesson plans must be completed at least one week in advance.
4. Lesson plans will follow the format established at the building or departmental level, as appropriate. Lesson plans will ordinarily be prepared on a daily basis, but, if the format so dictates, may be prepared on a long-range unit basis.
5. Lesson plans must be prepared with clarity and in sufficient detail to permit a person unacquainted with the classroom to conduct the lesson efficiently and effectively.



B. Plan Books

1. A plan book will be kept by each teacher as a master plan for instruction in the classroom. In addition, the plan book will permit administrators to monitor classroom instruction and will give direction to substitutes.
2. Plan books will include:
 - a. Lesson plans,
 - b. A seating chart of pupils in the classroom,
 - c. Daily class schedules, and
 - d. The names of pupils receiving remedial instruction or removed from the classroom for specialized instruction during the school day.
3. Plan books will be submitted to the Chief School Administrator every week for review.
4. Plan books must be available for use by a substitute in an unforeseen situation. Plan books will not be removed from the classroom overnight.
5. Plan books will be turned in to the Chief School Administrator at the end of the school year.

C. Substitute Lesson Plans

Each teacher shall submit a substitute folder to the Chief School Administrator or Assistant Principal that contains the following:

1. Special plans and hints for the substitute;
2. Helpful pupils for each selection;
3. Procedure for opening exercises;
4. Explanation sheet on taking daily attendance;
5. Special lessons to be used by the substitute when you are absent;



6. Procedure for dismissal of each class and dismissal at the end of the day;
7. Special subjects schedule-art, music, physical education, pupils leaving for instrumental lessons and remedial reading;
8. Fire drill forms;
9. Seating charts;
10. Room rules and regulations;
11. Names of pupils with special problems, such as physical disabilities.

Substitute folders should be reviewed and updated periodically. Special plans in the substitute folder will only be necessary should the teacher want a substitute not to follow their regular lesson plans. To help the substitute and to provide meaningful work for the children when they are absent, prepare a folder of subject related seatwork activities or ideas which a substitute can utilize if needed for each class assignment. Every attempt should be made to have the substitute follow the teachers' planbooks so that the children's education will not be interrupted during the teacher's absence, particularly if it is an extended absence.

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R 3280 LIABILITY FOR PUPIL WELFARE

- A. A teaching staff member must maintain a standard of care for supervision, control, and protection of pupils commensurate with the member's assigned duties and responsibilities.
1. A class or activity must never be left unattended while pupils are in the room, except that a teacher may stand immediately outside the door of the room as pupils are entering.
 2. A class or activity must never be left with an unqualified person in charge of pupils.
 3. Younger pupils should be accompanied to assigned places of instruction and monitored until supervision is assumed by another qualified, responsible person.
 4. Pupils shall not be allowed to inflict bodily harm on one another. Teaching staff members are responsible for preventing and stopping pupil fights and assaults, whatever the cause or intent; if necessary, responsible assistance must be quickly summoned. Teaching staff members may restrain a pupil only with the reasonable amount of force necessary to:
 - a. Quell a disturbance,
 - b. Obtain possession of weapons or dangerous objects,
 - c. Offer self defense, or
 - d. Protect persons or property.
- B. A teaching staff member should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumed responsibilities carry the same potential for liability as do assigned responsibilities.
- C. A teaching staff member must provide proper instruction in safety wherever course guides so provide.
- D. A teaching staff member must report immediately to the Building Principal/Chief School Administrator any accident or safety hazard the member detects.
- E. A teaching staff member must not send pupils on personal errands.



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Liability for Pupil Welfare

- F. A teaching staff member must never transport pupils in a personal vehicle without the approval of the Building Principal/Chief School Administrator. Any transportation of pupils by private vehicle is subject to Policy No. 8660.
- G. A teaching staff member must not require a pupil to perform tasks that may be detrimental to the pupil's health or well-being.
 - 1. Pupils may be permitted to use only items of equipment that have been provided by the Board.
 - 2. Equipment shall not be used for purposes other than the instructional purposes for which the equipment was provided; equipment may never be operated in a hazardous manner.
 - 3. Power tools and other inherently hazardous equipment may be used only by pupils to whom the tools or equipment have been assigned for instructional purposes and who have received instruction for their safe use.
 - 4. Pupils will be permitted to work in a shop, kitchen, or laboratory only during the period scheduled for instruction and only in accordance with safety rules.
 - 5. Classroom materials and equipment should be organized so as to minimize the danger of injury to pupils.
 - 6. Teachers must exercise good judgment when assigning tasks to pupils to prevent bodily harm and damage to property.
 - 7. Safety equipment provided for use in potentially hazardous situations must be properly and promptly utilized when necessary.
- H. A teaching staff member must render prompt reports when so required by law and Board policy.
 - 1. Instances of substance abuse will be reported in accordance with Policy No. 5530.
 - 2. Instances of violence and/or vandalism will be reported in accordance with Policy No. 8461.
 - 3. Accidents will be reported in accordance with Board Policy No. 8442.



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Liability for Pupil Welfare

4. Instances of suspected child abuse will be reported in accordance with Policy Nos. 8461 and 8462.
5. Missing children will be reported in accordance with Policy No. 8464.

Issued: 15 September 2010



R 3281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. Policy No. 3281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to pupils.

A. Definitions

1. “Building Principal” is the Principal of the building where the staff member is assigned.
2. “Grievance Procedure” is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.
3. “Hostile Environment Sexual Harassment” is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a pupil’s ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
4. The “immediate supervisor” for teaching staff members may be a Building Principal, a member of the school district’s non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.
5. “Inappropriate comments” includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a pupil’s clothing or physical appearance, comments with sexual overtones, comments regarding a pupil’s dating partner or comments about the staff member’s personal life that are not relevant to the professional responsibility of the school staff member.
6. “Inappropriate conduct” includes, but is not limited to, sexual misconduct, a request by a school staff member to a pupil for a social relationship outside the school staff/pupil relationship, sexually harassing conduct, inappropriate touching by the staff member to a pupil or permitting a pupil to inappropriately touch a staff member, corporal punishment, requesting a pupil to expose private parts of



their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a pupil. Inappropriate conduct also includes physical contact between a staff member and pupil that is beyond the staff member/pupil professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/pupil professional relationship. "Inappropriate conduct" does not include a hug initiated by a pupil as a sign of the pupil's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

7. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.
8. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.
9. "Quid Pro Quo Sexual Harassment" is when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
10. "Professional responsibility responsibilities" is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.
11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Building Principal no later than seventy-two hours after the required reporting time.



12. "Sexual Harassment" is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.
13. "Staff member" or "school staff member" is a compensated and/or uncompensated member of the school district's staff, including any agents and/or representatives of the school district.
14. "Unannounced or uninvited visit" is a pupil visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member's residence and/or other place where the staff member may be when not performing school related professional responsibilities.

B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal or immediate supervisor.
2. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a pupil beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal or immediate supervisor.
3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal or immediate supervisor.
4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.
5. Any pupil, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Principal.
6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.



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Inappropriate Staff Conduct

7. School staff having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal or immediate supervisor after making such report.
- C. Investigation of Reports
1. An immediate supervisor or Building Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Chief School Administrator.
 2. The School Business Administrator/Board Secretary will begin a prompt and thorough investigation of every report.
 3. The School Business Administrator/Board Secretary or the Chief School Administrator will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services if there is reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.
- D. Preliminary Investigation of Reports by Others
1. The School Business Administrator/Board Secretary will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the School Business Administrator/Board Secretary received the report.
 2. The School Business Administrator/Board Secretary preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any pupils who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and pupil(s) reported to have engaged in conduct prohibited by this Policy and Regulation.



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Inappropriate Staff Conduct

3. The School Business Administrator/Board Secretary will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.
 4. If, based on a preliminary investigation, the School Business Administrator/Board Secretary determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. The School Business Administrator/Board Secretary will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.
 5. If, based on a preliminary investigation, the School Business Administrator/Board Secretary deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the pupil indicated in the report upon request.
- E. Full Investigation
1. The School Business Administrator/Board Secretary, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 and/or local law enforcement.
 2. The School Business Administrator/Board Secretary will conduct the full investigation if the Division of Youth and Family Services and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-10.2 et seq. for reporting to the Division of Youth and Family Services and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.



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Inappropriate Staff Conduct

3. The full investigation will include, but not be limited to, interviews with the staff member(s), pupils, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.
4. The School Business Administrator/Board Secretary will accept testimony and evidence from the staff member(s), pupil(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.
5. All persons that provide information, testimony and evidence to the School Business Administrator/Board Secretary relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Chief School Administrator.
6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the School Business Administrator/Board Secretary will prepare a written report to the Chief School Administrator. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the School Business Administrator/Board Secretary.
7. If the School Business Administrator/Board Secretary full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Chief School Administrator concurs with the report's findings, the School Business Administrator/Board Secretary will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) investigated to review the findings.
8. If the School Business Administrator/Board Secretary full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Chief School Administrator concurs with the report's findings, the Chief School Administrator may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:
 - a. Provide the staff member an opportunity to rebut the findings of the School Business Administrator/Board Secretary full investigation report and findings;



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- b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;
 - c. Not recommend the staff member be re-appointed for the next school year;
 - d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;
 - e. Institute tenure charges (if applicable) in accordance with N.J.A.C. 6A:3-5 – Charges Under Tenure Employees' Hearing Act; and/or
 - f. Recommend to the Board of Education any other disciplinary measures as the Chief School Administrator determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.
9. If the Chief School Administrator does not concur with the findings of the School Business Administrator/Board Secretary full investigation, the Chief School Administrator may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the School Business Administrator/Board Secretary, a discussion with the pupil(s) and parent(s)/legal guardian(s) and any activity the Chief School Administrator believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Chief School Administrator will proceed consistent with paragraph 7. and 8. above.
10. Any person who is not satisfied with the Chief School Administrator's determination may appeal to the Board of Education.



REGULATION

**BEVERLY CITY
BOARD OF EDUCATION**

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

The school district provides computer equipment, computer services, and Internet access to its pupils and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The “system administrators” referred to herein as employees of the school district who administer the school district computer network(s)/computers and the system administrators reserve the right to monitor all activity on network(s)/computer facilities/computers.

Because of the complex association between so many government agencies and computer network(s)/computers, teaching staff members must adhere to strict regulations. Regulations are provided here so that teaching staff members are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Teaching staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing teaching staff members behavior and communications apply. The school district’s network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to teaching staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the district computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with district standards. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

Computer network(s)/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network(s)/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private. Users should expect all files stored on district servers will be available for review by school administrators.

Within reasonable limits, freedom of speech and access to information will be honored. During school, teaching staff members will guide pupils toward appropriate materials.



Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/computers;
5. Violating copyright laws;
6. Using another's password;
7. Trespassing in another's folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system



administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any non-school related business or solicit the performance of any activity which is prohibited by law or is non-educational.

While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide pupil access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Teaching staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise pupil use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Teaching staff members should discipline pupils knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform pupils that such activities may result in termination of such pupils' accounts on the computer network(s) and their independent use of computers.

On-line Conduct

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

Users agree to indemnify the Beverly City School District and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network(s)/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.



Software Libraries on the Network(s)

Software libraries on the network(s) are provided to teaching staff members as an educational resource. No teaching staff member may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network(s)/computers (e.g., computer viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network(s)/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

Public Posting Areas (Message Boards/Usenet Groups)

Usenet and Internet Relay Chat Room messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network(s). The system administrators or the school administration, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators or the school administration, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network(s)/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat) etc.



Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members

Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A member who exceeds his/her quota of disk space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network(s), the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network(s)/computers or may be terminated as a user and be subject to other disciplinary action.



Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network(s)/computers that are connected to the Internet backbone or of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.

Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation No. 3321, Teaching Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy No. 3150, Teaching Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Chief School Administrator in matters relating to the use of computer network(s)/computers and by the Chief School Administrator or designee in matters of discipline or employee suspension or actions by the authorities are the appropriate course of action.

Individuals violating this policy shall be subject to the consequences as indicated in Policy No. 2361 and other appropriate discipline which includes but are not limited to:

1. Use of Computer Network(s)/Computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;



Acceptable Use of Computer Network(s)/Computers
and Resources by Teaching Staff Members

5. Revocation of computer privileges;
6. Suspension from employment;
7. Legal action and prosecution by the authorities.
8. Any appropriate action that may be deemed necessary as determined by the Chief School Administrator and approved by the Board of Education.

Decisions of the administration may be appealed in accordance with the appropriate employee grievance procedure.

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R 3362 SEXUAL HARASSMENT OF TEACHING STAFF MEMBERS COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Education. The Chief School Administrator and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.
2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.
3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

1. Reporting of Sexual Harassment Conduct
 - a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.



- b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or telephone call.
 - c. A report to the school Building Principal/Chief School Administrator or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
 - d. In the event the report alleges conduct by the Building Principal or the Affirmative Action Officer, the Chief School Administrator will designate a school official to assume the Building Principal's or Affirmative Action Officer's responsibilities as outlined in Policy No. 3362 and this Regulation.
2. Affirmative Action Officer's Investigation
- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
 - b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.
 - c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.
 - d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.



- e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation No. 3362 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.
 - f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
 - g. The Affirmative Action Officer and/or Chief School Administrator will contact law enforcement agencies if there is potential criminal conduct by any party.
 - h. The school district administration may take interim measures during an Affirmative Action Officer's investigation of a complaint.
 - i. The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.
3. Investigation Results
- a. Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the person(s) providing notice to the school district and the staff member(s) who was alleged to be sexually harassed.
 - b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
 - c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
 - d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.



- e. In the event the Affirmative Action Officer determines a hostile environment exists, the Chief School Administrator shall take steps to eliminate the hostile environment. The school district may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.
 - f. In some situations, the school district may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.
 - g. The Chief School Administrator will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.
 - h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.
4. Affirmative Action Officer's Investigation Appeal Process
- a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Chief School Administrator. The Chief School Administrator will make his/her determination within ten working days of receiving the appeal.



- b. Any person who is not satisfied with the Chief School Administrator's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Chief School Administrator's determination.

C. Office Of Civil Rights (OCR) Case Resolution

Persons not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Chief School Administrator, or the Board to the Office of Civil Rights (OCR).
2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of school staff members, OCR will consider whether:
 - a. The school district has a policy prohibiting sexual harassment and a grievance procedure;
 - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
 - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

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Modified Duty Early Return to Work
Program – Teaching Staff Members

R 3425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – TEACHING STAFF MEMBERS

The Modified Duty Early Return to Work Program shall be administered by the School Business Administrator/Board Secretary, the district's designated Workers' Compensation Coordinator.

A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office in the school building and in the Coordinator's office.
2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or to the workers' compensation physician.
 - a. In the event the injury requires immediate medical treatment, the staff member may be directed to the school physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.
 - b. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:
 - (1) Go to the hospital emergency room; and
 - (2) Notify their immediate supervisor as soon as possible after the injury.
 - c. In the event the injured staff member goes to the hospital emergency room when school is closed, the staff member must report the injury to the Coordinator the next business day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.



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Modified Duty Early Return to Work Program – Teaching Staff Members

- d. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:
 - (1) Immediately notify their immediate supervisor; and
 - (2) Notify the Coordinator's office the next business day.
 3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.
 - a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.
 4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.
 5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.
- B. Physician's Workers' Compensation Examination and Evaluation
1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school district.
 2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.



3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.

C. Modified Duty Restriction

1. There is no permanent modified duty and all modified duty positions are temporary.
2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.
3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.
4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.
5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.
6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.

D. Assignment of Job Tasks

1. Assigning modified duty to staff members will be decided on a case-by-case basis.
2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.



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Modified Duty Early Return to Work Program – Teaching Staff Members

3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.
4. There is no restriction on the school district location or the type of modified duties assigned to the staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.
5. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

E. Staff Member Requirements

1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.
2. Staff members are required to follow the Coordinator's directives regarding:
 - a. Job assignments and tasks;
 - b. Attending scheduled doctors' appointments; and
 - c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.

F. Compliance With Laws

The Modified Duty Early Return To Work Program shall be administered consistent with the applicable federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

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R 3432 SICK LEAVE

A. Eligibility for Sick Leave

1. Each person steadily employed by this district will be paid in full, to the limit of his/her entitlement, for days on which the employee is absent from work because of:
 - a. Personal disability due to the employee's illness or injury,
 - b. The employee's exclusion from school by the school district's medical authorities on account of a contagious disease, or
 - c. The employee's having been quarantined for a contagious disease in his/her immediate household.
2. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee:
 - a. Has engaged in or prepared for gainful employment with an employer other than the Board,
 - b. Has participated in a concerted work stoppage, or
 - c. Has engaged in any activity, vocational or avocational, that clearly refutes the employee's claim of disability or quarantine.

B. Call in Procedures

1. An employee who anticipates a day of disability should make every reasonable effort to so notify the Building Principal no later than the day before the absence, to allow sufficient time for the securing of substitute services.
2. Notice of the disability should include a reasonable estimate of the duration of the disability.
3. An employee who becomes aware of his/her disability on the morning of the absence must call the interlocal sub-call registry. If unsuccessful, the employee must call Source 4 Teachers.



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Sick Leave

4. An employee who becomes disabled during the school day must so inform the Chief School Administrator as promptly as possible and request permission to leave the school premises.
5. In all instances, the employee himself/herself should call the Chief School Administrator to report sick leave. An agent may be appointed to call in sick leave only when the employee is so incapacitated as to make a personal call inadvisable or impossible.

C. Sick Leave Charges

1. A sick leave absence commences when the absence is called in pursuant to paragraph B. An employee who leaves school early because of a disability will not be charged with a sick leave day provided the absence commences after the hour of 12:30 p.m.
2. A sick leave day once commenced may be reinstated as a working day only with the approval of the Chief School Administrator.
3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.
4. An employee scheduled for a sick leave absence on a day on which the school does not open because of an emergency (such as a snow day) will not be charged with a sick leave day.

D. Exhaustion of Sick Leave

1. The business office will monitor each employee's sick leave bank and charge the employee's bank of accumulated sick leave with sick leave days in accordance with Policy No. 3432 and this regulation.
2. When it is apparent that an employee on extended sick leave will utilize the last sick leave day to which he/she is entitled by the next pay period, the business office will so inform the employee by written notice. The notice will include a statement of the employee's right to request the Board for an extension of sick leave.
3. A request for the extension of sick leave should be submitted to the Chief School Administrator at least 1 week in advance of the next Board meeting. The request



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must be accompanied by a physician's signed statement setting forth the nature and anticipated duration of the employee's disability.

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4. An employee who anticipates an extended period of disability may apply to the Board for a disability leave of absence pursuant to Policy No. 3431.
 5. Employees are reminded that sick leave extensions and disability leaves of absence are not entitlements and will be granted or denied by the Board on a case by case basis.
 6. Employees will receive no compensation or benefits during an unpaid leave of absence, except the continuation of health insurance coverage for which the employee must recompense the district.
- E. Records
1. The personnel file of each person employed by this district will include an accurate record of the employee's attendance in accordance with Policy No. 3212.
 2. Each employee's attendance record will record the reason for any absence.
 3. The attendance record will include the number of accumulated unused sick leave days in the employee's sick leave bank.

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R 4000 SUPPORT STAFF MEMBERS

<u>Number</u>	<u>Title</u>
R 4146	Nonrenewal of Nontenured Support Staff Member
R 4160	Physical Examination
R 4211	Support Staff Attendance
R 4211.3	Consulting Outside the District
R 4218	Substance Abuse
R 4220	Evaluation of Support Staff Members
R 4230	Outside Activities
R 4233	Political Activities
R 4240	Employee Training
R 4281	Inappropriate Staff Conduct
R 4321	Acceptable Use of Computer Network(s)/Computers and Resources by Support Staff Members
R 4352	Sexual Harassment of Support Staff Members Complaint Procedure
R 4425.1	Modified Duty Early Return To Work Program
R 4432	Sick Leave



R 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

A. Evaluations

1. Each nontenured support staff member shall be evaluated one time each school year.
2. Evaluations shall set forth both the strengths and weaknesses of the support teaching staff member in order to provide an accurate assessment of his/her performance and to encourage the improvement of that performance.
3. Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured support staff members in the improvement of professional skills.

B. Nonrenewal Recommendation

1. When a nontenured support staff member's performance does not meet the standards of the district, the immediate supervisor shall recommend to the Superintendent, no later than February 1, that the support staff member should not be reemployed in the following school year.
2. The nontenured support staff member shall be informed by the Superintendent, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the support staff member on or before May 15.
3. A recommendation by the Superintendent for nonrenewal may be based upon the support staff member's evaluations, job performance, or any factor affecting his/her employment in this district. Nonrenewal shall not be recommended for any reasons that are trivial and insubstantial; unsupported by facts; based upon the support staff member's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability, if any; or is based upon the support staff member's exercise of his/her protected right of free expression and association. Expressions or associations that interfere with the operation of the district may not rise to the level of protected activity.
4. Nontenured support staff member's contracts can only be renewed upon the Superintendent's recommendation and a majority vote of the full Board. The Board may not withhold its approval for arbitrary and capricious reasons.



C. Nonrenewal Action

1. The Superintendent will notify the Board Members of the recommendation not to renew the support staff member's contract and the reasons for the recommendation in a written notice to the Board no later than May 10.
2. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured support staff member.

D. Notice of Nonrenewal

1. Notice of the decision not to renew shall be given to the nontenured support staff member not recommended for renewal no on or before May 15. The Board may delegate the Superintendent or the Board Secretary to give the written notice of nonrenewal.
2. Notice shall be in writing and provided to the nontenured teaching staff member on or before May 15. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the employee's address of record.

E. Request for Statement of Reasons

1. A nonrenewed support staff member will be given a written statement of the reasons for which he/she was not renewed provided the staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the support teaching staff member has received written notice of his/her nonrenewal.
2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the employee's evaluations and the employee has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.
3. The statement of reasons may be prepared by the Superintendent or the Board Secretary and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee's request.



F. Nonrenewal Appearance

1. A support staff member who has requested a statement of reasons for his/her nonrenewal will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Superintendent a written request for such an appearance no later than ten calendar days after he/she has received the written statement of reasons.
2. A date shall be set for an informal appearance, which shall be held within thirty calendar days of the employee's receipt of the Board's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13. The Board will determine a reasonable length of time to be devoted to the appearance, taking into account the circumstances of the nonrenewal and the statement of the reasons given to the employee. The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.A.C. 10:4-12(b)(8).
3. The support staff member requesting the appearance shall be given written notice, no later than seventy-two hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.
4. The purpose of the appearance shall be to permit the nonrenewed support staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured support staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding and the appearance will not become an adversary proceeding.
5. The support staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on in his/her behalf. Witnesses need not be sworn under oath, and their statements will be recorded. The Board will simply hear witnesses and will not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and shall be excused from the meeting after making their statements.



G. Final Determination

1. After the appearance before the Board, the Superintendent may make a recommendation for reemployment to the voting members of the Board. The voting members of the Board, by a majority vote of the full Board in public session, must approve the reemployment based on the Superintendent's recommendation. The Board may not withhold its approval for arbitrary and capricious reasons. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured support staff member.
2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the support staff member reemployment after an informal hearing.
3. The final determination will be delivered to the nontenured support staff member, in writing, no later than three days after the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.

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R 4160 PHYSICAL EXAMINATION

A. Definitions

1. “Employee assurance statement” means a statement signed by the employee certifying that information supplied by the employee is true to the best of the employee’s knowledge.
2. “Employee” or “staff member” means the holder of any full-time or part-time position of employment.
3. “Health history” means the record of a person’s past health events obtained in writing, completed by the individual or their physician.
4. “Health screening” means the testing of people, using one or more diagnostic tools, to determine the presence or precursors of a particular disease.
5. “Medical evaluation” means the examination of the body by the school medical inspector or by any physician licensed to practice medicine.
6. “Physical examination” means the assessment of an individual’s health.
7. “Psychiatric examination” means an examination for the purpose of diagnosis and treatment of mental disorders.

B. Employees’ Initial Physical Examination

Each newly employed support staff member shall be required to undergo a physical examination. The physical examination shall include, but is not limited to a health history, health screenings, and medical evaluation.

1. A health history shall be completed by the employee or by his/her physician which shall include the employee’s:
 - a. Past serious illnesses and injuries;
 - b. Current health problems;
 - c. Allergies; and
 - d. Record of immunizations.



2. The employee shall submit to health screenings which shall include his/her:
 - a. Height and weight;
 - b. Blood pressure;
 - c. Pulse and respiration rate;
 - d. Vision screening; and
 - e. Hearing screening.
3. Health screening shall also include the conduct of a Mantoux test for the presence of tuberculosis infection.
 - a. A newly employed member will be exempt from the Mantoux test if he/she presents satisfactory documentation of a test
 - (1) Administered in a New Jersey school district from which the member has transferred, or
 - (2) Administered in any place within the six months previous to the member's initial employment in this district.
 - b. Procedures for the administration of the Mantoux test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines issued by the State Department of Health and titled School Tuberculin Testing in New Jersey.
 - c. If the results of the Mantoux test so indicate, the employee shall be referred for a chest X-ray and medical evaluation to determine the presence of tuberculosis at the employee's expense. The employee shall submit the report of the X-ray and evaluation to the school medical inspector. If the school medical inspector does not receive the report within four weeks of the referral or is unwilling to accept the findings of the report, he/she may direct the employee to submit to a chest X-ray examination at Board expense, the results of which will be reported directly to the school medical inspector.



- d. An employee who presents a physician's or nurse practitioner's documentation, acceptable to the school medical inspector, showing significant tuberculin reaction and a subsequent negative chest X-ray will be exempt from the Mantoux test.
 4. A medical evaluation that shall be limited to those assessments or information necessary to determine the employee's physical and mental fitness to perform with reasonable accommodation in the position which the employee seeks or currently holds and to detect any health risks to pupils and other employees. The employee's medical evaluation shall include, but not be limited to, a record of immunizations. Guidance regarding immunizations for adults may be found in "Adult Immunization: Recommendations of the Immunization Practices Advisory Committee (ACIP)", available from the Immunization Program, Centers for Disease Control, Public Health, U.S. Department of Health and Human Services, Atlanta GA 30333.
 5. A support staff member may provide health status information, including medications, which may be of value to medical personnel in the event of an emergency requiring treatment. The staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.
- C. Health Records
1. All employee medical records, including computerized records, shall be secured, and shall be stored and maintained separate from other personnel files.
 2. Only the employee, the Superintendent, and the school medical inspector shall have access to the medical information in that individual's file.
 3. The portion of the employee's medical record containing a health history may be shared with the Principal and the school nurse with the consent of the employee, as provided in paragraph B.5. above.
- D. Examination of School Bus Drivers
1. School bus drivers employed by this district are subject to Policy No. 4160 and this regulation generally.



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Physical Examination

2. School bus drivers employed by a contractor supplying transportation services to this district shall be tested for tuberculosis in accordance with paragraph B3 of this regulation.
- E. Employees' Physical Examination and Medical Updates
- School employee physicals, examinations and/or annual medical updates shall not require disclosure of HIV status.
- F. Candidates Records
1. All records regarding pre-employment physicals and drug tests will be maintained in separate medical files and treated as confidential medical records. These records will be:
 - a. Kept separate from a candidate's personnel file;
 - b. Kept in a locked cabinet in a central school district location; and
 - c. Accessible only to the Superintendent and/or designee.
 2. The records of a candidate's physical examination will be submitted to the school medical inspector, who will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he/she has made application. That determination will be made a part of the candidate's application.
 3. A candidate's medical records will be maintained separately from his/her application and will be kept confidential in accordance with paragraph D.
 - a. If and when the candidate is employed by this district, the records will be kept in the person's medical file.
 - b. If the candidate is not employed by this district within three years the records will be destroyed.

Adopted: 15 September 2010



R 4211 SUPPORT STAFF ATTENDANCE

A. Reporting Intended Absence

1. A support staff member who anticipates absence from work will call _____ (telephone number) between the hours of _____ at least _____ hours before the intended absence, whenever possible.
2. The following information will be given by the caller:
 - a. The employee's name, job title, assigned school, and shift (if applicable);
 - b. The day and date of the intended absence; and
 - c. The reason for the absence.
3. Employees must call in daily each intended absence unless absence for more than one day has been approved in advance by the Chief School Administrator.

B. Analysis of Absence

1. Each intended absence of a support staff member shall be reported to his/her immediate supervisor, who shall determine whether or not a replacement is required for the period of absence.
2. The immediate supervisor shall determine whether the absence is acceptable or requires further verification. Reasons for verification include, but are not limited to the following:
 - a. A pattern of absences on the same day(s) of the week;
 - b. A pattern of absences before or after nonworking days;
 - c. The exhaustion or near exhaustion of accumulated sick leave; and
 - d. The habitual exhaustion of personal leave.



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Support Staff Attendance

C. Review of Absence

1. If the immediate supervisor deems any reason for absence to be unacceptable or if a staff member has been absent on sick leave more than _____ consecutive school days or absent an aggregate of more than _____ working days in any one _____ for any reason, the immediate supervisor shall conduct an informal discussion with the employee to help the employee improve his/her performance. The supervisor shall keep no record of this conference.
2. If the abuse of absence continues the immediate supervisor shall:
 - a. Notify the employee in writing of the date and time for a formal conference and the reason for the conference,
 - b. Confer with the employee and, if the employee so chooses, his/her representative as well,
 - c. Document the reasons for the absences and offer the employee the opportunity to verify or rebut the documentation, and
 - d. Prepare a report of the conference to be placed in the employee's file and provide the employee with the opportunity to attach written comments and documents thereto.

D. Record of Attendance

1. A record shall be kept of the attendance of each support staff member, including administrators. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. An employee's attendance record shall be part of the employee's personnel file.
2. The record will distinguish paid leave, such as sick leave, personal days, family illness, jury duty, and other, from unpaid leave, such as excessive sick or personal leave. The employee's attendance record will include notation of verification of an absence where such verification is required by Policy No. 4432.
3. The record will include each employee's rate of absence as calculated monthly.



4. At the end of each month, a cumulative attendance record shall be assembled for the school. An attendance summary shall be prepared from the cumulative attendance record. The attendance summary shall show:
 - a. The rate of absence for the school,
 - b. The rate of absence for each employee in rate order showing highest rate first and average rate for the district,
 - c. The appointment of substitutes for absent employees and the wages paid to substitutes.
- E. Attendance Improvement Plan
 1. The attendance summary shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year.
 2. Specific strategies for reducing the rate of absence shall be submitted to the Chief School Administrator.
 3. The Chief School Administrator shall be responsible for implementing the approved plan for the improvement of staff member attendance in his/her school building.
- F. In-service Training

The Principal or immediate supervisor shall meet with the support staff members assigned to his/her building at the beginning of each school year to:

 1. Inform employees of Board policy and district regulations on attendance;
 2. Familiarize employees with the procedures to be used in reporting and verifying absences;
 3. Review with employees the cost of absenteeism to the district and the value of accumulated sick leave to the employee; and



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4. Acquaint employees with the degree to which attendance will affect evaluation reports.
- G. Discipline
1. The record of a conference(s) dealing with excessive absenteeism may serve as an element in the evaluation of any employee's performance and may contribute to a salary recommendation.

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R 4211.3 CONSULTING OUTSIDE THE DISTRICT

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

A. Definitions

1. Agency - A public or private agency requesting the services of the school district's support staff member.
2. Other school districts - A school district other than the school district that employs the support staff member, including all supervisory and administrative personnel.
3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.
4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the support staff member, except out-of-pocket expenses.
5. Staff member - A contracted member of the school district's support staff, including all supervisory and administrative personnel.

B. Procedure - Consulting For No Additional Remuneration

1. The support staff member or the agency requesting the expertise and knowledge of the support staff member must submit a written request to the Superintendent or designee. The written request must include the following:
 - a. The date(s) the support staff member will be away from the district;
 - b. The time of day the support staff member will be away from the school district;
 - c. Any out-of-pocket costs to the school district;



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- d. Any reimbursements that the support staff member is entitled to from the other school district or agency;
 - e. The specific services requested of the support staff member; and
 - f. The location where the services will be provided.
2. The Superintendent or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school district for reciprocal services, a reduction in the future or existing cost of services to the school district, the support staff member's attendance record and the impact of the support staff member being out of the school district for the requested time.
3. The Superintendent or designee will determine and recommend each request on a case by case basis and the decision is final. The Superintendent may require the other district or agency to pay the cost of any substitute personnel related to the request.
4. If deemed to be in the best interest of the school district, the Superintendent's recommendation will be submitted to the Board for approval.
5. The Board's approval of the Superintendent's recommendation will permit the support staff member's consulting activity attendance and the support staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the support staff member if the request is approved by the Board.

C. Reporting Activities

The support staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

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R 4218 SUBSTANCE ABUSE

Procedures

- A. Basic procedures to be used when an employee is suspected of having a dependency upon or illegal use of a controlled dangerous substance.

1. The employee's behavior shall be observed and documented by concerned staff. Such behavior as poor working performance, negative personality changes, and poor attendance could be symptomatic of a substance abuse problem. The concerned staff member shall make this report to the Building Principal or immediate supervisor, the school physician (school medical inspector), or the school nurse.
2. The school physician (school medical inspector) or the school nurse shall notify the Building Principal upon receiving any such report(s). The Principal will notify the Superintendent of any such report(s). The Principal and Superintendent, and school nurse when appropriate, will discuss their concern for the employee's health and performance to determine if further pursuance is appropriate and necessary.
3. The Principal or school nurse, as determined by the Superintendent, shall discuss the suspected behavior with the employee as to the extent of the problem. The Superintendent shall keep accurate and detailed official written records of all incidents related to suspected substance abuse.
4. If the suspected dependency or use is confirmed, the employee shall be required to obtain professional counseling or complete an appropriate rehabilitation program.

If necessary, an immediate leave of absence may be granted to the employee by the Superintendent. The school nurse will recommend at least two certified counseling agencies or a rehabilitation program to the Superintendent.

- B. Procedures to be followed when an employee confides to a colleague or administrator that he/she has a substance abuse problem:

1. The staff member shall encourage the employee to seek help.



2. Report the concern about the potential substance abuse problem to the Building Principal.
 3. The school physician or the school nurse must report the substance abuse problem to the Principal. The Principal will then follow paragraph C2 of this regulation.
- C. Procedures to be followed when an employee is suspected of being under the influence of a substance during working hours:
1. Whenever it appears to any teaching staff member, school nurse, or any other employee of the school district that an employee may be under the influence of a controlled dangerous substance as defined by the New Jersey Statutes, or any chemical (including alcohol/anabolic steroids) or chemical compound which releases vapor or fumes causing condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, this situation shall be immediately reported to the Principal, the school physician, or the school nurse.
 2. The school physician or school nurse shall notify the Principal when they receive a report. The Principal shall:
 - a. Notify the Superintendent.
 - b. Arrange for the immediate examination of the employee by the school doctor or a doctor selected by the employee, or if such doctor is not immediately available, then arrange transportation to the local hospital. The employee shall be accompanied to the doctor or emergency room by a member of the school staff designated by the Building Principal and/or the Superintendent.
 - c. A report shall be requested from the examining physician which shall set forth whether or not the employee is under the influence of a controlled dangerous substance, or any chemical, which includes alcohol, anabolic steroids, or chemical compound. This test must be made within twenty-four hours of the initial report made by the Principal.
 - d. The employee shall not be permitted to resume work until he/she has submitted to the Building Principal a written report from his/her personal physician or the physician who initially examined him/her certifying that he/she is physically and mentally able to return to work.



- e. If the report indicates a positive diagnosis, a Violence, Vandalism, and Substance Abuse Incident Report shall be completed by the Principal.

- f. If the report indicates a positive diagnosis, the following sanctions apply:

First offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for three required sessions. A report from the agency must be submitted to the Superintendent within one week after the third counseling session. A warning letter from the Superintendent will be placed in the employee's personnel folder.

Second offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for five sessions. A report from the agency must be submitted to the Superintendent within one week after the fifth counseling session. A letter of reprimand will be placed in the employee's personnel folder advising him/her that a third incident will result in a suspension without pay and a loss of an increment for the following year.

Third offense: Provided the employee is not dismissed, the employee must enroll in a certified rehabilitation program. A letter must be sent to the Superintendent at the conclusion of the treatment programs. Also, the employee will be suspended for a week without pay and lose his/her increment the following year.

Fourth offense: Provided the employee is not dismissed, the employee will have a hearing before the Board in which a decision will be rendered by the Board relating to the continued employment of the employee.

- g. If the employee is suspected of substance abuse or use and, in the judgment of the Board of Education, and/or its agents, shows evidence of deviation from normal, physical or mental health, the Board may require the employee to undergo a physical examination in accordance with N.J.S.A. 18A:16-2, 18A:16-3 and N.J.A.C. 6:29-7.4(f). An employee who fails to comply with this requirement shall be subject to discipline.



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Substance Abuse

3. If the employee refuses to be examined for suspected substance abuse, the supervisor will notify the Superintendent immediately, or in his/her absence, his/her designee. The Superintendent or designee shall request the school employee leave the school premises immediately. If the school employee refuses to leave the school premises when required, the appropriate law enforcement agency will be called and a police report will be filed.
- D. Procedures to be followed when an employee is found in possession of, and/or selling/distributing alcohol, anabolic steroids, and/or a controlled dangerous substance as defined by New Jersey Statutes and/or Codes.
1. A report will be immediately filed with the appropriate law enforcement agency if any employee is found to be using, be in possession of, or selling illicit drugs, alcohol, or anabolic steroids on the school's premises or as part of any school function.
 2. If in the course of any investigation by the appropriate law enforcement agency, an employee is arrested by the police, he/she will be immediately suspended from work with pay until a Board hearing can be arranged for further disciplinary action.
 3. Should the employee be found guilty of a criminal offense, he/she will have a Board hearing at which time the Board will render a decision regarding disciplinary action. He/she may be suspended without pay, lose an increment, be required to attend a rehabilitation program, or be terminated from employment.
- E. Any school staff member(s) who in good faith reports an employee to the Principal or the school medical inspector or the school nurse in an attempt to help such person cure his/her dependency upon or illegal use of controlled dangerous substance(s) as defined by N.J.S.A. 2A:170-25-9 and N.J.S.A. 24:21-2 shall not be liable in civil damages as a result of making any such report as specified in N.J.S.A. 2A:62A-4. Alcohol and anabolic steroids are not listed as a controlled, dangerous substance by statute or code.

N.J.S.A. 2C:33-15 et seq.

N.J.S.A. 24:21-2 et seq.

42 C.F.R. II

34 C.F.R. 85.600 et seq.

20 U.S.C.A. 1145g, 3224a

41 U.S.C.A. 701 et seq.

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R 4220 EVALUATION OF SUPPORT STAFF MEMBERS

A. Evaluator

The observation and evaluation of support staff members will be conducted by the employee's immediate supervisor or the Principal, as specified by the Superintendent.

B. Evaluation Criteria

1. Evaluation criteria for each position will derive from the job description for the position and relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:
 - a. Briefly stated and focused on major responsibilities of the position as well as the employee's attitude towards the job and his/her interpersonal relations on the job;
 - b. Based on observable information rather than on factors requiring subjective judgment;
 - c. Generic, covering a number of specific positions;
 - d. Designed to make note of an employee's strengths as well as weaknesses; and
 - e. Written in the same format and in a direct, simple style.
2. Maintenance of job evaluation criteria will be the responsibility of the immediate supervisor. Evaluation criteria will be reviewed, and
 - a. Whenever the corresponding job description is revised, or
 - b. On the request of a majority of persons holding a particular job.
3. Each support staff member will be sent a copy of the current evaluation criteria for his/her position by the immediate supervisor. Any revisions will be provided to each holder of that job within thirty working days of its adoption.



4. Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.

C. Collection of Evaluation Data

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

1. Direct observation of the support staff member in the course of performing an assigned duty;
2. Review of a product from the support staff member that results from the performance of his/her assigned duties;
3. Interviews of the support staff member regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments such as competency tests;
5. Audio visual monitoring of the support staff member in the performance of his/her assigned duties; and
6. Reference to previous performance reports.

D. Observation Frequency

Support staff members will be evaluated at least one time annually.

E. Evaluation Procedures

1. Each observation will total not less than fifteen minutes. The evaluator shall record each separate instance of observation and the activity observed.
2. Each observation will be recorded on a separate form in triplicate.
3. A written evaluation of each support staff member will be prepared by the observer in triplicate and will be based, at least in part, on the observation(s) conducted.
4. A copy of the evaluation will be sent to the employee at least seventy-two hours prior to the evaluation conference.



5. The employee and the evaluator shall hold a conference to discuss the evaluation report during which the evaluator shall point out both the weaknesses and strengths of the employee.
 6. Both the evaluator and the employee shall sign each copy of the evaluation report. By signing the evaluation report the employee implies only that he/she has read and understands the document.
 7. The employee may prepare a written disclaimer to the evaluation report which will be appended to the report provided it is received by the evaluator not more than ten working days following the conference.
 8. The evaluator shall distribute copies of the evaluation report to the Superintendent.
- F. Individual Performance Improvement Plan
1. An Individual Performance Improvement Plan will be prepared for each support staff member to correct deficiencies and to encourage improvement.
 2. Performance improvement plans will derive from the applicable evaluation criteria and focus on weaknesses identified in the evaluation report.
 3. The Individual Performance Improvement Plan will be prepared in cooperation with the employee whenever possible and shall include:
 - a. Areas of required growth,
 - b. Methods of achieving that growth,
 - c. A schedule for implementation of those methods, and
 - d. The responsibility of the support staff member and the district for implementing the plan.
 4. At the time a Performance Improvement Plan is prepared, a review will also be made of the effort by the staff member to achieve the prior year's plan. The degree to which the employee achieved the requirements of the previous plan will be a measure of his/her performance.



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Evaluation of Support Staff Members

5. Copies of the Individual Performance Improvement Plan will be attached to the employee's evaluation report, given to the support staff member, and filed with the Superintendent's office.
6. It is the duty of the support staff member to implement the plan as prepared; his/her failure to do so may result in disciplinary action, including, where appropriate, dismissal.

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R 4230 OUTSIDE ACTIVITIES

A. Outside Employment

1. A full-time employee may engage in outside employment only when such employment does not:
 - a. Constitute a conflict of interest,
 - b. Occur at a time when the employee has assigned district duties, or
 - c. Diminish the employee's efficiency in performing assigned district duties.
2. A full-time employee who engages in employment outside the district shall report that employment to the Principal.

B. Private Enterprise

1. No employee may conduct activities on school district property designed to advance a private enterprise without the express permission of the Principal. Permission will not be given for solicitations or collections on behalf of a private enterprise.
2. No employee may, on school premises, advertise, recruit, or finance activities for pupils other than those expressly approved by the Board of Education. School property may not be used as the point of departure or arrival for any such privately arranged activity.

C. Outside Associations

Employees should avoid conduct and associations off the job that, if known, would have an adverse or harmful effect upon pupils or the instructional program.

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R 4233 POLITICAL ACTIVITIES

A. Prohibited Activities

The following political activities are prohibited on school district premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;
2. Distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;
3. Collection of and solicitation for campaign funds;
4. Solicitation for campaign workers;
5. Use of pupils for writing or addressing political materials or the distribution of such materials to or by pupils;
6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a district facility used on election day as a polling place; and
7. Any activity in the presence of pupils while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

B. Permitted Activities

The conduct of employee elections and any campaigning connected with those elections is permitted on school premises.

- #### C.
- Nothing in this Regulation shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or pupil.

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Employee Training

R 4240 EMPLOYEE TRAINING

- A. Programs of Job Skills Improvement
 - 1. The purpose of job skills improvement programs is to increase the knowledge, proficiency, ability, and skills of support staff employees.
 - 2. Training programs will be structured to meet the immediate needs of the district as well as the personal goals of the employees.
 - 3. Training programs for support staff members shall be developed by the Superintendent for implementation by the immediate supervisor.
- B. Determination of Training Needs
 - 1. The Principal and supervisors shall annually inventory the training needs of the employees under their supervision by determining whether:
 - a. Assignments are being carried out in a systematic and effective manner,
 - b. Policies of the Board and regulations of the district are being properly implemented,
 - c. Employee evaluations indicate a need for improvement,
 - d. Excessive waste or damage is occurring or safety methods are not being followed,
 - e. Employees have an opportunity to express their views on the manner in which assignments are performed, and
 - f. Career advancement training opportunities are available to employees.
 - 2. The immediate supervisor shall prepare a report of the training needs for the review of the Superintendent that shows:
 - a. Identified needs determined from the inventory;
 - b. Current programs that meet identified needs and areas in which current programs do not meet identified needs;



- c. Recommendations for on-the-job training procedures in areas in which a need is identified and no current program is available, and
- d. Recommendations for the use of off-the-job training programs known to meet district needs.

C. On-the-Job Training

- 1. On-the-job training is that given to employees while they are at their assigned work stations.
- 2. On-the-job training shall be directed primarily to new employees and those whose job responsibilities have been changed.
- 3. On-the-job training programs shall be developed by the immediate supervisor; the assistance of experts is encouraged with approval of the Superintendent.
- 4. Scheduling of training on the job will be the responsibility of the immediate supervisor.
- 5. The outcome of training on the job should be a higher level of performance by each affected employee.

D. Off-the-Job Training

- 1. Off-the-job training is that attended by employees during or after their regular job assignments but away from their assigned work stations.
- 2. Training off the job should generally be directed to those employees who have specialized workplace needs.
- 3. Suitable training programs shall be identified for support staff employees by the immediate supervisor with approval of costs by the School Business Administrator/Board Secretary.
- 4. Scheduling of off-the-job training will be the responsibility of the immediate supervisor.



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Employee Training

5. Allowable fees for attendance at off-the-job training programs shall be reimbursed upon the submission of an expense voucher to the School Business Administrator/Board Secretary in accordance with Policy No. 4440.
 6. Employees who are recompensed for costs of off-the-job training are expected to continue in their employment for at least one year. Prorata reimbursement will be required for shorter periods of employment.
- E. Training Effectiveness
1. Employees assigned to training off the job shall complete a district form designed to evaluate the effectiveness of the program.
 2. The immediate supervisor shall review the performance of each employee assigned training either on or off the job thirty to forty-five days following the completion of the program.
 3. The immediate supervisor shall report to the Superintendent on the effectiveness and cost of the training programs. He/She shall recommend continuation and discontinuance of programs as appropriate.

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R 4281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. Policy No. 4281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to pupils.

A. Definitions

1. “Building Principal” is the Principal of the building where the staff member is assigned.
2. “Grievance Procedure” is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.
3. “Hostile Environment Sexual Harassment” is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a pupil’s ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
4. The “immediate supervisor” for support staff members may be a Building Principal, a member of the school district’s non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.
5. “Inappropriate comments” includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a pupil’s clothing or physical appearance, comments with sexual overtones, comments regarding a pupil’s dating partner or comments about the staff member’s personal life that are not relevant to the professional responsibility of the school staff member.
6. “Inappropriate conduct” includes, but is not limited to, sexual misconduct, a request by a school staff member to a pupil for a social relationship outside the school staff/pupil relationship, sexually harassing conduct, inappropriate touching by the staff member to a pupil or permitting a pupil to inappropriately touch a staff member, corporal punishment, requesting a pupil to expose private parts of



their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a pupil. Inappropriate conduct also includes physical contact between a staff member and pupil that is beyond the staff member/pupil professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/pupil professional relationship. "Inappropriate conduct" does not include a hug initiated by a pupil as a sign of the pupil's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

7. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.
8. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.
9. "Quid Pro Quo Sexual Harassment" is when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
10. "Professional responsibility or responsibilities" is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.
11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Building Principal no later than seventy-two hours after the required reporting time.



12. “Sexual Harassment” is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.
13. “Staff member” or “school staff member” is a compensated and/or uncompensated member of the school district’s staff, including any agents and/or representatives of the school district.
14. “Unannounced or uninvited visit” is a pupil visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member’s residence and/or other place where the staff member may be when not performing school related professional responsibilities.

B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal or immediate supervisor.
2. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a pupil beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal or immediate supervisor.
3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal or immediate supervisor.
4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.
5. Any pupil, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Building Principal.
6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.



7. School staff having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal or immediate supervisor after making such report.

C. Investigation of Reports

1. An immediate supervisor or Building Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Chief School Administrator.
2. The School Business Administrator/Board Secretary will begin a prompt and thorough investigation of every report.
3. The School Business Administrator/Board Secretary or the Chief School Administrator will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services if there is reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

D. Preliminary Investigation of Reports by Others

1. The School Business Administrator/Board Secretary will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the School Business Administrator/Board Secretary received the report.
2. The School Business Administrator/Board Secretary preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any pupils who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and pupil(s) reported to have engaged in conduct prohibited by this Policy and Regulation.



3. The School Business Administrator/Board Secretary will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.
4. If, based on a preliminary investigation, the School Business Administrator/Board Secretary determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. The School Business Administrator/Board Secretary will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.
5. If, based on a preliminary investigation, the School Business Administrator/Board Secretary deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the pupil indicated in the report upon request.

E. Full Investigation

1. The School Business Administrator/Board Secretary, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 and/or local law enforcement.
2. The School Business Administrator/Board Secretary will conduct the full investigation if the Division of Youth and Family Services and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-10.2 et seq. for reporting to the Division of Youth and Family Services and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.



3. The full investigation will include, but not be limited to, interviews with the staff member(s), pupils, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.
4. The School Business Administrator/Board Secretary will accept testimony and evidence from the staff member(s), pupil(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.
5. All persons that provide information, testimony and evidence to the School Business Administrator/Board Secretary relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Chief School Administrator.
6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the School Business Administrator/Board Secretary] will prepare a written report to the Chief School Administrator. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the School Business Administrator/Board Secretary.
7. If the School Business Administrator/Board Secretary full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Chief School Administrator concurs with the report's findings, the School Business Administrator/Board Secretary will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) investigated to review the findings.
8. If the School Business Administrator/Board Secretary full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Chief School Administrator concurs with the report's findings, the Chief School Administrator may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:



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Inappropriate Staff Conduct

- a. Provide the staff member an opportunity to rebut the findings of the School Business Administrator/Board Secretary full investigation report and findings;
 - b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;
 - c. Not recommend the staff member be re-appointed for the next school year;
 - d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;
 - e. Institute tenure charges (if applicable) in accordance with N.J.A.C. 6A:3-5 – Charges Under Tenure Employees' Hearing Act; and/or
 - f. Recommend to the Board of Education any other disciplinary measures as the Chief School Administrator determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.
9. If the Chief School Administrator does not concur with the findings of the School Business Administrator/Board Secretary full investigation, the Chief School Administrator may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the School Business Administrator/Board Secretary, a discussion with the pupil(s) and parent(s)/legal guardian(s) and any activity the Chief School Administrator believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Chief School Administrator will proceed consistent with paragraph 7. and 8. above.
 10. Any person who is not satisfied with the Chief School Administrator's determination may appeal to the Board of Education.

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**R 4321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND
RESOURCES BY SUPPORT STAFF MEMBERS**

The school district provides computer equipment, computer services, and Internet access to its pupils and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The “system administrators” referred to herein as employees of the school district who administer the school district computer network(s)/computers and the system administrators reserve the right to monitor all activity on network(s)/computer facilities/computers.

Because of the complex association between so many government agencies and computer network(s)/computers, support staff members must adhere to strict regulations. Regulations are provided here so that support staff members are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Support staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing support staff members behavior and communications apply. The school district’s network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to support staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the district computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with district standards. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

Computer network(s)/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network(s)/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private. Users should expect all files stored on district servers will be available for review by school administrators.

Within reasonable limits, freedom of speech and access to information will be honored.



Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/ computers;
5. Violating copyright laws;
6. Using another's password;
7. Trespassing in another's folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any non-school related business or solicit the performance of any activity which is prohibited by law or is non-educational.



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While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide pupil access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Support staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise pupil use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Support staff members should discipline pupils knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform pupils that such activities may result in termination of such pupils' accounts on the computer network(s) and their independent use of computers.

On-line Conduct

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

Users agree to indemnify the Beverly City School District and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network(s)/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.

Software Libraries on the Network(s)

Software libraries on the network(s) are provided to support staff members as an educational resource. No support staff member may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network(s)/computers (e.g., computer



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viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network(s)/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

Public Posting Areas (Message Boards/Usenet Groups)

Usenet and Internet Relay Chat Room messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network(s). The system administrators or the school administration, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators or the school administration, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network(s)/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat) etc.

Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject



to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A member who exceeds his/her quota of disk space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network(s), the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network(s)/computers or may be terminated as a user and be subject to other disciplinary action.



Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network(s)/computers that are connected to the Internet backbone or of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.

Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation No. 4321, Support Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy No. 4150, Support Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Principal in matters relating to the use of computer network(s)/computers and by the Superintendent or designee in matters of discipline or employee suspension or actions by the authorities deemed to be the appropriate course of action.

Individuals violating this policy shall be subject to the consequences as indicated in Policy No. 2361 and other appropriate discipline which includes but are not limited to:

1. Use of Computer Network(s)/Computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;



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5. Revocation of computer privileges;
6. Suspension from employment;
7. Legal action and prosecution by the authorities.

Decisions of the administration may be appealed in accordance with the appropriate employee grievance procedure.

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R 4352 SEXUAL HARASSMENT OF SUPPORT STAFF MEMBERS COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.
2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.
3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

1. Reporting of Sexual Harassment Conduct
 - a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.



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- b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or telephone call.
 - c. A report to the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
 - d. In the event the report alleges conduct by the Building Principal or the Affirmative Action Officer, the Superintendent will designate a school official to assume the Building Principal's or Affirmative Action Officer's responsibilities, as outlined in Policy No. 4352 and this Regulation.
2. Affirmative Action Officer's Investigation
- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
 - b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.
 - c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.
 - d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.



- e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation No. 4352 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.
 - f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
 - g. The Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if there is potential criminal conduct by any party.
 - h. The school district administration may take interim measures during an Affirmative Action Officer's investigation of a complaint.
 - i. The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.
3. Investigation Results
- a. Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the person(s) providing notice to the school district and the staff member(s) who was alleged to be sexually harassed.
 - b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
 - c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
 - d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.



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- e. In the event the Affirmative Action Officer determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The school district may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.
 - f. In some situations, the school district may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.
 - g. The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.
 - h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.
4. Affirmative Action Officer's Investigation Appeal Process
- a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.



- b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

C. Office Of Civil Rights (OCR) Case Resolution

Persons not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).
2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of school staff members, OCR will consider whether:
 - a. The school district has a policy prohibiting sexual harassment and a grievance procedure;
 - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
 - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

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R 4425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM –
SUPPORT STAFF MEMBERS

The Modified Duty Early Return to Work Program shall be administered by the School Business Administrator/Board Secretary, the district's designated Workers' Compensation Coordinator.

A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office in the school building and in the Coordinator's office.
2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or the workers' compensation physician.
 - a. In the event the injury requires immediate medical treatment, the staff member may be directed to the workers' compensation physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.
 - b. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:
 - (1) Go to the hospital emergency room; and
 - (2) Notify their immediate supervisor as soon as possible after the injury.
 - c. In the event the injured staff member goes to the hospital emergency room when school is closed, the staff member must report the injury to the Coordinator the next business day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.



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- d. In the event the staff member gets injured when school is closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:
 - (1) Immediately notify their immediate supervisor; and
 - (2) Notify the Coordinator's office the next business day.
 3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.
 - a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.
 4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.
 5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.
- B. Physician's Workers' Compensation Examination and Evaluation
1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school district.
 2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.



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3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.

C. Modified Duty Restriction

1. There is no permanent modified duty and all modified duty positions are temporary.
2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.
3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.
4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.
5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.
6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.

D. Assignment of Job Tasks

1. Assigning modified duty to staff members will be decided on a case-by-case basis.
2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.



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3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.
 4. There is no restriction on the school district location or the type of modified duties assigned to a staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.
 5. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.
- E. Staff Member Requirements
1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.
 2. Staff members are required to follow the Coordinator's directives regarding:
 - a. Job assignments and tasks;
 - b. Attending scheduled doctors' appointments; and
 - c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.
- F. Compliance With Laws
- The Modified Duty Early Return To Work Program shall be administered consistent with the applicable federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

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Sick Leave

R 4432 SICK LEAVE

A. Eligibility for Sick Leave

1. Each person steadily employed by this district will be paid in full, to the limit of his/her entitlement, for days on which the employee is absent from work because of:
 - a. Personal disability due to the employee's illness or injury;
 - b. The employee's exclusion from school by the school district's medical authorities on account of a contagious disease; or
 - c. The employee's having been quarantined for a contagious disease in his/her immediate household.
2. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee:
 - a. Has engaged in or prepared for gainful employment with an employer other than the Board;
 - b. Has participated in a concerted work stoppage; or
 - c. Has engaged in any activity, vocational or avocational, that clearly refutes the employee's claim of disability or quarantine.

B. Call in Procedures

1. An employee who anticipates a day of disability should make every reasonable effort to so notify his/her immediate supervisor no later than the day before the absence, to allow sufficient time for the securing of any substitute services that may be required.
2. Notice of the disability should include a reasonable estimate of the duration of the disability.



3. In all instances, the employee should call personally to report sick leave. An agent may be appointed to call in sick leave only when the employee is so incapacitated as to make a personal call inadvisable or impossible.

C. Sick Leave Charges

1. A sick leave absence commences when the absence is called in pursuant to paragraph B.
 - a. An employee who leaves school early because of a disability will not be charged with a sick leave day provided the absence commences after the hour of 12:30 p.m.
 - b. A school bus driver who reports a disability after the morning bus runs are completed will be charged only one-half a sick leave day.
2. A sick leave day once commenced may be reinstated as a working day only with the approval of the Chief School Administrator.
3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.
4. An employee scheduled for a sick leave absence on a day on which the school does not open because of an emergency (such as a snow day) will not be charged with a sick leave day.

D. Exhaustion of Sick Leave

1. The business office will monitor each employee's sick leave bank and charge the employee's bank of accumulated sick leave with sick leave days in accordance with Policy No. 4432 and this regulation.
2. When it is apparent that an employee on extended sick leave will utilize the last sick leave day to which he/she is entitled by the next pay period, the business office will so inform the employee by written notice. The notice will include a statement of the employee's right to request the Board for an extension of sick leave.



SUPPORT STAFF MEMBERS

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Sick Leave

3. A request for the extension of sick leave should be submitted to the Chief School Administrator at least 1 week in advance of the next Board meeting. The request must be accompanied by a physician's signed statement setting forth the nature and anticipated duration of the employee's disability.
 4. An employee who anticipates an extended period of disability may apply to the Board for a disability leave of absence, during which the employee will receive no compensation or benefits, pursuant to Policy No. 4431.
 5. Employees are reminded that sick leave extensions and disability leaves of absence are not entitlements and will be granted or denied by the Board on a case by case basis.
- E. Records
1. The personnel file of each person employed by this district will include an accurate record of the employee's attendance in accordance with Policy No. 4211.
 2. Each employee's attendance record will record the reason for any absence.
 3. The attendance record will include the accumulated unused sick leave in the employee's sick leave bank.

Issued: 15 September 2010



REGULATION

BEVERLY CITY BOARD OF EDUCATION

PUPILS
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R 5000 PUPILS

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R 5850	Social Events and Class Trips



R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

A. Definitions

1. "Affidavit pupil" means a pupil attending, or seeking to attend, school pursuant to N.J.S.A. 18A:38-1(b) and N.J.A.C. 6A:22-3.1(a)2.
2. "Commissioner" means the Commissioner of Education or his/her designee.
3. "Parent" means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, and person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child's welfare.

B. Eligibility to Attend School – Pupils Domiciled in the District

1. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the pupil is domiciled within the district:
 - a. A pupil is domiciled in the district when he or she is living with a parent(s) or legal guardian(s) whose permanent home is located within the district. A home is permanent when the parent(s) or legal guardian(s) intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.
 - (1) Where a pupil's parent(s) or legal guardian(s) are domiciled within different districts, and where there is no court order or written agreement between the parent(s) or legal guardian(s) designating the district for school attendance, the pupil's domicile is the district of the parent with whom the pupil lives for the majority of the school year, regardless of which parent has legal custody.
 - (2) Where a pupil's physical custody is shared on an equal-time, alternating week/month or other similar basis such that the pupil is not living with one parent for a majority of the school year, and where there is no court order or written agreement between the parents designating the district for school attendance, the pupil's domicile is the present domicile of the parent with whom the pupil resided on the last school day prior to October 16 preceding the date of the application.



- (a) If a pupil resided with both parents, or with neither parent, on the last school day prior to the preceding October 16, the pupil's domicile is the domicile of the parent with whom the parents indicate the pupil will be residing on the last school day prior to the ensuing October 16. Where the parents do not designate, or cannot agree upon, the pupil's likely residence as of that date, or if on that date the pupil is not residing with the parent previously indicated, the pupil will attend school in the district where the parent with whom the pupil is actually living as of the last school day prior to October 16 is domiciled.
 - (b) The district shall not be required to provide transportation for a pupil residing outside the district for part of the school year, other than that based upon the home of the parent domiciled within the district to the extent required by law, as a result of being the district of domicile for school attendance purposes pursuant to the provisions of this section.
- b. A pupil is domiciled in the district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or legal guardian and has established a permanent home within the district. A home is permanent when the pupil intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.
- c. A pupil is domiciled in the district when the pupil has come from outside the state and is living with a person domiciled in the district who will be applying for legal guardianship of the pupil upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-30(e) and N.J.S.A. 2A:34-31. However, any such pupil may later be subject to removal proceedings if application for legal guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period.
- d. A pupil is domiciled in the district when his or her parent(s) or legal guardian(s) resides within the district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.



- e. A pupil is domiciled in the district if the Division of Youth and Family Services in the Department of Human Services is acting as the pupil's legal guardian and has placed the pupil in the district.
 - 2. When a pupil's dwelling is located within two or more local school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the district of domicile for school attendance purposes will be that of the municipality to which the resident pays the majority of his or her property tax, or to which the majority of property tax for the dwelling in question is paid by the owner of a multi-unit dwelling.
 - a. Where property tax is paid in equal amounts to two or more municipalities, and where there is no established assignment for pupils residing in the affected dwellings, the district of domicile for school attendance purposes will be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4 et seq. This provision shall not preclude the attendance of currently enrolled pupils who were permitted to attend school in the district prior to the provision's initial promulgation on December 17, 2001.
- C. Eligibility to Attend School – Other Pupils Eligible to Attend School
- 1. A pupil is entitled by law to a free public education in the district if that pupil is kept in the home of a person other than the pupil's parent(s) or legal guardian(s), where the person is domiciled in the school district and is supporting the pupil without remuneration as if the pupil were his or her own child;
 - a. A pupil is not eligible to attend school in this district pursuant to this provision unless:
 - (1) The pupil's parent(s) or legal guardian(s) has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the pupil due to family or economic hardship and that the pupil is not residing with the other person solely for the purpose of receiving a free public education; and
 - (2) The person keeping the pupil has filed, when required by the district:



- (a) A sworn statement that he or she is domiciled within the district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the pupil relative to school requirements; and
 - (b) A copy of his or her lease if a tenant, or a sworn landlord's statement if residing as a tenant without a written lease.
 - b. A pupil shall not be deemed ineligible under this section because required sworn statements(s) cannot be obtained, where evidence is presented that the underlying requirements of the law are being met notwithstanding the inability of the resident or pupil to obtain the sworn statement(s).
 - c. A pupil shall not be deemed ineligible under this section where evidence is presented that the pupil has no home or possibility of school attendance other than with a non-parent district resident who is acting as the sole caretaker and supporter of the pupil.
 - d. A pupil shall not be deemed ineligible under this section solely because a parent(s) or legal guardian(s) gives gifts or makes limited contributions, financial or otherwise, toward the welfare of the pupil, provided the resident keeping the pupil receives no payment or other remuneration from the parent(s) or legal guardian(s) for regular maintenance of the pupil.
2. A pupil is entitled by law to a free public education in the district if the pupil is kept in the home of a person domiciled in the district, other than the parent(s) or legal guardian(s), where the parent(s) or legal guardian(s) 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. Eligibility under this provision shall cease at the end of the current school year upon the parent(s) or legal guardian(s) return from active military duty.
3. A pupil is entitled by law to a free public education in the district if the pupil's parent(s) or legal guardian(s) temporarily resides within the district, notwithstanding the existence of a domicile elsewhere:
- a. The parent or legal guardian, when required by the district, shall demonstrate that such temporary residence is not solely for purposes of a pupil's attending school within the district of temporary residence;



- b. Where one of a pupil's parents temporarily resides in the district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school will be determined in accordance with N.J.A.C. 6A:22-3.1(a)1i. However, no pupil shall be eligible to attend school based upon a parent's temporary residence in a district unless the parent(s) or legal guardian(s) demonstrates, when required by the district, that such temporary residence is not solely for purposes of a pupil's attending school within the district.
- 4. A pupil is entitled by law to a free public education in the district:
 - a. If the pupil's parent(s) or legal guardian(s) moves to another district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2, Education of Homeless Children;
 - b. If the pupil is placed in the home of a district resident by court order pursuant to N.J.S.A. 18A:38-2;
 - c. If the pupil previously residing in the district parent(s) or legal guardian(s) 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 N.J.S.A. 18A:38-3(b); and
 - d. If the pupil resides on federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

D. Housing and Immigration Status

- 1. The physical condition of an applicant's housing, or an applicant's compliance with local housing ordinances or terms of lease will not affect eligibility to attend school.
- 2. Immigration/visa status shall not affect eligibility to attend school for a pupil who is domiciled in the district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6:22-3.2 and the pupil shall be enrolled without regard to, or inquiry concerning, immigration status. However, the provisions of N.J.S.A. 18A:38-1 shall not apply to pupils who have obtained or are seeking to obtain a Certificate of Eligibility for Nonimmigrant Status (INS form I-20) from the district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1 Visa").



- E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22-1.1 et seq. will be construed to limit the discretion of the Board to admit nonresident pupils, or the ability of a nonresident pupil to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3(a).
- F. Proof of Eligibility
 - 1. The district shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a pupil's eligibility for enrollment in the district:
 - a. Property tax bills, deeds, contracts of sale, leases, mortgages, signed letters from landlords and other evidence of property ownership, tenancy or residency;
 - b. Voter registrations, licenses, permits, financial account information, utility bills, delivery receipts, and other evidence of personal attachment to a particular location;
 - c. Court orders, State agency agreements and other evidence of court or agency placements or directives;
 - d. Receipts, bills, cancelled checks, insurance claims or payments, and other evidence of expenditures demonstrating personal attachment to a particular location, or, where applicable, to support of the pupil;
 - e. Medical reports, counselor or social worker assessments, employment documents, unemployment claims, benefit statements, and other evidence of circumstances demonstrating, where applicable, family or economic hardship, or temporary residency;
 - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, legal guardian, person keeping an "affidavit pupil," adult pupil, person(s) with whom a family is living, or others as appropriate;
 - g. Documents pertaining to military status and assignment; and
 - h. Any other business record or document issued by a governmental entity.



2. The district may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by a person seeking to enroll a pupil.
3. The district shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form of documentation, or a particular subset of documents, without regard to other evidence presented.
4. The district shall not require or request, as a condition of enrollment in school, any information or document protected from disclosure by law, or pertaining to criteria which are not legitimate bases for determining eligibility to attend school. These include:
 - a. Income tax returns;
 - b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b);
 - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
 - d. Social security numbers.
5. Documents or information of the type referenced in paragraph 4 above, or pertinent parts thereof, may be voluntarily disclosed by the person seeking enrollment. However, the district may not, directly or indirectly, require or request such disclosure as a condition of enrollment.

G. Initial Assessment and Enrollment

1. The district shall use registration forms provided by the Commissioner, or locally developed forms that:
 - a. Are consistent with the forms provided by the Commissioner;
 - b. Do not seek information prohibited by any provision of statute, Code or rule;



- c. Summarize the criteria for attendance set forth in N.J.S.A. 18A:38-1 for applicant reference, and specify the nature and form of any sworn statements to be filed;
 - d. Clearly state the purpose, in relation to such criteria, for which requested information is being sought; and
 - e. Provide notice to applicants that any initial determination of eligibility is subject to a more thorough review and re-evaluation, and that there is a potential for assessment of tuition in the event that an initially admitted applicant is later found ineligible.
2. The district shall ensure that sufficient numbers of registration forms, and sufficient numbers of trained registration staff, are available to ensure prompt determinations of eligibility and enrollment.
 - a. If the district uses separate forms for "affidavit pupil" applications, rather than a single form for all types of application for enrollment, such forms shall comply in all respects with the provisions of G.1. above. Where such forms are used, the district shall provide them to any person attempting to register a pupil of whom he or she is not the parent(s) or legal guardian(s), whether or not they are specifically requested. The district shall not demand or suggest that legal guardianship or custody shall be obtained before enrollment will be considered for a pupil living with a person other than the parent(s) or legal guardian(s), nor shall they demand or suggest that "affidavit pupil" proofs be produced by an applicant seeking to enroll a pupil of whom the applicant has legal guardianship or custody.
 - b. The district level school administrator designated by the Superintendent shall be available, and clearly identified to applicants, to assist persons who are experiencing difficulties with the enrollment process.
3. Initial determinations of eligibility shall be made upon presentation of an application for enrollment, and enrollment shall take place immediately in all cases except those of clear, uncontested denials.
 - a. Where an applicant has provided incomplete, unclear or questionable information, enrollment shall take place immediately, but the applicant shall be placed on notice that removal will result if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.



- b. Where an applicant appears ineligible based on information provided in the initial application, a preliminary written notice of ineligibility shall be provided, 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 district's determination and an intent to appeal to the Commissioner.
 - (1) A pupil enrolled pursuant to this provision will be notified that he or she will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.
4. Where enrollment is denied and no intent to appeal is indicated, applicants shall be advised that they shall comply with compulsory education laws and shall, where the pupil is between the ages of six and sixteen, be asked to complete a written statement indicating the pupil will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement from the parent or legal guardian, the district level school administrator designated by the Superintendent shall notify the school district of actual domicile or residence, or the Division of Youth and Family Services based on "neglect" pursuant to N.J.S.A. 9:6-1, with the pupil's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission to the district based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere, for purposes of ensuring compliance with such laws.
5. Where enrollment is denied and an intent to appeal is indicated, or where enrollment is provisional subject to further review or information, enrollment or attendance at school will not be conditioned on advance payment of tuition in whole or part.
6. The Superintendent or designee, shall ensure that information suggesting an applicant may be homeless is identified during the registration process, so that, where appropriate, procedures may ensue in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the district shall not be denied based upon absence of the certified copy of birth certificate or other proof of a pupil's identity required within thirty days of initial enrollment pursuant to N.J.S.A. 18A: 36-25.1.



8. Enrollment in the district shall not be denied based upon absence of pupil medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of pupils, N.J.A.C. 8:57-4.
 9. Enrollment in the district, attendance at school, or educational services where attendance in the regular education program appears inappropriate, shall not be denied based upon absence of a pupil's prior educational record. However, the applicant shall be advised that the initial educational placement of the pupil may be subject to revision upon receipt of records or further assessment of the pupil by the district.
- H. Notice of Ineligibility
1. If the district finds the applicant ineligible to attend the school pursuant to N.J.A.C. 6A:22-1.1 et seq., or the application initially submitted is found to be deficient upon subsequent review or investigation, notice shall immediately be provided to the applicant consistent with sample form(s) to be provided by the Commissioner. Notices shall be in writing, in English and in the native language of the applicant, issued by the Superintendent and directed to the address at which the applicant claims to reside.
 2. Notices of ineligibility shall include:
 - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made, sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal. Such description shall identify the specific section of N.J.S.A. 18A:38-1 under which the application was decided;
 - b. In cases of provisional eligibility, a clear description of the missing documents or information that shall be provided in order to attain final eligibility status under the applicable provision of N.J.S.A. 18A:38-1;
 - c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the date of the notice, along with an informational document provided by the Commissioner describing how to file an appeal;
 - d. A clear statement that the pupil is entitled to attend school for the twenty-one day period during which an appeal can be made to the Commissioner, but that, if missing information is not provided or an appeal is not filed, the pupil shall not be permitted to attend school beyond the 21st day following the date of the notice;



- e. A clear statement that the pupil is entitled to continue attending school during the pendency of an appeal to the Commissioner;
- f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating entitlement to attend the school, or the applicant abandons the appeal through withdrawal, failure to prosecute or any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
- g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal;
 - (1) If removal is based on the pupil having moved from the district, the notice of ineligibility shall also provide information as to whether district policy permits continued attendance, with or without tuition, for pupils who move from the district during the course of the school year.
- h. The name of a contact person in the district who can provide assistance in explaining the contents of the notice; and
- i. Notice that, where no appeal is filed, the parent(s) or legal guardian(s) must still comply with compulsory education laws, and that, in the absence of a written statement from the parent(s) or legal guardian(s) that the pupil will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than at a school, the district level administrator designated by the Superintendent shall notify the school district of actual domicile/residence, or the Division of Youth and Family Services based on “neglect” pursuant to N.J.S.A. 9:6-1, of the pupil’s name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission to the district based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere, for purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25).



I. Removal of Currently Enrolled Pupils

1. Nothing in N.J.A.C. 6A:22-1.1 et seq. and this Regulation shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, pupils enrolled in the district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.
2. When a pupil, enrolled and attending school in the district, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the pupil.
 - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, such notice shall also provide for a hearing before the Board prior to a final decision on removal.
3. No pupil shall be removed from school unless the parent, legal guardian, adult pupil or resident keeping an "affidavit pupil," as the case may be, has been informed of his or her entitlement to a hearing before the Board of Education.
4. Once the hearing is held, or if the parent, legal guardian, adult pupil or resident keeping an "affidavit pupil," as the case may be, does not respond to the Superintendent's notice within the designated time frame or appear for hearing, the Board shall make a prompt determination of the pupil's eligibility or ineligibility and shall immediately provide notice thereof in accordance with the requirements of N.J.A.C. 6A:22-4.2.
5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 et seq. may be conducted by a committee, at the discretion of the full Board, which will make a recommendation to the full Board for action. No pupil may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

J. Appeal to the Commissioner

1. A district determination that a pupil is ineligible to attend the school may be appealed to the Commissioner by the parent, legal guardian, adult pupil or resident keeping an "affidavit pupil," as the case may be. Such appeals shall proceed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 et seq. Appeals of "affidavit pupil" eligibility determinations shall be filed by the resident keeping the pupil.



K. Assessment and Calculation of Tuition

1. If no appeal to the Commissioner is filed following notice of a determination of ineligibility, the Board may assess tuition for any period of a pupil's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.
 - a. The district may obtain an order of the Commissioner of Education for tuition, enforceable pursuant to N.J.S.A. 2A:58-10 through recording on the judgment docket of the Superior Court, Law Division, by filing a petition of appeal pursuant to N.J.A.C. 6A:3.
2. If an appeal to the Commissioner is filed, where the appellant does not sustain the burden of demonstrating entitlement to attend the school, or abandons the appeal through withdrawal, failure to prosecute or any means other than settlement agreeing to waive or reduce tuition, the Commissioner may order assessment of tuition for any period of a pupil's ineligible attendance in a district, including the twenty-one day period for filing of an appeal and the period during which the hearing and decision on appeal were pending.
 - a. An order of the Commissioner is enforceable through recording on the judgment docket of the Superior Court, Law Division, pursuant to N.J.S.A. 2A:58-10.
3. Tuition assessed pursuant to the provisions of this section shall be calculated on a per pupil basis for the period of a pupil's ineligible enrollment, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23-3.1. The individual pupil's record of daily attendance shall not impact on such calculation.
4. Nothing in N.J.A.C. 6A:22-1.1 et seq. precludes an equitable determination, by the Board or the Commissioner, that, when the particular circumstances of a matter so warrant, tuition shall not be assessed for all or part of any period of a pupil's ineligible attendance in the district.

Issued: 15 September 2010



R 5116 EDUCATION OF HOMELESS CHILDREN

A. Definitions

1. “District liaison for the education of homeless children” means the person identified in each school district that facilitates all of the activities needed to ensure the enrollment of homeless children.
2. “District of residence” means the district in which the parent last resided prior to becoming homeless.
3. “Homeless child” means a child or youth who lacks a fixed, regular and adequate residence, pursuant to N.J.S.A. 18A:7B-12 and N.J.A.C. 6A:17-2.3.
4. “Parent” means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, and person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child’s welfare.
5. “Superintendent” means Superintendent and/or Chief School Administrator.

B. Determination of Homeless Status

1. The district will determine a child is homeless when he or she resides in any of the following:
 - a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers.
 - b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles excluding mobile homes; tents or other temporary shelters; temporary shelters provided to migrant workers and their children on farm sites.
 - c. The residence of relatives or friends with whom the homeless child is temporarily residing out of necessity because the family lacks a regular or permanent residence of its own.



C. Responsibilities of the District of Residence

1. The district of residence for a homeless child is responsible for the education of the child and will:
 - a. Determine the district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.6;
 - b. Pay the cost of tuition pursuant to N.J.A.C. 6A:23-3.1 when the child attends school in another district; and
 - c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.
2. The determination of the homeless child's district of residence will be made by the Superintendent or designee of the school district(s) involved pursuant to N.J.A.C. 6A:17-2.5. This determination will be based upon information received from the parent, the Department of Human Services, a shelter provider, another school district, an involved agency or a case manager.
3. The district Board of Education identified as the district of residence in accordance with N.J.S.A. 18A:7B-12 for a homeless child is the district of residence for as long as the parent remains homeless.

D. Designation of District Liaisons and Their Responsibilities

1. The Superintendent identifies the Director of Pupil Personnel Services as the district liaison for the education of homeless children. The liaison will facilitate communication and cooperation between the district of residence and the district where the homeless child is temporarily residing. The district liaison will develop procedures to ensure a homeless child temporarily residing in the district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.6.
2. When a homeless child is living temporarily in a school district, the district liaison, upon receiving notification from the parent, the Department of Human Services, a shelter director, an involved agency, or a case manager, will notify the liaison of the district of residence within twenty-four hours of the notification.
3. Upon notification of the need for enrollment of a homeless child, the liaison in the district of residence will coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.6(b).



E. District Enrollment

1. The Superintendent or designee of the district of residence will decide in which district the homeless child will be enrolled as follows:
 - a. To continue the homeless child's education in the school district of last attendance if the district of last attendance is not the district of residence;
 - b. To enroll the homeless child in the district of residence; or
 - c. To enroll the homeless child in the school district where the child is temporarily living.
2. The Superintendent of the district of residence will decide the district of enrollment of a homeless child based on what is determined to be in the best interest of the child after considering:
 - a. The continuity of the child's educational program;
 - b. The preference of the parent as to where the child should attend school;
 - c. The eligibility of the child for special instructional programs, including but not limited to bilingual, gifted and talented, special education, early childhood and vocational programs; and
 - d. The distance, travel time, and safety factors in coordinating transportation services from the temporary residence to the school.
3. The Superintendent of the district of residence will determine the child's district enrollment in a timely manner after consultation with the parent as follows:
 - a. Enrollment decisions will be made within three school days of notification of the need for enrollment. When the decision is made, the child will be enrolled immediately; and
 - b. Consultation with the parent regarding the enrollment decision and the right to appeal the decision will be documented in writing.
4. When a decision is made to enroll the child in a district other than the district of residence, the Superintendent of the district of residence will forward to the new district all relevant school and health records. When the parent is homeless due to conditions of domestic violence, the transfer of pupil records will be subject to the provisions of N.J.A.C. 6:3-6.



5. When a homeless child with educational disabilities is enrolled in a district other than the district of residence, the child will be placed in a program consistent with the goals and objectives of the child's individualized educational program. Within thirty days after placement, the district where the child is placed will review and revise the individualized educational program pursuant to N.J.A.C. 6A:14.
 6. When the district of residence for a homeless child cannot be determined, the Superintendent of the district in which the child is temporarily residing will enroll the child immediately in the district of temporary residence or the district of last attendance.
- F. Parental Rights
1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.1 et seq.
- G. Disputes and Appeals
1. If a dispute occurs regarding the determination of homelessness, the Superintendent of the involved district(s) or the parent of the child will immediately notify the County Superintendent of Schools, who will decide the status of the child within two working days. If a dispute remains between the parent and the involved district(s) following the County Superintendent's determination, the parent or the involved Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3.
 2. If a district designated as the district of residence disputes such designation, or where no designation can be agreed upon by the involved districts, the Superintendents of the involved districts will immediately notify the County Superintendent of Schools who will make a determination within two working days. The district may appeal the County Superintendent's determination to the Department of Education pursuant to N.J.A.C. 6A:23-5.2 (d), (e), and (f).
 3. If a dispute occurs regarding the determination of the district of enrollment made by the district of residence, the Superintendent of the district of residence will immediately notify the County Superintendent of Schools. The County Superintendent will determine within two working days where the child will be enrolled based on the child's best interest pursuant to N.J.A.C. 6A:17-2.6(b).



- a. If the County Superintendent's decision is disputed, the Department of Education will provide for mediation as follows:
 - (1) The request must be made to the Department of Education in writing.
 - (2) Requests for mediation will cite the issues in dispute and the relief sought.
 - (3) A mediation conference must be conducted within five school days after the request is made at a time and place reasonably convenient to all parties in the dispute.
 - (4) If the mediation does not result in an agreement, an appeal may be made to the Commissioner of Education pursuant to N.J.A.C. 6A:3 et seq.
4. Any dispute or appeal shall not delay the homeless child's immediate entrance into school. The homeless child will be enrolled in the district designated by the County Superintendent pending resolution of the dispute or appeal.
5. Disputes and appeals involving the services provided to a homeless child with educational disabilities will be made pursuant to N.J.A.C. 6A:14.

H. Tuition

1. If the homeless child is enrolled in a district other than the district of residence, the district of residence will pay the costs of tuition for the child to that district pursuant to N.J.S.A. 18A:38-19 and N.J.A.C. 6A:23-3.1.
2. The district of residence will list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 for as long as the parent remains homeless and the child is enrolled in another school district.
3. If the district of residence cannot be determined for a homeless child or if the district of residence is outside of the State, the State will assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12(d). The State will pay the tuition to the school district in which the child is currently enrolled for as long as the child and his or her parent remain homeless.



- a. When the State assumes fiscal responsibility for the tuition of a homeless child, the State will pay to the district in which the child is enrolled the appropriate T&E amount, pursuant to N.J.S.A. 18A:7F-3, and any appropriate additional cost factor for special education, pursuant to N.J.S.A. 18A:7F-19.

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R 5130 WITHDRAWAL FROM SCHOOL

Every pupil in this district shall be encouraged to complete the program of instruction in which he/she is enrolled, in cooperation with school staff members. Although the enrollment and attendance of persons over the age of sixteen cannot be compelled by law, school personnel shall make every reasonable effort to determine whether the school is meeting the educational needs of a pupil who requests withdrawal.

A. Request for Permanent Withdrawal

1. The pupil must obtain a withdrawal form from the Main office to be taken home for the signature of his/her parent(s) or legal guardian(s).
2. The pupil must meet with the Building Principal to discuss the reasons for the requested withdrawal.
3. The Building Principal will review the pupil's file to determine whether the pupil has received the educational services to which he/she is entitled.
4. The pupil will be offered an exit conference with the Building Principal, at which the pupil will be informed of:
 - a. The desirability of continuing education at some future time toward the award of a high school diploma through an Adult High School Program,
 - b. The possibility of readmission until the pupil is twenty years of age (or, if the pupil is disabled, until the end of the school year in which his/her twenty-first birthday occurs),
 - c. The possibility of further education in the Armed Forces of the United States and the application of such training toward a high school diploma pursuant to N.J.A.C. 6:27-4.1, and
 - d. The continuing availability of high school counseling services.
5. The Building Principal will report the withdrawal and the reasons for the withdrawal to the Superintendent to satisfy state reporting requirements.



B. Transferring Pupils

1. A pupil requesting transfer to another school, public or private, must obtain from the Main office a transfer form for approval by the pupil's parent(s) or legal guardian(s).
2. A parent(s) or legal guardian(s) who withdraws a pupil from this district shall be asked to designate the name and location of the school or school district in which he/she intends to enroll the pupil. The Principal shall be alert to the receipt of a request for records from that school district, for the purpose of implementing Policy No. 8464.

C. Pupil's Responsibilities

A pupil who withdraws, permanently or by transfer, must:

1. Return all books, uniforms, and other school property to the appropriate school staff member, who shall give a proper receipt for returned items;
2. Clear out his/her locker(s) and turn in any locks owned by the district;
3. Clear any obligations, for materials or fines, to the school library;
4. Pay any fines due for damaged or lost textbooks; and
5. Submit a properly authorized withdrawal or transfer form.

D. Records

1. The records of a pupil who transfers to another school will be sent to that school in accordance with Regulation No. 8330.
2. The permanent records of a pupil who withdraws from school will be retained in accordance with Regulation No. 8330.

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R 5200 ATTENDANCE

A. Definitions

1. "Attendance" is a pupil's presence in school and in the classroom to which he/she is assigned at the times scheduled for instruction or other school activities.
 - a. A pupil will be considered to have attended school if he/she has been present at least four hours during the school day.
 - b. A Kindergarten pupil will be considered to have attended school if he/she has been present at least one-half the hours during the Kindergarten session to which the pupil is assigned.
 - c. A pupil not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.
2. "Excused absence" is a pupil's absence from school for a full day or a portion of a day for one or more of the following reasons:
 - a. The pupil's illness,
 - b. Family illness or death,
 - c. Educational opportunities,
 - d. Excused religious observances, pursuant to N.J.S.A. 18A:36-14 through 16,
 - e. Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans pursuant to N.J.A.C. 6A:16-2.3,
 - f. The pupil's suspension from school,
 - g. The pupil's required attendance in court,



- h. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day, and
 - i. An absence for a reason not listed above, but deemed excused by the Superintendent, upon a written request by the pupil's parent or legal guardian to the Building Principal or designee stating the reason for the absence and requesting permission for the absence to be an excused absence.
- 3. "Truancy" is a pupil's absence from all or a part of the school day without the knowledge of the pupil's parent(s) or legal guardian(s). A pupil will also be considered truant if he/she:
 - a. Leaves school at lunch time without a pass,
 - b. Leaves school without permission when school is still in session,
 - c. Leaves class because of illness and does not report to the school nurse as directed, or
 - d. Is present in school but is absent from class without approval. Such truancy from class is a "class cut."
- 4. "Unexcused absence" is a pupil's absence for all or part of a school day for any reason other than those listed in A2 above.

B. Notice to School of a Pupil's Absence

- 1. The parent(s) or legal guardian(s) or adult pupil is requested to call the school office before 8:30 a.m. of the morning of the pupil's absence.
- 2. The parent(s) or legal guardian(s) of a pupil who attended morning session but will not attend afternoon session should call the school office before 8:30 a.m. to give notice of the pupil's absence.
- 3. The parent(s) or legal guardian(s) or adult pupil who anticipates a future absence or anticipates that an absence will be prolonged should notify the Building Principal, who will assist in the arrangement of make-up work.



C. Readmission to School After an Absence

1. A pupil returning from an absence of any length must present to the Building Principal a written statement, dated and signed by the parent(s) or legal guardian(s) or adult pupil, of the reasons for the absence.
2. A note explaining a pupil's absence for noncommunicable illness for a period of more than three school days must be accompanied by a physician's statement of the pupil's illness.
3. A pupil who has been absent by reason of having or being suspected of having a communicable disease must present to the Building Principal or nurse written evidence of being free of communicable disease, in accordance with Policy No. 8451.

D. Instruction

1. Teachers are expected to cooperate in the preparation of home assignments for pupils who anticipate an excused absence of five school days duration. The parent(s) or legal guardian(s) or adult pupil must request such home assignments.
2. A pupil who anticipates an excused absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy No. 2412. The parent(s) or legal guardian(s) or adult pupil must request home instruction.
3. Pupils absent for any reason are expected to make up the work missed. In grade one and above, the pupil is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.
4. In general, pupils will be allowed five days to make up missed work for each one day of absence. Teachers shall make reasonable accommodations to extend time for pupils.
5. A pupil who missed a test because of an excused absence shall be offered an opportunity to take the test or an alternate test.
6. An elementary pupil will be retained at grade level, in accordance with Policy No. 5410, when he/she has been absent forty or more school days, whatever the reason for the absence, except that absences for the observance of religious holidays and during a pupil's suspension will not count toward the total. Exceptions to this rule may be made for pupils whose absences are excused and who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the assigned courses of study.



- F. School District Response To Unexcused Absences During the School Year
1. For up to four cumulative unexcused absences, the Building Principal or designee shall:
 - a. Make a reasonable attempt to notify the pupil's parent or legal guardian of each unexcused absence prior to the start of the following school day;
 - b. Conduct an investigation of the cause of each unexcused absence, including contact with the pupil's parent or legal guardian;
 - c. Develop an action plan in consultation with the pupil's parent or legal guardian designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
 - d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potentially missing or abused child abuse situation is detected; and
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
 2. For between five and nine cumulative unexcused absences, the Building Principal or designee shall:
 - a. Make a reasonable attempt to notify the pupil's parent or legal guardian of each unexcused absence prior to the start of the following school day;
 - b. Conduct a follow-up investigation, including contact with the pupil's parent or legal guardian, to determine the cause of each unexcused absence;
 - c. Evaluate the appropriateness of the action plan developed pursuant to F.1.c. above;
 - d. Revise the action plan, as needed, to identify patterns of unexcused absences and establish outcomes based upon the pupil's needs and specify the interventions for achieving the outcomes, supporting the pupil's return to school and regular attendance that may include any or all of the following:



- (1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
 - (2) Conduct testing, assessments, or evaluations of the pupil's academic, behavioral, and health needs;
 - (3) Consider an alternate educational placement;
 - (4) Make a referral to a community-based social and health provider agency or other community resource;
 - (5) Refer to the court program designated by the New Jersey Administrative Office of the Courts; and
 - (6) Proceed in accordance with the provisions of N.J.S.A. 9:6 et seq. and N.J.A.C. 6A:16-11, if a potentially missing or child abuse situation is detected.
- e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
3. For cumulative unexcused absences of ten or more, the pupil between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-27, and the Building Principal or designee shall:
 - a. Make a mandatory referral to the court program required by the New Jersey Administrative Office of the Courts;
 - b. Make a reasonable attempt to notify the pupil's parent or legal guardian of the mandatory referral;
 - c. Continue to consult with the parent or legal guardian and the involved agencies to support the pupil's return to school and regular attendance;
 - d. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
 - e. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.



4. For pupils with disabilities, the attendance plan and punitive and remedial procedures of N.J.A.C. 6A:16-7.8 and Policy and Regulation 5200 shall be applied, where applicable, in accordance with the pupil's Individualized Education Programs, pursuant to 20 U.S.C. §1400 et seq.; the Individuals with Disabilities Education Improvement Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plans under 29 U.S.C. §§794 and 705(20); and individualized health care plans, pursuant to N.J.A.C. 6A:16-2.3.
 5. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a) shall act in accordance with F.1. above for each pupil with up to four cumulative unexcused absences.
 - a. For each pupil attending a receiving school with five or more cumulative unexcused absences, the absences shall be reported to the sending district by the receiving school.
 - (1) The sending school district shall proceed in accordance with the district Board of Education policies and procedures pursuant to F. above and the provisions of F.2. through F.4. above, as appropriate.
- G. Discipline
1. Pupils may be denied participation in co-curricular activities if their attendance fails to meet the standards set forth in Policy No. 2430.
 2. Pupils may be denied participation in athletic competition if their attendance fails to meet the standards set forth in Board Policy No. 2431.
 3. No pupil who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.
 4. In addition to the requirements as outlined in F.3.a. through e. above, a pupil deemed truant shall be subject to appropriate pupil discipline.
 5. The absence of a pupil missing from school for unexplained reasons will be handled in accordance with Regulation No. 8462.



H. Recording Attendance

1. Teachers must accurately record the pupils present, tardy, and absent each day in each session or each class. Attendance records must also record pupils' attendance at out-of-school curricular events such as field trips.
2. Teachers must classify and record each absence as excused, unexcused, or truancy.
3. The attendance form will be delivered, no later than 8:30 a.m., to the school secretary, who will verify pupil absences.
4. A report card will record the number of times the pupil was absent and tardy in each marking period.
5. A pupil's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

I. Appeal

1. A truant pupil may be suspended or expelled for truanancies in accordance with Policy Nos. 5610 and 5620.
2. A pupil who has been retained at grade level for excessive absences may appeal that action in accordance with Policy No. 5410.
3. A pupil who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
 - a. The pupil shall file a written appeal to the Building Principal within five school days of receiving notice of the action. The appeal should state the reasons for admitted absences, documentation that would reduce the number of absences, and reasons why the pupil should continue to be enrolled in the course and/or receive course credit.
 - b. The Building Principal will respond in writing no later than seven working days after receiving the pupil's appeal.
 - c. If the pupil is not satisfied, he/she may submit a written request to the Principal for consideration by an Attendance Review Committee.



- d. On the pupil's request, the Principal shall convene an Attendance Review Committee consisting of the Principal and Guidance Director. The Attendance Review Committee shall meet informally to hear the pupil's reasons for reenrollment and/or credit. The pupil's parent(s) or legal guardian(s) and teacher may attend the meeting.
- e. The Attendance Review Committee shall decide the appeal and inform the pupil in writing within seven working days of the meeting. The committee may impose conditions on any reenrollment and may require the pupil to agree to those conditions.
- f. The pupil may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education, in that order and in accordance with Policy No. 5710, Pupil Grievance. Resort to the Attendance Review Committee shall be considered to have exhausted the first step of the grievance.

J. Attendance Improvement Plan

- 1. The Building Principal or designee will collect attendance data from the school and calculate the average daily attendance rate for the school. The attendance rate shall be calculated by dividing the total number of pupil days present for all pupils by the total possible number of pupil days present for all pupils and multiplying the result by one hundred.
- 2. When the average daily attendance rate for the district or for a school does not meet the New Jersey Department of Education requirements, performance objectives to improve pupil attendance pursuant to N.J.A.C. 6A:32-12.2(a)3 shall be developed.

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R 5230 LATE ARRIVAL AND EARLY DISMISSAL

A. Definitions

1. "Late arrival" means the arrival of a pupil after the beginning of the pupil's school day for an excused purpose. A late arrival is not an instance of tardiness for the purpose of applying Regulation No. 5240.
2. "Early dismissal" means the release of a pupil from school prior to the end of the pupil's school day for an excused purpose; "early dismissal" includes the release of a pupil for a period of time that occurs during the pupil's school day. An early dismissal is not an absence for the purpose of applying Regulation No. 5200.
3. "Dismissal from class" means a pupil's brief absence from his/her assigned class for a reason that has been approved in advance. A "dismissal from class" is not a class "cut" for the purpose of applying Regulation No. 5200.

B. Acceptable Excuses

The following circumstances justify a pupil's late arrival. The list is not meant to be exhaustive, and the Building Principal should use his/her best judgment in determining whether or not there is good cause for the pupil's late arrival.

1. The pupil's disability from illness or injury, including any necessary emergency visits to a physician or dentist;
2. A bona fide family emergency;
3. The observance of a religious holiday;
4. Religious instruction;
5. Family emergency;
6. Medical or dental appointment that cannot be scheduled at a time other than during the school day;
7. The pupil's required attendance in court; and
8. Private lessons in music, art, or dance or private practice sessions in preparation for competitive events.



C. Late Arrival

1. A pupil's late arrival in school should be approved by the Building Principal or designee in advance.
2. The parent(s) or legal guardian(s) or adult pupil shall submit a written request for approval of a late arrival to the Building Principal. The request must include the reason for the pupil's late arrival and a statement of why it is necessary to delay the pupil's arrival at school.
3. A pupil who arrives late at school shall report to the Main office and pick up a late arrival permission slip. The permission slip will include the date and the time of the pupil's arrival. The pupil will proceed to his/her assigned class and present the permission slip to the teaching staff member in charge, who will verify the date and time.

D. Early Dismissal Generally

1. A pupil's early dismissal must be approved by the Building Principal or designee in advance. Except for emergencies, an early dismissal that is not approved in advance will be considered to be an absence.
2. The parent(s) or legal guardian(s) shall submit a written request for approval of an early dismissal to the Building Principal or designee. The request must include the reason for the pupil's early dismissal and a statement of why it is necessary to excuse the pupil before the end of the pupil's school day.

E. Early Dismissal for Illness or Injury

1. A pupil who suffers a significant illness or injury during the course of the school day will be treated in accordance with Policy and Regulation No. 8441.
2. A pupil who suffers a minor illness or injury will be sent to the school nurse. If the nurse's office is unattended, the pupil should report to the Principal's office.
3. If the school nurse determines that an elementary pupil should be sent home, the pupil's parent(s) or legal guardian(s) or the responsible adult designated by the parent(s) or legal guardian(s) will be telephoned to pick up the pupil.



4. No pupil shall be released from school before the end of the school day except in the presence of the pupil's parent(s) or legal guardian(s) or an agent of the parent(s) or legal guardian(s).
- F. Early Dismissal for Family Emergency
1. A pupil's parent(s) or legal guardian(s), or caretaker may request the pupil's early release for a bona fide family emergency. Early dismissal for family emergency must be approved by the Building Principal or designee.
 2. A pupil will be released to a parent(s) or legal guardian(s) who reports to the school office and explains satisfactorily to the Principal that good and sufficient reason justifies the pupil's release from school before the end of the pupil's school day.
 3. A pupil will be released to an agent of the parent(s) or legal guardian(s) provided the parent(s) or legal guardian(s), or a caretaker personally known to the Principal has requested the pupil's release by:
 - a. Written request signed by the parent(s) or legal guardian(s), or caretaker and verified by telephone call to the signer, or
 - b. A telephone call that is verified by a return telephone call to the pupil's residence or, if the call does not originate in the pupil's home, by interrogation of the caller to test his/her knowledge of specific facts about the pupil.
 4. The Principal shall verify the identity of the agent to whom the pupil is released by examination of documents or by verification of characteristics supplied by the parent(s) or legal guardian(s), or caretaker.
 5. If the Principal believes that a genuine emergency may exist but cannot verify the identity of the person who requests release of the pupil, the Principal shall arrange for the pupil's transportation by a school staff member directly to the custody of the parent(s) or legal guardian(s), or designated agent of the parent or legal guardian.
 6. The Principal shall maintain a record of each pupil's parent(s) or legal guardian(s). The record shall include any legally sufficient notice given the Principal by a parent(s) or legal guardian(s) in sole custody that the noncustodial parent's access to the pupil has been limited. In the absence of such notice, the Principal shall presume that the pupil may be released into the care of either parent(s) or legal guardian(s).

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R 5240 TARDINESS

A. Definitions

1. A pupil is tardy to school when the pupil reports to his/her assigned homeroom after the beginning of the school day without approval for the delay.
2. A pupil is tardy to class when the pupil reports to his/her assigned classroom or other place of instruction after the beginning of the school day without approval for the delay.
3. A pupil who is late to school or class for an excused purpose pursuant to Policy No. 5230 is not tardy for the purpose of this regulation.

B. Procedures for Tardy Arrivals

1. A pupil who is tardy to school must report to the Main office to present a written note explaining the reason for the tardiness. The pupil must sign in and receive a late pass for admission to class.
2. A pupil who is tardy to class may be sent by the teacher to the Main office to explain the reason for the tardiness and obtain a late pass for admission to class.
3. No pupil who arrives at school after attendance has been taken will be admitted to class without a late pass.

C. Discipline

1. A pupil who has been tardy to school or class will be assigned to detention. An additional detention will be assigned for each instance of tardiness thereafter.

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R 5306 HEALTH SERVICES TO NONPUBLIC SCHOOLS

A Board of Education having nonpublic schools within the school district boundaries shall provide nursing services to pupils enrolled in the nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5.

- A. Nursing services shall be provided to pupils enrolled in a nonpublic school as follows pursuant to N.J.S.A. 18A:40-23 et seq.:
 - 1. Who are full-time based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;
 - 2. The provision of services shall be only to pupils of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year;
 - 3. The provision of nursing services as follows:
 - a. Assistance with medical examinations including dental screening;
 - b. Screening of hearing;
 - c. The maintenance of pupil health records and notification of local or county health officials of any pupil who has not been properly immunized.
 - 4. Scoliosis examinations of pupils between the ages of ten and eighteen.
- B. The Board of Education shall provide for the extension of emergency care provided to public school pupils to those pupils who are enrolled full-time in the nonpublic school who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-1.4 and 2.1(a)4.
- C. The Board of Education may provide additional services to those required under A. above under the following conditions:
 - 1. Such additional medical services may only be provided when all basic nursing services required under A. and B. above have been provided or will be provided;



2. Such additional medical services may include the necessary equipment, materials, and services for immunizing pupils who are enrolled full-time in the nonpublic school from diseases as required by N.J.A.C. 8:57-4, Immunization of Pupils in School;
 3. Equipment comparable to that in use in the school district may be purchased by the school district to loan without charge to the nonpublic school for the purpose of providing services under this section. However, such equipment shall remain the property of the district Board of Education; and
 4. Costs of supplies comparable to that in use in the school district and transportation costs may be charged to the funds allocated for each participating nonpublic school provided that they are directly related to the provision of the required basic nursing services and additional medical services which may be provided.
- D. Health services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, an employee of a third-party contractor, or an independent contractor.
- E. The health services provided to a nonpublic school pupil shall not include instructional services.
- F. A nonpublic school may decline nursing services required under N.J.A.C. 6A:16-2.5 by submitting notification to the Board of Education signed by the Chief School Administrator of the nonpublic school pursuant to N.J.S.A. 18A:40-29.
- G. A pupil who is enrolled in a nonpublic school and whose parent(s) or legal guardian(s) objects to the pupil receiving any services provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the services except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.
- H. The Board of Education shall consider the provision of health services based upon the following:
1. The funding for services shall be based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;



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Health Services To Nonpublic Schools

2. The provision of services shall be only to a pupil of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year; and
 3. The funds expended by the Board of Education for administrative costs shall be limited to the actual costs or six percent of the funds allocated for each participating nonpublic school, whichever is less.
- I. The Superintendent or designee shall confer annually with the administrator of the nonpublic school for the following purposes:
1. To advise the nonpublic school of the amount of funds allocated to the nonpublic school by the Department of Education or otherwise made available by the school district for the provision of health services for the full-time pupils enrolled in the nonpublic schools;
 2. To agree on the basic health services to be provided and additional medical services which may be provided as set forth in N.J.S.A. 18A:40-23 et seq.;
 3. To assure that in the event the Superintendent or designee and the nonpublic school administrator cannot reach agreement regarding the health services and additional medical services to be provided, the County Office of Education shall provide assistance;
 4. To assure that each nonpublic school which receives nursing services has a copy of N.J.S.A. 18A:40-23 to 31 and N.J.A.C. 6A:16-2.5; and
 5. To assure a description of the provision of nursing services is reflected in the school district's Nursing Services Plan.
- J. For the purposes of monitoring and recordkeeping, the Board of Education providing health services to nonpublic schools shall annually submit the following information to the County Superintendent of Education on or before October 1 and shall provide a copy to the Chief School Administrator of the nonpublic schools within school district boundaries:
1. A written statement verifying that the required conference was held with the nonpublic school;



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Health Services To Nonpublic Schools

2. A copy of the contract with another agency to provide the services, if applicable, and approved minutes of the Board of Education meeting approving the contract, which describes the methods by which the health services to nonpublic school pupils will be provided for the ensuing year, including a rationale for the distribution of funds; and
3. A description of the type and number of services that were provided during the previous school year on a form approved by the Commissioner of Education.

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R 5308 PUPIL HEALTH RECORDS

Pupil health records shall be maintained for each pupil pursuant to N.J.A.C. 6A:16-2.4. Maintenance and security of pupil health records shall be in accordance with N.J.A.C. 6A:32-7.4.

A. Mandated Pupil Health Records

1. The following mandated pupil health records shall be maintained:
 - a. Findings of health histories, medical examinations, and health screenings pursuant to N.J.A.C. 6A:16-2.2 and 4.3; and
 - b. Documentation of immunizations against communicable diseases or exemption from these immunizations pursuant to N.J.A.C. 8:57-4.
2. The district will document the findings of pupil health histories, health screenings, and required medical examinations that are relevant to school participation on the pupil's health record using a form approved by the Commissioner of Education.

B. Maintenance of Pupil Health Records

1. The school district shall maintain pupil health records in accordance with N.J.A.C. 6A:32-7.4 as follows:
 - a. Pupil health records shall be maintained separately from other pupil records in a secure location;
 - b. Pupil health records kept in electronic form shall be both accessible and secure according to N.J.A.C. 6A:32-7.4(d);
 - c. Pupil health records shall be located in the school building or complex to which a pupil is assigned;
 - d. Pupil health records shall be accessible to authorized personnel while school is in session; and
 - e. The health and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record until such time as graduation or termination and kept according to the schedule set forth in N.J.A.C. 6A:32-7.8.



C. Transferring Pupil Health Records

1. The school district shall ensure the following when transferring pupil health records:
 - a. Original mandated pupil health records that school districts are directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator, or designee, of the school district to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;
 - b. Duplicate mandated pupil health records which school districts have been directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator, or designee, of the nonpublic school to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;
 - c. Duplicate mandated pupil health records which school districts have been directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator or designee of the out-of-State school district to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;
 - d. Records that are transferred in duplicate form shall have their original maintained at the location of the sending school district; and
 - e. The Chief School Administrator or designee shall request all pupil health records in writing from the school district of last attendance within two weeks from the date that the pupil enrolls in the new school district.

D. Restrictions for Sharing Pupil Health Information

1. Any Board of Education employee with knowledge of, or access to, the following health information shall comply with restrictions for sharing that information as required by Federal and State statutes and regulations.



- a. Information that identifies a pupil as having HIV infection or AIDS shall be shared only with prior written informed consent of the pupil age twelve or greater, or of the pupil's parent(s) or legal guardian(s) as required by N.J.S.A. 26:5C-1 et seq. and only for the purpose of determining an appropriate educational program for the pupil.
- b. Information obtained by the school's alcohol and other drug program which would identify the pupil as an alcohol or other drug user may be disclosed only for those purposes and under those conditions permitted by 42 CFR Part 2.
- c. Information provided by a secondary school pupil while participating in a school-based alcohol or other drug counseling program that indicates a parent, guardian, or other person residing in the pupil's household is dependent upon or illegally using a substance shall be shared only for those purposes and conditions permitted by N.J.S.A. 18A:40A-7.1.

E. Access to Pupil Health Records

1. Access to and disclosure of information in the pupil's health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, incorporated herein by reference, as amended and supplemented, 34 CFR Part 99, incorporated herein by reference, as amended and supplemented, and N.J.A.C. 6A:32-7, Pupil Records.
2. The school district shall provide access to the pupil health records to licensed medical personnel, not holding educational certification, who are working under contract with or as employees of the school district only to the extent necessary to enable the licensed medical personnel to perform their duties.
 - a. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to those portions of the pupil's health record that are necessary for entry and recording of data and for conducting routine clerical tasks as outlined in N.J.S.A. 18A:40-3.4 and N.J.A.C. 6A:32-7.5.

Nothing in N.J.A.C. 6A:16-2.5 or in Policy and Regulation 5308 shall be construed to prohibit school personnel from disclosing information contained in the pupil's health record to pupils or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the pupil or other persons pursuant to N.J.A.C. 6A:32-7.4.

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R 5310 HEALTH SERVICES

A. Definitions – N.J.A.C. 6A:16-1.3

1. Advanced practice nurse – means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.
2. Certified School Nurse – means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Endorsement, school nurse or school nurse/non-instructional from the Department of Education pursuant to N.J.A.C. 6A:9-13.3 and 13.4.
3. Medical Examination – means the assessment of an individual's health status.
4. Medical Home – means a health care provider and that provider's practice site chosen by the pupil's parent or legal guardian for the provision of health care.
5. Noncertified Nurse – means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by a district Board of Education or nonpublic school, and who is not certified as a school nurse by the Department of Education.
6. Physical Examination – means the examination of the body by a professional licensed to practice medicine or osteopathy or an advanced practice nurse. The term includes very specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.
7. School Physician – means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Examiners who works under a contract or as an employee of the school district. The physician is also referred to as the medical inspector as per N.J.S.A. 18A:40-1.

B. Medical Examinations – General Conditions

Each pupil medical examination shall be conducted at the medical home of the pupil. If a pupil does not have a medical home, the school district shall provide this examination at the school physician's office or other comparably equipped facility. For the purpose of the physical examination required for pupils prior to participation on a school-sponsored interscholastic or intramural athletic team or squad for pupils enrolled in grades six to twelve, the pupil's parent(s) or legal guardian(s) may choose either the school physician or their own private physician. A full report of the examination shall be maintained as part of the pupil's health record.



The findings of required examinations under C. through G. below shall be documented on a form that is approved by the Commissioner of Education and shall include the following components:

1. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.16;
2. Medical history including allergies, past serious illnesses, injuries and operations, medications, and current health problems;
3. Health screenings including height, weight, hearing, blood pressure, and vision; and
4. Physical examinations.

The district Board of Education shall make accessible information regarding the NJ FamilyCare Program for pupils who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.

Pursuant to N.J.S.A. 18A:40-4.4, a pupil who presents a statement signed by his/her parent(s) or legal guardian(s) that required examinations interfere with the free exercise of his/her religious beliefs shall be examined only to the extent necessary to determine whether the pupil is ill or infected with a communicable disease or under the influence of alcohol or drugs or is disabled or is fit to participate in any health, safety, or physical education course required by law.

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

C. Medical Examinations - Prior To Participation On A School-Sponsored Interscholastic Or Intramural Athletic Team Or Squad For Pupils Enrolled In Grades Six To Twelve

The school district shall ensure that pupils receive medical examinations prior to participation on a school-sponsored interscholastic or intramural athletic team or squad for pupils enrolled in any of the grades six to twelve.

1. The examination shall be conducted within 365 days prior to the first practice session.
2. The medical examination shall include a health history questionnaire, completed and signed by the parent(s) or legal guardian(s).



- a. The report of health findings of the medical examination for participation shall be documented on the Athletic Preparticipation Physical Examination Form approved by the Commissioner of Education to determine whether the pupil had or currently has any of the following conditions since their last physical:
 - (1) Injuries;
 - (2) Chronic or ongoing illness;
 - (3) Prescribed medication;
 - (4) Allergies;
 - (5) Head-related conditions;
 - (6) Heart-related conditions;
 - (7) Eye, ear, nose, mouth, or throat conditions;
 - (8) Neuromuscular/orthopedic conditions; or
 - (9) General or exercise-related conditions.
- b. The medical report shall include a determination concerning the pupil's participation from the examining physician, advanced practice nurse or physician's assistant which includes, at a minimum, the following normalities:
 - (1) Measurement of weight, height, and blood pressure;
 - (2) Examination of the skin to determine the presence of infection, scars from previous surgery or trauma, jaundice and purpura;
 - (3) Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses, and examination of the sclera for the presence of jaundice;
 - (4) Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;



- (5) Examination of the nose to assess the presence of deformity which may affect endurance;
 - (6) Assessment of the neck, back, and spine to determine range of motion, the presence of pain associated with such motion, and abnormal curvature of the spine;
 - (7) Examination of chest contour;
 - (8) Auscultation and percussion of the lungs;
 - (9) Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;
 - (10) Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly, or abnormal masses;
 - (11) Examination of upper and lower extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
 - (12) Examination of the testes to determine the presence and descent of testes, abnormal masses, or configurations, or hernia;
 - (13) Assessment of physiological maturation; and
 - (14) Neurological examination to assess balance and coordination.
- c. The medical report shall indicate whether a pupil is allowed or disallowed to participate in the required sports categories and must be completed and signed by the original examining physician, advanced practice nurse, or physician's assistant. A form that is incomplete shall be returned to the pupil's medical home for completion.
3. Each pupil whose medical examination was completed more than sixty days prior to the first practice session shall provide a health history update of medical problems experienced since the last medical examination. This shall be completed and signed by the parent(s) or legal guardian(s). The health history update shall include the following information:
- a. Hospitalization/operations;



- b. Illnesses;
 - c. Injuries;
 - d. Care administered by a physician of medicine or osteopathy, advanced practice nurse, or physician's assistant; and
 - e. Medications.
- 4. Each school district shall provide written notification signed by the school physician to the parent(s) or legal guardian(s) stating approval of the pupil's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the pupil's participation.
 - 5. A pupil that does not have a completed Athletic Preparticipation Physical Examination Form shall not be permitted to participate.
- D. Medical Examinations - Upon Enrollment Into School
- 1. The school district shall ensure that pupils receive medical examinations upon enrollment into school. Parent(s) or legal guardian(s) shall be required to provide examination documentation of each pupil within thirty days upon enrolling into school.
 - 2. When a pupil is transferring to another school, each school district shall ensure that pupil documentation of entry examination is forwarded to the transfer school district pursuant to N.J.A.C. 6A:16-2.4(d).
 - 3. Pupils transferring into this school district from out-of-State or out-of-country may be allowed a thirty-day period in order to obtain entry examination documentation.
 - 4. The school nurse shall notify parent(s) or legal guardian(s) of the importance of obtaining subsequent medical examinations of the pupil at least once during each developmental stage, at early childhood (pre-school through grade three), pre-adolescence (grades four through six) and adolescence (grades seven through twelve);



E. Medical Examinations - When Pupils Apply for Working Papers

1. The school district shall ensure that a pupil receives medical examinations when applying for working papers. Pursuant to N.J.S.A. 34:2-21.7 and 21.8, the school district is responsible for the administration of medical examinations for a pupil pursuing a certificate of employment.
2. A statement of physical fitness shall be signed by the school physician unless the parent(s) or legal guardian(s) elects to obtain the examination at the pupil's medical home.
3. The school district shall not be held responsible for the costs incurred by the parent(s) or legal guardian(s) who elects to obtain the examination at the pupil's medical home.

F. Medical Examinations - For The Purposes Of The Comprehensive Child Study Team Evaluation Pursuant To N.J.A.C. 6A:14-3.4

1. The school district shall ensure that pupils receive medical examinations for the purposes of the Comprehensive Child Study Team Evaluation pursuant to N.J.A.C. 6A:14-3.4.

G. Medical Examinations - When A Pupil Is Suspected Of Being Under The Influence Of Alcohol Or Controlled Dangerous Substances pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3

1. If a pupil who is suspected of being under the influence of alcohol or controlled dangerous substances is reported to the certified school nurse, the certified school nurse shall monitor the pupil's vital signs and general health status for emergent issues and take appropriate action pending the medical examination pursuant to N.J.A.C. 6A:16-4.3.
2. No school staff shall interfere with a pupil receiving a medical examination for suspicion of being under the influence of alcohol or controlled dangerous substances pursuant to N.J.A.C. 6A:16-4.3.

H. Health Screenings

Each district Board of Education shall ensure that pupils receive health screenings.



1. Screening for height, weight, and blood pressure shall be conducted annually for each pupil in Kindergarten through grade twelve.
2. Screening for visual acuity shall be conducted biennially for pupils in Kindergarten through grade ten.
3. Screening for auditory acuity shall be conducted annually for pupils in Kindergarten through grade three and in grades seven and eleven pursuant to N.J.S.A. 18A:40-4.
4. Screening for scoliosis shall be conducted biennially for pupils between the ages of ten and eighteen pursuant to N.J.S.A. 18A:40-4.3.
5. Screenings shall be conducted by a school physician, school nurse, physical education instructor, or other school personnel properly trained.
6. The school district shall provide for the notification of the parent(s) or legal guardian(s) of any pupil suspected of deviation from the recommended standard.

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R 5320 IMMUNIZATION

A. Immunizations on Admission

1. No Principal shall knowingly admit or retain any pupil who has not submitted acceptable evidence of immunization according to the schedule set forth in section E, unless the pupil is provisionally admitted as provided in paragraph A.2. or exempted as provided in section B., N.J.A.C. 8:57-4.3, and 8:57-4.4.
2. A pupil shall be admitted to preschool or school on a provisional basis if a physician, an advanced practice nurse, (a certified registered nurse practitioner or clinical nurse specialist) or health department can document that at least one dose of each required age-appropriate vaccine(s) or antigen(s) has been administered and that the pupil is in the process of receiving the remaining immunizations.
 - a. A child under five years of age lacking all required vaccines shall have no more than seventeen months to meet all immunization requirements in accordance with N.J.A.C. 8:57-4.5(b).
 - b. A child five years of age or older lacking all required vaccines shall have no more than one year to complete all immunization requirements in accordance with N.J.A.C. 8:57-4.5(c).
 - c. Provisional status shall only be granted one time to pupils entering or transferring into schools in New Jersey. If a pupil on provisional status transfers, information on their status will be sent by the original school to the new school. Provisional status may be extended by a physician for medical reasons as indicated in N.J.A.C. 8:57-4.3.
 - d. Pupils transferring into this district from another State or country shall be allowed a thirty day grace period in order to obtain past immunization documentation before provisional status shall begin. The thirty day grace period does not apply to pupils transferring from within the State of New Jersey.
 - e. The Principal or designee shall ensure the provisionally admitted pupil is receiving required immunizations on schedule. If the pupil has not completed the immunizations at the end of the provisional period, the Principal shall exclude the pupil from school until appropriate documentation of completion has been presented.



- f. Pupils on provisional status may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or his/her designee.

B. Exemptions from Immunization

- 1. A pupil shall not be required to have any specific immunization(s) that are medically contraindicated.
 - a. A written statement from any physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) in any jurisdiction in the United States indicating that an immunization is medically contraindicated for a specific period of time and the reasons for the medical contraindication, based on valid reasons as enumerated by the Advisory Committee on Immunization Practices (ACIP) standards or the American Academy of Pediatrics (AAP) guidelines, will exempt a pupil from the specific immunization requirements by law for the period of time specified in the physician's statement.
 - b. The physician's or an advanced practice nurse's (certified registered nurse practitioner or clinical nurse specialist) statement shall be retained by the school as part of the immunization record of the pupil and shall be reviewed annually.
 - c. When the pupil's medical condition permits immunization, this exemption shall thereupon terminate, and the pupil shall be required to obtain the immunizations from which he/she has been exempted.
- 2. A pupil shall be exempted from mandatory immunization if the parent(s) or legal guardian(s) submits a signed statement that explains how the administration of immunizing agents conflicts with the pupil's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.
 - a. The written statement signed by the parent(s) or legal guardian(s) will be kept by the school as part of the pupil's immunization record.



- b. Pupils enrolled in school before September 1, 1991 and who have previously been granted a religious exemption to immunization, shall not be required to reapply for a new religious exemption under N.J.A.C. 8:57-4.4(a).
 3. Pupils exempted on medical or religious grounds may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or designee.
- C. Documentation of Immunization
 1. Any of the following documents shall be accepted as evidence of a pupil's immunization history, provided that the document lists the type of immunization and the specific date (month, day and year) when each immunization was administered.
 - a. An official school record from any school or preschool indicating compliance with immunization requirements,
 - b. A record from any public health department indicating compliance with immunization requirements,
 - c. A certificate signed by a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner, or clinical nurse specialist) in any jurisdiction in the United States indicating compliance with immunization requirements, or
 - d. The official record of immunization from the New Jersey Immunization Information System indicating compliance with immunization requirements.
 2. All immunization records submitted by a parent(s) or legal guardian(s) in a language other than English shall be accompanied by a translation sufficient to determine compliance with the immunization requirements of this regulation.
 3. Parental verbal history or recollection or previous immunization is unacceptable documentation or evidence of immunization.



D. Immunization Records

1. Each school shall maintain an official State of New Jersey Immunization Record for every pupil which shall include the date of each individual immunization.
 - a. When a child withdraws, is promoted, or transfers to another school, preschool or child care center, the immunization record, or a certified copy thereof, along with statements pertaining to religious or medical exemptions and laboratory evidence of immunity, shall be sent to the new school by the original school or shall be given to the parent(s) or legal guardian(s) upon request, within twenty-four hours of such a request.
 - b. The immunization record shall be kept separate and apart from the pupil's other medical records for the purpose of immunization record audit.
 - c. Child care centers, preschools, and elementary schools are to retain immunization records, or a copy thereof, for at least one year after the pupil has left the school. For children who are promoted from elementary to middle school or from middle school to high school within the same school system, this record retention requirement is not applicable in accordance with Department of Education rules and policies on transfer of pupil records.
 - d. Each pupil's immunization record, or a copy thereof, shall be retained by a secondary school for a minimum of four years after the pupil graduates from the secondary school.
 - e. When a pupil graduates from secondary school, the record, or a certified copy thereof, shall be sent to an institution of higher education or may be given to the parent(s) or legal guardian(s) upon request.
 - f. Any computer-generated document or list developed to record immunization information shall be considered a supplement to, not a replacement of, the official New Jersey Immunization Record.



2. A report of the immunization status of the pupils in each school shall be sent each year to the State Department of Health and Senior Services by the Principal or other person in charge of a school. The form for the report will be provided by the State Department of Health and Senior Services. The report shall be submitted by January 1 of the respective academic year. A copy of this report shall be sent to the local Board of Health in whose jurisdiction the school is located. Failure by the school district to submit such report by January 1 may result in a referral to the New Jersey Department of Education and the local health department.
3. The Principal or other person in charge of a school shall make immunization records available for inspection by authorized representatives of the State Department of Health and Senior Services or the local Board of Health in whose jurisdiction the school is located, within twenty-four hours of notification.

E. Immunization Requirements

1. The immunization requirements for school age children shall be in accordance with the requirements of N.J.A.C. 8:57-4 – Immunization of Pupils in School as outlined below:

MINIMAL IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE IN NEW JERSEY N.J.A.C. 8:57-4: Immunization of Pupils in School		
DISEASE(S)	REQUIREMENTS	COMMENTS
DTaP	(AGE 1-6 YEARS): 4 doses, with one dose given on or after the 4th birthday, OR any 5 doses. (AGE 7-9 YEARS): 3 doses of Td or any previously administered combination of DTP, DTaP, and DT to equal 3 doses.	Any child entering pre-school, pre-Kindergarten, or Kindergarten needs a minimum of four doses. Pupils after the seventh birthday should receive adult type Td. DTP/Hib vaccine and DTaP also valid DTP doses. Laboratory evidence of immunity is also acceptable.
Tdap	GRADE 6 (<i>or comparable age level special education program with an unassigned grade</i>): 1 dose	For pupils entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. A child does not need a Tdap dose until FIVE years after the last DTP/DTaP or Td dose.



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DISEASE(S)	REQUIREMENTS	COMMENTS
POLIO	(AGE 1-6 YEARS): 3 doses, with one dose given on or after the 4th birthday, OR any 4 doses. (AGE 7 or OLDER): Any 3 doses.	Either Inactivated Polio Vaccine (IPV) or Oral Polio Vaccine (OPV) separately or in combination is acceptable. Polio vaccine is not required of pupils 18 years of age or older. Laboratory evidence of immunity is also acceptable.
MEASLES	If born before 1-1-90, 1 dose of a live Measles-containing vaccine. If born on or after 1-1-90, 2 doses of a live Measles-containing vaccine. If entering a college or university after 9-1-95 and previously unvaccinated, 2 doses of a live Measles-containing vaccine.	Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs a minimum of 1 dose of measles vaccine. Any child entering Kindergarten needs 2 doses. Previously unvaccinated pupils entering college after 9-1-95 need 2 doses of measles-containing vaccine or any combination containing live measles virus administered after 1968. Documentation of 2 prior doses Is acceptable. Laboratory evidence of immunity is also acceptable. Intervals between first and second measles/MMR/MR doses cannot be less than 1 month.



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DISEASE(S)	REQUIREMENTS	COMMENTS
RUBELLA and MUMPS	1 dose of live Mumps- containing vaccine. 1 dose of live Rubella- containing vaccine.	Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs 1 dose of rubella and mumps vaccine. Each pupil entering college for the first time after 9-1-95 needs 1 dose of rubella and mumps vaccine or any combination containing live rubella and mumps virus administered after 1968. Laboratory evidence of immunity is also acceptable.
VARICELLA	1 dose on or after the first birthday.	All children 19 months of age And older enrolled into a child care/pre-school center after 9-1-04 or children born on or after 1-1-98 entering a school for the first time in Kindergarten, Grade 1, or comparable age entry level special education program with an unassigned grade, need 1 dose of varicella vaccine. Laboratory evidence of immunity, physician's statement or a parental statement of previous varicella disease is also acceptable.
HAEMOPHILUS INFLUENZAE B (Hib)	(AGE 2-11 MONTHS) ⁽¹⁾ : 2 doses (AGE 12-59 MONTHS) ⁽²⁾ : 1 dose	Mandated only for children enrolled in child care, pre-school, or pre-Kindergarten. ⁽¹⁾ Minimum of 2 doses of Hib vaccine is needed if between the ages of 2-11 months. ⁽²⁾ Minimum of 1 dose of Hib vaccine is needed after the first birthday. DTP/Hib and Hib/Hep B also valid Hib doses.



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Immunization

DISEASE(S)	REQUIREMENTS	COMMENTS
HEPATITIS B	(K-GRADE 12): 3 doses or 2 doses ⁽¹⁾	⁽¹⁾ If a child is between 11-15 years of age and has not received 3 prior doses of Hepatitis B then the child is eligible to receive 2-dose Hepatitis B Adolescent formulation. Laboratory evidence of immunity is also acceptable.
PNEUMOCOCCAL	(AGE 2-11 MONTHS) ⁽¹⁾ : 2 doses (AGE 12-59 MONTHS) ⁽²⁾ : 1 dose	Children enrolled in child care or pre-school on or after 9-1-08. ⁽¹⁾ Minimum of 2 doses of Pneumococcal vaccine is needed if between the ages of 2-11 months. ⁽²⁾ Minimum of 1 dose of Pneumococcal vaccine is needed on or after the first birthday.
MENINGOCOCCAL	(Entering GRADE 6 (<i>or comparable age level Special Ed program with an unassigned grade</i>): 1 dose ⁽¹⁾ (Entering a four-year college or university, previously unvaccinated and residing in a campus dormitory): 1 dose ⁽²⁾	⁽¹⁾ For pupils entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. ⁽²⁾ Previously unvaccinated pupils entering a four-year college or university after 9-1-04 and who reside in a campus dormitory, need 1 dose of meningococcal vaccine. Documentation of one prior dose is acceptable.
INFLUENZA	(AGES 6-59 MONTHS): 1 dose ANNUALLY	For children enrolled in child care, pre-school or pre-Kindergarten on or after 9-1-08. 1 dose to be given between September 1 and December 31 of each year.



AGE APPROPRIATE VACCINATIONS (FOR LICENSED CHILD CARE CENTERS/PRE-SCHOOLS)	
CHILD'S AGE	NUMBER OF DOSES CHILD SHOULD HAVE (BY AGE):
2-3 Months	1 dose DTaP, 1 dose Polio, 1 dose Hib, 1 dose PCV7
4-5 Months	2 doses DTaP, 2 doses Polio, 2 doses Hib, 2 doses PCV7
6-7 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
8-11 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
12-14 Months	3 doses DTaP, 2 doses Polio, 1 dose Hib, 2-3 doses PCV7, 1 dose Influenza
15-17 Months	3 doses DTaP, 2 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose PCV7, 1 dose Influenza
18 Months – 4 Years	4 doses DTaP, 3 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose Varicella, 1 dose PCV7, 1 dose Influenza

PROVISIONAL ADMISSION:

Provisional admission allows a child to enter/attend school but must have a minimum of one dose of each of the required vaccines. Pupils must be actively in the process of completing the series. If a pupil is less than 5 years of age, they have 17 months to complete the immunization requirements.

If a pupil is 5 years of age and older, they have 12 months to complete the immunization requirements.

GRACE PERIODS:

- 4-day grace period: All vaccines doses administered less than or equal to four days before either the specified minimum age or dose spacing interval shall be counted as valid and shall not require revaccination in order to enter or remain in a school, pre-school or child care facility.
- 30-day grace period: Those children transferring into a New Jersey school, pre-school, or child care center from out of State/out of country may be allowed a 30-day grace period in order to obtain past immunization documentation before provisional status shall begin.



F. Emergency Powers of the Commissioner of Health and Senior Services

1. If a threatened outbreak, or outbreak of disease, or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, all pupils with provisional, religious, or medical exemptions (which relate to the specific disease threatening or occurring) shall be excluded from school. If these pupils become immunized or produce serologic evidence of immunity to the specific disease the pupil may immediately be readmitted to school.
2. If a threatened outbreak, or outbreak of disease or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, the State Commissioner or designee may issue either additional immunization requirements to control the outbreak or threat of an outbreak or modify immunization requirements to meet the emergency.
 - a. All children failing to meet the additional immunization requirements of N.J.A.C. 8:57-4.22 shall be excluded from school until the outbreak or threatened outbreak is over. These requirements shall remain in effect as outlined in N.J.A.C. 8:57-4.22(c).
3. The Commissioner of Health and Senior Services or designee may temporarily suspend an immunization requirement in accordance with the reasons as outlined in N.J.A.C. 8:57-4.22(d).

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R 5330 ADMINISTRATION OF MEDICATION

A. Definitions

1. “Medication” means any prescription drug or over-the-counter medicine or nutritional supplement and includes, but is not limited to, aspirin and cough drops.
2. “Administration” means the taking of any medication by ingestion, injection, or application to any part of the body or the giving of direct physical assistance to the person who is ingesting, injecting, or applying medication.
3. “Self-administration” means carrying and taking medication without the intervention of the school nurse, approved through the school district policy and restricted to pupils with asthma, other potentially life-threatening illnesses or life-threatening allergic reaction.
4. “Life-threatening illness” means an illness or condition that requires an immediate response to specific symptoms or sequelae (an after effect of disease or injury) that if left untreated may lead to potential loss of life, i.e. adrenaline injection in anaphylaxis.
5. “A pre-filled auto-injector mechanism containing epinephrine” is a medical device used for the emergency administration of epinephrine to a pupil for anaphylaxis.
6. “Noncertified school nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by the district, and who is not certified as a school nurse by the Department of Education.
7. “Substitute school nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and who has been issued a county substitute certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C. 6A:9-6.5(i).
8. “School physician” means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Medical Examiners who works under contract or as an employee of the district. This physician is referred to as the medical inspector in N.J.S.A. 18A:40-4.1.
9. “Advanced practice nurse” means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.



10. "Certified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Endorsement, school nurse, or school nurse/non-instructional from the Department of Education pursuant to N.J.A.C. 6A:9-13.3 and 13.4.

B. Permission for Administration by a School Nurse or Registered Nurse

1. Permission for the administration of medication in school or at school-related events will be given only when it is necessary for the health and safety of the pupil.
2. Medication will not be administered to a pupil who is physically unfit to attend school or has a contagious disease. Any such pupil should not be permitted to attend school and may be excluded in accordance with Policy No. 8451.
3. Parent(s) or legal guardian(s) requests for the administration of medication in school must be made in writing and signed by the parents or legal guardian.
4. The parent(s) or legal guardian(s) must submit a certified statement written and signed by the pupil's physician. The statement must include:
 - a. The pupil's name,
 - b. The name of the medication,
 - c. The purpose of its administration to the pupil for whom the medication is intended,
 - d. The proper timing and dosage of medication,
 - e. Any possible side effects of the medication,
 - f. The time when the medication will be discontinued,
 - g. A statement that the pupil is physically fit to attend school and is free of contagious disease, and
 - h. A statement that the pupil would not be able to attend school if the medication is not administered during school hours.



5. The request for the administration of medication must be made to the Principal prior to any administration of medication or delivery of the medication to the school. The Principal may consult with the school nurse and the school physician in making his/her final determination to allow or deny the request.
 - a. An approved request will be signed by the Principal and given to the school nurse and the pupil's parent(s) or legal guardian(s).
 - b. The parent(s) or legal guardian(s) will be informed of the reason for a denied request; a denied request may be appealed to the Superintendent.
- C. Administration of Epinephrine To Pupils
1. The parent(s) or legal guardian(s) may provide the Superintendent authorization for the emergency administration of epinephrine via a pre-filled auto-injector mechanism containing epinephrine to a pupil for anaphylaxis provided that:
 - a. The parent(s) or legal guardian(s) provides the Superintendent a written authorization for the administration of epinephrine with written orders from the physician or an advanced practice nurse that the pupil requires the administration of epinephrine for anaphylaxis.
 - b. The school nurse has the primary responsibility for the administration of epinephrine. However, the school nurse shall designate, in consultation with the Board or Superintendent, additional employees of the district who volunteer to administer epinephrine via a pre-filled auto-injector mechanism to a pupil when the school nurse is not physically present at the scene. These volunteers shall be trained using standardized training protocols established by the New Jersey Department of Education in consultation with the Department of Health and Senior Services. The pupil's parent(s) or legal guardian(s) must consent in writing to the administration of epinephrine via a pre-filled auto-injector mechanism by the designee(s).
 - c. The parent(s) or legal guardian(s) must be informed in writing by the Board or Superintendent that the school district and its employees or agents shall have no liability as a result of any injury arising from the administration of epinephrine to the pupil.



- d. The parent(s) or legal guardian(s) must sign a statement acknowledging their understanding the district shall incur no liability as a result of any injury arising from the administration of epinephrine via a pre-filled auto-injector mechanism to the pupil and the parent(s) or legal guardian(s) shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of epinephrine via a pre-filled auto-injector mechanism.
- e. The permission for the emergency administration of epinephrine via a pre-filled auto-injector mechanism is effective for the school year it is granted and must be renewed for each subsequent school year upon the fulfillment of the requirements as outlined in a. through d. above.
- f. The school nurse shall be responsible for the placement of the pupil's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school function. 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.
- g. The school nurse or designee shall be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction.
- h. The school nurse or designee shall arrange for the transportation of the pupil to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have resolved.

D. Permission for Self-Administration of Medication

Permission for self-administration of medication of a pupil with asthma, other potentially life-threatening illness, or a life-threatening allergic reaction may be granted under the following conditions:

- 1. Parent(s) or legal guardian(s) of the pupil must provide the Board written authorization for the self-administration of medication;



2. The parent(s) or legal guardian(s) of the pupil must also provide the Board with a signed written certification from the physician of the pupil that the pupil has asthma or another potentially life threatening illness or is subject to a life-threatening allergic reaction and is capable of, and has been instructed in, the proper method of self-administration of medication. The written certification must include:
 - a. The pupil's name;
 - b. The name of the medication;
 - c. The purpose of its administration to the pupil for whom the medication is intended;
 - d. The proper timing and dosage of medication;
 - e. Any possible side effects of the medication;
 - f. The time when the medication will be discontinued;
 - g. A statement that the pupil is physically fit to attend school and is free of contagious disease; and
 - h. A statement the medication must be administered during the school day or the pupil would not be able to attend school.
3. The parent(s) or legal guardian(s) of the pupil 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 parent(s) or legal guardian(s) shall indemnify and hold harmless the school district, the Board, and its employees or agents against any claims arising out of the self-administration of medication by the pupil;
4. The parent's and/or legal guardian's written authorization and the physician's written certification shall be reviewed by the Building Principal or designee with the school nurse and the school physician. The school nurse and the school physician must agree the pupil is capable of self-administration of the medication. If it is determined the pupil may self-administer medication in accordance with the request:



- a. The request will be signed by the Principal and given to the school nurse and the pupil's parent(s) or legal guardian(s),
 - b. The parent(s) or legal guardian(s) will be informed of the reason for a denied request; a denied request may be appealed to the Superintendent,
 - 5. Permission to self-administer one medication shall not be construed as permission to self-administer other medication; and
 - 6. Permission shall be effective on the school year for which it is granted and shall be renewed for each subsequent school year upon fulfillment of the requirements in 1. through 4. above.
- E. Custodianship of Medication
- 1. Medications to be administered by the school nurse or a registered nurse:
 - a. All medications must be delivered to the school by the parent(s) or legal guardian(s).
 - b. All medications must be in the original container, with the prescription information affixed.
 - c. The school nurse shall be custodian of pupils' medication, which will be properly secured.
 - d. Any unused medication must be picked up by the pupil's parent(s) or legal guardian(s).
 - e. After reasonable efforts to have the parent(s) or legal guardian(s) retrieve the medication have failed, any unused medication that remains in the school at the end of the school year or two school weeks after the pupil stops taking the medication, whichever first occurs, must be destroyed or discarded by the school nurse, in accordance with proper medical controls.
 - 2. Medications to be self-administered by a pupil:
 - a. Time being of the essence in cases of asthma, other potentially life threatening illness, or a life-threatening allergic reaction, all medications to be self-administered by a pupil must be kept in the pupil's possession.



- b. No pupil may possess medication for self-administration unless the proper permission has been granted by the Principal and a record of the medication is on file in the office of the school nurse.
- c. Pupils who are permitted to self-administer medications must secure their medication in such a manner that the medication will not be available to other pupils. The medication must be in a sealed container and clearly labeled with the medication name, dosage, and ordering physician. The medication, if ingested by someone other than the pupil, shall not cause severe illness or death.
- d. Pupils who are permitted to self-administer medications shall only have in their possession the quantity of medication necessary for the time period of the pupil's school day.
- e. Notwithstanding any other law or regulation, a pupil who is permitted to self-administer medication in accordance with the provisions of N.J.S.A. 18A:40-12.3 shall be permitted to carry an inhaler or prescribed medication for allergic reactions, including a pre-filled auto-injector mechanism, at all times, provided the pupil does not endanger himself or other persons through misuse.

F. Administration of Medication

- 1. No medication shall be administered to or taken by a pupil in school or at a school-sponsored event except as permitted by Board policy and this regulation.
- 2. Medication will only be administered to pupils in school by the school physician, a certified or noncertified school nurse, a substitute school nurse employed by the district, a pupil who is approved to self-administer in accordance with N.J.S.A. 18A:40-12.3 and 12.4, and school employees who have been trained and designated by the certified school nurse to administer epinephrine in an emergency pursuant to N.J.S.A. 18A:40-12.5 and 12.6.
- 3. When practicable, self-administration of medication should be observed by the school nurse.
- 4. Pupils self-administering medication shall report each administration of medication and any side effects to a teacher, coach, or the individual in charge of the pupil during school activities. Such individuals shall report all administrations and any side effects reported or observed to the school nurse within twenty-four hours.



5. When a pupil attends a school-sponsored event at which medication may be required (such as an outdoor field trip or athletic competition) and the school nurse cannot be in attendance, the pupil's parent(s) or legal guardian(s) will be invited to attend. If neither the school nurse nor the parent(s) or legal guardian(s) can attend and the pupil does not have permission to self-administer medication and there is a risk that the pupil may suffer injury from lack of medication, the pupil may be excused from the event.

G. Emergencies

Any medical emergency requiring medication of pupils will be handled in accordance with Policy No. 8441 and implementing regulations on first aid and, as appropriate, the school physician's standing orders for school nurses. Arrangements will be made to transport a pupil to a hospital emergency room after the administration of epinephrine in accordance with N.J.S.A. 18A:40-12.5.e.(3).

H. Records

The school nurse shall include the following in a pupil's health record:

1. The approved written request for the administration or self-administration of medication;
2. A record of each instance of the administration of the medication by the school nurse or a registered nurse;
3. A record of reports by teachers, coaches, and other individuals in charge of school activities who report pupil self-administration of medication;
4. Any side effects that resulted from the administration of medication; and
5. Whether the supply of medication provided in cases where the medication is to be administered by the school nurse or a registered nurse was exhausted or the parent(s) or legal guardian(s) removed the medication or, if the parent(s) or legal guardian(s) failed to remove the medication, the medication was destroyed and the date on which that occurred.



I. Notification

1. The school nurse may provide the Principal and other teaching staff members concerned with the pupil's educational progress with information about the medication and administration when such release of information is in the pupil's best educational interest.
2. The school nurse will provide teachers, coaches, and other individuals in charge of school activities with a list of pupils who have been given permission to self-administer medication.
3. The school nurse will inform the pupil's parent(s) or legal guardian(s) of any difficulty in the administration of medication or any side effects.
4. The school nurse will report to the school physician any pupil who appears to be adversely affected by the medication.

Adopted: 15 September 2010



R 5331 MANAGEMENT OF LIFE-THREATENING ALLERGIES IN SCHOOLS

A. Definitions

1. Anaphylaxis - A serious allergic reaction that is rapid in onset and may cause death.
2. Epinephrine (adrenaline) - A drug that can be successfully utilized to counteract anaphylaxis.
3. Food Allergy - A group of disorders characterized by immunologic responses to specific food proteins. In the United States, the most likely common allergens in adults and children are cow's milk, eggs, peanuts, wheat, soy, fish, shellfish, and nuts.
4. Individualized Emergency Healthcare Plan (IEHP) - A personalized healthcare plan written by the certified school nurse that specifies the delivery of accommodations and services needed by a pupil in the event of an emergency.
5. Individualized Healthcare Plan (IHP) - A plan written by the certified school nurse that details accommodations and/or nursing services to be provided to a pupil because of the pupil's medical condition based on medical orders written by a health care provider in the pupil's medical home.
6. School-Sponsored Function - Any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.

B. Policy and Regulation Development

1. Policy and Regulation 5331 address different allergens, varying ages and maturity levels of pupils, and the physical properties and organizational structures of schools in this school district. The components below were critical in developing Policy and Regulation 5331.
 - a. The school district nursing staff, in consultation with the school physician, if needed:
 - (1) Assessed the overall health needs of the pupil population at risk for anaphylaxis, particularly pupils with food allergies; and



- (2) Assessed current and relevant policies and/or protocols regarding the care of pupils with life-threatening allergies and identified areas in need of development or improvement.
2. Policy and Regulation 5331 were developed using a multidisciplinary team that included various school district administrators, teachers, and support staff members.
3. Additional factors need to be regarded at the secondary school level in order to provide the best care for food-allergic teens. The multidisciplinary team should consider the factors below when developing Policy and Regulation 5331 as it pertains to food-allergic teens.
 - a. Pupils move to different classrooms, frequently in larger buildings and campuses, presenting needs for updated avoidance strategies, epinephrine availability, and designated assistance.
 - b. Pupils may have open lunch periods and accompany friends to local eateries.
 - c. Pupils may have access to vending machines.
 - d. Certain classes give rise to new avoidance issues, e.g., chemistry/biology labs, home economics/culinary class, etc.
 - e. The number of off-site school-sponsored functions increases, e.g., travel, sometimes to other States and foreign countries; athletic games and competitions, sometimes in other towns; dances; etc.
 - f. Risk-taking behaviors frequently accompany the independence of adolescent years.
 - g. N.J.S.A. 18A:40-12.6 provides for a delegate for the emergency administration of epinephrine even when a pupil is able to self-administer life-saving medication. Although teenage pupils will more than likely be permitted to carry and self-administer emergency medications, those pupils are not to be expected to have complete responsibility for the administration of epinephrine. A severe allergic reaction can completely



incapacitate a pupil and inhibit the ability to self-administer emergency medication. Therefore, the school nurse or volunteer delegate shall be available during school and school-sponsored functions to administer epinephrine in an emergency in accordance with the provisions of N.J.S.A. 18A:40-12.5.e.(2).

4. The Principal and/or the school nurse will educate staff and the community regarding Policy and Regulation 5331; obtain feedback on the implementation and effectiveness of the Policy and Regulation; and annually review, evaluate, and update the Policy and Regulation, as needed or required by law.
- C. Prevention Measures
1. Considerations for the Cafeteria
- The Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the cafeteria environment as safe as possible for food-allergic pupils. This process includes making determinations about serving foods with known allergens and identifying steps that can be taken to reduce the chance of accidental exposure. The steps may include:
- a. Training to food service personnel on food label reading and safe handling, as well as safe meal substitutions for food-allergic children.
 - b. Educating cafeteria staff and monitors about food-allergy management and make them aware of the pupils who have life-threatening food allergies.
 - c. Developing and implementing standard procedures for cleaning tables, chairs, and trays, particularly those designated as allergen-safe, after lunch periods using dedicated and disposable supplies to avoid cross contact.
 - d. When possible, sharing ingredient/allergen information for food provided by the school to pupils and parent(s) or legal guardian(s).
 - e. Making allergen-safe table(s) an available option for allergic pupils.
 - f. Considering allergen-full table(s) (i.e., all those eating peanut butter sit together).



- g. Discouraging pupils from sharing or trading food/snack items, drinks, straws, or utensils.
- h. Encouraging pupils to wash hands before and after eating.
- i. Considering the benefits and ramifications of serving and/or removing allergen-containing foods or removing a particular food item from the school menu.
- j. Making accommodations in the event a pupil cannot be in direct proximity to certain allergens that are being cooked/boiled/steamed.

2. Considerations for the Classroom

Provisions will be made to develop safeguards for the protection of food-allergic pupils in the classroom. The school nurse will work with the classroom teacher(s) so the teacher understands and is able to initiate the pupil's IEHP, as necessary.

- a. If possible, consider prohibiting the use or consumption of allergen-containing foods in the classroom.
- b. Conduct training for teachers, aides, volunteers, substitutes, and pupils about food allergies.
- c. Develop and implement a procedure that will alert substitute teachers to the presence of any pupils with food allergies and any accompanying instructions.
- d. Develop and implement a letter to parent(s) or legal guardian(s) of classmates of the food-allergic pupil (without identifying the pupil), particularly in lower grades, explaining any prohibitions on food in the classroom.
- e. Discourage the use of food allergens for classroom projects/activities, classroom celebrations, etc.
- f. Encourage the use of non-food items for all classroom events/activities, as a way to avoid the potential presence of major food allergens.



- g. Notify parent(s) or legal guardian(s) of classroom celebrations that involve food with particular attention to notification of parent(s) or legal guardian(s) of food-allergic children.
- h. Encourage pupils to wash hands before and after eating.
- i. Develop and implement standard procedures for cleaning desks, tables, and the general classroom area.

3. General Considerations for the School Environment

The Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the school environment as safe as possible for the food-allergic pupil to include:

- a. Developing and implementing cleaning procedures for common areas (i.e., libraries, computer labs, music and art rooms, hallways, etc.).
- b. Developing and implementing guidelines for food fundraisers (i.e. bake sales, candy sales, etc.) that are held on school grounds.
- c. Avoiding the use of food products as displays or components of displays in hallways.
- d. Developing protocols for appropriate cleaning methods following events held at the school, which involve food.

4. Field Trips and Other School Functions

N.J.S.A. 18A:40-12.6 requires a nurse or delegate to be available during school and school-sponsored functions in the event of anaphylaxis. Pupils with food allergies should participate in all school activities and will not be excluded based on their condition. The appropriate school staff member(s) should:

- a. Communicate (with parent(s) or legal guardian(s) permission) relevant aspects of the IEHP to staff, as appropriate, for field trips, school-sponsored functions, and before- and after-school programs.
- b. Encourage long-term planning of field trips in order to ensure that food-allergic pupils receive needed services while away from school.



- c. Evaluate appropriateness of trips when considering the needs of pupils e.g., a trip to a dairy farm should not be scheduled for a class with a milk-allergic pupil.
- d. Encourage, but do not require, parent(s) or legal guardian(s) of food-allergic pupils to accompany their child on school trips.
- e. Implement the district's procedure for the emergency administration of medications.
- f. Implement the district's procedure for emergency staff communications on field trips.
- g. Inform parent(s) or legal guardian(s), when possible, of school events at which food will be served or used.

5. Bus Transportation

The district administrative staff and transportation personnel will consider the needs of pupils with life-threatening allergies while being transported to and from school and to school-sponsored activities. The appropriate school staff member(s) should:

- a. Advise bus drivers of the pupils that have food allergies, symptoms associated with food-allergic reactions, and how to respond appropriately.
- b. Assess the emergency communications systems on buses.
- c. Consider assigned bus seating i.e., pupils with food allergies can sit at the front of the bus or can be paired with a "bus buddy."
- d. Assess existing policies regarding food on buses.

6. Preparing for an Emergency

The Principal and school nurse will establish emergency protocols and procedures in advance of an emergency. These protocols and procedures should:

- a. Provide training for school personnel about life-threatening allergic conditions.



- b. Create a list of volunteer delegates trained by the nurse in the administration of epinephrine, and disseminate the list appropriately.
- c. Ensure that epinephrine is quickly and readily accessible in the event of an emergency. If appropriate, maintain a backup supply of the medication.
- d. Coordinate with local EMS on emergency response in the event of anaphylaxis.
- e. Consider conducting anaphylaxis drills as part of the district or school-wide emergency response plan.
- f. Ensure access to epinephrine and allergy-free foods when developing plans for fire drills, lockdowns, etc.
- g. Ensure that reliable communication devices are available in the event of an emergency.
- h. Adhere to Occupational Safety and Health Administration (OSHA) and Universal Precautions Guidelines for disposal of epinephrine auto-injectors after use.

7. Sensitivity and Bullying

A food-allergic pupil may become victim to threats of bullying related to his/her condition. N.J.A.C. 6A:16-7.9 requires each Board of Education to develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, including on a school bus or at a school-sponsored function, pursuant to N.J.S.A. 18A:37-15. The appropriate school staff member(s) should:

- a. Remind pupils and staff that bullying or teasing food-allergic pupils will not be tolerated and violators should be disciplined appropriately.
- b. Offer professional development for faculty and staff regarding confidentiality to prevent open discussion about the health of specific pupils.
- c. Discourage needless labeling of food-allergic pupils in front of others. A food-allergic pupil should not be referred to as “the peanut kid,” “the bee kid” or any other name related to the pupil’s condition.



D. Roles and Responsibilities for Managing Food Allergies

The risk of accidental exposure to foods can be reduced in the school setting if schools, pupils, parent(s) or legal guardian(s), and physicians work together to minimize risks of exposure to allergens and provide a safe educational environment for food-allergic pupils.

1. Family's Role

- a. Notify the school of the pupil's allergies.
- b. Work with the school team to develop a plan that accommodates the pupil's needs throughout the school, including the classroom, the cafeteria, after-care programs, during school-sponsored activities, and on the school bus, as well as an IEHP.
- c. Provide written medical documentation, instructions, and medications as directed by a physician, using the Food Allergy Action Plan as a guide. Include a photo of the child on written form.
- d. Provide properly labeled medications and promptly replace medications after use or upon expiration.
- e. Educate the child in the self-management of their food allergy including: safe and unsafe foods; strategies for avoiding exposure to unsafe foods; symptoms of allergic reactions; how and when to tell an adult they may be having an allergy-related problem; and how to read food labels (age appropriate).
- f. Review policies and procedures with the school staff, the child's physician, and the child (if age appropriate) after a reaction has occurred.
- g. Provide current emergency contact information and update regularly.

2. School's Role

- a. Review the health records submitted by parent(s) or legal guardian(s) and physicians.



- b. Identify a core team including the school nurse, teacher, Principal, and school food service and nutrition manager/director to work with parent(s) or legal guardian(s) and the pupil (age appropriate) to establish an IEHP. Changes to the IEHP that promote food allergy management should be made with core team participation.
- c. Assure that all staff who interact with the pupil on a regular basis understand food allergies, can recognize symptoms, know what to do in an emergency, and work with other school staff to eliminate the use of food allergens in the allergic pupil's meals, educational tools, arts and crafts projects, or incentives.
- d. Coordinate with the school nurse to ensure medications are appropriately stored and ensure an emergency kit is available that contains a physician's standing order for epinephrine. Epinephrine should be kept in a secure but unlocked location that is easily accessible to delegated school personnel.
- e. Pupils who are permitted to self-administer should be permitted to carry their own epinephrine in accordance with State regulations and district policy.
- f. Designate school personnel who volunteer to administer epinephrine in an emergency.
- g. Be prepared to handle a reaction and ensure there is a staff member available who is properly trained to administer medications during the school day, regardless of time or location.
- h. Review policies and prevention plans with the core team members, parent(s) or legal guardian(s), pupil (age appropriate), and physician after a reaction has occurred.
- i. Work with the transportation administrator to insure that school bus drivers receive training that includes symptom awareness and what to do if a reaction occurs and assess the means by which a bus driver can communicate during an emergency, including proper devices and equipment.



- j. Discuss field trips with the family of the food-allergic child to decide appropriate strategies for managing the food allergy.
 - k. Follow Federal and/or State laws and regulations regarding sharing medical information about the pupil.
 - l. Take threats or harassment against an allergic child seriously.
3. Pupil's Role
- a. Pupils should not trade food with others.
 - b. Pupils should not eat anything with unknown ingredients or known to contain any allergens.
 - c. Pupils should be proactive in the care and management of their food allergies and reactions based on their developmental level.
 - d. Pupils should notify an adult immediately if they eat something they believe may contain the food to which they are allergic.

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R 5350 PUPIL SUICIDE

The following regulations are established for guidance of staff members in recognizing the pupil who contemplates suicide, in responding to threatened or attempted suicide, and in preventing contagion when a pupil commits suicide. Because a prompt response may be essential to a pupil's life, the designation of a district position in these regulations includes the person who holds that position and, if the position holder is absent or unavailable, the person temporarily charged with the responsibilities of the position.

A. Recognition of Potential Suicide

All school personnel, both teaching staff members and support staff members, shall be alert to any sign that a pupil may be contemplating suicide. Such signs include, but are not necessarily limited to, a pupil's:

1. Overt suggestion, regardless of its context, that he/she is considering or has considered suicide or has worked out the details of a suicide attempt;
2. Evidence of preparation of a will, intention to dispose of his/her effects and belongings, or otherwise get life "in order";
3. Obsession with death or afterlife;
4. Possession of a weapon or other means of suicide or obsession with such means;
5. Sense of hopelessness or unrelieved sadness;
6. Lethargy or despondency, or, conversely, a tendency to become more impulsive or aggressive than usual;
7. Drop in academic achievement, slacking off of energy and effort, or inability to focus on studies;
8. Isolation from others by loss of friends, withdrawal from friends, lack of companionship, or family disintegration;
9. Preoccupation with nonexistent physical ills;
10. Loss of weight, appetite, and/or sleep;
11. Substance abuse; and
12. Loss of economic resources.



B. Response to Potential Suicide

1. Any indication of a potential suicide, whether personally witnessed or received by report from another, must be taken seriously and must be reported to the Principal immediately.
2. The Principal shall immediately inform the Child Study Team, which shall investigate the matter promptly and conduct such evaluations as may be appropriate.
3. The Principal will inform the pupil's parent(s) or legal guardian(s), in a conference if possible, of the signs demonstrated by the pupil and of the district's concern and seek parental approval of the pupil's evaluation. In the event parental abuse or neglect is suspected, the Principal or the employee who forms the suspicion will immediately so inform the Division of Youth and Family Services in accordance with Policy No. 8462.
4. If the threat of suicide is immediate and serious, the Principal may appoint teaching staff members and/or Child Study Team members to a suicide intervention team, which shall determine the potential of the threat by directly questioning the pupil, without mincing words, about:
 - a. Whether any suicide plans have been made, how detailed the plans are, and whether any preliminary actions have been taken,
 - b. The pupil's feelings of hopelessness and the length of time the pupil has had such feelings,
 - c. The pupil's thoughts of suicide and how persistent and strong those thoughts are, and
 - d. Whether the pupil has considered alternative courses of action to resolve his/her problems.
5. After gathering information, the suicide intervention team shall determine the life-threatening risk of the situation based on the pupil's signs of possible suicide (A1) and the pupil's responses to questioning.



6. If it is determined that a substantial risk of suicide exists, the Suicide Intervention Team shall:
 - a. Assign staff members as required to assure that the pupil is never out of the presence of an adult who has been fully informed that the pupil may be in danger of self-destruction,
 - b. Refer the pupil to the Child Study Team for comprehensive evaluation,
 - c. Notify the pupil's parent(s) or legal guardian(s) immediately and strongly recommend consultation with a licensed mental health professional or agency,
 - d. Request the parent(s) or legal guardian(s) to sign a release of information form authorizing the chosen mental health professional or agency to share with appropriate district personnel such relevant information as premature termination of treatment, additional threats and/or attempts of suicide, and continuing warning signs.
 7. A member of the Suicide Intervention Team will be appointed to follow up on the pupil's progress and to determine whether the pupil's parent(s) or legal guardian(s) has consulted a mental health professional or agency. Follow up reports will be made to the Principal.
 8. If the pupil's parent(s) or legal guardian(s) does not sign the release of information form or does not cooperate in a comprehensive Child Study Team evaluation or does not seek treatment for the pupil, the Principal shall inform the Division of Youth and Family Services.
- C. Response to Suicide Attempt
1. Any attempted suicide, whether or not on school premises or during the school day, must be reported immediately to the Principal.
 2. The staff member who witnesses a suicide attempt on school premises or at a school sponsored event or in the course of school-related travel shall render first aid in accordance with Policy No. 8441 and summon medical assistance as appropriate.
 3. Procedures outlined at B2 through B8 above will be followed.



D. Prevention of Suicide Contagion

1. The district Principal will be promptly informed when a pupil of this district commits suicide.
2. The Principal will assemble teaching staff members prior to the opening of school to provide them with accurate information, plans for the school day, and guidelines for handling the concerns of pupils.
3. The Principal of the school or building that the victim attended will assign a crisis team from the pupil personnel staff to assist the staff in dealing with the general school situation and any individual problems that may arise.
4. The suicide will not be given prominence by public announcement or a school-wide assembly. School will not be closed in order to permit pupils and staff members to attend the victim's funeral.
5. Teachers will respond to the needs of pupils with as little interruption of the educational program as possible.
6. Pupils will be provided with accurate information and will be given the opportunity to discuss their feelings of loss and their memories of the victim, both good and bad, without penalty.
7. All school personnel shall be especially alert to signs of contemplated suicide among the victim's peers.
8. Teaching staff members, under the direction of the Principal, shall attempt to prevent social contagion by:
 - a. Preventing glorification or romanticization of the suicide,
 - b. Helping pupils recognize that suicide is irreversible and permanent and does not truly resolve problems,
 - c. Encouraging pupils to ask probing questions when a fellow pupil suggests suicide and to report such suggestions to a teaching staff member, and
 - d. Discussing ways of handling depression and anxiety without resort to self-destruction.



9. Pupils who were close to the victim, and their parent(s) or legal guardian(s), shall be offered special counseling services and notified of available community mental health services.

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R 5410 PROMOTION AND RETENTION

Board policy and administrative guidelines stipulate that promotion or retention be based on academic achievement. Promotion for Kindergarten shall be determined on an individual basis. The factors to be considered are:

1. Academic achievement in relation to ability;
2. Chronological and mental age; and
3. Social, emotional, and physical growth.

Pupils in grade one will be promoted by passing (O, S, N) reading at a level of at least primer and at least three of the following four subject areas: language arts; mathematics; social studies; and science. Pupils in grades two – four shall be promoted by passing (O, S, N) reading at a level not more than one grade behind and at least four of the five following subject areas: language arts; spelling; mathematics; social studies; and science. Pupils in grades five to eight are expected to satisfactorily complete three major courses (reading/literature, math, science, social studies and language arts) and two minor courses (art, physical education or music) to be promoted to the following grade. In order for a passing grade to be obtained, pupils must be in attendance at least eighty-five percent of the time (one hundred fifty-three days). All absences will be included except for State-approved religious holidays and absences during home instruction period.

Adopted: 15 September 2010



R 5420 REPORTING PUPIL PROGRESS

A. Purpose

The purpose of reporting the educational progress of pupils is to:

1. Inform parent(s) or legal guardian(s) of the progress children have made in school;
2. Apprise pupils of their progress in school;
3. Prompt teachers to make periodic, formal assessments of each pupil's progress;
4. Provide a cumulative record of a pupil's progress through the educational system; and
5. Enable each pupil to gain a positive sense of his/her intellectual, social, emotional, and physical abilities and growth toward effective citizenship.

B. Frequency

1. Report cards will be issued at the following intervals:

Grade levels	Frequency
Kindergarten	2 times per year
1 – 3	3 times per year
4 – 8	4 times per year

2. The schedule of dates on which report cards will be issued will be published in the parent and student handbooks distributed by the school so that parents or legal guardians can anticipate the receipt of a report card.
3. Parent(s) or legal guardian(s) and pupils will be notified in writing of the possibility of a failing grade at the mid point of the marking period.



4. Parent(s) or legal guardian(s) and pupils will be notified in writing of the possibility of a pupil's retention at grade level in accordance with Policy No. 5410.
 5. Notices given pursuant to B2 and B3 will be sent home with the pupil.
 6. Nothing in this regulation should discourage teachers from implementing various forms of communication, as frequently as the circumstances dictate, to keep parent(s) or legal guardian(s) informed of the educational progress of their children.
- C. Report Card Form
1. The form of report cards will be periodically reviewed by the Principal in order to ensure that report cards effectively and accurately report pupil progress.
 2. Grades will be determined in accordance with Regulation No. 2624.
 3. At the elementary level, report cards will report individual academic, personal, and social growth as well as work and study habits.
 - a. The Kindergarten report card will stress the degree of mastery of skill achieved.
 - b. The primary grades one to three report card will record a specific symbol for both effort and degree of mastery of specific skills.
 - c. The intermediate and middle school grades four to eight report card will record both effort and degree of mastery of specific skills and will include the instructional level achieved by the pupil in reading, spelling, and mathematics.
 4. Report cards at all levels will record the pupil's absences and tardiness.
 5. Report card forms will include space for the classroom or homeroom teacher's personal comments on the pupil's personal growth and development.
 6. Report card forms will include space for the parent(s) or legal guardian(s) signature, comments, and request for a conference with the teacher.



D. Distribution and Return

1. Report cards will be sent home with pupils.
 - a. The report card of a pupil who is absent on the day report cards are issued may be held and sent home with the pupil on the following school day.
 - b. The report card of a pupil who is absent for an extended period of time will be mailed to the parent(s) or legal guardian(s).
2. Report cards must be signed by the pupil's parent(s) or legal guardian(s) and returned within three school days of the date on which they were issued.
3. Teachers will maintain a check list to determine which report cards, if any, have not been returned within the allotted time. If a report card is overdue, the teacher will call the parent(s) or legal guardian(s).

E. Parent Teacher Conferences

Parent teacher conferences will be conducted in accordance with Policy No. 9280.

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R 5500 EXPECTATIONS FOR PUPIL CONDUCT

The following specific behaviors exemplify the conduct expected of pupils, in accordance with Policy No. 5500.

- A. Pupils will prepare themselves mentally and physically for the process of learning by:
 - 1. Being well-nourished, rested, clean, and properly dressed and groomed;
 - 2. Being free of drugs and alcohol and refraining from smoking; and
 - 3. Developing attitudes that will prepare them for listening, participating, and learning.
- B. Pupils will respect the person, property, and intellectual and creative products of others by:
 - 1. Being always honest, forthcoming, and courteous;
 - 2. Displaying care for the property of others;
 - 3. Acknowledging the intellectual work of others when it is incorporated into their work;
 - 4. Accepting the rights of others to their own opinions and beliefs;
 - 5. Resolving disputes and differences peacefully;
 - 6. Displaying loyalty and good sportsmanship; and
 - 7. Helping to maintain school facilities that are neat and clean.
- C. Pupils will take responsibility for their own behavior and learning by:
 - 1. Recognizing that academic endeavor is the primary purpose of school attendance;
 - 2. Completing all homework, classwork, and assigned projects on time;
 - 3. Preparing for each class by bringing necessary supplies and equipment;
 - 4. Making personal choices that are based on sound reasoning and decision-making;



5. Accepting constructive criticism; and
 6. Acknowledging and accepting the consequences of their own actions.
- D. Pupils will use time and other resources responsibly by:
1. Attending school regularly and promptly and striving for a perfect attendance record;
 2. Using study periods and library time for school work; and
 3. Using books and other equipment appropriately.
- E. Pupils will share responsibilities when working with others by:
1. Cooperating with others in the work of the group;
 2. Contributing talents and services as appropriate;
 3. Accepting leadership when appropriate; and
 4. Respecting the rights and opinions of others in a group setting.
- F. Pupils will meet the requirements of each course of study by:
1. Participating actively and appropriately in the scheduled class;
 2. Following the rules and procedures established for the class by the teacher;
 3. Bringing to class the textbook, clothing, and other materials necessary for participation; and
 4. Observing school rules for the safe handling of class equipment and materials.
- G. Pupils will monitor their own progress toward school objectives by:
1. Carefully planning courses of study and schedules;
 2. Promptly seeking staff assistance as required; and
 3. Maintaining records of progress.



- H. Pupils will communicate with parent(s) or legal guardian(s) and appropriate school staff members about school matters by:
1. Discussing progress in school with parent(s) or legal guardian(s) and relaying necessary information to parent(s) or legal guardian(s);
 2. Transmitting school letters, forms, and notices to parent(s) or legal guardian(s) and returning required responses to school staff members;
 3. Conferring with appropriate staff members when a problem occurs; and
 4. Developing with parent(s) or legal guardian(s) a clear idea of their educational goals.

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R 5511 DRESS CODE

School Uniform Dress Code Policy

1. The Board of Education believes school dress can influence pupil behavior and a school uniform policy will enhance a school's learning environment. In accordance with N.J.S.A. 18A:11-7 and N.J.S.A. 18A:11-8, the Board adopts a school uniform provision of this Dress Code Policy to require pupils to wear a school uniform.
2. A description of the required school uniform for the school shall be maintained in the Principal's office at the school.
3. The Board believes the cost of school uniforms will result in less expense for each pupil than not wearing school uniforms. However, the school, working with the school's parent organization, will develop fundraising opportunities, community donation programs, and corporate sponsorships to defray the cost of the school uniforms for economically disadvantaged pupils.
4. This School Uniform Policy does not prohibit pupils who participate in nationally recognized youth organizations (Girl Scouts, Boy Scouts, etc.) that are approved and/or recognized by the Board, from wearing organization uniforms to school on days the organization has a scheduled meeting or for a scheduled and specific purpose for wearing such organization uniform approved in advance by the Principal.
5. A parent(s)/legal guardian(s) may request an exemption for their child wearing the school uniform by completing the Application for School Uniform Policy Exemption stating a bona fide religious or philosophical objection to wearing the school uniform.
 - a. The Application requires the applicant to indicate the objection with specificity and to provide the alternative dress the pupil will wear to school to be in compliance with the bona fide objection.
 - b. The Principal will designate a committee of school staff members to consider all exemption requests and the committee will grant exemptions upon a finding that the objection is based in a deeply held religious or philosophical belief.



6. A pupil who does not wear a school uniform to school without permission and/or an exemption, shall be subject to the following:

The building administrators or administrative designee will make final determination if the pupil's attire meets the approved dress code policy. Pupils choosing not to wear the approved uniform dress code will be disciplined per the district Uniform Discipline Policy stated below.

The Principal or Assistant Principal must approve any deviation from dress code for specific, approved events.

Families in need of financial assistance for the purchase of school uniforms must contact the school and complete an application for assistance. If approved, a voucher or uniform(s) will be issued.

Pupils who have been in compliance each month may pay to have a dress down day on the last Friday of that month. The cost is \$1.00 per dress down day and tickets/passes will be sold on the Wednesday preceding that Friday. This money may be used to refurbish the account for families in need and/or used to purchase educational materials for the pupils of Beverly City School.

Grades Kindergarten – 8

Number of Days Without Uniform	Consequences
1 day	Warning Call parent(s) or legal guardian(s)
2 days	Call parent(s) or legal guardian(s) Bring uniform/1 general detention
3 days	Call parent(s) or legal guardian(s) Bring uniform/2 general detentions
4 days	Call parent(s) or legal guardian(s) Bring uniform/1 day suspension Mandatory conference with parent(s) or legal guardian(s)
5 days	Call parent(s) or legal guardian(s) 3 days suspension Mandatory conference with parent(s) or legal guardian(s)



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Dress Code

Number of Days Without Uniform	Consequences
More than 5 days	Call parent(s) or legal guardian(s) 10 days suspension Mandatory conference with parent(s) or legal guardian(s) Remand hearing before Board of Education

7. The Building Principal will distribute a copy of this Policy:
 - a. To all parent(s)/legal guardian(s) of all pupils in the school;
 - b. To parent(s)/legal guardian(s) of all pupils entering the school from another school in the district; and/or
 - c. To parent(s)/legal guardian(s) of all pupils entering the school during the school year from another school district.]

Enforcement

1. Teaching staff members will report perceived violations of the dress code to the Building Principal or designee, who will interpret and apply the code.
2. Pupils who publicly represent the school or a school organization at an activity away from the school district are required to dress in full accordance with the reasonable expectations of the staff member in charge of the activity. Pupils unwilling to comply with this requirement will disqualify themselves from participation.
3. Pupils will not be permitted to attend a school-related function, such as a field trip, after-school activity unless they are attired and groomed in accordance with this dress code and the reasonable expectations of the staff member in charge.
4. The Principal may waive application of the dress code for special school activity days
5. A pupil whose dress or grooming has been found by the Principal or designee to violate this Regulation may appeal the determination to the Superintendent.

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R 5512 REPORTING PROCEDURE - HAZING AND/OR HARASSMENT, INTIMIDATION, OR BULLYING

The Board of Education recognizes the need for a procedure to be in place for persons to report and investigate allegations of hazing and/or harassment, intimidation, or bullying behavior. For the purposes of this Regulation, “behavior” shall mean acts, or planned acts, of hazing as defined in Policy 5512 and/or acts of harassment, intimidation, or bullying as defined in Policy 5512.01. Unless otherwise noted, “Building Principal” means the Principal and/or designee, of the school building.

The following complaint procedures shall be used for an allegation(s) of hazing and/or harassment, intimidation, or bullying behavior:

1. Reporting Hazing and/or Harassment, Intimidation, or Bullying Behavior

a. Any person with any information regarding actual and/or planned hazing and/or information regarding acts of harassment, intimidation, or bullying of a pupil by any school employee or other pupils must report the information to the Building Principal.

- (1) If the Building Principal deems it appropriate, he/she may immediately notify the parents/legal guardians of the alleged pupil(s) who may be, or was, the victim of this behavior and the accused pupil(s) who may have done or did this behavior.
- (2) The Building Principal will not disclose the name(s) of the person(s) accused or alleged victim(s) to the other party prior to completing a preliminary investigation.
- (3) The Building Principal will notify the district’s Affirmative Action Officer of the report prior to conducting a preliminary investigation.

Nothing in Policies 5512 and 5512.01 or in this Regulation prohibits the school district’s Affirmative Action Officer from complying with the requirements of the district’s Affirmative Action Program as outlined in Policy 1550. In the event the Affirmative Action Officer believes an affirmative action plan violation may be present, the Affirmative Action Officer may conduct an investigation in accordance with Policy 1550.



- b. The school district can learn of this behavior through other means such as from a witness to an incident, an anonymous letter or telephone call, web-based reporting systems, and/or locked boxes throughout the school where a report can be submitted without fear of being observed. Formal disciplinary action may not be taken solely on the basis of an anonymous report.
 - c. Nothing in Policies 5512 and 5512.01 and this Regulation shall preclude the Building Principal and/or designee, from complying with the provisions of Policy No. 5600 - Pupil Discipline in order to maintain the health, safety and welfare of staff and/or pupils.
 - d. In the event the Building Principal determines, after a preliminary investigation, that hazing and/or harassment, intimidation, or bullying behavior may have been present, the Building Principal shall notify the parent(s) or legal guardian(s) of all involved pupils and any other involved individuals of the process to be followed in investigating a report or complaint.
2. Building Principal's In-depth Investigation
- a. The Building Principal will begin an immediate in-depth investigation in the event he/she believes, after the preliminary investigation, prohibited behavior may have been present. The Building Principal, at his/her discretion, may request the Affirmative Action Officer assist in the investigation. The Building Principal will promptly investigate all alleged complaints, whether or not a formal complaint is filed, and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed by the Building Principal no more than ten working days after receiving notice.
 - b. When a pupil or the parent/legal guardian of a pupil provides information or complains about hazing and/or harassing, intimidating, or bullying behavior of a pupil, the Building Principal will initially discuss what actions the pupil or parent(s) or legal guardian(s) is seeking in response to the behavior.



- c. The Building Principal's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged behavior, interviews with any pupils who may have been hazed and/or harassed, intimidated, or bullied by any school employee or other pupils and any other reasonable methods to determine if this behavior existed.
- d. The Building Principal will request, if relevant to an investigation, the parent(s) or legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if the behavior existed.
- e. The Building Principal will provide a copy of the Board Policies and the Regulation on Hazing and Harassment, Intimidation, and Bullying to all persons who are interviewed with potential knowledge and to any other person the Building Principal feels would be served by a copy of such documents.
- f. The Building Principal will explain the avenues for formal and informal action, including a description of the complaint procedure that is available for hazing and/or harassment, intimidation, or bullying complaints and an explanation on how the procedure works.
- g. Any person interviewed by the Building Principal may be provided an opportunity to present witnesses and other evidence.
- h. The Building Principal and/or Superintendent may contact law enforcement agencies if there is potential criminal conduct by any party.
- i. The school district administration may take interim measures during a Building Principal's investigation of a complaint in order to alleviate any conditions that prohibits the pupil from assisting in the investigation.

If there is a dispute about whether behavior occurred the following types of information may be helpful in resolving the dispute:

- (1) Statements made by any witnesses to the alleged incident.
- (2) Evidence about the relative credibility of the alleged accused or alleged victim.



- (3) Evidence that the alleged accused has been found to have hazed and/or harassed, intimidated or bullied others may support the credibility of the pupil claiming the behavior.
 - (4) Evidence of the alleged victim's reaction or behavior after the alleged behavior.
 - (5) Evidence about whether the pupil claiming behavior against them filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.
- j. The scope of a reasonable response also may depend upon whether a pupil or parent/legal guardian reporting the behavior asks that the pupil's name not be disclosed to the accused or that nothing be done about the behavior.
- The Building Principal:
- (1) Will provide an overview of the Harassment, Intimidation, and Bullying Policy and the Hazing Policy to the pupil, parent and/or legal guardian. In the event the pupil, parent(s) or legal guardian(s), request the pupil's name remain confidential, the Building Principal will inform the pupil, parent and/or legal guardian that the request may limit the school district's ability to respond.
 - (2) Will evaluate the confidentiality request in the context of its responsibility to provide a safe environment for all pupils. The factors to be considered shall be the seriousness of the alleged behavior, the age of the pupils involved, whether there have been any other complaints or reports and the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result.
 - (3) May use other means available to address the behavior. Steps may be taken to limit the effects of the alleged behavior and prevent its reoccurrence without initiating a formal complaint and revealing the identity of the complainant. These steps may require training at the site where the problem occurred, taking a pupil survey concerning any problems that may exist, or other systematic measures where the alleged behavior occurred.



- (4) By conducting a limited investigation without revealing the name of the victim, the Building Principal may be able to learn about or confirm a pattern of behavior based on claims of different pupils that were hazed and/or harassed, intimidated, or bullied by the same individual. The Building Principal may place an individual on notice of allegation of behavior and counsel appropriately without revealing, even indirectly, the identity of the pupil who notified the school district.

3. Investigation Results

- a. Upon the conclusion of the investigation, but not later than ten working days after reported, the Building Principal will prepare a summary of findings to the parties. At the least, this shall include the person(s) providing notice to the school district, the pupil(s) who was alleged to be the victim of hazing and/or harassing, intimidating, or bullying behavior, and the Affirmative Action Officer.
- b. The Building Principal shall make a determination whether hazing and/or harassing, intimidating, or bullying behavior was present.
- c. If the Building Principal concludes the behavior was not, or is not present, the investigation is concluded.
- d. If the Building Principal determines the behavior has occurred, the school district administrators shall implement procedures that ensure both the appropriate consequences and remedial responses for pupils who have committed one or more acts of hazing or harassment, intimidation, or bullying are consistent with the code of pupil conduct and Policy 5512.01.
- e. The school district administrators will take steps to avoid any further hazing and/or harassment, intimidation, or bullying behavior and to prevent any retaliation against the pupil who made the complaint, was the subject of the behavior, or against those who provided the information or were witnesses. The Building Principal will inform the victim pupil and his/her parent(s) or legal guardian(s) how to report any subsequent problems and make follow-up inquiries to see if there has been any new incidents or retaliation.
- f. All grievances and accompanied investigation notes will be maintained in a confidential file by the Building Principal.



4. Building Principal's Investigation Appeal Process
 - a. Any person found by the Building Principal's investigation to be guilty of hazing and/or harassment, intimidation, or bullying behavior, or any pupil who believes they were hazed and/or harassed, intimidated, or bullied, but not supported by the Building Principal's investigation, may appeal to the Superintendent. The Superintendent will review the Building Principal's report and any other information he/she deems appropriate to make a determination. The Superintendent will make his/her determination within ten working days of receiving the appeal.
 - b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will review the Building Principal's report and the Superintendent's determination, along with any other information the Board deems appropriate to make a Board determination. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

Office Of Civil Rights (OCR) Case Resolution

Parents or pupils not satisfied with the resolution by the school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

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R 5513 CARE OF SCHOOL PROPERTY

A. Teachers' Responsibilities

1. Teachers will exercise judgment in the entrustment of school property to pupils.
2. Teachers will impress upon all pupils the importance of the proper care of school property and instruct pupils in the proper use of school facilities, equipment, instructional materials, and textbooks.
3. Teachers will keep an accurate inventory of textbooks and other materials assigned to their classrooms.

B. General Rules Governing the Use of School Property

1. Pupils shall not deface the school building, furnishings, or equipment in any manner.
2. Pupils shall not use school furnishings or equipment for purposes other than those for which the furnishing or equipment was designed and intended.
3. Pupils will care for school textbooks in accordance with D.

C. Distribution and Collection of Textbooks and Materials

1. Each textbook will be stamped as the property of the Board of Education and marked with a number unique to that book.
2. A label will be affixed to the front of each textbook and will include:
 - a. The name of the Board of Education,
 - b. The name of the school,
 - c. The year in which the book was purchased, and
 - d. The number assigned to the book.
3. The following information will also be entered on the label each time the book is issued to a pupil:



- a. The name of the pupil to whom the book is issued,
 - b. The date on which the book is issued to the pupil,
 - c. The condition of the book when it is issued, and
 - d. The condition of the book when it is returned.
4. Each classroom teacher will keep a permanent record of the textbooks used in his/her classroom. The record will include all the information listed in C2 and C3.
 5. A lost textbook must be promptly reported to the teacher who issued the book. A replacement textbook will be issued immediately.
 6. Textbooks will be collected and inspected before the end of the school year or marking period, as appropriate. Once inspected, a textbook will be returned to inventory until it is again distributed to a pupil.
 7. Pupils must remove covers, loose papers, and markings before returning any textbook.
 8. Fines will be assessed for lost and damaged textbooks in accordance with E.
- D. Care of Textbooks by Pupils
1. Pupils shall take care not to lose or misplace a textbook or expose a textbook to conditions or circumstances likely to destroy, damage, or degrade it.
 2. All textbooks that will be taken home by pupils must be protected with an appropriate cover to be supplied by the pupil.
 3. Pupils should not:
 - a. Use pens, pencils, or other implements to mark a place in a textbook;
 - b. Use a textbook to file bulky papers and notes;
 - c. Write in textbooks; or
 - d. Soil textbooks beyond normal use.



E. Fines and Penalties

1. Fines will be assessed as follows for any lost textbook or textbook damaged beyond normal wear.

All textbooks should be labeled and stamped with the school name. Children should cover books which they keep in their possession. Teachers shall assess a charge for all damaged and lost books. Pupils should be notified when they receive the books.

New books	100% of cost
1 year old	75% of cost
2 years old	50% of cost
3 years old	30% of cost
4 years old	25% of cost

Cost is defined as the current replacement cost of the book. Minimum fine is \$.50.

2. The teacher will inspect each textbook returned and will assess a fine for each lost or damaged book. The teacher will prepare a form in triplicate that includes:
 - a. The name and number of the textbook damaged or lost;
 - b. The name of the pupil;
 - c. The loss or damage to the textbook; and
 - d. The amount of the fine.
3. In setting fines the teacher may take into account verified extenuating circumstances.
4. The pupil will take the form to the Main office and make payment of the fine assessed.
5. Teachers will not collect fines.
6. Copies of the form will be distributed as follows:



- a. The Main office will retain one copy for office records.
 - b. The pupil will be given one copy as receipt for the fine.
 - c. The teacher will be given one copy as evidence that the fine has been paid.
7. A pupil who finds their lost textbook will be reimbursed any fine paid for the lost textbook but will be assessed a fine for any damage done to the book.
8. A pupil who has not paid a fine owed will not receive a diploma, transcript, transfer card, or report card until the fine has been duly paid and acknowledged. A high school senior who has unpaid fines may participate in the graduation ceremony but will receive a blank diploma.
9. If fines remain unpaid, the Principal may request payment from the parent(s) or legal guardian(s), notify the pupil's employer, or take such other steps as may be appropriate to ensure that moneys due the district are paid and that the importance of taking responsibility for the consequence of one's acts is instilled.

Adopted: 15 September 2010



R 5530 SUBSTANCE ABUSE

The following procedures are established in implementation of Policy No. 5530, Substance Abuse.

A. Definitions

1. “Evaluation” means those procedures used by a certified or licensed professional to make a positive determination of a pupil’s need for programs and services which extend beyond the general school program by virtue of learning, behavior or health difficulties of the pupil or the pupil’s family.
2. “Intervention” means those programs, services and actions taken to identify and offer help to a pupil at risk for learning, behavior or health difficulties.
3. “Referral for evaluation” means those programs and services offered to a pupil or his or her family in order to make a positive determination regarding a pupil’s need for services which extend beyond the general school program.
4. “Parent” means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a pupil. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
5. “Substance” means alcoholic beverages, controlled dangerous substances, including anabolic steroids as defined at N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined at N.J.S.A. 2C:35-10.4 and over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
6. “Substance abuse” means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.



7. “Under the influence” of substances means that the pupil is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.
- B. Discipline
1. Any violation of Board rules prohibiting the use, possession and/or distribution of a substance is a serious offense, and the pupil who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Pupils who violate the substance abuse rules will be disciplined as follows:
 - a. First offense:

 - b. Second offense:

 - c. Third offense:

 2. In accordance with N.J.A.C. 6A:16-4.1(c), the following disciplinary action will be taken in the event the pupil does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors:
 - a. First offense:

 - b. Second offense:



c. Third offense:

C. Identification and Remediation of Pupils Involved with Substances.

1. Teaching staff members shall be alert to the signs of a pupil's involvement with substances, in accordance with the training offered in in-service training sessions.
2. A teaching staff member who suspects that a pupil is involved with substances, but not under the influence of them, should refer the pupil to the School Nurse, the Substance Awareness Coordinator, a Guidance Counselor, the Child Study Team, or another professional staff member or trained resource person, as appropriate. The staff member shall notify the Principal of the referral; if appropriate, the Principal should notify the pupil's parent(s) or legal guardian(s) of the referral and discuss with the parent(s) or legal guardian(s) the possibility of medical or therapeutic treatment.
3. When a pupil involved with substances has discussed his/her involvement with a teaching staff member with an expectation of confidentiality, the staff member may respect that confidence. The teaching staff member should encourage the pupil to seek aid from a professional trained in counseling and to confide in his/her parent(s) or legal guardian(s). When the staff member believes that the pupil requires professional counseling or intervention that the pupil will not seek on his/her own, the staff member may report the pupil to the Principal, who shall determine whether to notify the pupil's parent(s) or legal guardian(s) and may report the pupil to an appropriate district professional or trained resource person or to an appropriate agency for evaluation and possible treatment.

D. Reporting and Examination of Pupils Under the Influence of Anabolic Steroids

1. Whenever any teaching staff member, certified or non-certified nurse or other educational personnel have reason to believe that a pupil has used or may be using anabolic steroids that person must report the matter as soon as possible to the Principal (or, in the Principal's absence, to a person designated by the Principal) and either the certified or non-certified school nurse or the school physician or the Substance Awareness Coordinator.



2. The Principal or designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.
3. The Principal shall arrange for the immediate examination of the pupil by a physician licensed to practice medicine or osteopathy selected by the parent(s) or legal guardian(s). If the physician selected by the parent is not available to perform the examination, the examination will be conducted by the school physician or another physician identified by the Principal. An examination conducted, at parental request, by a physician other than the school physician or another physician identified by the Principal shall not be at the district's expense.
4. The pupil shall be examined as soon as possible for the purpose of determining whether the pupil has been using anabolic steroids.
5. The Superintendent or designee may, but need not, disclose to law enforcement authorities the identity of a pupil suspected or have used or who may be using anabolic steroids. The Superintendent shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of anabolic steroids or related paraphernalia or a pupil reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.
6. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Principal, and to the Superintendent.
7. If it is determined that the pupil has used anabolic steroids, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained to assess alcohol and other drug abuse shall interview the pupil and others, as necessary, for the purpose of determining the extent of the pupil's involvement with and use of anabolic steroids and the possible need for referral for treatment. To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the pupil's teachers and parents and consultation with experts in pupil alcohol or other drug abuse, as may be appropriate and necessary.



8. If the results of a referral for evaluation have positively determined that the pupil's use of anabolic steroids represents a danger to the pupil's health and well-being, the school staff member(s) identified in 7. above 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 practitioners certified by appropriate drug and alcohol licensing board.
- E. Evaluation and Treatment of Pupils Under the Influence of a Substance Other Than Anabolic Steroids
1. Any educational staff member or other professional to whom it appears that a pupil may be currently under the influence of alcohol or other drugs on school grounds, including on a school bus or at a school-sponsored function, shall report the matter as soon as possible to the Principal and either the certified school nurse, non-certified school nurse, the school physician, or the substance awareness coordinator pursuant to N.J.S.A. 18A:40A-12. In the absence of the Principal, his or her designee shall be notified. In instances where the Principal and either the certified school nurse, non-certified school nurse, the school physician or the substance awareness coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified. The referring staff member shall complete the Violence, Vandalism and Substance Abuse Incident Report, according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.
 2. The Principal or designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent and/or designee.
 3. The Superintendent or designee may, but need not, disclose to law enforcement authorities the identity of a pupil suspected to be under the influence of alcohol or other drugs. The Superintendent shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a pupil reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
 4. The Principal or designee, in response to every report, must arrange for an immediate medical examination of the pupil for the purposes of providing appropriate health care for the pupil and for determining whether the pupil is under the influence of alcohol, or other drugs, other than anabolic steroids. The medical examination shall be performed by a physician licensed to practice



medicine or osteopathy that is selected by the parent(s) or legal guardian(s). If the parent's or legal guardian's physician licensed to practice medicine or osteopathy is not immediately available, the medical examination shall be conducted by the school physician. If neither the parent's or legal guardian's physician nor the school physician is immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination. The pupil shall be accompanied by the pupil's parent(s) or legal guardian(s) if available and by a member of the school staff appointed by the Principal. Parental or legal guardian permission is not required for the school's physician or emergency room examination. The parent(s) or legal guardian(s) may, but is not required to accompany the pupil to the school physician and/or emergency room. The Principal and/or designee will supervise the pupil while the pupil is waiting for the parent(s) or legal guardian(s) to take the pupil to the physician selected by the parent, or waiting for and receiving the examination by the school physician or in the emergency room. An examination conducted by a physician selected by the parent(s) or legal guardian(s) shall be at the expense of the parent and shall not be at the expense of the school district. An examination conducted by the school physician or by a physician at the emergency room of the nearest hospital shall be at the expense of the school district.

5. The school district, in cooperation with the medical professional licensed to practice medicine or osteopathy will establish the minimum requirements to be used for these medical examinations conducted in accordance with N.J.A.C. 6A:16-4.3 et seq. The minimum requirements for the examination will be periodically reviewed and updated as needed. Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.
6. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Principal, and to the Superintendent within twenty-four hours of the referral of the pupil for suspected drug or alcohol use. The findings of the report shall verify whether the pupil's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.
7. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the parent is required to verify within twenty-four hours of the notification that the pupil is suspected of alcohol or other drug use that the medical examination in accordance with this Policy was performed. The verification shall include, at a minimum, the printed name, address and phone number, date and time of the medical examination, signature of the examining physician and the date by which the written report of the examination will be provided.



8. If the written report of the examination is not submitted to the parent, Principal or Superintendent within twenty-four hours of the referral of the pupil, the pupil will be allowed to return to school until such time a positive determination of alcohol or other drug use is received from the physician.
9. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the pupil's physical and mental ability to perform in school, the pupil will be immediately returned to school.
10. If there is a positive determination from the medical examination, indicating the pupil's alcohol or other drug use interferes with his or her physical or mental ability to perform in school the pupil will be returned to the parent's care as soon as possible. Attendance at school will not resume until a written report has been submitted to the parent(s) or legal guardian(s), Principal and Superintendent from the physician who has examined the pupil to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school. The report must verify the pupil's alcohol or other drug use no longer interferes with the pupil's physical and mental ability to perform in school. Removal of a pupil with a disability shall be made in accordance with N.J.A.C. 6A:14.
11. Refusal or failure by a parent/legal guardian to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated as a policy violation of the Compulsory Education Act pursuant to N.J.S.A. 18A:38-25 and 18A:38-31, and child neglect laws pursuant to N.J.S.A. 9:6-1 et seq., and N.J.A.C. 6A:16-11. Refusal or failure of a pupil to comply with N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.
12. While the pupil is home because of the medical examination or after the pupil returns to school, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained to assess alcohol and other drug abuse shall:
 - a. Conduct an alcohol and other drug assessment of the pupil and a reasonable investigation of the situation, which may include interviews with the pupil's teachers and parents and consultation with experts in pupil alcohol or other drug abuse as may be appropriate and necessary, for the



purpose of making a preliminary determination of the pupil'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 pupil. The findings of the assessment alone shall not prevent a pupil from attending school; and

- b. 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.
13. While the pupil is at home because of the medical examination or after the pupil returns to school, the Principal or Superintendent may recommend or require alcohol and other drug assessment of the pupil or evaluation by appropriately certified or licensed professionals to make a positive determination of a pupil's need for programs and services which extend beyond the general school program, as necessary. The findings of these additional evaluations alone shall not be used to prevent a pupil from attending school.
14. If at any time it is determined a pupil's use of substances presents a danger to the pupil's health and well-being, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for substance abuse treatment.
15. Any educational or non-educational school staff member who in good faith reports a pupil to the Principal or Principal's designee in compliance with N.J.A.C. 6A:16-4.3 and this Policy 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.
16. The district may provide additional intervention and referral services for the pupil according to the requirements of N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-7.1 through 7.3.



F. Presence of Substances on School Premises

1. A pupil's person, effects, or school storage places may be searched for substances in accordance with Policy No. 5770.
2. The Principal or other school officer conducting the search shall confiscate as evidence any substance found in the pupil's possession.
 - a. Any controlled dangerous substance as defined in N.J.S.A. 24:21-1 or at N.J.S.A. 2C:35-2, including controlled dangerous analogs and drug paraphernalia, shall be handled in accordance with Policy No. 9322 and implementing regulations.
 - b. Any substance or evidence of the use of a substance other than a controlled dangerous substance shall be sealed in an appropriate container and labeled with the date, name of the pupil, and name of the school official who conducted the search and found the drug. The evidence shall be locked in a secure place until it is no longer required for a determination of the pupil's involvement with a substance other than a controlled dangerous substance.

G. Outreach to Parents

1. An outreach program will be provided for the parent(s) or legal guardian(s) of pupils enrolled in the district. The program will be conducted at times, including evenings and weekends, convenient to parent(s) or legal guardian(s) and on school premises or at suitable facilities closer to pupil's residences or parents' workplaces.
2. The parents' outreach program will include:
 - a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year;
 - b. Recommendations as to the ways in which parent(s) or legal guardian(s) may enhance, reinforce, and supplement substance abuse instruction;
 - c. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;

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- d. Instruction on the identification of the symptoms and behavioral patterns that might indicate a substance abuser;
- e. Information on the State and local organizations available to assist in the prevention of substance abuse and the early intervention, treatment, and rehabilitation of substance abusers; and
- f. Review of Board policy and administrative regulations on substance abuse with attention to the role of parents.

H. Records

- 1. Notations concerning a pupil's involvement with substances may be entered on his/her records, subject to Policy No. 8330 regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil or when the pupil leaves school.
- 2. Information regarding a pupil's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C. 290 ee-3, and implementing regulations, 42 CFR Part 2.
- 3. If an elementary or secondary pupil involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session in that program which indicates that the pupil's parent(s) or legal guardian(s) or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:
 - a. Subject to the pupil's written consent, to another person or entity whom the pupil specifies in writing in the case of a secondary pupil, or to a member of the pupil's immediate family or the appropriate school personnel in the case of an elementary pupil;
 - b. Pursuant to a court order;
 - c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the pupil or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or

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- d. To the Division of Youth and Family Services or to a law enforcement agency, if the information would cause a person to reasonably suspect that the elementary or secondary pupil or another child may be an abused or neglected child.

Any disclosure made pursuant to a. and b. above shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the pupil's written consent. The disclosure must be accompanied by a written statement from the case worker advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by P.L. 1997,362 (N.J.S.A. 18A:40A-7.1 et seq.) and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated.

Nothing in this policy prevents the Division of Youth and Family Services or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this policy shall be construed as authorizing a violation of any federal law.

The prohibition on the disclosure of information provided by a pupil shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

A person who discloses or willfully permits the disclosure of information provided by a pupil in violation of this policy is subject to fines in accordance with N.J.S.A. 18A:40A-7.2.

4. Each incident of substance abuse shall be reported to the Commissioner on the Violence, Vandalism and Substance Abuse Incident Report form.

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R 5550 DISAFFECTED PUPILS

A. Grades Kindergarten through 6

1. Each pupil's work habits, behavior, products, and records will be continually monitored for signs of disaffection by teaching staff members responsible for the pupil's instructional program. Such signs of disaffection might include, but need not be limited to, the pupil's:
 - a. Working below potential set by IQ indicators,
 - b. Depressed standard test scores,
 - c. Excessive absenteeism or truancy,
 - d. Change in personality or work habits,
 - e. Marked irritability, lassitude, or hypersensitivity.
2. The teacher or other professional staff member who observes signs that a pupil may be disaffected will confer with the Principal. If it is determined that concern about the pupil's welfare is warranted, the pupil's parent(s) or legal guardian(s) will be called in and made aware of the problems, and steps to deal with the pupil's disabling attitude will be proposed.
3. Once a pupil is identified as disaffected, steps to offset the effects of disaffection may be initiated. Such steps may include:
 - a. A meeting with the learning disabilities teacher consultant to help teachers shape classroom strategies that might reduce disaffection,
 - b. Building on the pupil's strengths to help bolster his/her sense of self-worth,
 - c. Providing instructional alternatives to stimulate the pupil's interest by utilizing such devices as calculators, computers, educational games, and teaching machines,
 - d. Assigning the pupil to another teacher,
 - e. Transferring the pupil to another school in the district, and/or
 - f. Referring the pupil to the Child Study Team.



B. Grades 7 and 8

1. A disaffected pupil in the middle school may be identified by one or more of the following signs:
 - a. Argumentative behavior and truculence,
 - b. Willful disregard of school rules and lack of concern for others,
 - c. Disrespect for authority figures,
 - d. Excessive absenteeism or truancy,
 - e. Acting-out and/or aggressive behavior, and
 - f. Working below his/her potential.
2. The teacher or other professional staff member who observes signs that a pupil may be disaffected will confer with the Principal. If it is determined that concern about the pupil's welfare is warranted, the pupil's parent(s) or legal guardian(s) will be called in and made aware of the problems, and steps to deal with the pupil's disabling attitude will be proposed.
3. Once a pupil is identified as disaffected, the following steps will be taken:
 - a. The pupil will be referred to the school guidance office for counseling where:
 - (1) The parent(s) or legal guardian(s) may be asked to seek outside support services; and/or
 - (2) The teaching staff members responsible for the pupil may be asked to observe the pupil, formally monitor his/her progress, and report regularly to the guidance counselor.
 - b. The pupil's schedule may be modified as necessary,
 - c. The learning disabilities teacher-consultant may be consulted, and
 - d. The pupil may be referred to the Child Study Team.

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R 5560 DISRUPTIVE PUPILS

A. Grades Kindergarten through 6

1. Any of the following signs may indicate a disruptive pupil in the elementary grades:
 - a. Unsatisfactory grades in citizenship or work habits,
 - b. A worsening negative attitude,
 - c. Disobedience and willful disregard of rules,
 - d. Lack of concern for the rights of others,
 - e. Argumentative behavior and truculence,
 - f. Disregard for authority, or
 - g. Fighting with classmates.
2. Any of the following steps may be followed, singly or in combination, to deal with the elementary pupil who has been identified as disruptive:
 - a. After-school detention
 - b. Use of behavior modification as well as other techniques designed to change disruptive classroom displays,
 - c. Intervention by the Principal,
 - d. Parent-teacher conference,
 - e. Suspension, in accordance with Policy No. 5610, and
 - f. Referral to the Child Study Team.

B. Grades 7 and 8

1. Any of the following signs may indicate a disruptive pupil in the middle school:



- a. Argumentative behavior and truculence,
 - b. Willful disregard of school rules and lack of concern for others,
 - c. Disrespect for authority figures,
 - d. Excessive absence or truancy,
 - e. Acting-out and/or aggressive behavior, or
 - f. Difficulty with community or law enforcement agencies.
2. Any of the following steps may be used singly or in combination to deal with the disruptive pupil in the middle school:
- a. Detention after school during which time the pupil may be admonished about his/her conduct in the classroom,
 - b. Referral to the school's guidance counselor for counseling,
 - c. Conference among the teacher, guidance counselor, and parent(s) or legal guardian(s),
 - d. Referral to the Vice Principal when the pupil is constantly disruptive or causes major infractions of the school rules,
 - e. In-school suspension during which the pupil is placed under the supervision of a teacher, isolated from the mainstream, and assigned school work to complete,
 - f. Home suspension, in accordance with Policy No. 5610, when other alternatives fail to curb the pupil's disruptiveness, and
 - g. Referral to the Child Study Team.

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R 5570 SPORTSMANSHIP

Individuals who violate Policy No. 5570, Sportsmanship shall be subject to the following disciplinary actions to be imposed by the Principal or designee.

- A. Violations shall be dealt with in the following manner:
 - 1. First Offense - warning by the Principal or designee.
 - 2. Second Offense - short term suspension from the athletic or intramural program - duration to be determined by the Principal or designee, but not to exceed ten school days.
 - 3. Third Offense - long term suspension - up to one school year from the athletic or intramural program.
 - 4. Fourth Offense - permanent expulsion from participation in the athletic or intramural program by the Principal or designee.
- B. The determination of the Principal or designee may be appealed to the Superintendent who shall make a determination within ten working days.
- C. A determination by the Superintendent resulting in a long term suspension or expulsion from the athletic or intramural program may be appealed to the Board which may hold a hearing on the matter and render a determination of the matter within thirty calendar days.

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R 5600 PUPIL DISCIPLINE/CODE OF CONDUCT

The Beverly City Board of Education believes that an effective instructional program requires an orderly school environment. The Beverly City School District is a small institution. It must accommodate pupils in grades Pre-Kindergarten to eight and prepare them for each level of learning. Therefore, clear expectations have been formulated especially for the conduct of all pupils at Beverly City School.

Rules provide rights and define responsibilities. As members of the school community, pupils should have full protection of their person and functions. In recognition of this, and to avoid unfair disciplinary action, specific guidelines have been developed. Care was given to the educative function of the school as well as to the legal requirements of which charge adults with the protection and care of pupils at school.

When rules are broken, the staff is interested in more than simple discipline. The goal of the school system is to develop positive, constructive pupil behavior, not merely to punish. Therefore, the school will have in place programs which motivate pupils to act in a positive manner and reward and recognize them for their accomplishments.

The Assistant Principal implements the established consequences of disciplinary code in grades Kindergarten - eight. It is also the belief of the Board of Education that the best interest of pupils who are served when school officials, teachers, and parent(s) or legal guardian(s) work together on behalf of the pupils. Therefore, all suspensions resulting from the application of the Discipline Code require parental contact and follow-up conferences.

Pupils Rights to Due Process

Pupils shall not be deprived of their rights to an education in the Beverly City School District without notice of the charges against them and an opportunity to be heard in their behalf before the person or body with the authority to reinstate them. Each pupil shall be afforded the opportunity of an informal hearing before suspension from school, or if circumstances prohibit, as soon as possible after the suspension.

Administrators shall observe the following rights of due process before a pupil is suspended.

Informal Hearing Before the Principal or His/Her Designee

1. Explain to the pupil orally the offense of which he/she is accused.



2. Provide the pupil with an opportunity to be heard and convey other information he/she thinks is relevant.
3. Advise the parent(s) or legal guardian(s) of the pupil.
4. Provide the parent(s) or legal guardian(s) with an opportunity to consult with the Principal or his/her designee.

In addition to the foregoing, if the offense is of a more serious nature, the Principal will make a concerted effort to notify the parent(s) or legal guardian(s) and provide them with an opportunity to be present at the informal hearing or otherwise consult with the Principal or his/her designee.

General Notes

The administration may apply other appropriate discipline beyond consequences described in this policy for good cause. Consequences may include but are not limited to: teacher detention; general detention; lunchroom detention or suspension; community service; parent contact; parent presence at school; suspension; expulsion. Parent(s) or legal guardian(s) will be notified through writing, telephone, or emergency contact as appropriate.

In the case of a suspension, an in-person parent conference is mandatory for a child to be readmitted to school.

In the case of chronic misbehavior, such as on the playground, parent attendance may be requested. The general detention times are 2:45 - 3:45 p.m., Monday through Thursday and 2:30 - 3:30 p.m. on Friday.

Parent(s) or legal guardian(s) of pupils in grades Kindergarten - three will be notified one day in advance when their child is assigned a general detention if necessary.

Pupils in grades four - eight may be assigned general detention on the day the incident occurred.

* A teacher detention lasts no longer than thirty minutes for all pupils in grades Kindergarten - eight.

Discipline Code/Consequences - Grades Pre-Kindergarten - Three

The penalties provided will be invoked under normal circumstances. The administration may impose more severe punishment if special circumstances exist or may modify the punishment for individuals based on extenuating circumstances, such as refusing to accept disciplinary actions.



Classroom behavior management will be used as a first line of defense in order to establish the teacher/pupil respect of the school rules and following directions.

In order to promote a better learning environment at the Beverly School, a cumulative discipline policy has been implemented with the hopes of reducing habitual offenses. Any pupil who accumulates five general detentions will be suspended from school for one day. A parent contact meeting must be arranged through the office for re-admitting the child to school following the suspension. General detentions will be earned for the following infractions:

1. One general detention for:
 - a. Continued willful disobedience;
 - b. Defiance of authority - ignoring teacher/aide directions, walking out of class;
 - c. Verbal assault or threat which intends to intimidate or abuse a person - Example - cursing, threaten to hurt another (if continued will involve parent(s) or legal guardian(s) and police);
 - d. Forged signatures/school forms etc.;
 - e. Use of actions which are disruptive to the academic atmosphere of the building;
 - f. Throwing or projecting dangerous objects;
 - g. Missing an assigned teacher detention or late class;
 - h. Use of profanity, obscene language or gesture - Example - swearing, sexual comments, giving the finger; and/or
 - i. Truancy (skipping school or class).

Depending on severity, both parent notification and referral for counseling may also take place. Infractions "h" and "i" always involve parent notification and referral for counseling.

2. Two general detentions for:



- a. Threat to physically harm or assault a staff member (including implied) and meet with child and parent(s) or legal guardian(s);
- b. Extortion (threatening one for money);
- c. Physical assault on another person;
- d. Leaving school grounds without permission; and/or
- e. Damage to property of school personnel.

Depending on severity, both parent notification and referral for counseling may take place.

- 3. Three general detentions for:
 - a. Fighting/minor assault;
 - b. Wrestling/rough playing, pushing, shoving; and/or
 - c. Smoking.

Parent contact and referral for counseling will take place as needed.

- 4. Loss of privileges for:
 - a. Inappropriate lunchtime and recess behavior; and/or
 - b. Breaking lunch rules.

Appropriate lunch behavior is discussed in the handbook. Please refer to the previous section.

These offenses will result in loss of recess, games and/or activity privileges. Continued inappropriate behavior will result in further discipline to include parental contact, parental presence, and other measures as needed.

- 5. Work and/or payment to correct damage for:
 - a. Defacing, destruction or damage to school property or teacher property, vandalism of school property including books, interior, and/or exterior of the building, etc.



Restitution, a parent conference, further discipline, referral for counseling and police report and intervention will be pursued as needed.

6. Intervention referral/Child Study Team for:

- a. Habitual disobedience.

A parent conference will also take place and additional discipline as needed.

7. Three general detentions and police involvement and confiscation for possession of:

- a. Beepers/pagers/cell phones*;
- b. Slingshots;
- c. Toy guns;
- d. Water pistols; and/or
- e. Other toys as make pretend weapons.

*Cell phones must be kept in lockers and turned off.

- a. Used for emergencies only with permission by administration; and
- b. If rules are broken the child will lose privilege to bring phone to school.

Parental contact and additional discipline will take place as needed. Regarding a parent(s) or legal guardian(s) may inquire regarding State regulations.

8. Suspensions for:

After three suspensions the child and his/her parent(s) or legal guardian(s) will meet privately with the Board of Education, Assistant Principal and Superintendent.

- a. Habitual fighting/assault - 1 day suspension.
- b. Starting fires - parental notification and fire department/police notification, 3 days suspension, referral for counseling.



- c. False alarm/bomb threat - fire department and police notification, 3 days suspension, refer for counseling.
- d. Stealing/theft - parental contact, 1 day suspension, parent conference/referral for counseling, reimbursement for items stolen.
- e. Indecent exposure - parental contact:

First offense - 3 days detention;

Second offense - 1 day suspension and referral for counseling; and

Third offense - 3 days suspension and parent/child appearance before the Board of Education.
- f. Inappropriate sexual gestures/comments, physical contact - parental contact – Example - inappropriate touching, giving the finger, requesting sex:

First offense - 3 days detention;

Second offense - 1 day suspension and referral for counseling; and

Third offense - 3 days suspension and parent/child appearance before the Board of Education.
- g. Assault upon a teacher, administrator, Board member, or other employee - parental contact, 3 days suspension, police notification, referral for counseling.
- h. Distribution/possession of controlled dangerous substance or use of items such as drugs, alcoholic beverages, firecrackers, live ammunition, etc. - parental contact, 3 days suspension, police notification, referral for counseling.
- i. Possession, custody or use of weapon defined as anything readily capable of inflicting serious bodily injury or pain. The term includes but not limited to:
 - (1) Knives;
 - (2) Sharpened or pointed pieces of metal or hard materials;



- (3) Items which can be used to club or hit another person;
- (4) Any toxic, coercive, explosive or flammable material;
- (5) Any device which releases or emits tear gas or any other substance;
- (6) Any items which can be used to inflict pain or injury to another person, the possession of which is not otherwise explained by the person possessing such item to the satisfaction of the appropriate authorities; and/or
- (7) Components which can be readily assembled in each of the above.

First Offense - Police notification, parental contact, 10 days suspension; parent and child appearance before the Board of Education; referral to the Child Study Team; and

Second Offense - Same as first offense and 10 days suspension, possible expulsion proceedings.

- j. Possession of a firearm - police notification, parental contact, Child Study Team referral, immediate expulsion/removal from the pupil's regular program, parent and child appear before the Board of Education.

Discipline Code/Consequences - Grades Four - Eight

The penalties provided will be invoked under normal circumstances. The administration may impose more severe punishment if special circumstances exist or may modify the punishment for individuals based on extenuating circumstances, such as refusing to accept disciplinary actions.

Classroom behavior management will be used as the first line of defense in order to establish the teacher/pupil respect of the school rules and following directions.

In order to promote a better learning environment at the Beverly School, a cumulative discipline policy has been implemented with the hopes of reducing habitual offenses. Any pupil who accumulates five general detentions will be suspended from school for one day. A parent contact meeting must be arranged through the office for re-admitting the child to school following the suspensions. General detentions will be earned for the following infractions:

- 1. One general detention for:



- a. Continued willful disobedience;
- b. Defiance of authority - ignoring teacher/aide directions, walking out of class;
- c. In the hall without a pass;
- d. Missing two assigned teacher detentions or late class; and/or
- e. Being removed from class for any reason.

Depending on severity, parent notification and referral for counseling may take place.

2. Two general detentions for:

- a. Verbal assault or threat which intends to intimidate or abuse a person – Example - cursing, threaten to hurt another;
- b. Forged signatures, school forms, etc.;
- c. Use of actions which are disruptive to the academic atmosphere of the building – Example - calling out in class, yelling in halls;
- d. Extortion (threatening one for money); and/or
- e. Use of profanity, obscene language, or gestures – Example - inappropriate touching, giving the finger, requesting sex.

Depending on severity, both parental notification and referral for counseling may take place.

3. Three general detentions for:

- a. Truancy (skipping school)

First offense - 3 detentions; and

Second offense - 2 days in-school suspension;



- b. Leaving school grounds without permission;
- c. Wrestling/rough playing/pushing/shoving another person; and/or
- d. Damage to property of school personnel.

In cases a. and b., a parent conference and referral for counseling may be required.

- 4. Loss of privileges for:
 - a. Inappropriate lunchtime and recess behavior; and/or
 - b. Breaking lunch rules.

Appropriate lunchtime behavior is discussed earlier in the handbook

These offenses will result in loss of recess, games, activity privileges and/or suspension from the lunchroom.

Continued inappropriate behavior will result in further discipline to include parental contact, parental presence, and other measures as needed.

- 5. Work and/or payment to correct damage for:
 - a. Defacing, destruction, or damage to school property.
- 6. Intervention referral/Child Study Team for:
 - a. Habitual disobedience.

A parent conference will also take place and additional discipline as needed.

- 7. Three days general detention and police involvement and confiscation for possession of:
 - a. Beepers/pagers/cell phones*;
 - b. Slingshots;
 - c. Toy guns;



- d. Water pistols; and
- e. Other toys as make pretend weapons.

*Cell phones must be kept in lockers and turned off:

- a. Used for emergencies only with permission by administration; and
- b. If rules are broken the child will loose privileges to bring the phone to school.

Parental contact and additional discipline will take place as needed. Regarding a. parent(s) or legal guardian(s) may inquire regarding State regulations.

8. Suspensions for:

After three suspensions the child and his/her parent(s) or legal guardian(s) will meet privately with the Board of Education, Assistant Principal, and Superintendent.

- a. Fighting/physical assault on another person - suspension, parent contact
First offense - 1 day suspension
Second offense - 2 days suspension
Third offense - 3 days suspension, referral for counseling.
- b. Threat to physically assault or harm a staff member - 1 day suspension, parent notification.
- c. Smoking - 1 day suspension, parent notification, referral for counseling.
- d. Starting fires - fire department and police notification, 3 days suspension, parental contact, referral for counseling, payment for damages.
- e. False alarm/bomb threat - fire department and police notification, 3 days suspension, parental contact, referral for counseling.
- f. Stealing/theft - 2 days suspension, police notification, parental contact, referral for counseling, reimbursement for items stolen.
- g. Indecent exposure - parental contact, referral for counseling
First offense - 2 days suspension



Second offense - 3 days suspension.

- h. Inappropriate sexual gestures, comments, physical contact - parental contact, referral for counseling and

First offense - 2 days out-of-school suspension

Second offense - 2 days out-of-school suspension

Third Offense - 3 days out-of-school suspension, parent/child appearance before the Board of Education.

- i. Possession of pornography - 1 day suspension, parent contact.

First offense - 3 days detention

Second offense – suspension.

- j. Assault upon a teacher, administrator, Board member or other employee - 5 days suspension, police notification, referral for counseling, appearance before Board of Education.

- k. Distribution/possession of controlled, dangerous substance or use of items such as drugs, alcoholic beverages, firecrackers, live ammunition, etc. - 10 days suspension, police notification, referral for counseling, appearance before the Board of Education.

- l. Possession, custody, or use of weapon - weapon defined as anything readily capable of lethal use or inflicting serious bodily injury or pain. The term includes but is not limited to:

- (1) Knives;
- (2) Sharpened or pointed pieces of metal or hard materials;
- (3) Items which can be used to club or hit another person;
- (4) Any toxic, coercive, explosive, or flammable material;
- (5) Any device which releases or emits tear gas or any other substance;
- (6) Any item which can be used to inflict pain or injury to another person, the possession of which is not otherwise explained by the person such item to the satisfaction of the appropriate authorities; and



- (7) Components which can be readily assembled in each of the above.

First offense - parental contact, 10 days suspension, parent/child appearance before the Board of Education, referral for counseling, police notification

Second offense - same as first offense, 10 days suspension, expulsion proceedings.

- m. Possession of a firearm - Police notification, parental contact, Child Study Team referral, immediate expulsion/removal from the pupil's regular program, parent/child appearance before the Board of Education.

Pupils with Disabilities

For pupils with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Educational Improvement Act, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), pupil discipline and the code of conduct shall be implemented in accordance with the components of the applicable plans.

Pupil Rights

Pupils subject to the consequences of the Pupil Discipline/Code of Conduct Policy and Regulation shall be informed of their rights, pursuant to N.J.A.C. 6A:16-7.1(c)3.i. through vii., that include:

1. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;
2. Education that supports pupils' development into productive citizens;
3. Attendance in safe and secure school environments;
4. Attendance at school irrespective of pupils' marriage, pregnancy, or parenthood;
5. Due process and appeal procedures, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8;
6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3; and



7. Protections pursuant to 20 U.S.C. § 1232g and 34 CFR Part 99, Family Educational Rights and Privacy Act; 20 U.S.C. § 1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment; N.J.A.C. 6:3-6, Pupil Records; 45 CFR § 160, Health Insurance Portability and Accountability Act; 20 U.S.C. § 6301, Title IV(A)IV § 4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling; information from participants; disclosure; N.J.A.C. 6A:16-3.2, Confidentiality of pupil alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records: Maintenance and Retention, Security and Access; Regulations; Non-Liability; N.J.A.C. 6A:14-2.9, Pupil Records; as well as other existing Federal and State laws pertaining to pupil protections.

Records

1. Instances of pupil discipline will be recorded in the pupil's file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and Policy No. 8330.
2. When a pupil transfers to a public school district from another public school district, all information in the pupil's record related to disciplinary actions taken against the pupil by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, disclosure of juvenile information; penalties for disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), N.J.A.C. 6A:32-7.5(e)10.iv., and N.J.A.C. 6A:16-7.10.
 - a. The record shall be provided within two weeks of the date that the pupil enrolls in the receiving district.
 - b. Written consent of the parent or adult pupil shall not be required as a condition of the transfer of this information, however, written notice of the transfer shall be provided to the parent or the adult pupil.
 - c. When a pupil transfers to a private school, which includes all sectarian or nonsectarian nonprofit institutional day or residential schools that provide education for pupils placed by their parents and that are controlled by other than public authority, all pupil disciplinary records, with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner as such records would be provided by a public school district of residence to another public school district, pursuant to N.J.A.C. 6A:16-7.10(b).



- d. The Board shall not use a pupil's past offenses on record to discriminate against that pupil.
- e. All pupil disciplinary records maintained in the district shall conform with the requirements set forth in N.J.A.C. 6A:16-7.10(d).

Annual Report

The Superintendent shall report annually on the implementation of the Pupil Discipline/Code of Conduct Policy to the Board at a public meeting. The annual summary shall contain, at a minimum:

- 1. A numerical inventory of all violations of the pupil behavioral expectations in the Pupil Discipline/Code of Conduct Policy and Regulation;
- 2. Associated school responses to the violations of the pupil behavioral expectations;
- 3. An explanation and evidence of the effectiveness of the Pupil Discipline/Code of Conduct Policy and Regulation. The explanation and evidence, at a minimum, shall address:
 - a. The degree of effectiveness of the school district's activities in achieving the purposes of the Pupil Discipline/Code of Conduct Policy and Regulation, pursuant to the purposes as outlined in A. above; and
 - b. The degree and effectiveness of the implementation of the contents of the Pupil Discipline/Code of Conduct Policy and Regulation.
- 4. Any proposed changes to the school district's current policies, procedures, programs or initiatives, based on the annual report.

Issued: 15 September 2010



R 5610 SUSPENSION PROCEDURES

A. Short-Term Suspensions

1. In each instance of a short-term suspension, the Building Principal or designee, shall assure the rights of a pupil suspended for ten or fewer consecutive school days by providing for the following:
 - a. As soon as practicable, oral or written notice of charges to the pupil.
 - (1) When charges are denied, an explanation of the evidence forming the basis of the charges shall also be provided.
 - b. An informal hearing prior to the suspension in which the pupil is given the opportunity to present the pupil's side of the story regarding the actions leading to the short-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2. and 5.
 - (1) The informal hearing shall be conducted by the Building Principal or designee;
 - (2) To the extent that a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the pupil may be immediately removed from the pupil's educational program and the informal hearing shall be held as soon as practical after the suspension;
 - (3) The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
 - (4) The informal hearing and the notice given may take place at the same time.
 - c. Oral or written notification to the pupil's parent(s) or legal guardian(s) of the removal from the pupil's educational program prior to the end of the school day on which the Building Principal or designee makes the decision to suspend the pupil, which shall include an explanation of:
 - (1) The specific charges;



- (2) The facts on which the charges are based;
 - (3) The provision(s) of the pupil code of conduct the pupil is accused of violating;
 - (4) The pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and
 - (5) The terms and conditions of the suspension.
- d. Appropriate supervision of the pupil while waiting for the pupil's parent(s) or legal guardian(s) to remove the pupil from school during the school day; and
- e. Academic instruction, either in school or out of school, that addresses the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
 - (1) Services shall be provided within five school days of the suspension.
 - (2) Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program in accordance with N.J.A.C. 6A:14.
 - (3) At the completion of a short-term suspension, the district Board of Education shall return the general education pupil to the general education program.
- 2. The suspending Building Principal shall immediately report the suspension to the Superintendent, who is required to report it to Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
- 3. A Board may deny the pupil participation in extracurricular activities, school functions, sports, or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.
- 4. For a pupil with a disability, the provisions set forth in this section shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.



B. Long-Term Suspensions

1. In each instance of a long-term suspension, the Building Principal or designee shall assure the rights of a pupil suspended for more than ten consecutive school days by providing the following:
 - a. Immediate notification to the pupil of the charges, prior to the pupil's removal from school;
 - b. An informal hearing prior to the suspension in which the pupil is given the opportunity to present the pupil's side of the story regarding the pupil's actions leading to the long-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
 - c. Immediate notification to the pupil's parent(s) or legal guardian(s) of the pupil's removal from school;
 - d. Appropriate supervision of the pupil while waiting for the pupil's parent(s) or legal guardian(s) to remove the pupil from school during the school day;
 - e. Written notification to the parent(s) or legal guardian(s) by the Superintendent or designee within two school days of the initiation of the suspension, stating:
 - (1) The specific charges;
 - (2) The facts on which the charges are based;
 - (3) The pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and
 - (4) That further engagement by the pupil in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the pupil's right to a free public education, in the event that a decision to expel the pupil is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.5.
 - (a) The Board shall request written acknowledgement of the notification of the provisions of B.1.e.(4) above from the parent(s) or legal guardian(s) and the pupil subsequent to the removal from the pupil's educational program, pursuant to N.J.A.C. 6A:16-7.3.



- f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to B.1.j. below;
- g. A pupil with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
- h. Information on the right of the pupil to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)8;
- i. Educational services, either in school or out of school, that are comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
 - (1) The services shall be provided within five school days of the suspension.
 - (2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education pupil, at a minimum, based on the following criteria:
 - (a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;
 - (b) The results of any relevant testing, assessments or evaluations of the pupil;
 - (c) The pupil's academic, health, and behavioral records;
 - (d) The recommendation of the Superintendent, Building Principal, or other relevant school or community resource;
 - (e) Considerations of parental input; or
 - (f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8, as appropriate.



- (3) Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program, in accordance with N.J.A.C. 6A:14.
- j. A formal hearing before the Board, which, at a minimum, shall:
 - (1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator or an impartial hearing officer for the purpose of determining facts or making recommendations.
 - (a) The Board as a whole shall receive and consider either a transcript or detailed report on such hearing before taking final action.
 - (2) Include the opportunity for the pupil to:
 - (a) Confront and cross-examine witnesses, when there is a question of fact; and
 - (b) Present his or her own defense and produce oral testimony or written supporting affidavits.
 - (3) Take place no later than thirty calendar days following the day the pupil is suspended from the general education program;
 - (4) Not be subject to the provisions of the "Open Public Meetings Act," pursuant to N.J.S.A. 10:4-6; and
 - (5) Result in a decision by the Board, which at a minimum, shall be based on the preponderance of competent and credible evidence.
- k. A written statement to the pupil's parent(s) or legal guardian(s) of the Board's decision within five school days after the close of the hearing that includes, at a minimum:
 - (1) The charges considered;
 - (2) A summary of the documentary or testimonial evidence from both the pupil and the administration that was brought before the district Board of Education at the hearing;



- (3) Factual findings relative to each charge and the Board's determination of each charge;
 - (4) Identification of the educational services to be provided to the pupil pursuant to B.1.i. above;
 - (5) The terms and conditions of the suspension; and
 - (6) The right to appeal the Board's decision regarding the pupil's general education program to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- l. Immediate return to the general education program if at any time it is found that the general education pupil did not commit the offense;
 - m. For a pupil with a disability found not to have committed the offense, the pupil's program shall be determined in accordance with the provisions of N.J.A.C. 6A:14; and
 - n. At the completion of a long-term suspension, the Board shall return the general education pupil to the general education program.
- 2. Any appeal of the Board's decision regarding the general education pupil's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
 - 3. Suspension of general education pupils shall not be continued beyond the Board's second regular meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
 - a. The Board shall determine whether to continue the suspension, pursuant to B. above, based on the following criteria:
 - (1) The nature and severity of the offense;
 - (2) The Board's removal decision;
 - (3) The results of any relevant testing, assessments or evaluations of the pupil; and



- (4) The recommendation of the Superintendent, Principal or Director of the alternative education program or home or other out-of-school instruction program in which the pupil has been placed.
 - b. The Board shall develop and adopt policies and procedures providing for action on the continuation of pupil suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event, a special committee of the Board, which will include the Superintendent or his/her designee, will be appointed by the Board President to make a decision on the continuation of the suspension. The committee's decision will be implemented subject to ratification of the committee's decision at the next regular Board meeting.
4. When the Board votes to continue the suspension of a general education pupil, the Board, in consultation with the Superintendent, shall review the case at each subsequent Board meeting for the purpose of determining:
- a. The status of the pupil's suspension;
 - b. The appropriateness of the current educational program for the suspended pupil; and
 - c. Whether the suspended pupil's current placement, pursuant to B.1.i. above, should continue or whether the pupil should return to the general education program.
5. When the Board votes to continue the suspension of a general education pupil, the Board, in consultation with the Superintendent, shall make the final determination on:
- a. When the pupil is prepared to return to the general education program;
 - b. Whether the pupil shall remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
 - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.5 and Policy 5620.



6. The Board shall provide a general education pupil suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or appropriate educational services, based on the criteria set forth under B.1.i.(2) above, until the pupil graduates from high school or reaches the age of twenty, whichever comes first.
 - a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
 - b. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
7. For a pupil with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the pupil's educational placement to an interim or alternate educational setting.
 - a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to each pupil with a disability who is subjected to a long-term suspension.
 - b. All decisions concerning the pupil's educational program or placement shall be made by the pupil's Individualized Education Program team.
 - c. The provisions of B.2. through B.6. above shall not apply to pupils with disabilities.

Issued: 15 September 2010



R 5611 REMOVAL OF PUPILS FROM THE GENERAL EDUCATION PROGRAM FOR WEAPONS/FIREARMS OFFENSES

- A. Definitions for the Purposes of This Regulation are:
1. Removal - The exclusion of a pupil from the regular education program in the school in which the pupil was assigned and the assignment of the pupil to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.
 2. Suspension - A temporary exclusion from school, following due process procedures.
 3. Expulsion - A permanent exclusion from school which denies a pupil the free, thorough and efficient public education provided by the public school district in which the pupil resides, based on specific conditions and following due process procedures, including a hearing conducted by the Board of Education.
- B. Procedures - Removal of Pupils From General Education For Firearm Offenses and Assaults with Weapons Offenses
1. Any pupil convicted or found to be delinquent for the following offenses shall be immediately removed from the school's general educational 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:
 - a. Convicted or adjudicated delinquent for possession of a firearm on any school property, on a school bus, or at any school-sponsored function; and
 - b. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school property, on a school bus, or at any school-sponsored function; and
 - c. Knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function.



Removal of Pupils From the General Education
Program for Weapons/Firearms Offenses

2. Any pupil who commits an assault as defined in N.J.S.A. 2C:12-1(a)1, upon a pupil, teacher, administrator, Board member, or other school district employee, with a weapon, which includes, but is not limited to those items enumerated in N.J.S.A. 2C:39-1(r), except a firearm, as defined by N.J.S.A. 2C:39-1(f) and 18 USC §921, on any school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's general education program for a period not exceeding one calendar year.
3. The Principal or designee will remove the pupil and immediately report the removal to the Superintendent and the local law enforcement agency. The Principal or designee will isolate the pupil and place the pupil under the supervision of school staff until such time as the parent(s) or legal guardian(s) or law enforcement officials take custody of the pupil.
4. The Principal will notify the pupil's parent(s) or legal guardian(s) of the removal action; the law enforcement notification; the change in custody, if it occurs; and the pupil's due process rights.
5. Any pupil that is removed under this Regulation will be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-8 et seq. If placement in an approved alternative education program is not available, the pupil must be provided home instruction or other out-of-school instruction, according to N.J.A.C. 6A:16-9 et seq. and Policy 2481 until placement is available.
6. The school district may consider other alternative education programs, such as an Individualized Program Plan (IPP) developed in accordance with the graduation requirement standards set forth in N.J.A.C. 6:8-7.1(d)ii.
7. Any pupil removed for a weapons offense is entitled to a hearing before the Board of Education to determine if the pupil is guilty of the offense.
 - a. The hearing shall take place no longer than thirty calendar days following the day the pupil is removed from the general education program. The hearing is not subject to the provisions of the Open Public Meetings Act, P.L. 1975, c.231 (C. 10:4-6 et seq.).
 - b. The decision of the Board of Education must be made within five calendar days after the close of the hearing. Any appeal to the Commissioner of Education must be made within ninety calendar days of the Board's decision.



Removal of Pupils From the General Education Program for Weapons/Firearms Offenses

- c. If the Board finds the pupil is not guilty of the offense(s), the pupil must be immediately returned to the general education program.
- d. The Superintendent may modify the removal of the pupil on a case- by-case basis. for firearm offenses as defined in B.1. above.

C. Violations - Return of Pupils to General Education Program

- 1. The Superintendent will determine whether the pupil is prepared to return to the regular education program or whether the pupil will remain in the alternative education program or receive home or other out-of-school instruction. This decision will be based on the nature and severity of the offense; the Board's removal decision; the results of any relevant testing, assessments or evaluation of the pupil; and the recommendation of the Principal or director of the alternate education program in which the pupil has been placed.
- 2. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code.
- 3. If the pupil is disabled, the pupil's placement is determined by the Child Study Team and the pupil's parent(s) or legal guardian(s) in accordance with N.J.A.C. 6A:14-1.1 et seq., Special Education.

D. Expulsion

In accordance with N.J.A.C. 6A:16-5.5(b)1. and 6A:16-5.6(b)1. The Board of Education is not prohibited from removing a pupil with a disability or the expulsion of a general education pupil.

E. Superintendent's Authorization for Firearm/Weapon

The Superintendent may grant written authorization to written requests from pupils to lawfully possess a firearm or other weapon while participating in a school-sponsored function. The Superintendent will not grant such permission to any pupil who has been convicted or is an adjudicated delinquent for possession of a firearm or weapon or for a crime involving the use of a firearm.



F. Alternative Education Settings

If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the educational program will be provided in accordance with Policy 2481.

G. Special Education

Pupils with disabilities shall be disciplined in accordance with Policy No. 2460 and Regulation No. 2460.6.

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R 5721 DISTRIBUTION OF INDEPENDENT PUBLICATIONS

A. Definition

“Independent publications” are written or printed cards, letters, circulars, books, pamphlets, notices, newspapers, and other documents prepared and distributed by pupils, independent of any curricular or co-curricular activity sponsored by the Board of Education.

B. Distribution

1. Independent publications may be distributed on school premises only by the pupils enrolled in that school.
2. Distribution may be conducted during periods of time when the activity will not interrupt the instructional program or interfere with an exercise necessary for pupil safety, such as a fire drill.
3. Distribution may be conducted in places in which the activity will not obstruct the passage of persons, cause a safety hazard, or interfere with the orderly operation of the school.
4. The Principal will establish, in consultation with recognized pupil organizations, rules setting specific times and places for the distribution of independent publications on the school premises.

C. Littering

1. Distribution will be conducted in a manner that reduces the possibility of litter.
2. Pupils who distribute independent publications are responsible for policing the area in which the distribution takes place and assuring that all litter is promptly removed.

D. Enforcement

1. The Principal will enforce these regulations and will determine whether distribution violates the standards set forth in paragraph B2 and paragraph B3.
2. A decision of the Principal may be appealed to the Superintendent.

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R 5750 EQUAL EDUCATIONAL OPPORTUNITY COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any pupil or the parent of a pupil the opportunity to appeal an allegedly discriminatory practice in the program of this district or an alleged denial of equal educational opportunity.
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual pupils.

B. Definitions

1. "Board of Education" means the Board of Education of the Beverly City School District.
2. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of the school district relating to compliance with law, regulations, or policies regarding equal educational opportunities.
3. "Complainant" means a pupil or a parent of a pupil who alleges a complaint.
4. "Day" means a working or calendar day as identified.
5. "Pupil" means an individual enrolled in any formal educational program provided by the school district.
6. "School district" means the Beverly City School District.



C. Procedure

1. A complainant shall discuss his/her complaint with the staff member most closely involved, in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
 - a. The pupil's name and, in the complaint of a person acting on behalf of the pupil, the name and address of the complainant;
 - b. The specific act or practice that the complainant complains of;
 - c. The school employee, if any, responsible for the allegedly discriminatory act;
 - d. The results of discussions conducted in accordance with paragraph C1; and
 - e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.



6. The Superintendent will render a written decision in the matter no later than ten working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board of Education.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal will include:
 - a. The original complaint,
 - b. The response to the complaint,
 - c. The Superintendent's decision,
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
 - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.



D. Record

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

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R 5751 SEXUAL HARASSMENT OF PUPILS

Sexual harassment of pupils is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

A. Definitions

1. Quid Pro Quo Harassment - When a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
3. Notice - The school district has notice if it actually "knew, or in the exercise of reasonable care, should have known" about the harassment. If an agent or responsible employee of the school district received notice, the school district is deemed to have notice. The school district may receive notice in many different ways:
 - a. A pupil may have filed a grievance or complained to a teacher about fellow pupils harassing him/her.
 - b. A pupil, parent, or other pupil may have contacted other appropriate school personnel.
 - c. An agent or a responsible employee of the school district may have witnessed the harassment.



- d. The school district may obtain information in an indirect manner such as staff, community members, newspapers, etc.
4. Constructive Notice - A school district will be in violation if the school district has “constructive notice” of a sexually hostile environment and fails to take immediate and appropriate corrective action. Constructive notice exists if the school district “should have” known about the harassment and if the school district would have found out about the harassment through a “reasonable diligent inquiry.”
5. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.
6. Title IX of the Education Amendments of 1972 - Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects any “person” from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Title IX prohibits sexual harassment regardless of the gender of the harasser even if the harasser and the pupil being harassed are members of the same gender. Although Title IX does not specifically prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian pupils may constitute sexual harassment as prohibited by Title IX. Harassing conduct of a sexual nature directed toward gay or lesbian pupils may create a sexually hostile environment and therefore be prohibited under Title IX.
7. Grievance Procedure - The grievance procedure provides for prompt and equitable resolution of discrimination complaints, including complaints of sexual harassment. The grievance procedure provides the school district with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.
8. Office Of Civil Rights (OCR) - The OCR of the United States Department of Education has federal government’s enforcement authority of Title IX.



9. Unwelcomeness - In order to be actionable as harassment, sexual conduct must be unwelcomed. Conduct is unwelcomed if the pupil did not request or invite it and “regarded the conduct as undesirable or offensive.” The school district will be concerned about the issue of welcomeness if the harasser is in a position of authority.
10. Acquiescence - Acquiescence in the conduct or the failure to complain does not always mean the conduct was welcome. The fact that a pupil may have accepted the conduct does not mean that he/she welcomed it. The fact the a pupil willingly participated in conduct on one occasion does not prevent him/her from indicating that the same conduct has become unwelcome on a subsequent occasion. On the other hand, if a pupil actively participates in sexual banter and discussions and gives no indication he/she objects, then the evidence generally will not support a conclusion that the conduct was unwelcomed.
11. Sufficiently Severe, Persistent, or Pervasive Conduct - In determining whether conduct is sufficiently severe, persistent, or pervasive, the conduct should be considered from a subjective and objective perspective. In making this determination, all relevant circumstances should be considered:
 - a. The degree to which the conduct affected one or more pupils’ behavior. The conduct must have limited a pupil’s ability to participate in or benefit from his/her education or altered the conditions of the pupils educational environment.
 - b. The type, frequency, and duration of the conduct.
 - c. The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.
 - d. The number of individuals involved.
 - e. The age and gender of the alleged harasser and the subject or subjects of the harassment.
 - f. The size of the school, location of the incidents, and context in which they occurred.
 - g. Other incidents at the school.
 - h. Incidents of gender-based, but non-sexual harassment.



B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of Harassment of Pupils by School Employees, Other Pupils, or Third Parties:

1. Reporting of Sexual Harassment Conduct

- a. Any person with any information regarding actual and/or potential sexual harassment of a pupil by any school employee, other pupils, or third parties must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.
 - (1) If the Building Principal deems it appropriate, he/she may immediately notify the parent(s) or legal guardian(s) of the alleged harasser(s) or alleged victim(s) upon receipt of any information prior to notifying the Affirmative Action Officer.
 - (2) The Building Principal will not disclose the name(s) of the alleged harasser(s) or alleged victim(s) to the other party.
- b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter or telephone call.
- c. Nothing in the Policy and Regulation on Pupil Sexual Harassment shall preclude the Building Principal, or designee, from complying with the provisions of Policy No. 5600 - Pupil Discipline in order to maintain the health, safety and welfare of staff and/or pupils.
- d. A report from the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
- e. Upon receipt of an allegation and/or report, the Affirmative Action Officer shall immediately notify the parent(s) or legal guardian(s) of any alleged harasser(s) and victim(s) for which a report has been filed even if the Building Principal has previously notified the parent(s) or legal guardian(s).



- f. The Affirmative Action Officer shall notify the parent(s) or legal guardian(s) of all involved pupils and any other involved individuals of the process to be followed in investigating a report or complaint.

2. Affirmative Action Officer's Investigation

- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
- b. When a pupil or the parent(s) or legal guardian(s) of a pupil provides information or complains about sexual harassment of the pupil, the Affirmative Action Officer will initially discuss what actions the pupil or parent(s) or legal guardian(s) is seeking in response to the harassment.
- c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any pupils who may have been sexually harassed by any school employee, other pupils, or third parties and any other reasonable methods to determine if sexual harassment conduct existed.
- d. The Affirmative Action Officer will request, if relevant to an investigation, the parent(s) or legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if sexual harassment conduct exist(ed).
- e. The Affirmative Action Officer will provide a copy of the Board Policy and Regulation to all persons who are interviewed with potential knowledge and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.
- f. The Affirmative Action Officer will explain the avenues for formal and informal action, including a description of the grievance procedure that is available for sexual harassment complaints and an explanation on how the procedure works.



- g. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
- h. The Affirmative Action Officer and/or Superintendent may contact law enforcement agencies if there is potential criminal conduct by any party.
- i. The school district administrators may take interim measures during an Affirmative Action Officer's investigation of a complaint in order to alleviate any conditions which prohibits the pupil from assisting in the investigation.
- j. If elementary or middle school pupils are involved, it may become necessary to determine the degree to which they are able to recognize that certain sexual conduct is conduct to which they can or should reasonably object and the degree to which they can articulate an objection. The Affirmative Action Officer will consider the age of the pupil, the nature of the conduct involved, and other relevant factors in determining whether a pupil had the capacity to welcome sexual conduct.
- k. The Affirmative Action Officer will consider particular issues of welcomeness if the alleged harassment relates to alleged "consensual" sexual relationships between a school employee and a pupil.
 - (1) If elementary or middle school (grades K-8) pupils are involved, welcomeness will not be an issue. Sexual conduct between a school employee and an elementary pupil will not be viewed as consensual.
 - (2) If secondary (grades 9-12) pupils are involved, there is a strong presumption that sexual conduct between a school employee and a secondary pupil is not consensual.
 - (3) In cases involving older secondary and post-secondary pupils and older secondary and post-secondary special education pupils, the Affirmative Action Officer will consider the following to determine whether a school employee's sexual advances or other sexual conduct could be considered welcome:
 - (a) The nature of the conduct and the relationship of the school employee to the pupil, including the degree of influence, authority, or control the employee has over the pupil.



- (b) Whether the pupil was legally or practically unable to consent to the sexual conduct in question.
- l. If there is a dispute about whether harassment occurred or whether it was welcome (in a case which it is appropriate to consider whether the conduct could be welcome) determinations should be based on the totality of the circumstances. The following types of information may be helpful in resolving the dispute:
 - (1) Statements made by any witnesses to the alleged incident.
 - (2) Evidence about the relative credibility of the alleged harassed pupil and the alleged harasser.
 - (3) Evidence that the alleged harasser has been found to have harassed others may support the credibility of the pupil claiming harassment.
 - (4) Evidence of the allegedly harassed pupil's reaction or behavior after the alleged harassment.
 - (5) Evidence about whether the pupil claiming harassment filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.
 - (6) Other contemporaneous evidence such as did the pupil write about the conduct and his/her reaction to it soon after it happened in diary or letter and/or tell friends or relatives.
- m. The scope of a reasonable response also may depend upon whether a pupil, or parent(s) or legal guardian(s) reporting harassment asks that the pupil's name not be disclosed to the harasser or that nothing be done about the harassment. The Affirmative Action Officer:
 - (1) Will provide an overview of harassment policy [and Title IX if applicable] to the pupil, parent(s) or legal guardian(s) guardian which shall include the prohibition of retaliation. In the event the pupil, parent(s) or legal guardian(s) request the pupil's name remain confidential, the Affirmative Action Officer will inform the pupil, parent(s) or legal guardian(s) that the request may limit the school district's ability to respond.



- (2) Will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all pupils. The factors to be considered shall be the seriousness of the alleged harassment, the age of the pupil harassed, whether there have been any other complaints or reports against the alleged harasser. And the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result.
- (3) May use other means available to address the harassment. Steps that may be taken to limit the effects of the alleged harassment and prevent its reoccurrence without initiating a formal complaint and revealing the identity of the complainant. These steps may require sexual harassment training at the site where the problem occurred, taking a pupil survey concerning any harassment problems that may exist, or other systematic measures where the alleged harassment occurred.
- (4) By conducting a limited investigation without revealing the name of the pupil sexually harassed, may be able to learn about or confirm a pattern of harassment based on claims of different pupils that were harassed by the same individual. The Affirmative Action Officer may place an individual on notice of allegation of harassing behavior and counsel appropriately without revealing, even indirectly, the identity of the pupil who notified the school district.

3. Investigation Results

- a. Upon the conclusion of the investigation, but not later than ten working days after reported, the Affirmative Action Officer will prepare a summary of findings to the parties. At the least this shall include the person(s) providing notice to the school district and the pupil(s) who were alleged to be sexually harassed.
- b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
- c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.



- d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administrators and staff shall take reasonable, age-appropriate, and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action, as specified in pupil and/or staff discipline policies and regulations. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.
- e. In the event the Affirmative Action Officer determines a hostile environment exists, the school district administrators and staff shall take steps to eliminate the hostile environment. The school district administrators may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed pupil, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any pupil that reports such conduct.
- f. In some situations, the school district administrators may need to provide other services to the pupil that was harassed if necessary to address the effects of the harassment on that pupil. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed pupil's work, re-taking a course with a different instructor, tutoring and/or other measures that are appropriate to the situation.
- g. The school district administrators will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed pupil and his/her parent how to report any subsequent problems and make follow-up inquiries to see if there has been any new incidents or retaliation.
- h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.



4. Affirmative Action Officer's Investigation Appeal Process

- a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any pupil who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.
- b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

C. Office Of Civil Rights (OCR) Case Resolution

Parents or pupils not satisfied with the resolution of an allegation of sexual harassment by the school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).
2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of pupils, including incidents caused by employees, other pupils, or third parties, OCR will consider whether:
 - a. The school district has a policy prohibiting sex discrimination under Title IX and an effective Title IX grievance procedure;
 - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
 - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.



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3. If the school district officials have taken the steps described in 2 above, the OCR will consider the case against the school district resolved and take no further action other than monitoring compliance with any agreement between the school district and the OCR. This shall apply in cases in which the school district was in violation of Title IX, as well as those in which there has been no violation of Title IX.

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R 5830 PUPIL FUND RAISING

A. Approval of Fund Raising Activities

1. Requests for approval of fund raising activities must be submitted in writing to the school officer designated by Policy No. 5830 no later than thirty working days prior to the scheduled beginning of the activity.
2. The request must include the name of the requestor, the name of the organization that will receive the funds collected, the purpose of the collection, and the name of a responsible adult member of the collecting organization.
3. Approval will not ordinarily be granted for the collection of funds for essential supplies or equipment to be used in regularly scheduled curricular or co-curricular activities. Such activities should be funded through regular district budgeting and purchasing procedures.
4. Approval will be granted only for fund raising that is carefully planned and dedicated to specific objectives.
5. Approval will not be granted for the collection of funds:
 - a. Without a specified purpose;
 - b. For the purpose of qualifying pupils for membership in an organization;
 - c. For the purpose of selling raffle tickets or conducting any activity that is based upon gain by chance;
 - d. When the activity requires pupils to collect funds; or
 - e. When the activity requires pupils to conduct sales door-to-door.

B. Time and Place of Fund Raising

1. The Principal will determine the times and places in which fund raising may take place, in accordance with these regulations.
2. Fund raising activities cannot interfere with the orderly operation of the instructional program. A class should not be interrupted for the sale of items.



3. No food, candy, soft drinks, or the like may be sold while classes are in session.
4. Fund raising activities should be coordinated to the greatest extent possible in order to control and limit the potential disruption to school operations.

C. Accounting for Funds

1. All funds collected by pupils must be promptly turned over to the adult responsible for the fund raising activity.
2. Funds collected for school organizations must be promptly deposited and reported to the custodian of the General Activities Fund. The report must include any New Jersey sales tax collected.
3. Neither the Board of Education nor any of its employees is responsible for the protection of or the accounting for funds collected by pupils for organizations not affiliated with the school district.

D. Infractions

A pupil who collects money for an organization without having first secured approval in accordance with Policy No. 5830 or who misrepresents a fund raising activity in order to gain approval or who collects money for his/her own benefit must be reported to the Principal and will be subject to discipline in accordance with Policy No. 5600.

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R 5850 SOCIAL EVENTS AND CLASS TRIPS

A. Approval

1. Requests for approval of a social event or class trip must be submitted in writing to the Building Principal not less than thirty working days before the activity is scheduled to occur.
2. Each request must include:
 - a. The name of the sponsoring organization,
 - b. The name of an adult representative of the organization who will assume responsibility for the activity (such as a club's faculty advisor),
 - c. The date on which the activity is to occur,
 - d. For a social event, the place in which it is to occur (if on school premises, the specific room or facility; if off school premises, the specific location with directions and a telephone number),
 - e. For a class trip, the proposed itinerary, with specific locations of any proposed stops, including telephone numbers, and the planned means of transportation,
 - f. The group of pupils who will participate in the activity and the anticipated number of pupils,
 - g. The cost of the activity and the manner in which costs will be assessed or funds will be raised,
 - h. If appropriate, the insurance coverage for the activity, and
 - i. The number and names, to the extent they are known, of the chaperones appointed to the activity.
3. The Building Principal will consult the school calendar to determine whether the proposed activity will interfere with the instructional program or a social event or class trip given earlier approval. He/She will grant or deny the request within ten working days of its receipt.



4. The Building Principal will appoint a teaching staff member as responsible adult for each approved activity. In the absence of formal appointment, the adult designated on the request for approval will serve as responsible adult.
- B. Pupil Participation
1. Social events and class trips are not directly related to the curriculum and pupils are permitted to participate only in accordance with Policy No. 5850. Pupils on suspension are not eligible for participation.
 2. No minor pupil may participate in a social event or class trip that extends beyond the school day or takes place away from school premises without the written, signed permission of the pupil's parent(s) or legal guardian(s). Permission slips will be distributed by the sponsoring organization not less than ten working days before the scheduled activity and signed slips will be delivered to the teacher and/or advisor no later than the day of the activity. Permission slips must include the following information:
 - a. The nature of the activity,
 - b. The date, time, and location of the activity,
 - c. The name of the sponsoring organization and the responsible adult,
 - d. The fee, if any, charged to the pupil for participation, and
 - e. Such information about the activity as may be necessary for the parent to evaluate the risk to his/her child (such as exposure to potential allergens).
- C. Pupil Conduct
1. Pupils who elect to participate in social events and class trips and their guests are subject to district rules for pupil conduct, including rules for conduct on buses. Infractions of rules will be subject to discipline in the same manner as are infractions of rules during the regular school program. Pupils shall obey the approved chaperones; disobedience to a chaperone will be tantamount to disobedience of a teaching staff member.
 2. The school dress code will apply to all social events and class trips unless expressly waived by the Building Principal.



3. Pupils who violate rules of conduct in the course of a class trip away from school may be dismissed from the trip and sent home in accordance with procedures established for the dismissal of pupils from field trips, in accordance with Policy No. 2340.
 4. Pupils who elect to attend a social event or class trip are expected to participate; pupils who attend merely to loiter on the perimeter of the activity (such as outside the facility or in parked cars or the like) will be dismissed from the school premises.
 5. The possession, use, and/or distribution of alcohol and/or drugs by any person and the presence of any person under the influence of alcohol or drugs are absolutely prohibited at any school sponsored social event or class trip, regardless of the location of the activity. Violators of this rule will be disciplined in strict accordance with Policy No. 5530.
- D. Chaperones
1. Each social event and class trip must be properly chaperoned by responsible adults.
 2. The organization sponsoring the activity is responsible for appointing and securing proper chaperonage, subject to the approval of the Building Principal.
 3. An appropriate number of police officers will be appointed to monitor the activities if deemed necessary by the Building Principal.
 4. Chaperones who are not district employees serve as volunteers subject to Policy No. 9180 and will not be compensated by the Board for their services. The expenses incurred by chaperones in the course of the activity will be the responsibility of the sponsoring organization.
 5. Chaperones should:
 - a. Arrive promptly at scheduled activity and, if possible, well in advance of the pupil participants;
 - b. Acquaint themselves with school rules of conduct and with the distinctions between minor and serious rule infractions (minor infractions are punishable by reprimands, conferences, and/or detention; serious rule infractions may involve the imposition of suspension);



- c. Circulate freely among the participants in order to detect any infractions of rules;
- d. Frequently check lavatories, entrances, hallways and the like;
- e. Correct pupils who engage in minor infractions of rules;
- f. Report to a teaching staff member any serious infraction of rules that may require school discipline or the dismissal of a pupil from the activity;
- g. Report immediately to a teaching staff member any person who may be under the influence of alcohol or drugs so that the teaching staff member can implement Regulation No. 5530; and
- h. Report immediately to a teaching staff member or police officer any person who may have alcohol, drugs, contraband, or a weapon in his/her possession.

E. Post-activity Requirements

- 1. The sponsoring organization is responsible for cleaning up any decorations and debris caused by the activity and left on school premises.
- 2. The responsible adult will submit to the Building Principal a brief but reasonably detailed report of the activity, including the names of chaperones. The report should include a description of any event that resulted in a pupil's dismissal from the activity.
- 3. Any funds collected will be deposited in the General Activities Fund and accounted for in accordance with Policy No. 6660.

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REGULATION

BEVERLY CITY BOARD OF EDUCATION

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R 6000 FINANCES

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R 6111 SPECIAL EDUCATION MEDICAID INITIATIVE (SEMI) PROGRAM

Every New Jersey school district, with the exception of any district that obtains a waiver of the requirements of N.J.A.C. 6A:23A-5.3 pursuant to the procedures set forth at N.J.A.C. 6A:23A-5.3(b), shall take appropriate steps to maximize its revenue from the Special Education Medicaid Initiative (SEMI) Program by following policies and procedures to maximize participation in the program as set forth in N.J.A.C. 6A:23A-5.3(d) and to comply with all program requirements as set forth in N.J.A.C. 6A:23A-5.3(e).

A. Waiver

1. The school district may seek, in the prebudget year, a waiver of the requirements of N.J.A.C. 6A:23A-5.3 upon demonstration that for the subsequent school year:
 - a. The district projects, based on reliable evidence, that it will have forty or fewer Medicaid eligible classified pupils; or
 - b. 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 N.J.A.C. 6A:23A-5.3 (c) and B. below.
2. The application for a waiver of the requirements of N.J.A.C. 6A:23A-5.3 shall be made to the Executive County Superintendent no less than forty-five days prior to the submission of the district's proposed budget for the school year to which the waiver request applies. The Executive County Superintendent shall notify the district of the decision on the waiver application within twenty days of receipt of the waiver request. If the waiver is not granted, the district shall submit a SEMI action plan to the Executive County Superintendent as required by N.J.A.C. 6A:23A-5.3(f) as part of its annual school district budget submission or demonstrate to the Executive County Superintendent the district has achieved maximum participation in the SEMI program in the prebudget year.

B. Projection of Available SEMI Reimbursement

1. As part of the annual budget information, the New Jersey Department of Education shall provide each school district with a projection of available SEMI reimbursement for the budget year, as determined by the State Department of Treasury's third party administrator for SEMI. The projection shall be based on the following:



- a. Number of Medicaid eligible pupils;
 - b. Assumption of twenty services per eligible pupils per year;
 - c. One IEP meeting per eligible pupil per year; and
 - d. Applicable SEMI reimbursement rates.
 2. Beginning with the 2009-2010 school year, the school district shall recognize as revenue in its annual school district budget no less than ninety percent of the projection of available SEMI reimbursement. 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.
- C. SEMI Program Requirements
1. The school district shall strive to achieve maximum participation in the SEMI program. "Maximum participation" means obtaining a ninety percent return rate of parental consent forms for all SEMI eligible pupils. Districts shall enter all pupils following their evaluations into the third-party system to identify the district's universe of eligible pupils. This can be done without parental consent.
 2. Districts participating in the SEMI reimbursement program shall comply with program requirements as follows:
 - a. The school district shall implement Policy and Regulation 6111 concerning the effective and efficient administration of the SEMI reimbursement program consistent with the requirements of N.J.A.C. 6A:23A-5.3.
 - b. 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:
 - (1) Nurses – copy of license (DOE certification is not required for SEMI);
 - (2) Occupational Therapist – copy of license and DOE certification;



- (3) Physical Therapist – copy of license and DOE certification;
 - (4) Psychologist – copy of DOE certification;
 - (5) Social Worker – copy of DOE certification; and
 - (6) Speech Therapist – copy of DOE certification and American Speech-Language-Hearing Association (ASHA) Certification or Copy of DOE certification and past or present license (on or after January 1, 1993); or copy of DOE certification and documentation that the equivalent educational requirements and work experience necessary for ASHA certification have been met.
3. 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.
4. Any direct therapy or other related service shall be prescribed in the related services section of the pupil'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. The supporting documentation to be maintained by the school 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.
5. Entities where the school district has placed SEMI eligible pupils shall take steps to enable school districts to maximize participation, including either logging the eligible services provided directly through the vendor or the sending school district, as mutually agreed upon with the school district, and obtaining SEMI provider qualification certifications. Every out-of-district placement must provide copies of SEMI provider qualifications, certifications and licenses. This provision applies to the following out-of-district placement options:
 - a. Approved private schools for pupils 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.



6. 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 consent forms, attendance records, and copies of the pupil's IEP.
- D. SEMI Action Plan
1. A school district that has less than ninety percent participation of SEMI eligible pupils in the prebudget year or that has failed to comply with all program requirements set forth in C. above shall submit a SEMI action plan to the Executive County Superintendent for review and approval as part of the school district's proposed budget submission.
 2. The SEMI action plan shall include the following components:
 - a. Procedures for obtaining parental consent forms including the Parental Consent Best Practices which are available from the New Jersey Department of Education.
 - b. Establishment of a benchmark for the 2008-2009 school year or for the first year the district does not have an approved waiver pursuant to the provisions of N.J.A.C. 6A:23A-5.3(b), whichever is applicable, for obtaining maximum participation of all SEMI eligible pupils by the start of the subsequent school year:
 - (1) The benchmarks for the 2008-2009 school year or for the first year that the district does not have an approved waiver pursuant to N.J.A.C. 6A:23A-5.3(b), whichever is applicable, for achieving maximum participation shall at a minimum close the gap between current participation and maximum participation by fifty percent by the beginning of the subsequent school year; and
 - (2) The benchmarks shall be based on the percentage of parental consent forms collected from eligible pupils. The number of parental consent forms shall reflect one parental consent form for each eligible pupil. This should include documentation of parental refusal to give consent.



- c. 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.
 - d. Procedures to ensure that all SEMI eligible services, including services provided by entities where the school district has placed SEMI eligible pupils, are documented in the third-party administrator's system.
 - e. 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 pupil for whom parental consent has been obtained.
 - f. Procedures to ensure that service providers used by the school district and entities where the school district has placed SEMI eligible pupils have valid licenses and certifications documenting SEMI provider qualifications on file in the third-party administrator's system.
- E. Districts that did not achieve ninety percent participation or achieve their approved benchmarks in the SEMI program for a given budget year and cannot demonstrate they fully implemented their New Jersey Department of Education approved SEMI action plan required above shall be subject to review for the withholding of State aid by the Commissioner pursuant to N.J.S.A. 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.

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R 6160 GRANTS FROM PRIVATE SOURCES

The Board of Education encourages and will accept funding from private sources, in accordance with Policy No. 6160. The following regulations govern the development and processing of private funding proposals.

A. Sources

1. The grants committee and administration shall research sources of private funding through individuals and foundations and he/she shall prepare a list of appropriate funding sources in the community and state.
2. All school district employees are encouraged to be alert to possibilities for private resources for school aid, financial and in-kind, from community members and organizations. Any such possibility should be reported to the Chief School Administrator, who will explore the potential for aid with the employee and, as appropriate, the private resource.
3. The Chief School Administrator will determine whether the foundation will support specific program grants, graduate work for teaching staff members, the construction and/or improvement of school facilities, professional growth activities, arts education, community education, community and school liaison activities, and so forth.
4. The School Business Administrator/Board Secretary and committee members, in consultation with the Chief School Administrator, will identify specific district needs and formulate proposals for funding that meet those needs.

B. Approval

Any proposal for private funding must be submitted to the Chief School Administrator before it is formally submitted to the Board of Education for approval. The rationale for the proposal must set forth the objectives for the funding, the proposed program statement, and the means by which the objectives will be evaluated.

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R 6210 FISCAL PLANNING

The School Business Administrator/Board Secretary shall implement Policy No. 6210 by preparing a long-range fiscal plan.

A. Future Costs

Future costs will be estimated on the basis of:

1. Cost studies and estimates for the maintenance and development of educational programs;
2. Costs of facilities and equipment maintenance and replacement;
3. Fixed charges (such as interest payments on bonds and redemption of bonds on schedule, lease payments, fixed payments on multi-year contracts);
4. Costs of employee wages and benefits in presently negotiated contracts (both collective and individual);
5. Projections of the cost of successor employee contracts, including the effect of pending graduate studies on the wages of teaching staff members;
6. Effects of projected pupil populations on capital requirements;
7. Effects of projected pupil populations on staffing requirements (by necessitating additional staff or a reduction in force);
8. Costs of pending contracts with variable obligations (such as sending-receiving, transportation);
9. Costs of projected operation changes (such as subcontracting custodial services or a change in the delivery of food services);
10. Projected tuition needs for pupils sent out of district; and
11. Costs of contracts for professional services (such as school medical inspector, school attorney, and auditor).



B. Future Revenues

Future revenues will be plotted on the basis of:

1. Anticipated state and federal aid;
2. Projected income from local property tax revenues;
3. Present grants in aid from state, federal, and/or private sources; and
4. Anticipated revenues from pending or future grant proposals.

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R 6220 BUDGET PREPARATION

The annual school district budget will be prepared in accordance with the following procedure.

A. Responsibility

1. The School Business Administrator/Board Secretary is responsible for the administration and coordination of all budget preparation activities and will be guided by the budget planning forecasts prepared in accordance with Policy No. 6210.
2. The Chief School Administrator will assess the educational needs of the pupils, collect and evaluate the requests for funds submitted by the teaching and support staff members, and compile an estimate of the total building needs for the next budget year. The estimate will be submitted to the School Business Administrator/Board Secretary.
3. The Chief School Administrator will assess the needs of the program operation (such as staff recruiting, facilities maintenance, transportation, capital improvements) and will prepare an estimate of the program needs for the next budget year. The estimate will be submitted to the School Business Administrator/Board Secretary.

B. Priorities

1. All estimates submitted to the School Business Administrator/Board Secretary in accordance with A2 and A3 will be reasonably detailed and supported by appropriate documentation to justify the expenditures requested. The administrators charged with estimating budgetary needs will be guided by these cost priorities, listed in order of descending importance.
 - a. Staffing adequate to sustain the current instructional program,
 - b. Supplies and equipment adequate to sustain the current instructional program,
 - c. Maintenance of current facilities and programs,
 - d. New staff members to improve or expand the current program,
 - e. New supplies and equipment to improve or expand the current instructional program, and
 - f. New instructional programs.



2. The School Business Administrator/Board Secretary will review all estimates for budget allocations and, as necessary, discuss justifications and possible alternatives with the originating administrator. The School Business Administrator/Board Secretary will:
 - a. Compare budget requests with inventory to determine whether requested resources are presently available;
 - b. Analyze budget requests on a district-wide basis to determine whether requested resources can be shared; and
 - c. Analyze budget requests for staffing requirements and convert those requirements to dollar equivalents.
- C. Form
- The tentative budget shall contain:
1. The total expenditure for each item for the preceding school year, the amount appropriated for the current school year adjusted for transfers as of the date specified by the New Jersey Department of Education of the current school year, and the amount estimated to be necessary to be appropriated for the ensuing school year, indicated separately for each item as determined by the Commissioner;
 2. The amount of the surplus account available at the beginning of the preceding school year, at the beginning of the current school year and the amount anticipated to be available for the ensuing school year;
 3. The amount of revenue available for budget purposes from the preceding school year, the amount available for the current school year as of the date specified by the New Jersey Department of Education and the amount anticipated to be available for the ensuing school year in the following categories as applicable:
 - a. Revenues to be raised by local sources;
 - b. Revenues from State Aid;
 - c. Revenues from Federal Aid;
 - d. Revenues from intermediate sources;
 - e. Other sources of revenue.



4. Transfers between current expense and capital outlay for the preceding school year, the current school year as of the date specified by the New Jersey Department of Education of that year and transfers anticipated for the ensuing school year.
 5. A presentation of the pupil population for the current school year and immediate past school year as reported in the application for State School Aid, and an estimate of the anticipated pupil population for the next school year; and
 6. An estimate of staff composition by numbers in each administrative, instructional, and educational services area for the next school year.
 7. All budgetary and accounting systems used in the school district must be in accordance with double entry bookkeeping and Generally Accepted Accounting Principles as included in statutes and administrative code.
- D. Timeline
- The School Business Administrator/Board Secretary will submit the tentative budget recommendations to the Chief School Administrator in accordance with the budget timeline established by the New Jersey Department of Education and the Board. The proposed expenditures and anticipated revenues in the tentative budget will be supported by sufficient explanatory information to enable the Chief School Administrator and Board to determine their validity.

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R 6320 PURCHASES SUBJECT TO BID

A. Definitions

- 1 "Purchasing agent" means the School Business Administrator/Board Secretary or the Business Manager of the Board of Education duly assigned the authority, responsibility and accountability for the purchasing activity of the Board and having the power to prepare advertisements, to advertise for and receive bids and to award contracts as permitted by this chapter, but if there be no School Business Administrator/Board Secretary or Business Manager, such officer, committees or employees to whom such power has been delegated by the Board.
2. "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a purchasing agent.
3. "Bid threshold" means the dollar amount set in N.J.S.A. 18A:18A-3, above which a Board shall advertise for and receive sealed bids in accordance with procedures set forth in N.J.S.A. 18A:18A-1 et seq.
4. "Contract year" means the period of twelve consecutive months following the award of a contract.
5. "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a purchasing agent, including goods and property subject to N.J.S.A. 12A:2-101 et seq.
6. "Lowest price" means the least possible amount that meets all requirements of the request of a purchasing agent.
7. "Lowest responsible bidder or vendor" means the bidder or vendor: (1) whose response to a request for bids offers the lowest price and is responsive; and (2) who is responsible.
8. "Official newspaper" means any newspaper designated by the Board pursuant to R.S.35:1-1 et seq.



9. "Quotation" means the response to a formal or informal request made by a purchasing agent to a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing or taken verbally if a record is kept by the purchasing agent.
 10. "Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.
 11. "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.
 12. "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the Board to be necessary for the conduct of its affairs.
 13. "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the Board for the vendor's right to operate a concession.
- B. Solicitation of Bids
1. Bids will be solicited by advertisements placed by the School Business Administrator/Board Secretary in strict compliance with N.J.S.A. 18A:18A-21 and Policy No. 6320. Any advertisements placed without the prior approval of the Board will be reported to the Board at its next meeting.
 2. Each specification will offer a clearly stated, common standard of competition and will assert the Board's right to accept reasonable equivalents and to reject all bids in accordance with N.J.S.A. 18A:18A-22 and to readvertise. Each specification will also include the Board's right to disqualify a bidder in accordance with N.J.S.A. 18A:18A-4 et seq. Bid specifications will not be proprietary as to exclude bidders without the opportunity to provide equivalent goods and/or services.



3. The Business office will maintain a copy of each bid advertisement and will record the newspaper in which it was advertised and the dates on which it was published.

C. Bid Requirements

1. Bids must be prepared on forms supplied by the school district and must be fully completed, in ink or typewritten, and signed by the bidder. Oral revisions will not be accepted.
2. Bid prices must include delivery to the point of use, unpacking when required, and installation when required. As necessary, bidders may be required to provide instruction in the use and care of equipment delivered both by demonstration and in written form.
3. Bids must include unit prices as well as the total price. In any error in extension, the unit price shall be considered the accurate figure.
4. Because the school district is exempt from the payment of sales and use taxes, all charges for taxes must be borne by the bidder.
5. The bid must note in detail any deviations from specifications. When the specifications indicate a product of a particular manufacturer, model, or brand, the bidder shall bid that particular manufacturer, model, or brand or, unless the specifications prohibit substitution, a substitute proven to be of equal or better grade. If a substitute is bid, the bid must include detailed documentation of its equivalency. Bidders may be required to submit samples of materials or products, to be retained by the Board. The Board shall determine the equivalency or acceptability of any substitute.
6. The manufacturer's written warranties and guarantees must accompany each bid. Bidders should state in writing any additional guarantees that will become a part of the bid and considered in making the award.
7. The bid shall include a delivery date or the date on which services bid upon will commence.



8. Where applicable, service facilities and convenience of service will be considered as part of the bid and should be included by the bidder. When necessary, a bidder shall submit evidence of his or her ability to provide proper installation, service, and supplies and/or indicate that the provision of the services and supplies is a regular and continuous part of the bidder's business.
 9. Where necessary, the bidder shall certify that all applicable Federal and State laws, municipal ordinances, and Board policies have been obeyed in the manufacture, processing, packaging, delivery, and sale of goods and services to the school district. The bidder must declare compliance with:
 - a. Affirmative action requirements, pursuant to N.J.S.A. 18A:18A-51,
 - b. Stockholders' disclosure statement, pursuant to N.J.S.A. 18A:12-2,
 - c. Non-collusion certification, pursuant to N.J.S.A. 18A:6-8,
 - d. And all other documents so required by law and the bid specification.
 10. The bidder must declare that no member of the Board or any officer or employee of the school district is directly or indirectly interested in the contract or purchase bid on.
- D. Receipt of Bids
1. Bids will be received at the time and place announced and will be opened by the School Business Administrator/Board Secretary in accordance with law. All bids will be submitted in sealed envelopes clearly marked with the words "BID OPENING," the date and time of the opening, and the nature of the contract bid on.
 2. Each bid will be accompanied by a deposit for bid security, which will be returned to unsuccessful bidders.
 3. A written request for the withdrawal of a bid will be granted if the request is received by the School Business Administrator/Board Secretary before the scheduled time for opening bids.
 4. A bidder who claims, before bids are opened, that a mistake has been made in its preparation will be allowed to withdraw the bid but will lose the right to bid.



5. A bidder who discovers a mistake or omission after bids have been opened may withdraw the erroneous bid provided the bidder gives immediate written notice of the mistake or omission and certification supported by clear evidence, that he or she exercised reasonable care in the examination of the specifications and preparation of the bid. Any bidder who withdraws an open bid shall forfeit any bid security deposit with the bid.

E. Award of Contract

1. Bids will be opened by the School Business Administrator/Board Secretary or designee, in the presence of one or more witnesses, at the time and place advertised.
2. The Board will award and sign a contract or reject all bids in accordance with N.J.S.A. 18A:18A-36 and within the time as may be specified in the invitation to bid, but in no case more than sixty days, except that the bids of any bidders who consent may, at the request of the Board, be held for consideration for such longer period as may be agreed.
3. The Board will award the contract to the lowest responsible bidder or will reject all bids. If all bids are rejected, the Board will readvertise or purchase under a state contract.
4. The Board reserves the right to reject any bid and may waive technical deficiencies in an otherwise acceptable bid when such waiver is in the public interest.
5. No contract or order awarded by the Board shall be sublet or assigned without the written consent of the School Business Administrator/Board Secretary.
6. The successful bidder may be required in the bid specifications and upon award of the contract to furnish a surety or performance bond issued by a responsible surety company authorized to transact business in New Jersey, for 100% of the total contract price, insuring faithful performance of the contract. The bond, pursuant to N.J.S.A. 18A:18A-23 and 24, shall be payable to the Board and the cost of the bond is to be included in the bid.
7. The bidder's failure to perform his or her contract with the Board in accordance with the bid accepted by the Board or failure to meet performance bond requirements may result in forfeiture of the bidder's deposit as liquidated damages and not as a penalty.



8. Every bidder is assumed to be acquainted with all the information necessary for the submission of an informed and responsible bid. A successful bidder will be responsible for any errors in his or her proposal resulting from the bidder's failure or neglect to obtain information and forecast costs. The Board will not be responsible for any change in anticipated profits resulting from such failure or neglect.
9. When a contractor fails to perform the terms of the contract promptly, the Board shall give written notice of default. If the contractor fails to cure the default within the time permitted by the notice, the Board may terminate the contract and, at the expense of the contractor or the surety, complete the contract or cause the contract to be completed.

F. Bidder Disqualification

1. The Board may, by resolution approved by a majority of the Board, and pursuant to N.J.S.A. 18A:18A-4 disqualify a bidder who would otherwise be determined to be the lowest responsible bidder, if the Board finds that it has had prior negative experience with the bidder.
 - a. As used in this section, "prior negative experience" means any of the following:
 - (1) The bidder has been found, through either court adjudication, arbitration, mediation, or other contractually stipulated alternate dispute resolution mechanism, to have: failed to provide or perform goods or services; or failed to complete the contract in a timely manner; or otherwise performed unsatisfactorily under a prior contract with the Board;
 - (2) The bidder defaulted on a contract, thereby requiring the Board to utilize the services of another contractor to provide the goods or perform the services or to correct or complete the contract;
 - (3) The bidder defaulted on a contract, thereby requiring the Board to look to the bidder's surety for completion of the contract or tender of the costs of completion; or



- (4) The bidder is debarred or suspended from contracting with any of the agencies or departments of the executive branch of the State of New Jersey at the time of the contract award, whether or not the action was based on experience with the Board.
- b. The following conditions apply if the Board is contemplating a disqualification based on prior negative experience:
 - (1) The existence of any of the indicators of prior negative experience set forth in this section shall not require that a bidder be disqualified. In each instance, the decision to disqualify shall be made within the discretion of the Board and shall be rendered in the best interests of the Board.
 - (2) All mitigating factors shall be considered in determining the seriousness of the prior negative experience and in deciding whether disqualification is warranted.
 - (3) The bidder shall be furnished by the Board with a written notice
 - (a) Stating that a disqualification is being considered;
 - (b) Setting forth the reason for the disqualification; and
 - (c) Indicating that the bidder shall be accorded an opportunity for a hearing before the Board if the bidder so requests within a stated period of time. At the hearing, the bidder shall show good cause why the bidder should not be disqualified by presenting documents and testimony. If the Board determines that good cause has not been shown by the bidder, it may vote to find the bidder lacking in responsibility and, thus, disqualified.
 - (4) Disqualification shall be for a reasonable, defined period of time which shall not exceed five years.
 - (5) A disqualification, other than a disqualification pursuant to which a Board is prohibited by law from entering into a contract with a bidder, may be voided or the period thereof may be reduced, in the discretion of the Board, upon the submission of a good faith



application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as reversal of a judgment, or actual change of ownership, management or control of the bidder.

- (6) An opportunity for a hearing need not be offered to a bidder whose disqualification is based on its suspension or debarment by an agency or department of the executive branch of the State of New Jersey. The term of such a disqualification shall be concurrent with the term of the suspension or debarment by the State agency or department.

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R 6340 MULTIPLE YEAR CONTRACTS

- A. All contracts for the provision or performance of goods or services will be awarded for a period not to exceed twenty-four consecutive months, except that contracts for professional services pursuant to paragraph (1) of subsection a. of N.J.S.A. 18A:18A-5 shall be awarded for a period not to exceed twelve consecutive months.
- B. The Board may award a contract for longer periods of time as follows:
 - 1. Supplying of:
 - a. Fuel for heating purposes, for any term not exceeding in the aggregate, three years;
 - b. Fuel or oil for use of automobiles, autobuses, motor vehicles or equipment, for any term not exceeding in the aggregate, three years;
 - c. Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding forty years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam; or
 - 2. Plowing and removal of snow and ice, for any term not exceeding in the aggregate, three years; or
 - 3. Collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, three years; or
 - 4. Data processing service, for any term of not more than seven years; or
 - 5. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management program or related services provided by a school Board insurance group, or participation in an insurance fund established by a county pursuant to N.J.S.A. 40A:10-6, or a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.), for any term of not more than three years; or



6. Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind and textbooks and non-consumable instructional materials, for any term not exceeding in the aggregate, five years; provided, however, such contracts shall be awarded only subject to and in accordance with rules and regulations promulgated by the State Board of Education; or
 7. Supplying of any product or the rendering of any service by a company providing voice, data, transmission or switching services, for a term not exceeding five years; or
 8. Driver education instruction conducted by private, licensed driver education schools, for any term not exceeding in the aggregate, three years;
 9. Provision or performance of goods or services for the purpose of conserving energy in the buildings owned by any local Board of Education, the entire price of which shall be established as a percentage of the resultant savings in energy costs, for a term not to exceed fifteen years; except that these contracts shall be entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy costs;
 10. Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;
 11. Laundry service and the rental, supply and cleaning of uniforms for any term of not more than three years;
 12. Food supplies and food services for any term of not more than three years;
 13. Purchases made under a contract awarded by the Director of the Division of Purchase and Property in the Department of the Treasury for use by counties, municipalities or other contracting units pursuant to section 3 of P.L.1969, c.104 (C.52:25-16.1), for a term not to exceed the term of that contract.
- C. Any contract for services other than professional services, the statutory length of which contract is for three years or less, may include provisions for no more than one two-year, or two one-year, extensions, subject to the following limitations:



1. The contract must be awarded by resolution of the Board upon a finding by the Board that the services are being performed in an effective and efficient manner;
 2. No such contract shall be extended so that it runs for more than a total of five consecutive years;
 3. Any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the twelve months preceding the most recent quarterly calculation available at the time the contract is renewed; and d. the terms and conditions of the contract remain substantially the same.
- D. All multiyear leases and contracts entered into pursuant to N.J.S.A. 18A:18A-42, including any two-year or one-year extensions, except contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a school Board insurance group, participation in an insurance fund established by a county pursuant to N.J.S.A. 40A:10-6 or contracts for thermal energy authorized pursuant to subsection a. above, and contracts for the provision or performance of goods or services to promote energy conservation authorized pursuant to B.9. of this regulation shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.
- E. All contracts shall cease to have effect at the end of the contracted period and shall not be extended by any mechanism or provision, unless in conformance with the "Public School Contracts Law," N.J.S.A. 18A:18A-1 et seq., except that a contract may be extended by mutual agreement of the parties to the contract when a Board of Education has commenced rebidding prior to the time the contract expires or when the awarding of a contract is pending at the time the contract expires.

Issued: 15 September 2010



R 6350 COMPETITIVE CONTRACTING

A. Definitions

1. "Purchasing agent" means the School Business Administrator/Board Secretary or the Business Manager of the Board of Education duly assigned the authority, responsibility and accountability for the purchasing activity of the Board and having the power to prepare advertisements, to advertise for and receive bids and to award contracts as permitted by this chapter, but if there be no School Business Administrator/Board Secretary or Business Manager, such officer, committees or employees to whom such power has been delegated by the Board.
2. "Extraordinary unspecifiable services" means services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.
3. "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.
4. "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a purchasing agent.
5. "Bid threshold" means the dollar amount set in N.J.S.A. 18A:18A-3, above which a Board will advertise for and receive sealed bids in accordance with procedures set forth in N.J.S.A. 18A:18A-1 et seq.
6. "Contract year" means the period of twelve consecutive months following the award of a contract.



7. "Competitive contracting" means the method described in sections 45 through 49 of P.L.1999, c.440 (C.18A:18A-4.1 through C.18A:18A-4.5) of contracting for specialized goods and services in which formal proposals are solicited from vendors; formal proposals are evaluated by the purchasing agent or counsel or School Business Administrator; and the Board awards a contract to a vendor or vendors from among the formal proposals received.
8. "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a purchasing agent, including goods and property subject to N.J.S.A. 12A:2-101 et seq.
9. "Library and educational goods and services" means textbooks, copyrighted materials, pupil produced publications and services incidental thereto, including but not limited to books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials, and specialized computer software used as a supplement or in lieu of textbooks or reference material.
10. "Lowest price" means the least possible amount that meets all requirements of the request of a purchasing agent.
11. "Lowest responsible bidder or vendor" means the bidder or vendor: (1) whose response to a request for bids offers the lowest price and is responsive; and (2) who is responsible.
12. "Official newspaper" means any newspaper designated by the Board pursuant to R.S.35:1-1 et seq.
13. "Purchase order" means a document issued by the purchasing agent authorizing a purchase transaction with a vendor to provide or perform goods or services to the Board, which, when fulfilled in accordance with the terms and conditions of a request of a purchasing agent and other provisions and procedures that may be established by the Board, will result in payment by the Board.



14. "Quotation" means the response to a formal or informal request made by a purchasing agent to a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing, or taken verbally if a record is kept by the purchasing agent.
15. "Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.
16. "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.
17. "Concession" means the granting of a license or right to act for or on behalf of the Board, or to provide a service requiring the approval or endorsement of the Board, and which may or may not involve a payment or exchange, or provision of services by or to the Board, provided that the term concession will not include vending machines.
18. "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the Board to be necessary for the conduct of its affairs.
19. "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the Board for the vendor's right to operate a concession.

B. Competitive Contracting

Competitive contracting may be used in lieu of public bidding for specialized goods or services that exceed the bid threshold provided the process is administered by a purchasing agent, by legal counsel of the Board, or by the School Business Administrator. The Board shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services are desired to be competitively contracted. If the desired goods or services have previously been contracted for using the competitive contracting process then the original resolution of the Board will suffice. Competitive contracting may be used for the following purposes:



1. The purchase or licensing of proprietary computer software designed for Board purposes, which may include hardware intended for use with the proprietary software, but not for general purpose computer hardware or software;
2. The hiring of a for-profit entity or a not-for-profit entity incorporated under Title 15A of the New Jersey Statutes for the purpose of the operation, management or administration of recreation or social service facilities or programs; or the operation, management or administration of data processing services;
3. Services performed by an energy services company pursuant to N.J.S.A. 40A:18A-4.1.c.;
4. Telecommunications transmission or switching services that are not part of a tariff or schedule of charges filed with the Board of Public Utilities;
5. The purchase of specialized machinery or equipment of a technical nature, or servicing thereof, which will not reasonably permit the drawing of specifications;
6. Food services provided by food service management companies when not part of programs administered by the New Jersey Department of Agriculture, Bureau of Child Nutrition Programs;
7. Driver education courses provided by licensed driver education schools;
8. At the option of the Board, any good or service that is exempt from bidding pursuant to N.J.S.A. 18A:18A-5;
9. Laboratory testing services;
10. Concessions;
11. The operation, management or administration of other services, with the approval of the Division of Local Government Services in the Department of Community Affairs.

Any purpose included in 1 through 11 above, will not be considered by a Board as an extraordinary unspecifiable service pursuant to N.J.S.A. 18A:18A-5. Unless an exception is provided for under N.J.S.A. 18A:18A-42 permitting a longer contract duration, contracts awarded under competitive contracting may be for a term not to exceed five years.



C. Requests for Proposals

1. The purchasing agent will prepare request for proposal documentation, which will include:
 - a. All requirements deemed appropriate and necessary to allow for full and free competition between vendors;
 - b. Information necessary for potential vendors to submit a proposal; and
 - c. A methodology by which the Board will evaluate and rank proposals received from vendors.
2. The methodology for the awarding of competitive contracts will be based on an evaluation and ranking, which will include technical, management, and cost related criteria, and may include a weighting of criteria. This methodology will be developed in a way that is intended to meet the specific needs of the district and where such criteria will not unfairly or illegally discriminate against or exclude otherwise capable vendors.
 - a. When an evaluation methodology uses a weighting of criteria, at the option of the Board the weighting to be accorded to each criterion may be disclosed to vendors prior to receipt of the proposals.
 - b. The methodology for awarding competitive contracts will comply with such rules and regulations as the Director of the Division of Local Government Services in the Department of Community Affairs may adopt in accordance with N.J.S.A. 18A-4.4(a).
3. At no time during the proposal solicitation process will the purchasing agent convey information, including price, to any potential vendor which could confer an unfair advantage upon that vendor over any other potential vendor. If a purchasing agent desires to change proposal documentation, the purchasing agent will notify only those potential vendors who received the proposal documentation of any and all changes in writing and all existing documentation will be changed appropriately.
4. All proposals and contracts will be subject to the provisions of section 1 of P.L.1977, c.33 (C.52:25-24.2) requiring submission of a statement of corporate ownership and the provisions of P.L.1975, c.127 (C.10:5-31 et seq.) concerning equal employment opportunity and affirmative action.



D. Soliciting, Evaluating and Awarding Competitive Bid Contracts

1. Notice of the availability of Request for Proposal

- a. Request for Proposal documentation will be published in an official newspaper of the Board at least ten days prior to the date established for the submission of proposals.
- b. The purchasing agent will promptly reply to any request by an interested vendor by providing a copy of the request for proposals.

2. Submission of Request for Proposals

- a. Each interested vendor will submit a proposal which will include all the information required by the request for proposals.
- b. Failure to meet the requirements of the request for proposals may result in the Board disqualifying the vendor from further consideration.

3. Competitive Contracting - Subcontracting Services

- a. If the Board, at the time of solicitation, utilizes its own employees to provide the goods or perform the services, or both considered for competitive contracting, the Board will, at any time prior to, but no later than the time of solicitation for competitive contracting proposals, notify affected employees of the Board's intention to solicit competitive contracting proposals.
- b. Employees or their representatives will be permitted to submit recommendations and proposals affecting wages, hours, and terms and conditions of employment in such a manner as to meet the goals of the competitive contract.
- c. If employees are represented by an organization that has negotiated a contract with the Board, only the bargaining unit will be authorized to submit such recommendations or proposals.
- d. When requested by such employees, the Board will provide such information regarding budgets and the costs of performing the services by such employees as may be available.



- e. Nothing will prevent such employees from making recommendations that may include modifications to existing labor agreements in order to reduce such costs in lieu of award of a competitive contract, and agreements implementing such recommendations may be considered as cause for rejecting all other proposals.

4. Evaluation of Requests for Proposals

- a. The purchasing agent will evaluate all proposals only in accordance with the methodology described in the request for proposals. After proposals have been evaluated, the purchasing agent will prepare a report in accordance with N.J.S.A. 18A:18A-4.5d evaluating and recommending the award of a contract or contracts. The report will:
 - (1) List the names of all potential vendors who submitted a proposal and will summarize the proposals of each vendor;
 - (2) Rank vendors in order of evaluation;
 - (3) Recommend the selection of a vendor or vendors, as appropriate, for a contract;
 - (4) Be clear in the reasons why the vendor or vendors have been selected among others considered; and
 - (5) Detail the terms, conditions, scope of services, fees, and other matters to be incorporated into a contract.

The Board will have the right to reject all proposals for any of the reasons set forth in N.J.S.A. 18A:18A-22.

5. Award of Contract

Award of a contract will be made by resolution of the Board within sixty days of the receipt of the proposals, except that the proposals of any vendors who consent thereto, may, at the request of the Board, be held for consideration for such longer period as may be agreed.



6. Competitive Contracting Report

The report prepared pursuant to N.J.S.A. 18A:18A-4.5d of this section will become part of the public record and will reflect the final action of the Board. Contracts will be executed pursuant to N.J.S.A. 18A:18A-40.

7. Publication of Contracts Awarded Using Competitive Contracting

a. The Secretary of the Board will publish a notice in the official newspaper of the Board summarizing the award of a contract, which will include but not be limited to:

- (1) The nature, duration, and amount of the contract;
- (2) The name of the vendor; and
- (3) A statement that the resolution and contract are on file and available for public inspection in the office of the Secretary of the Board.

Issued: 15 September 2010



R 6421 PURCHASES BUDGETED

A. Definitions

1. "Purchasing agent" means the School Business Administrator/Board Secretary or the Business Manager of the Board of Education duly assigned the authority, responsibility and accountability for the purchasing activity of the Board and having the power to prepare advertisements, to advertise for and receive bids and to award contracts as permitted by this chapter, but if there be no School Business Administrator/Board Secretary or Business Manager, such officer, committees or employees to whom such power has been delegated by the Board.
2. "Extraordinary unspecifiable services" means services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.
3. "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.
4. "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a purchasing agent.
5. "Bid threshold" means the dollar amount set in N.J.S.A. 18A:18A-3, above which a Board shall advertise for and receive sealed bids in accordance with procedures set forth in N.J.S.A. 18A:18A-1 et seq.
6. "Contract year" means the period of twelve consecutive months following the award of a contract.



7. "Competitive contracting" means the method described in sections 45 through 49 of P.L.1999, c.440 (C.18A:18A-4.1 through C.18A:18A-4.5) of contracting for specialized goods and services in which formal proposals are solicited from vendors; formal proposals are evaluated by the purchasing agent or counsel or School Business Administrator; and the Board awards a contract to a vendor or vendors from among the formal proposals received.
8. "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a purchasing agent, including goods and property subject to N.J.S.A. 12A:2-101 et seq.
9. "Library and educational goods and services" means textbooks, copyrighted materials, pupil produced publications and services incidental thereto, including but not limited to books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials, and specialized computer software used as a supplement or in lieu of textbooks or reference material.
10. "Lowest price" means the least possible amount that meets all requirements of the request of a purchasing agent.
11. "Lowest responsible bidder or vendor" means the bidder or vendor: (1) whose response to a request for bids offers the lowest price and is responsive; and (2) who is responsible.
12. "Official newspaper" means any newspaper designated by the Board pursuant to R.S.35:1-1 et seq.
13. "Purchase order" means a document issued by the purchasing agent authorizing a purchase transaction with a vendor to provide or perform goods or services to the Board, which, when fulfilled in accordance with the terms and conditions of a request of a purchasing agent and other provisions and procedures that may be established by the Board, will result in payment by the Board.



14. "Quotation" means the response to a formal or informal request made by a purchasing agent to a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing, or taken verbally if a record is kept by the purchasing agent.
 15. "Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.
 16. "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.
 17. "Concession" means the granting of a license or right to act for or on behalf of the Board, or to provide a service requiring the approval or endorsement of the Board, and which may or may not involve a payment or exchange, or provision of services by or to the Board, provided that the term concession shall not include vending machines.
 18. "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the Board to be necessary for the conduct of its affairs.
 19. "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the Board for the vendor's right to operate a concession.
- B. All purchasing for the school district will be conducted under the authority of the purchasing agent as defined in N.J.S.A. 18A:18A-2.b. and as designated by the Board.
- C. Any contract, the amount of which exceeds the bid threshold, shall be negotiated and awarded by the Board by resolution at a public meeting without public advertising for bids and bidding therefore if the subject matter thereof consists of:



1. Professional services. The Board will in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in an official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the Board;
2. Extraordinary unspecifiable services which cannot reasonably be described by written specifications. The Board will in each instance state supporting reasons for its action in the resolution awarding the contract for extraordinary unspecifiable services and shall forthwith cause to be printed, in the manner set forth in C.1. above a brief notice of the award of such contract;
3. The doing of any work by employees of the Board;
4. The printing of all legal notices; and legal briefs, records and appendices to be used in any legal proceeding in which the Board may be a party;
5. Library and educational goods and services;
6. Food supplies, including food supplies for home economics classes, when purchased pursuant to rules and regulations of the State Board and in accordance with the provisions of N.J.S.A. 18A:18A-6;
7. The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities, in accordance with the tariffs and schedules of charges made, charged and exacted, filed with said Board;
8. The printing of bonds and documents necessary to the issuance and sale thereof by a Board;
9. Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;
10. Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;
11. Publishing of legal notices in newspapers as required by law;



12. The acquisition of artifacts or other items of unique intrinsic, artistic or historic character;
 13. Those goods and services necessary or required to prepare and conduct an election;
 14. The doing of any work by persons with disabilities employed by a sheltered workshop;
 15. Expenses for travel and conferences;
 16. The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or acquire or update non-proprietary software;
 17. Purchases of goods and services at rates set by the Universal Service Fund administered by the Federal Communications Commission;
 18. Goods and services paid with funds that: are raised by or collected from pupils to support the purchase of pupil oriented items or materials, such as yearbooks, class rings, and a class gift; and are deposited in school or pupil activity accounts; and require no budget appropriation from the Board;
 19. Food services provided by food service management companies pursuant to procedures established by the New Jersey Department of Agriculture, Bureau of Child Nutrition Programs;
 20. Vending machines providing food or drink.
- D. Any contract, the amount of which exceeds the bid threshold, shall be negotiated and awarded by the Board by resolution at a public meeting without public advertising for bids in accordance with the following:
1. Bids have been advertised pursuant to N.J.S.A. 18A:18A-4 on two occasions and
 - a. No bids have been received on both occasions in response to the advertisement, or
 - b. The Board has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the prior to the advertising therefore, or have not been independently arrived at in open competition, or



- c. On one occasion no bids were received pursuant to a. above and on one occasion all bids were rejected pursuant to b. above, in whatever sequence; any such contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the Board authorizing such a contract; provided, however, that:
 - (1) A reasonable effort is first made by the Board to determine that the same or equivalent goods or services, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the Board is located, or any municipality in close proximity to the Board;
 - (2) The terms, conditions, restrictions and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to N.J.S.A. 18A:18A-4; and
 - (3) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications which were the subject of competitive bidding pursuant to N.J.S.A. 18A:18A-4 shall be stated in the resolution awarding the contract; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the Board will notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the Board shall not award such contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for such goods or services.
- 2. Whenever the Board determines that a bid was not arrived at independently in open competition pursuant to subsection c.(2) of N.J.S.A. 18A:18A-5, it shall thereupon notify the county prosecutor of the county in which the Board is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.



3. The Board has solicited and received at least three quotations on materials, supplies or equipment for which a State contract has been issued pursuant to N.J.S.A. 18A:18A-10, and the lowest responsible quotation is at least 10% less than the price the Board would be charged for the identical materials, supplies or equipment, in the same quantities, under the State contract. Any such contract will be entered into in accordance with N.J.S.A. 18A:18A-5.e. and may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the Board at a meeting thereof authorizing such a contract or agreement.

E. Quotations

1. For all contracts that in the aggregate are less than the bid threshold but fifteen percent or more of that amount, and for those contracts that are for subject matter enumerated in subsection a. of N.J.S.A. 18A:18A-5, except for paragraph (1) of that subsection concerning professional services and paragraph (3) of that subsection concerning work by employees of the Board, the purchasing agent shall award the contract after soliciting at least two competitive quotations, if practicable. The award shall be made to a vendor whose response is most advantageous, price and other factors considered. The purchasing agent shall retain the record of the quotation solicitation and shall include a copy of the record with the voucher used to pay the vendor.
2. When in excess of the bid threshold, and after documented effort by the purchasing agent to secure competitive quotations, a contract for extraordinary unspecifiable services may be awarded when the purchasing agent has determined in writing that solicitation of competitive quotations is impracticable. Any such contract shall be awarded by resolution of the Board.
3. If authorized by the Board by resolution, all contracts that are in the aggregate less than fifteen percent of the bid threshold may be awarded by the purchasing agent without soliciting competitive quotations.
4. Whenever two or more responses to a request of a purchasing agent offer equal prices and are the lowest responsible bids or proposals, the Board may award the contract to the vendor whose response, in the discretion of the Board, is the most advantageous, price and other factors considered. In such a case, the award resolution or purchase order documentation shall explain why the vendor selected is the most advantageous.



F. Requisitions

1. A requisition for goods and/or services may be originated by any school district employee who perceives a need for such goods and/or services.
2. The requisitioner will prepare and sign a requisition form, filling in the following information:
 - a. Description and quantity of item or service desired;
 - b. Unit price and total amount (actual or estimated) of proposed purchase;
 - c. Desired brand or vendor;
 - d. The building, program, subject, or class in which the goods or service will be used;
 - e. The name and title of the requisitioner; and
 - f. The date on which the requisition is filed.
3. Requisitions for lost or stolen equipment must be accompanied by an explanatory report.
4. The requisitioner will retain a copy of the requisition form. Copies of the requisition form will be filed with the Principal or the appropriate supervisor for consideration.
5. The Principal or immediate supervisor will determine:
 - a. The need for the requisitioned goods or services;
 - b. Whether the desired goods or services are presently available elsewhere in the district or are available without cost from another source;
 - c. The appropriateness of the proposed expenditure;
 - d. Whether the requisition can be combined with others for greater efficiency and economy;
 - e. Whether the originator's needs can be better met by an alternate purchase; and



- f. Whether uncommitted funds remain in the budget allocations to the school or program, sufficient to cover the proposed expenditure.
 6. A requisition not approved by the Principal or immediate supervisor will be returned to the requisitioner with the reason for its rejection.
 7. When approval is given, the Principal or immediate supervisor will sign and date the requisition, indicate the account to be charged, retain the duplicate copy, and file the original with the School Business Administrator/Board Secretary, for approval.
 8. A requisition that originates with a Principal, immediate supervisor, or central office administrator must be approved by the School Business Administrator/Board Secretary and Chief School Administrator.
 9. If the School Business Administrator/Board Secretary or Chief School Administrator denies approval of a requisition approved or originated by a Principal, immediate supervisor, or central office administrator, he or she will so notify the approver or originator with the reason for the denial.
- G. Purchase Orders
1. Before a purchase order is prepared for an approved requisition, the School Business Administrator/Board Secretary shall determine whether:
 - a. The proposed purchase is exempt from bid in accordance with N.J.S.A. 18A:18A-5;
 - b. If appropriate, vendors' quotations have been solicited in accordance with F above;
 - c. The requisition can be processed without resort to advertisement for bid or solicitation of quotations; or
 - d. The proposed purchase is in excess of the bid threshold and may be Competitively Contracted in accordance with N.J.S.A. 18A:18A-4.5.
 2. A requisition that is not exempt from bid shall be submitted to the School Business Administrator/Board Secretary for advertisement.
 3. Approved requisitions must be authorized as follows:



- a. If within the budget and not subject to bid, authorized by the School Business Administrator/Board Secretary;
 - b. If within the budget and subject to bid, authorized by a Board resolution awarding a contract after bid;
 - c. If not in the budget or in excess of the line item allocation, authorized by the Board or, as permitted by Policy No. 6422 between Board meetings, by the School Business Administrator/Board Secretary.
4. To prepare a purchase order, the School Business Administrator/Board Secretary shall
 - a. Verify and enter the account to which the purchase will be assigned;
 - b. Assign a purchase order number to the expenditure;
 - c. Verify and enter the name and address of the vendor;
 - d. Verify and enter the description of the goods and/or services, including, as appropriate, the quality standards of the goods sought;
 - e. Verify as necessary, by telephone call to the vendor or by reference to a catalog, and enter the unit cost of the goods and/or services;
 - f. Extend and total costs;
 - g. Check that the requisition has been properly approved and authorized; and
 - h. Determine and enter the desired delivery date and any necessary delivery instructions.
5. Each purchase order will be completed in full and forwarded to the School Business Administrator/Board Secretary for approval and signature.
6. The School Business Administrator/Board Secretary shall encumber the appropriate account in the amount of the purchase order.
7. Copies of the purchase order will be distributed as required.
8. A purchase order may be issued to confirm an oral order given to a vendor under bona fide emergency circumstances, pursuant to Policy No. 6422. A confirmation order will be so designated.



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Purchases Budgeted

9. Open purchase orders may be written for vendors who regularly provide the school district with certain goods and/or services. Any open purchase order may be exempt from the requirement for bidding, must specify a "not to exceed" amount, and must be closely monitored to determine that the aggregate amount of goods and/or services does not exceed the bid threshold in any twelve month period.

H. Payment

Purchases will be paid in accordance with Policy No. 6470 and Regulation No. 6470.

Issued: 15 September 2010



R 6422 BUDGET TRANSFERS

- A. Transfer of Surplus or Other Unbudgeted or Underbudgeted Revenue Between April 1 and June 30
1. The Board may transfer surplus or other unbudgeted or underbudgeted revenue between April 1 and June 30 only upon prior approval of the transfer by the Executive County Superintendent, as the Commissioner's designee, pursuant to N.J.S.A. 18A:22-8.1.
 2. Requests must be received by June 30.
 3. All approved transfer requests must be expended or encumbered for the approved use by June 30, or the district shall reserve and designate such funds for tax relief in the subsequent budget year.
 4. To request approval of such transfers, the district shall submit to the Executive County Superintendent the following:
 - a. Documentation of approval of the transfer by a two-thirds affirmative vote of the authorized membership of the Board;
 - b. Certification by that same membership of the Board that the transfer is necessary to achieve the thoroughness standards for the current year. The certification shall include the purpose, need of transfer, and include, at a minimum, a list of specific line items to be transferred into and corresponding amounts. Requests to appropriate surplus for textbooks, computers, equipment, or other needs for use and operation for the subsequent school year is not considered a need for the current year and shall not be approved; and
 - c. The latest Board Secretary's report as documentation that no other line item balances are available and all appropriation balances are or will be expended or encumbered.
- B. Transfer of Surplus or Other Unbudgeted or Underbudgeted Revenue Prior to April 1
1. Prior to April 1, the Board may petition the Commissioner, by a two-thirds affirmative vote of the authorized membership of the Board, for approval of a transfer of surplus or other unbudgeted or underbudgeted revenue only for an emergent circumstance.



2. The district shall be subject to an on-site inspection by the Executive County Superintendent for verification of the emergent circumstance and other supporting documentation.
3. The district shall submit such Board approved petition to the Executive County Superintendent for recommendation to the Commissioner. At a minimum, the submission shall include the following:
 - a. Certification the transfer is necessary for an emergent circumstance, that no other line item balances are or will be available, and that the remaining surplus will enable the district to operate in a fiscally solvent position for the remainder of the budget year;
 - b. Documentation the emergent circumstance, if not addressed through an appropriation of additional revenue, would render peril to the health and safety of pupils or staff, and/or force the district into an operating deficit as a result of the required implementation of the thoroughness standards;
 - c. The latest Board Secretary's report as documentation that no other line item balances are or will be available as set forth in (1) below:
 - (1) Any unexpended, unencumbered balances are for non-discretionary fixed costs and supported by historical expenditures or other documentation ensuring that the balances will be expended by June 30.
 - d. Evidence of approval of the petition and supporting documentation by a two-thirds affirmative vote of the authorized membership of the Board.

C. Appropriations at Any Time Without Commissioner Approval

1. The Board may at any time and without Commissioner approval:
 - a. Appropriate unbudgeted or underbudgeted State aid for which the approval was granted by the Department of Education in the written notification to the Board of the additional aid;
 - b. Appropriate unbudgeted and underbudgeted tuition revenue generated from a school district-specific program, which is not part of a formal sending-receiving relationship pursuant to N.J.S.A. 18A:38-19 and 18A:46-21;



- c. Appropriate unbudgeted or underbudgeted school transportation revenue generated from a school district's or Coordinated Transportation Services Agency's role as the host provider of school transportation services pursuant to N.J.S.A. 18A:39-11 and 18A:39-11.1;
- d. Appropriate unbudgeted or underbudgeted restricted miscellaneous local revenue;
- e. Appropriate unbudgeted or underbudgeted Federal revenue; and
- f. Appropriate surplus generated from any Federal and/or State revenue excluded from the excess surplus calculation in the prebudget year in accordance with the annual audit program.

D. Transfers from General Fund Appropriation Accounts

1. For the purposes of Policy and Regulation 6422, "general fund appropriation account" means the required advertised appropriation accounts pursuant to N.J.S.A. 18A:22-1 et seq., except where consolidated as follows:
 - a. Basic skills, bilingual and special education instruction, including other related and extraordinary services;
 - b. Student activities, student athletics, and other student instructional services;
 - c. Student support services, including attendance, health, guidance, Child Study Team, and media;
 - d. Improvement of instruction and staff training; and
 - e. Special programs (Fund 13).
2. For all transfers from any general fund appropriation account as defined in D.1. above, and as amended to include prior year encumbrances carried forward to the current year and revenue appropriated pursuant to C. above, the Board shall obtain the approval for such transfers by two-thirds affirmative vote of the authorized membership of the Board, pursuant to N.J.S.A. 18A:22-8.1.



- a. When the total amount of such transfers, on a cumulative basis, exceeds ten percent of the amount of the account that was included in the school district's budget as certified for taxes, as amended to include prior year encumbrances carried forward to the current year and revenue appropriated pursuant to C. above, the Board shall request in writing approval from the Executive County Superintendent, as the Commissioner's designee, by submitting the request and purpose for the transfer using the report pursuant to (1) below.
 - (1) The Board may request approval from the Executive County Superintendent prior to obtaining the two-thirds affirmative vote of the authorized membership of the school Board for such approval.
 - (2) The Board's written transfer request shall be deemed approved after ten working days of receipt of such request by the Executive County Superintendent if no Executive County Superintendent approval or denial is provided within that timeframe. The district shall maintain documentation of the Executive County Superintendent's receipt of all transfer requests deemed approved under this provision.
- b. Prior to any transfers from capital outlay accounts to current expense, except for equipment, the district shall submit a written request for approval to the Executive County Superintendent with documentation that such transfer is required due to demonstrated hardship.

E. Transfers To Certain Advertised Appropriation Accounts

1. For all transfers to the advertised appropriation accounts identified as general administration, school administration, central services and administrative information technology, or other support services that, on a cumulative basis, exceed ten percent of the amount of the account included in the school district's budget as certified for taxes, amended to include prior year encumbrances carried forward to the current year, a Board shall, prior to such transfer, submit to the Executive County Superintendent, in a format prescribed by the Commissioner, a request for such approval.
 - a. Such approval will not be granted, except as provided in b. below if:
 - (1) The school district's budget currently exceeds the administrative cost limits; or



(2) The transfer would result in a budget in excess of the administrative cost limits in the applicable budget year, as prescribed in N.J.S.A. 18A:7F-5(c).

- b. Transfers may be approved to support a contractual obligation or one-time increase in spending as justified by district documentation. Transfers may not be approved if the district did not budget sufficient funds upon review of actual expenditures and historical trends in those accounts. A district that is granted such approval remains subject to the requirements set forth in N.J.S.A. 18A:7F-5(c).

F. Transfers to Capital Outlay Accounts

- 1. For all transfers to the advertised appropriation accounts identified as capital outlay for a capital outlay project not previously approved by the voters or Board of School Estimate pursuant to N.J.A.C. 6A:23A-8.4, the Board shall, prior to such transfer, submit to the Executive County Superintendent a request for such approval.

Approvals are required for unbudgeted or underbudgeted revenue, including those listed and appropriated pursuant to C. above and shall only be granted for requests with written documentation that supports the existence of an emergent circumstance as defined in B.3.b. above and only after an on-site inspection by the Executive County Superintendent to verify the emergent circumstance. Transfers to equipment accounts or to supplement a capital outlay project previously approved by the voters or Board of School Estimate, pursuant to N.J.A.C. 6A:23-8.4, do not require approval by the Executive County Superintendent.

- a. The district shall maintain a report of current month and year-to-date transfers between general fund appropriation accounts as defined in D. above, in a format prescribed by the Commissioner, or in a format developed locally and approved by the Executive County Superintendent, and submit such report to the Executive County Superintendent with any transfer requests and in accordance with the submission requirements of the Board Secretary's and Treasurer's financial reports under N.J.A.C. 6A:23A-16.10.

Issued: 15 September 2010



R 6424 EMERGENCY CONTRACTS

- A. Any contract may be negotiated or awarded for a Board of Education without public advertising for bids and notwithstanding that the contract price will exceed the bid threshold when an emergency affecting the health or safety of occupants of school property requires the immediate delivery of goods or the performance of services, provided that the contracts are awarded in the following manner:
1. The official in charge of the building, facility, or equipment wherein the emergency occurred or such other officer or employee as may be authorized to act in place of that official, shall notify the purchasing agent and/or School Business Administrator/Board Secretary of:
 - a. The need for the performance of a contract;
 - b. The nature of the emergency;
 - c. The time of its occurrence; and
 - d. The need for invoking this section.
 2. Such notification shall be reduced to writing and filed with the purchasing agent and School Business Administrator/Board Secretary as soon as practicable.
 3. If the School Business Administrator/Board Secretary is satisfied that an emergency exists, he/she shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergent needs.
- B. Upon the furnishing of such goods or services, in accordance with the terms of the contract, the contractor furnishing such goods or services, shall be entitled to be paid and the Board shall be obligated for said payment. The Board shall take such action as shall be required to provide for the payment of the contract price.
- C. If conditions permit, the School Business Administrator/Board Secretary shall seek quotations from more than one source. And, if the expenditures are expected to be in excess of the bid threshold, the School Business Administrator/Board Secretary shall attempt to obtain no fewer than three quotations.



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Emergency Contracts

- D. When emergency conditions have eased, the School Business Administrator/Board Secretary shall utilize the regular purchasing system to obtain estimates from suppliers, vendors, and contractors for materials and/or services that will eliminate the circumstances that created the emergency.
- E. The School Business Administrator/Board Secretary shall submit a final report to the Board on every occasion an emergency contract is negotiated or awarded in accordance with the provisions of N.J.S.A. 18A:18A-7. The report shall describe:
 - 1. The nature of the emergency;
 - 2. The time of its occurrence;
 - 3. The need for invoking this regulation;
 - 4. The action taken;
 - 5. The costs of the action;
 - 6. The accounts to be charged; and
 - 7. The plan for preventing a similar situation in the future.

Adopted: 15 September 2010



R 6470 PAYMENT OF CLAIMS

A. Receipt of Goods and Services

1. The employee who receives goods or services shall check them against the purchase order issued and determine whether the goods or services delivered meet the specifications and quantities set forth in the purchase order.
2. Any over supply, shortage, substitution, or other discrepancy must be reported immediately to the School Business Administrator/Board Secretary or designee.

B. Approval of Invoice

1. The School Business Administrator/Board Secretary or designee shall verify the vendor's invoice for the correct billing price and check the invoice for accurate extensions and omission of tax.
2. The School Business Administrator/Board Secretary or designee shall attach the vendor's invoice and voucher, if a voucher is necessary, to the copy of the purchase order received from the requisitioner certifying satisfactory completion.
3. If the invoice price exceeds the purchase order price the invoice will be referred to the School Business Administrator/Board Secretary, who will only approve a payment amount in excess of the approved purchase order amount in accordance with the provisions of Policy 6470 and N.J.A.C. 6A:23A-6.10.
4. If extensions are incorrectly calculated, the invoice will be returned to the vendor for correction.
5. If tax has been charged, the invoice will be returned to the vendor for correction with a copy of the district's tax exemption certificate.
6. If goods or services received were not satisfactory, the receiving officer and the vendor will be consulted in order to reach a resolution satisfactory to all parties.
7. The verified invoice, voucher (if necessary), verified receipt, and all accompanying papers will be forwarded to the School Business Administrator/Board Secretary or designee.



C. Issuance of Warrants

1. The School Business Administrator/Board Secretary or designee may prepare warrants for expenditures which are listed in Policy No. 6470:
 - a. Interest on bonds as it becomes due,
 - b. Payments to redeem bonds as they become due,
 - c. Progress payments to contractors in accordance with a contract approved by the Board,
 - d. Warrants to cover payroll and approved agency account deposits, and
 - e. Claims not exceeding the bid threshold.
2. Expenditures made without prior Board approval must be reported to the Board at its next meeting after the warrant is drawn.
3. All other demands for payment will be submitted to the Board for approval.
4. In accordance with Policy No. 6470, claims must be submitted to the Board in the form of a list that includes the:
 - a. Number, amount, and date of the warrant,
 - b. Payee,
 - c. Reason for the expenditure, and
 - d. Account charged.
5. When the expenditure has been approved, the authorized Business office staff member will debit the correct account and credit the encumbrance.
6. A warrant will be prepared for the payment of goods or services. The warrant number will be recorded on the file copy of the vendor's invoice.
7. All warrants shall be signed by the Board President, the Board Secretary, and the Treasurer of School Moneys.
8. Each warrant shall have a live signature.

Issued: 15 September 2010



R 6471 SCHOOL DISTRICT TRAVEL PROCEDURES

A. Approval of Travel Expense Reimbursement

The following procedure shall be implemented for all Board of Education staff members and Board members seeking to receive travel expense reimbursement in accordance with the provisions of N.J.A.C. 6A:23A-7 and Policy 6471:

1. All requests for travel must be submitted to the Chief School Administrator or designee prior to the requested travel date(s) within the timeframe established by the Chief School Administrator for the request to be considered and for submission of the request to the Board for Board approval.
2. The Chief School Administrator may require travel requests be submitted to the School Business Administrator/Board Secretary and/or the staff member's immediate supervisor for preliminary approval before considering such request for submission to the Board.
3. A travel request will not be approved unless it includes the following information:
 - a. Name and dates of event;
 - b. A list of Board members and/or employees to attend either by name or title;
 - c. Estimated cost associated with travel;
 - d. A justification and brief statement that includes the primary purpose for the travel and the key issues that will be addressed at the event and their relevance to improving instruction or the operation of the school district. For training events, whether the training is required for continued employment, continuing education requirements, requirements for State law, or other purpose related to the programs or services currently being delivered or soon to be implemented in the school district, or related to district operations;
 - e. Account number and funding source – Federal, State, private or local;
 - f. In the case of annual events, total attendance, and cost for previous year.



4. The Chief School Administrator shall review and may approve or deny each request for travel submitted by a school staff member. The Chief School Administrator's signature designating approval is required on each request from school staff members for travel expenses prior to submission to the Board for approval.
 - a. The School Business Administrator/Board Secretary shall review all requests for school staff member travel either before or after the Superintendent's approval and prior to submission to the Board for Board approval. The School Business Administrator/Board Secretary or designee will determine if the expenses as outlined in the request are in compliance with N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-7, the current State travel payment guidelines established by the Department of the Treasury, and the current guidelines established by the Federal Office of Management and Budget.
 - b. If the travel request for a school staff member is approved by the Superintendent of Schools and if the requested travel expenses are in compliance with the guidelines outlined above, the travel request will be submitted to the Board of Education for approval.
 - c. If any travel expenses requested by a school staff member are not in compliance with the guidelines outlined above, the School Business Administrator/Board Secretary will return the request to the Chief School Administrator.
 - (1) The Chief School Administrator may deny the request, approve the request conditioned upon the staff member assuming the financial responsibility for those travel expenses that are not in compliance with the guidelines, or may return the request to the school staff member to be revised in accordance with the guidelines outlined above.
5. The Chief School Administrator and/or the School Business Administrator/Board Secretary shall review each travel request submitted by a Board member.
 - a. The School Business Administrator/Board Secretary shall review all requests for Board member travel prior to submission to the Board for Board approval. The School Business Administrator/Board Secretary or designee will determine if the expenses as outlined in the travel request are in compliance with N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-7, the current State travel payment guidelines established by the Department of the Treasury, and the current guidelines established by the Federal Office of Management and Budget.



- b. If the requested travel expenses for a Board member are in compliance with the guidelines outlined above, the travel request will be submitted to the Board of Education for approval.
 - c. If any travel expenses requested by a Board member are not in compliance with the guidelines outlined above, the School Business Administrator/Board Secretary will return the request to the Board member to be revised in accordance with the guidelines outlined above.
6. All travel requests must be approved by a majority of the full voting membership of the Board at a Board meeting unless prior Board approval is not required in accordance with provisions of N.J.A.C. 6A:23A-7 and Board Policy 6471.

B. Reimbursement of Travel Expenses

All approved travel expenses shall be reimbursed by the Board of Education in accordance with the provisions of N.J.A.C. 6A:23A-7 and Board Policy 6471 implementing the following procedures:

- 1. The School Business Administrator/Board Secretary or designee shall review all requests for travel expenditure reimbursement submitted for expenses incurred in the course of school district business as to cost and support documentation required by N.J.A.C. 6A:23A-7.
- 2. The School Business Administrator/Board Secretary shall not approve or issue payment of travel expenditures or reimbursement requests until all required documentation and information has been submitted to support the payment and shall not approve any travel expenditure that when added to already approved travel expenditures would exceed the Board approved maximum travel expenditure amount for the budget year.
- 3. The School Business Administrator/Board Secretary shall be responsible for the adequacy of documentation of transactions processed by their staff and the retention of that documentation to permit audits of their records.



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School District Travel Procedures

4. An employee of the Board, a Board member, or organization, shall not receive payment, either partial or full, for travel and travel-related expenses in advance of the travel pursuant to N.J.S.A. 18A:19-1 et seq. The payment of travel and travel-related expenses shall be made personally by a school district employee or Board member and reimbursed at the conclusion of the travel event. This applies to travel related purchases for which a purchase order is not applicable. This provision does not preclude the district from paying the vendor directly with the proper use of a purchase order (e.g., for registration, airline tickets, hotel).
5. All travel expense reimbursement payments to be made to a school staff member or a Board member will be made to the staff member or Board member in accordance with the district's policy regarding payment of claims.

Adopted: 15 September 2010



R 6620 PETTY CASH

Each petty cash fund established by Policy No. 6620 shall be administered in accordance with the following rules:

A. Authority

1. The custodian of the fund shall assume direct control of the fund or assign direct control to a responsible school employee under his/her direct supervision. (Hereinafter, "custodian" includes the custodian's designee.)
2. Each deposit and expenditure shall be promptly and accurately recorded.

B. Withdrawal

1. Each person who seeks petty cash funds shall prepare and sign a written request stating the amount requested and the purpose of the funds. The requestor will supply receipts or invoices as appropriate to support the request, and all such documents will be attached to the request.
2. The custodian will prepare a disbursement slip for each expenditure that records the date, amount of the expenditure, purpose of the expenditure briefly stated, and the name of the requestor.
3. The person who receives the funds will acknowledge receipt by signing the disbursement slip. The disbursement slip will be attached to the request for expenditure.
4. Any check drawn on a petty cash fund shall be in the exact amount of the request submitted for reimbursement.
5. No cash shall be released from the petty cash box to any person as a loan or in change for a personal check, but change may be made from the petty cash box on a direct exchange of funds in equal amounts.
6. No single petty cash expenditure may exceed the amount established by Policy No. 6620. No request for funds or supporting receipts will be divided so as to circumvent this rule.
7. At the end of each school day, the custodian will lock the petty cash box and place it in a secure and locked place, preferably fireproof and stationary.



8. The custodian will retain and file each request for funds, with the disbursement slip and supporting documents attached.
- C. Reimbursement
1. When the fund is required to be replenished the custodian will complete and file with the Board Secretary a report on the amounts disbursed from the fund during that period.
 2. The Board Secretary will prepare a voucher for Board approval in an amount equal to that which was disbursed. All requests for disbursement, supporting documentation, and disbursement slips will be submitted with the request for replenishment.
 3. At the end of each school year, the custodian of the fund will return the petty cash box, with remaining petty cash, and the checkbook to the Board Secretary. The custodian will also complete a final report of the fund for audit.

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R 6740 RESERVE ACCOUNTS

A. Capital Reserve Account

1. The Board of Education or a Board of School Estimate may, at any time establish by Board resolution a capital reserve account, pursuant to N.J.S.A. 18A:21-2 and 3, and 18A:7G-31.
2. Funds in the capital reserve account shall not be used for current expenses, pursuant to N.J.S.A. 18A:22-8.2, and shall only be used:
 - a. To implement capital projects in the school district's Long-Range Facilities Plan (LRFP) as required pursuant to N.J.S.A.18A:7G-4(a) and N.J.A.C. 6A:26-2; and
 - b. To augment a capital project funded in whole or part by bond proceeds only when:
 - (1) The original referendum question separately listed the amount and portion of local share (or portion of total costs of a project receiving debt service aid) to be funded by capital reserve pursuant to N.J.A.C. 6A:26-3.7 and 3.12; or
 - (2) Voter or Board of School Estimate approval, as appropriate, was received to augment the original approved question by special appropriation in a Type I school district, by separate question at a special election or through the appropriate line-items and supporting documentation in the base budget at the annual school election pursuant to N.J.A.C. 6A:26-4.4(a)3iii.
2. The Board of Education may increase the balance in the capital reserve account by:
 - a. Appropriating funds in the annual general fund budget certified for taxes to meet the needs of the LRFP that are not met by State support; or
 - b. Requesting approval from the Executive County Superintendent, as the Commissioner's designee, to appropriate any excess unreserved general fund balance as calculated in the supporting documentation of the proposed budget into capital reserve in the proposed budget pursuant to N.J.S.A. 18A:7F-7b only when the Board of Education has:



- (1) Formally established a capital reserve account; and
 - (2) Obtained an approved LRFP in accordance with N.J.A.C. 6A:26-2.
3. The Board of Education, at its option, may satisfy the withdrawal approval requirements set forth in 8. below when funds are deposited into the capital reserve account in the annual budget pursuant to 3.a. and 3.b. above using the designated line item, supporting documentation, and a statement of purpose in the advertised budget. The Board of Education shall include in its statement of purpose:
 - a. The amount of the deposit;
 - b. A description of the future capital project and purpose; and
 - c. A statement that "The amount represents expenditures for construction elements or projects that exceed the facilities efficiency standards determined by the Commissioner as necessary to achieve the Core Curriculum Content Standards."
4. The Board of Education may request express approval of the voters for appropriation of additional amounts into the capital reserve by a separate proposal at budget time, or by a special question at one of the four special elections authorized pursuant to N.J.S.A. 19:60-2. The Board of Education may request approval of a Board of School Estimate, if applicable, for appropriation of additional amounts into capital reserve by a separate proposal at budget time or by special resolution. The amount expressly approved by the voters or Board of School Estimate, as applicable, for deposit into a capital reserve may be from surplus or unrestricted local miscellaneous revenue only if such source is delineated in the question and/or special resolution.
5. The Board shall not deposit into a capital reserve account audited excess undesignated, unreserved general fund balance. The Board of Education shall reserve and designate such funds in the subsequent year's budget pursuant to N.J.A.C. 6A:23A-8.5(b).
6. The Board of Education shall maintain an amount of funds in the capital reserve account that does not exceed the amount needed to implement the capital projects in a school district's LRFP that are not met by State support.



- a. If the amount in capital reserve exceeds the amount authorized in 7. above, the Board of Education shall withdraw the excess and reserve and designate it in the subsequent year's budget.
 - b. The Board of Education shall ensure that all excess amounts in the capital reserve account identified in the annual audit, required pursuant to N.J.S.A. 18A:23-1 and procedures developed by the Commissioner, are reserved and designated in the subsequent year's budget.
7. The Board of Education may withdraw funds from the capital reserve account at any time as follows:
- a. By Board resolution for the transfer of funds to the line items in the capital outlay major account/fund to fund pre-development or other pre-application costs associated with architects, lawyers, and construction managers for school facilities projects included in the approved LRFP;
 - (1) Pursuant to N.J.A.C. 6A:26-4.2(a), a Board that used capital reserve for such costs in a capital project funded in part or in whole by bond proceeds has the option to reimburse the general fund from the capital projects fund after approval of the referendum or resolution;
 - b. By Board resolution for the transfer of funds to the line items in the capital outlay major account/fund to fund the local share less any excess costs of a school facilities project as determined in accordance with N.J.A.C. 6A:26-3;
 - c. By Board resolution for the transfer of funds to the line items in the capital outlay major account/fund to fund the total costs, less any excess costs, of another capital project, which would otherwise be eligible for State support, as determined in accordance with N.J.A.C. 6A:26-3;
 - d. By Board resolution for the transfer of funds to the capital projects fund pursuant to N.J.A.C. 6A:26-4, after receiving voter, Board of School Estimate, or Capital Project Review Board approval, as applicable, of the capital reserve use and specific amount in an approved referendum or resolutions pursuant to N.J.A.C. 6A:26-3.7;



- e. By Board resolution after receiving voter, Board of School Estimate, or Capital Project Review Board approval, as applicable, except as authorized in N.J.A.C. 6A:26- 3.12(c), for the transfer of funds to the line items in the capital outlay major account/fund to fund excess costs of a school facilities project and to fund the total costs for other capital projects that would not otherwise be eligible for State support as determined in accordance with N.J.A.C. 6A:26, Educational Facilities:
- (1) Voter, Board of School Estimate, or Capital Project Review Board approval, as appropriate, may be obtained through the original budget certified for taxes, in which the Board shall include a statement of purpose in the advertised budget, or through a Board of School Estimate's special appropriation process, if appropriate.
 - (2) The Board of Education or Board of School Estimate, as appropriate, shall include in the statement of purpose or special question for the capital project:
 - (a) The total costs;
 - (b) The final eligible costs;
 - (c) The amount requested for withdrawal for excess costs;
 - (d) A description/purpose of the capital project, or portion thereof, which the excess costs will fund; and
 - (e) A statement that "The amount represents expenditures for construction elements or projects that exceed the facilities efficiency standards determined by the Commissioner as necessary to achieve the Core Curriculum Content Standards."
 - (3) If requesting a withdrawal for multiple capital projects, the Board of Education or Board of School Estimate, as appropriate, shall include in the statement of purpose or special question the required information identified in 8.e.(1) and (2) above separately for each individual capital project.



- (4) The Board of Education or Board of School Estimate, as appropriate, shall ensure that the amount(s) approved by the voters, Board of School Estimate, or Capital Project Review Board, as appropriate, are used exclusively for the purpose or purposes contained in the associated statement or question.
 - (5) For any approved amounts that remain unexpended or unencumbered at the end of the school year, the Board of Education or Board of School Estimate, as appropriate, shall:
 - (a) Return such funds to the capital reserve account;
 - (b) Anticipate such funds as part of the designated general fund balance of the subsequent school year budget; or
 - (c) Reserve and designate such funds in the second subsequent school year budget;
 - f. By Board resolution and after receiving Commissioner approval in accordance with N.J.A.C. 6A:26-3.13, and voter, Board of School Estimate, or Capital Project Review Board approval, as appropriate, pursuant to 3.b. above and N.J.A.C. 6A:23A-14.1, for the transfer of funds to the line items in the capital outlay major account/fund for the purchase of land; or
 - g. By Board resolution for the transfer of funds to the debt service account for the purpose of offsetting locally funded principal and interest payments for bonded projects that are included in the school district's LRFP.
9. Notwithstanding 8. above, the Board of Education or Board of School Estimate, as appropriate, may at any time, apply to the Commissioner for approval to withdraw funds from its capital reserve account for uses authorized in 2. above. The Board of Education or Board of School Estimate, as appropriate, may make a withdrawal pursuant to N.J.A.C. 6A:23A-14.1 only upon receipt of written approval of the Commissioner. To obtain the Commissioner's approval, the Board of Education shall establish to the satisfaction of the Commissioner that an emergent condition exists necessitating an immediate withdrawal of capital reserve account funds.



10. The Board of Education shall administer and account for the capital reserve account as follows:
 - a. The Board shall establish and maintain the capital reserve account in accordance with Generally Accepted Accounting Principles (GAAP), and shall be subject to annual audit pursuant to N.J.S.A. 18A:23-1 et seq.;
 - b. If the cost to complete an approved school facilities project not funded in whole or part by school bonds exceeds the local share less excess costs, those costs up to ten percent above the local share less excess costs may be withdrawn from capital reserve funds in accordance with 8.a. above;
 - c. The Board shall transfer to the capital projects account, and account for separately with the corresponding grant, any funds withdrawn for the local share of a school facilities project that is not using school bonds or loan bonds for all or part of the local share that received a grant pursuant to N.J.S.A. 18A:7G-15. For any unexpended transferred capital reserve funds remaining after completion of such school facilities projects, the Board shall:
 - (1) Return such funds to the capital reserve account;
 - (2) Anticipate such funds as part of the designated general fund balance of the subsequent school year's budget; or
 - (3) Reserve and designate any unexpended transferred capital reserve funds in the second subsequent year's budget for tax relief.
 - d. Pursuant to N.J.S.A. 18A:21-3, the Board of Education shall increase the capital reserve account by the earnings attributable to the investment of the account's assets, and;
 - (1) Anticipate as miscellaneous income any investment income included in the original annual general fund budget certified for taxes; and
 - (2) Include any investment earnings in the maximum amount of capital reserve permitted in 7. above.



- e. The Board of Education shall establish a separate account in the general fund for bookkeeping purposes only in order to account for increases to and withdrawals from the capital reserve account and its balance. The Board of Education shall record a capital reserve account on the annual audit's general fund balance sheet as follows:
 - (1) Debit: Capital Reserve Account; and
 - (2) Credit: Reserved Fund Balance--Capital Reserve Account.
- 11. Funds in capital reserve accounts in existence prior to July 18, 2000 are subject to the Educational Facilities Construction and Financing Act (EFCFA), P.L. 2000, c. 72, and N.J.A.C. 6A:23A-14, and the Board of Education shall only use such funds for the original purpose for which the funds were deposited.
 - a. If the original purpose is outside the scope of the Board's approved LRFP, the Board of Education shall account for such funds separately in the capital reserve fund and appropriate the funds as revenue for such purposes in the annual budget certified for taxes. The Board of Education shall restore to the capital reserve account for use pursuant to N.J.A.C. 6A:23A-14 any unexpended capital outlay appropriations up to the amount of such capital reserve funds appropriated. Expenditures shall be charged first to unrestricted capital outlay fund sources with capital reserve account appropriations expended last. The Board of Education shall not deposit any additional funds into the capital reserve account pursuant to 3. through 6. above for such pre-July 18, 2000 purposes.
 - b. If the original purpose is within the scope of the school district's approved LRFP, the Board of Education shall make withdrawals pursuant to 8. above, except that if voter, Board of School Estimate or Capital Project Review Board, as appropriate, approval of excess costs or another capital project was obtained when the funds were deposited into the capital reserve account, the Board, by such approval, shall be deemed to have satisfied the requirement for approval of excess costs or other capital projects in 8.b. above.
- B. Maintenance Reserve Account
 - 1. The Board of Education shall establish, by resolution, a maintenance reserve account to be used to implement required maintenance of the school district's facilities. The Board of Education is prohibited from using such funds for routine or capital maintenance.



2. The Board of Education shall establish and maintain the maintenance reserve account in accordance with GAAP, and such account shall be subject to annual audit pursuant to N.J.S.A. 18A:23-1 et seq.
 3. The Board of Education or Board of School Estimate, as appropriate, may increase the balance in the maintenance reserve account by appropriating funds in the annual general fund budget certified for taxes.
 4. The Board of Education or Board of School Estimate, as appropriate, may by resolution withdraw such funds from the maintenance reserve account and appropriate into the required maintenance account lines at budget time or any time during the year for use on required maintenance activities for a school facility as reported in the comprehensive maintenance plan pursuant to N.J.A.C. 6A:26A-4.
 - a. Funds withdrawn from the maintenance reserve account are restricted to required maintenance appropriations. The Board of Education or Board of School Estimate, as appropriate, shall not transfer such funds to any other line-item account.
 5. In any year that maintenance reserve account funds are withdrawn, the Board of Education shall restore any unexpended required maintenance appropriations, up to the amount of maintenance reserve account funds withdrawn, to the maintenance reserve account at year-end.
 6. The Board of Education shall, by resolution, transfer to the general fund on an annual basis any interest earned on the investments in the maintenance reserve account. Such interest may be transferred on a more frequent basis at the discretion of the Board of Education.
 7. The Board of Education shall ensure that the maintenance reserve account balance does not, at any time, exceed four percent of the replacement cost of the school district's school facilities for the current year. If the account exceeds this maximum amount at June 30, the Board of Education shall reserve and designate such excess in the subsequent year's budget.
- C. Supplementation of Capital Reserve and Maintenance Reserve Accounts
1. The Board of Education or Board of School Estimate, as appropriate, may supplement a capital reserve account through a transfer by Board resolution of any unanticipated revenue and/or unexpended line-item appropriation amounts anticipated at year end for withdrawal in subsequent school years. Any such transfer resolution shall be adopted by the Board no earlier than June 1 and no later than June 30 of the respective school year.



2. The Board of Education or Board of School Estimate, as appropriate, may supplement a maintenance reserve account through a transfer by Board resolution of any unanticipated revenue and/or unexpended line-item appropriation amounts anticipated at year end, for withdrawal in subsequent school years. Any such transfer resolution shall be adopted by the Board no earlier than June 1 and no later than June 30 of the respective school year.

D. Establishment of Other Reserve Accounts

1. The Board of Education or a Board of School Estimate, as appropriate, may through the adoption of a Board resolution establish the following reserve accounts:
 - a. Current Expense Emergency Reserve Account.
 - (1) The funds in the reserve shall be used to finance unanticipated general fund current expense costs required for T&E. For the purpose of the emergency reserve account "unanticipated" shall mean reasonably unforeseeable and shall not include additional costs caused by poor planning or error.
 - (2) The account shall not exceed \$250,000 or one percent of the school district's general fund budget as certified for taxes up to a maximum of \$1,000,000, whichever is greater.
 - (3) The Board of Education may appropriate funds to establish or supplement the reserve in the school district's annual budget or through a transfer by Board resolution of any unanticipated revenue and/or unexpended line-item appropriation amounts anticipated at year end. Any such transfer resolution shall be adopted by the Board no earlier than June 1 and no later than June 30 of the respective school year.
 - (4) Withdrawals from the reserve shall require the approval of the Commissioner unless the withdrawal is necessary to meet an increase in total health care costs in excess of four percent, for which the district did not receive an automatic adjustment for health care costs pursuant to N.J.A.C. 6A:23A-11.4. Total health care costs include medical insurance and prescription drug insurance costs.



- b. Debt service reserve account in the debt service fund for proceeds from the sale of school district property. For the purposes of the debt service reserve account "property" shall mean land, buildings, and other property that was incidental to the sale of land or a building. The funds in the reserve shall be used by the district first to reduce the outstanding principal amount at the earliest call date or to annually reduce the debt service principal payments. The funds may be used for any outstanding debt obligation or debt obligations of the school district. The reserve shall be liquidated within the lesser of five years from its inception or the remaining term on the obligations. Any remaining balance shall be used for tax relief.
- c. Tuition adjustment reserve account in the general fund for up to ten percent of the estimated tuition cost in the contract year for an anticipated tuition adjustment in the third year following the contract year. In such case, the Board of Education shall:
 - (1) Establish the tuition adjustment reserve account at June 30 by Board resolution;
 - (2) Make full appropriation of the reserve for the tuition adjustment in the third year following the contract year;
 - (3) Exclude from the cap calculation the budgeted fund balance and appropriation of the tuition adjustment reserve in the third year following the contract year for such tuition adjustments; and
 - (4) Transfer to the general fund, by Board resolution, any interest earned on the investments in a tuition adjustment reserve account on an annual basis. Such transfer may be made on a more frequent basis at the discretion of the Board of Education.

E. Reserve Accounts Recorded in Accordance with GAAP

- 1. All reserve accounts shall be recorded in accordance with GAAP and subject to annual audit. Any capital gains or interest earned shall become part of the reserve account. A separate bank account is not required; however, a separate identity for each reserve account shall be maintained.

Adopted: 15 September 2010



R 6810 FINANCIAL OBJECTIVES

The Board of Education recognizes its responsibility to the taxpayers of the district to be sure that public moneys expended by the school district are utilized for the furtherance of pupil education in a manner that will ensure full value to the taxpayers, and that adequate constraints and records are established to ensure that end.

The Board by law holds the authority to fix the budget, approve bids and pass upon each expenditure of the district.

To meet the goals of this policy, the Board requires the School Business Administrator/Board Secretary to:

1. Establish sound accounting procedures.
2. Institute effective business practices.
3. Recommend suitable office technology and equipment where necessary.
4. Review the financial operations periodically and report to the Board on effectiveness and recommended improvements.

N.J.S.A. 18A:18A-1 et seq.; 19-1 et seq.; 22-1 et seq.

Issued: 15 September 2010



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R 7430	School Safety
R 7432	Eye Protection Practices
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R 7441	Electronic Surveillance In School Buildings and On School Grounds
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R 7650	School Vehicle Assignment, Use, Tracking, Maintenance, and Accounting



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Long-Range Facilities Planning
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R 7100 LONG-RANGE FACILITIES PLANNING

In order to plan for facilities needs and meet the requirements set forth in N.J.A.C. 6A:26-2.1 et seq. The Chief School Administrator shall cause the completion of the Long-Range Facilities Plan (LRFP). The LRFP will include the requirements as set forth in N.J.A.C. 6A:26-2.2 et seq. Except as provided in N.J.A.C. 6A:26-3.16, no school facilities project will be considered or approved unless the district's LRFP has been submitted to and approved by the Commissioner of Education.

The district may submit an amendment to an approved LRFP for review and approval by the Commissioner of Education at any time whenever it seeks to undertake a capital project that is inconsistent with the approved LRFP then in effect.

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R 7101 EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

Capital projects that affect any of the following criteria for educational adequacy must be reviewed and approved by the Division of Facilities and Transportation. The criteria are the number, configuration, size, location or use of educational spaces within a school facility. The review for educational adequacy will take into consideration the suitability of the number, configuration, size, location, and use of educational spaces; built-in furniture and equipment; and provisions for the disabled.

A. Projects Requiring Approval for Educational Adequacy - N.J.A.C. 6A:26-5.1

1. Capital projects that involve the following types of building construction work require approval for educational adequacy:
 - a. New school facilities including pre-fabricated facilities;
 - b. Additions to existing school facilities;
 - c. Alterations to the total number, dimension in volume and/or area, configuration or location of educational spaces or the number of any one kind of educational space;
 - d. Change of use that requires alterations per A.1.c. above, or that requires mechanical or electrical changes pursuant to N.J.A.C. 5:23 or these regulations;
 - e. Installation of temporary facilities; and
 - f. Any site or school facility change or alteration for the purpose of making the site and school barrier free and accessible to disabled persons pursuant to N.J.A.C. 5:23 and §504 of the Federal Rehabilitation Act of 1973, 29 U.S.C. §794 and the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.

B. New Jersey School Development Authority and Non-Authority Capital Projects

1. New Jersey School Development Authority and non-authority school facilities projects, along with other capital projects, are subject to educational adequacy reviews as follows:



- a. Authority School Facilities Projects - The district will apply for the review and approval for educational adequacy in conjunction with the application for approval of a school facilities project pursuant to N.J.A.C. 6A:26-3.1 et seq., and prior to the review and approval of capital projects for compliance with the Uniform Construction Code, N.J.A.C. 5:23, by the Division of Codes and Standards in the Department of Community Affairs, and prior to local share authorization. The educational adequacy review will cover three and in certain circumstances, see N.J.A.C. 6A:26-5.4, four types of project documents: educational specifications, schematic plans and related documents, detailed plans and specifications, and final plans and specifications. The educational specifications and schematic plans and related documents will be submitted by the district at the time of project application; the detailed plans and specifications, and final plans and specifications are forwarded by the authority to the Division after project approval, but prior to UCC approval.
- b. Non-authority School Facilities Projects - The district will apply for the review and approval for education adequacy as in subparagraph B.1.a. above. The educational adequacy review will cover three types of documents: educational specifications, schematic plans and related documents, and final plans and specifications. Educational specifications and schematic plans and related documents will be submitted to the Division by the district at the time of the project application. Final plans and specifications will be submitted to the Division by the district after project approval, but prior to UCC approval and local share or total costs of the school facilities project for a debt service aid authorization.
- c. Other Capital Projects - The district will apply for the review and approval for educational adequacy prior to the division review for consistency of the other capital project with the district's approved LRFP. The educational adequacy review will cover educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications and schematic plans and related documents will be submitted by the district at the time the project is reviewed for consistency with the district's approved LRFP. Final plans and specifications will be submitted to the Division by the district after the consistency review, but prior to UCC approval and local funding authorization.



C. Change of Use of Instructional Space

1. The district will submit any plan for change of use of instructional space to the County Superintendent of Schools for approval.

D. Educational Specifications (N.J.A.C. 6A:26-5.2)

1. Submissions of educational specifications for educational adequacy reviews will include the following:
 - a. Educational specifications will be prepared in writing describing in detail the educational program activities and requirements for each space proposed in the capital project, and will refer to the Core Curriculum Content Standards wherever appropriate;
 - b. An itemized list of furniture, equipment, and support spaces required to conduct the educational program specified for each space will be included, together with their estimated areas in square feet, as well as an estimate of the total room area required for each space;
 - c. Specific technical and environmental criteria, adjacencies and other requirements for the educational program will be noted; and
 - d. Educational specifications must contain a building space program that indicates the number and area in square feet of each instructional, specialized instructional, administrative and support space in each existing or proposed building included in the capital project.

E. Schematic Plans and Other Related Project Documents (N.J.A.C. 6A:26-5.3)

1. Submissions of schematic plans for educational adequacy reviews will include the following:
 - a. Three sets of schematic plans showing the entire existing and proposed building drawn to a scale of not less than 1/16 inch per foot will be submitted. The approved use of each space, and the proposed number of occupants, will be clearly labeled;
 - b. Schematic plans will be reviewed for conformance with the educational specifications and will include layouts of the built-in and moveable furniture and equipment for examples of all occupied spaces drawn to a scale of not less than 1/8 inch per foot;



- c. Information required to demonstrate compliance with the Facility Planning Standards of N.J.A.C. 6A:26-6.1 et seq. will be indicated on the schematic plans, including dimensions, clearances, ceiling heights, and required equipment;
 - d. Paths of travel for disabled persons will be clearly indicated;
 - e. Whenever site work is required, a completed plot plan will be submitted and on it will be shown the intended location of the school and a layout of the locations of all other structures, play and recreation areas, athletic fields, walkways, roadways, access roads, buffer and set back zones, and parking areas; and
 - f. Schematic plans will be signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the Board and Chief School Administrator.
2. Other project documents to be submitted with the schematic plans will include:
- a. A project cost estimate on a form provided by the Commissioner of Education;
 - b. A project schedule;
 - c. A copy of the dated transmittal letter indicating project document submission to the County Superintendent;
 - d. A copy of the transmittal letter indicating the date of plan submission to the local planning board, whenever the building footprint, volume, pedestrian or vehicular access are altered by the project; and
 - e. The Director of the Office of Bilingual Education and Equity Issues must receive a completed OEEO questionnaire, in accordance with Title 6 of the Civil Rights Act of 1964 (42 U.S.C. § 2000a et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and Title 2 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), from the district and must make a positive recommendation in writing to the Division before schematic plans can be approved for any project that affects the capacity of the building or its sending areas in the district.



- F. Detailed Plans and Specifications and Final Plans and Specifications (N.J.A.C. 6A:26-5.4)
1. In the case of an authority school facilities project, upon completion of detailed plans and specifications, the authority on behalf of the district will apply for final approval of the educational adequacy of the project. Detailed plans and specifications will be considered adequate for calculations of final eligible costs if the plans and specifications are sixty percent or more complete. Such application will include:
 - a. Two sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the Board and Chief School Administrator, and specifications, to sufficiently demonstrate that the school facilities project conforms to schematic plans approved by the Division;
 - b. The fee calculated according to the fee schedule unless exempted pursuant to N.J.A.C. 6A:26-5.5; and
 - c. In the event there is a change affecting the number, configuration, size, location or use of educational spaces as set forth in the detailed plans and specifications submitted to the Department, the authority will submit such application to the Division with two sets of final plans and specifications, as set forth in subparagraph 2.a. below and no additional fee will be imposed.
 2. In the case of a non-authority school facilities project or another capital project, upon the completion of final plans and specifications, the district will apply for final approval of the educational adequacy of the project. Such application will include:
 - a. Two sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the local Board and Chief School Administrator, and specifications, to sufficiently demonstrate that the capital project conforms to schematic plans approved by the Division;



- b. A properly executed copy of a "Release Form for School Construction Plans" for a district which chooses to have a municipal code enforcing agency review of its plans for conformance with the UCC. The district's Chief School Administrator and municipal code enforcing agency chief must sign this form. This form may be obtained from the Division;
- c. Copies of letters of approval from all other State agencies having jurisdiction over the project; and
- d. A check, payable to the "Treasurer, State of New Jersey," for the fee calculated according to the fee schedule unless exempted pursuant to N.J.A.C. 6A:26-5.5.

G. Fee schedule and exemption

The Division of Facilities and Transportation will collect fees for its reviews according to N.J.A.C. 6A:26-5.5.

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R 7230 GIFTS, GRANTS, AND DONATIONS

A. Definitions

1. “Gift” means a donation of any property, real or personal, including cash, to the school district, to any individual school or class, or to any school program.
2. “Donor” means any individual or organization that offers a gift.

B. Gift Proposals

1. A gift proposal may be made to a Chief School Administrator or administrator. When a gift is proposed to any staff member, the donor shall be referred to the Chief School Administrator or administrator.
2. The Chief School Administrator or administrator shall prepare and submit to the Chief School Administrator a property donation form for any gift that cannot be accepted directly in accordance with C1. The form will include:
 - a. The name and address of the donor;
 - b. A description of the proposed gift;
 - c. The class, school, and/or program to which the donation is made;
 - d. The proposed use of the gift and its relation to the curriculum;
 - e. The proposed location of the gift;
 - f. The cost to the district, if any, for moving, installation, and maintaining the gift; and
 - g. The donor’s intention, if any, that the gift be a memorial.
3. A donor who proposes a gift of funds up to \$500.00 in amount will be invited by the appropriate Chief School Administrator or administrator to discuss the dedication of the funds to a purchase that will enrich the school program. The donor will be encouraged to fund purchases not likely to be made with public funds.



4. Any proposed donation of funds \$500.00 or more will be referred to the Chief School Administrator, who will invite the donor to confer with him/her on the dedication of the funds.
 5. The Chief School Administrator and administrators are encouraged to keep a list of appropriate gifts as an aid to individuals and organizations seeking gift opportunities.
- C. Acceptance of Gifts
1. The Chief School Administrator of the school or the administrator of the program in which a proposed gift is to be used may accept the gift directly, provided its value does not exceed \$500.00. Any such directly accepted gift must meet district standards for health and safety and must be promptly reported to the Chief School Administrator.
 2. The Chief School Administrator may accept gifts of funds up to \$500.00 in amount and gifts of property valued at up to \$500.00. All gifts accepted by the Chief School Administrator will be reported to the Board.
 3. All gifts of value greater than \$500.00 can be accepted only by resolution of the Board duly convened.
 4. The staff members who would be professionally involved in the use of the gift will be consulted on its suitability in the educational program.
 5. A gift of property may be submitted for professional assessment and evaluation before it is accepted, in order to determine the Board's potential liability for installation, maintenance, and/or repair.
 6. The district purchasing officer will be consulted as to whether a proposed gift meets necessary district specifications. A gift that does not meet district health and safety standards will not be accepted.
 7. A gift of money, whether or not it is dedicated to a specific purpose, will be accepted into the appropriate account of the district. Any purchases made with the gift are subject to applicable state law and Board policy on advertising for bids and purchasing generally.



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8. The donor of any accepted gift of property or cash will be notified in writing of the acceptance of the gift, the value of the gift in dollar amount, and the value of the gift to the educational program of the district.
9. A gift intended as a memorial will be fittingly recognized by means (such as a plaque or ceremony) approved by the donor and the Board.
10. Capital property accepted as a gift shall be insured for its replacement value.

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R 7300.1 DISPOSITION OF INSTRUCTIONAL PROPERTY

A. Definition

“Instructional property” means textbooks as defined in Policy No. 2510 and resource materials as defined in Policy No. 2530, excluding textbooks and resource materials purchased with federal funds.

B. Review

1. The School Business Administrator/Board Secretary shall appoint committees comprised of teachers, administrators, and librarians, as appropriate to the grade level and subject matter to assess periodically the continuing usefulness of instructional property in the school or program.
2. The committees will recommend for removal or replacement instructional property that:
 - a. Is so worn and/or damaged as to preclude effective use and economical repair or restoration,
 - b. Is so outdated as to no longer serve as worthy instructional tools,
 - c. Violates federal, state, or district affirmative action standards for nondiscriminatory materials, pursuant to Policy No. 2260, or
 - d. Although still useful, has been superseded by superior replacement materials.
3. The School Business Administrator/Board Secretary will receive and review the committee’s recommendations. A list of textbooks and materials approved for disposal will be sent to the Chief School Administrator.
4. Approval by the Board of Education is required for disposing of instructional property. Any such recommendation must comply with Policy Nos. 2530 and 9130, which require that the reason for disposal accompany the recommendation. No material may be removed and disposed of solely because it presents ideas that may be unpopular or offensive to some.



C. Disposal

1. Instructional property approved for disposal will be offered at no cost to any educational institution, public or private, willing to accept the property and pay the costs of packing and delivery.
2. Any remaining instructional property will be offered for sale to pupils, parent(s) or legal guardian(s), and community residents. Prices will reflect the reduced value of the property to the district by covering only the cost to the district of conducting the sale.
3. Any property remaining after offer of sale has been made will be donated to the parent-teacher organization or other community organization for sale in a book fair.
4. Any property remaining after offer of sale and donation has been made will be sold for scrap or, if unsalable, offered for recycle.

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R 7300.2 DISPOSITION OF REAL PROPERTY

A. Definition

“Real property” means land and the structures upon the land and all immovable equipment and fixtures attached to the land or its structures, excluding property purchased with federal funds.

B. Review

The decision to dispose of the real property of the district that is no longer suitable or convenient for the use for which it was acquired or is no longer needed for school purpose will be made by the Board of Education in accordance with N.J.S.A. 18A:20-5 et seq., N.J.A.C. 6A: 26-7.4 and Policy No. 7100.

C. Department of Education Review and Approval

1. If the Board desires to have an approved site altered or disposed of through sale, transfer or exchange of all or part of the total acreage, including facilities, if applicable, a written request for approval of the disposal will be made to the Division of Facilities and Transportation, Department of Education.
2. The district will send a copy of the request to the County Superintendent of Schools who will make recommendations to the Division. The County Superintendent will provide a copy of the recommendations to the Board of Education.
3. The request will indicate whether the district intends to convey the site under an exception to the public requirements of N.J.S.A. 18A:20-9.
4. The Division will determine whether the disposal is consistent with the district’s approved Long-Range Facility Plan, or whether it has a negative impact on the educational adequacy of an individual site.
5. The Department of Education will notify the district of its approval or disapproval.



D. Disposal

1. If the Department of Education approves the Board's request, the Board by the affirmative votes of a majority of its full number of members, may alter or dispose of through sale, transfer or exchange of all or part of the total acreage of an approved school site, including facilities if applicable.
2. Any such real property will be sold at public sale, in accordance with N.J.S.A. 18A:20-5 et seq., unless it is sold at private sale without advertisement to the State of New Jersey or a political subdivision of the state or otherwise conveyed or transferred as provided by statute.
3. The public sale will be advertised at least once a week for two weeks prior to the sale in the newspapers in which official announcements of this district are made.
4. After advertisement, the property will be sold to the highest bidder, except that:
 - a. The Board may by resolution fix a minimum price with or without reservation of the right, upon the completion of the public sale, to accept or reject the highest bid which reservation shall be included in the advertisement and given as public notice at the time of the sale, or
 - b. The Board may by resolution provide without fixing a minimum price that upon the completion of the public sale, the Board may accept or reject the highest bid received.

If the Board fails to accept or reject the highest bid by the second regular Board meeting following the sale, the bid will be deemed to have been rejected.
5. If no bid is received or if the bids that are received are rejected by the Board in the public interest, the Board may enter into negotiations with any interested party or parties for the sale or other disposal of the property, but shall offer a bidder a hearing upon the bidder's request before entering into such negotiations.
6. The acceptance or rejection of a negotiated price shall be by the affirmative votes of a majority of the full number of Board members at a regularly scheduled meeting.

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R 7300.3 DISPOSITION OF PERSONAL PROPERTY

A. Definitions

1. “Personal property” means all property other than real property, as defined in Regulation No. 7300.2; instructional property, as defined in Regulation No. 7300.1; and federal property, as defined in Regulation No. 7300.4.
2. “Excess property” means personal property that is still usable but is no longer needed in a school building or instructional program or administrative office and is not required as a trade-in on a replacement purchase.
3. “Estimated fair value” means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any excess property.

B. Review

1. The Building Principal will compile a list of excess property in his/her building or program at the close of each school year.
2. The School Business Administrator/Board Secretary will receive lists prepared in accordance with paragraph B1 and will maintain a master, district-wide list of excess property.
3. The master list of excess property will be periodically distributed to all school facilities.
4. Any school or office may request transfer of excess property on the proper form, submitted to the School Business Administrator/Board Secretary. Requests will be granted in the order in which they are received.
5. An item transferred to another school or office will be removed from the district-wide list of excess property.
6. An item of personal property that has remained on the district-wide master list of excess property for thirty working days or more will be considered to be unusable and will be disposed of in accordance with Policy No. 7300 and this regulation.



C. Disposal at Public Sale

The Board may, by resolution and by sealed bid or public auction, authorize the sale of its personal property not needed for school purposes.

1. If the estimated fair value of the property to be sold exceeds fifteen percent of the bid threshold in any one sale and it is neither livestock nor perishable goods, it shall be sold at public sale to the highest bidder.
2. Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in the official newspaper.

Such sale shall be held not less than seven nor more than fourteen days after the publication of the notice thereof.

3. Personal property may be sold to the United States, the State of New Jersey, another Board of Education, any body politic, any foreign nation which has diplomatic relations with the United States, or any governmental unit in these United States by private sale without advertising for bids.
4. If no bids are received the property may then be sold at private sale without further publication or notice thereof, but in no event at less than the estimated fair value; or the Board may if it so elect to re-offer the property at public sale.

As used herein, "estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any personal property not needed for school purposes to be sold pursuant to this section.

5. The Board may reject all bids if it determines such rejection to be in the public interest.
 - a. In any case in which the Board has rejected all bids, it may readvertise such personal property for a subsequent public sale.
 - b. If it elects to reject all bids at a second public sale, pursuant to this section, it may then sell such personal property without further publication or notice thereof at private sale, provided that in no event shall the negotiated price at private sale be less than the highest price of any bid rejected at the preceding two public sales and provided further that in no event shall the terms or conditions of sale be changed or amended.



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- c. If the estimated fair value of the property to be sold does not exceed the applicable bid threshold established pursuant to section C.1. above in any one sale or is either livestock or perishable goods, it may be sold at private sale without advertising for bids.
- 6. Notwithstanding the provisions of this regulation, by resolution of the Board, the purchasing agent may include the sale of personal property no longer needed for school purposes as part of specifications to offset the price of a new purchase.

Issued: 15 September 2010



R 7300.4 DISPOSITION OF FEDERAL PROPERTY

A. Definitions

1. “Federal property” means all property, real or personal or otherwise, purchased with federal grant funds, including instructional materials.
2. “Excess property” means personal property that is still usable but is no longer needed in a school building or instructional program or administrative office and is not required as a trade-in on a replacement purchase.
3. “Estimated fair value” means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any excess property.

B. Review

1. The School Business Administrator/Board Secretary will compile a list of excess federal property in the district at the close of each school year.
2. The list of excess federal property will be periodically distributed to all school facilities.
3. Any school may request the School Business Administrator/Board Secretary to transfer excess federal property to a currently or previously funded federal project or arrange a shared-time use with other such projects. Requests will be granted in the order in which they are received.
4. Property transferred to another school or office will be removed from the district-wide list of excess property.
5. Property that has remained on the list of excess federal property for thirty working days or more will be considered to be unusable and will either be traded in or reported to the State Department of Education with a request for disposal.



C. Trade-in

Federal property no longer usable may be traded in or sold and the proceeds are to be used to offset the cost of replacement equipment with the approval of the New Jersey Department of Education. The additional cost to acquire a replacement shall be charged directly to the federal program, if the program budget permits, and provided the Board of Education has approved the transaction by resolution.

D. Disposal

1. Equipment no longer needed with a unit fair market value of \$5,000 or more may be retained for other uses provided compensation is made to the United States Department of Education. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the equipment. Payments shall be made to Treasurer, State of New Jersey-New Jersey Department of Education.
2. The School Business Administrator/Board Secretary will request disposition instructions from the Secretary of the United States Department of Education for equipment no longer wanted by the school district.

If so instructed or if the disposition instructions are not issued in one hundred twenty calendar days after the request is received by the Secretary, the equipment will be sold in accordance with No. 3 below.

3. Equipment no longer needed and/or wanted with a unit fair market value of less than \$5,000 and more than fifteen percent of the bid threshold, as per N.J.S.A. 18A:18A-45a, shall be disposed of with no further obligation of the school district and as follows:
 - a. Notice of the date, time, and place of public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in a legal newspaper. (N.J.S.A. 18A:18A-45b)
 - b. A sale shall be held not less than seven nor more than fourteen days after publication of the newspaper notice. (N.J.S.A. 18A:18A-45b)
 - c. If no bids are received, the Board may readvertise the public sale or sell the property at private sale without public notice. Any such property sold at private sale cannot be sold for less than the estimated fair value of the property. (N.J.S.A. 18A:18A-45d)



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- d. The Board may reject all bids if it determines that such rejection is in the public interest. If all bids are rejected, the Board may readvertise the property for a second public sale. (N.J.S.A. 18A:18A-45e)
 - e. If the Board rejects all bids at the second public sale, the Board may sell the property at private sale without public notice, provided the selling price at private sale is at least as high as the highest bid received at the two preceding public sales, and the terms and conditions announced at the public sales are unchanged. (N.J.S.A. 18A:18A-45e)
4. Federal property with a unit value of less than fifteen percent of the bid threshold, as per N.J.S.A. 18A:18A-45a, may be disposed of at private sale with no further obligation of the school district and as follows:
- a. The School Business Administrator/Board Secretary shall establish the sale price and make reasonable efforts to find private buyers. The price charged shall be fair in value, but in no case can it be less than the costs incurred by the Board in arranging the sale and maintaining and delivering the property.
 - b. Property that remains unsold after thirty working days shall be given without cost to another school district or a charitable organization or institute within the school district.
 - c. Property that has not been claimed after thirty working days shall be offered for scrap or, if that is not feasible, discarded.
5. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the Federal project or program, the school district shall retain the supplies for use on non-Federal activities or sell them, but shall, in either case, compensate the Federal government for its share. The amount of compensation shall be computed in the same manner as for equipment.

The supplies acquired with Federal funds may not be used to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute.

34 CFR Subtitle A Section 74.34, 74.35 and 80.32

Issued: 15 September 2010



R 7410 MAINTENANCE AND REPAIR

A. Inspection

1. The Chief School Administrator and the appropriate custodial staff member shall inspect the facility daily for proper functioning and cleanliness.
2. The Chief School Administrator with the appropriate custodial staff member shall make a monthly inspection of the school building, support facilities, and grounds to identify any required repairs or replacements.

B. Reports

1. Reports of each inspection required in paragraph A1 and paragraph A2 will be made on the prescribed district form and forwarded to the Chief School Administrator.
2. The School Business Administrator/Board Secretary will report to the Chief School Administrator those repairs to be performed by the district staff and those that require the services of an outside contractor.

C. Repairs by District Staff

1. Any teaching staff member may prepare, on the prescribed form, a work order request for repairs and/or maintenance. All work order requests will be submitted to the Chief School Administrator.
2. The Chief School Administrator will assign a priority to those work orders to be performed by district staff. The priority code will be:
 - a. Emergency, for work that must be done immediately,
 - b. High Priority, for work that affects health or safety,
 - c. Normal Priority, for work that affects neither health nor safety, and
 - d. Low Priority, for work that can be completed during the summer months or whenever staff is available.



3. Work scheduled to be performed by the district staff shall be entered on a work order form unless an emergency exists in which case the form may be filed after the repair has been made.
 4. The work order form shall include, at a minimum, the following information:
 - a. Name of the person making the request;
 - b. Date of request;
 - c. Location of repair,
 - d. A description of the work to be performed,
 - e. Scheduled date of completion, and
 - f. Signature of the custodian.
- D. Repairs by Outside Contractors
1. When it appears to be necessary to utilize outside contracting services to effect a repair, the Chief School Administrator, head custodian, and any other interested staff member will confer in the preparation of a job specification.
 2. The Chief School Administrator shall prepare a purchase requisition for submission to the School Business Administrator/Board Secretary that indicates:
 - a. The recommended vendor(s),
 - b. The work required and its location,
 - c. The reason why the work cannot be done by district staff, and
 - d. The estimated cost as obtained from at least three contractors.
 3. The head custodian shall be responsible for supervising the conduct of the work.



E. Replacements and Improvements

1. The School Business Administrator/Board Secretary will prepare a replacement schedule that lists all district equipment. Annual recommendations will be made in the budget to maintain the schedule of replacements.
2. Replacements required but not scheduled shall be submitted to the Chief School Administrator by the end of September on a budget request form for consideration in the next annual budget.
3. A comprehensive district maintenance plan shall be prepared in accordance with N.J.A.C. 6A:26A-3.1 in order to meet facility needs and comply with law.

Adopted: 15 September 2010



R 7410.01 FACILITIES MAINTENANCE, REPAIR SCHEDULING AND ACCOUNTING

A school district with three or more district buildings shall have an automated work order system by July 1, 2010 for prioritizing, performing and recording all maintenance and repair requests for all district buildings and grounds.

A. Standard Operating Procedure (SOP) For Work Order System

1. The Chief School Administrator or designee shall establish Standard Operating Procedures (SOP) for 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.
2. Except in an emergency where the work is necessary to correct a situation that poses an imminent threat to the health or safety of pupils and/or staff, the work order system shall include the following information for a request for work before work begins:
 - a. The name of the person making the request;
 - b. The date of the request;
 - c. The appropriate approval(s) as established by SOP;
 - d. The date of approval(s);
 - e. The location of work requested;
 - f. The priority level (for example, urgent, high, average, low);
 - g. The scheduled date(s) of service;
 - h. The trade(s) needed such as general maintenance worker, custodian, carpenter, plumber, electrician, HVAC, grounds, roofer, masonry, glazer, other;
 - i. A description of the work requested;



- j. A projection of the materials and supplies needed for the work;
 - k. The estimated man hours needed to complete task;
 - l. The name of the work order assigner; and
 - m. The name of the employee(s) working on the order.
3. The work order system shall include the following close-out information for each request for work:
- a. The actual hours worked by date for each assigned staff member;
 - b. The actual hourly rate paid, both regular and over-time, for each assigned staff member;
 - c. The aggregate cost of labor by regular, over-time and total;
 - d. The actual materials and supplies needed to complete the work order;
 - e. Actual cost of materials and supplies; and
 - f. The name of the employee responsible for attesting that the job was completed satisfactorily.
4. Except where prohibited by a collective bargaining agreement, the SOP shall require for any work, which cannot be completed during regular working hours by the needed completion date, an assessment of the cost-benefit of outsourcing any such work in excess of the quote threshold as determined under N.J.S.A. 18A:18A-37.
5. Where, according to the assessment, the cost of outsourcing work is less than the in-house estimated cost of labor, at over-time rates, and materials for the same work, the work shall be outsourced provided the work can be contracted in accordance with N.J.S.A. 18A:18A-1 et seq., completed by the projected completion date contained in the prioritized work order system and does not violate the terms of a collective bargaining agreement for maintenance workers and/or custodians.



6. The School Business Administrator/Board Secretary, in consultation with the supervisor responsible for this work, shall conduct an analysis of the information in the work order system no later than February 1 of the prebudget year for consideration during budget preparation. The analysis should include productivity of staff as a whole and individually, significant variations between estimated labor time and materials and actual labor time and materials, unusual trends for like projects and other factors that will improve productivity and efficiency.

Adopted: 15 September 2010



R 7420 HANDLING AND DISPOSAL OF BODY WASTES AND FLUIDS

A. Definitions

1. “Body wastes and fluids” includes a person’s blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge), and saliva. Body fluids of all persons should be considered to potentially contain infectious agents.
2. “Disinfectant” means an intermediate level agent that will kill vegetative bacteria, fungi, tubercle bacillus, and viruses and has been registered by the U.S. Environmental Protection Agency for use as a disinfectant in medical facilities and hospitals. The following classes of disinfectants are acceptable, with hypochlorite solution (A2c) preferred for objects that may be put in the mouth:
 - a. Ethyl or isopropyl alcohol (70%);
 - b. Phenolic germicidal detergent in a 1% aqueous solution;
 - c. Sodium hypochlorite with at least 100 ppm available chlorine (one-half cup household bleach in one gallon water, freshly prepared for each use);
 - d. Quaternary ammonium germicidal detergent in 2% aqueous solution; and
 - e. Iodophor germicidal detergent with 500 ppm available iodine.
3. “Person” means any person on school premises or at a school-related activity, including pupils, staff members, and visitors, whether or not the person has a communicable disease or has been exposed to a communicable disease.

B. Precautions

1. Whenever possible, direct contact with body wastes and fluids should be avoided.
2. The wearing of protective gloves is required whenever direct hand contact with body wastes and fluids is anticipated, such as in treating a bloody nose, handling clothing soiled by incontinence, and cleaning small spills by hand.



3. Disposable protective gloves shall be worn by any person in the removal of body wastes and fluids and the treatment or disinfection of any items or surfaces that have come in contact with body wastes and fluids.
 4. A supply of disposable protective gloves shall be maintained in the office of the school nurse and shall be freely available to all staff members.
- C. When Bodily Contact with Body Wastes or Fluids Occurs
1. Hands and other skin areas that have come in contact with a person's body wastes or fluids must be thoroughly washed by the use of soap and vigorous scrubbing of all contacted surfaces under running water for at least ten seconds. Hands and other skin areas should then be dried with paper towels.
 2. Gloves soiled by contact with body wastes and fluids or in the cleaning of soiled items and surfaces should be promptly removed and placed in a plastic bag or lined trash can, secured, and disposed of daily.
- D. Removal of Body Wastes and Fluids From the Environment
1. A sanitary absorbent agent, designed to absorb and disinfect body wastes and fluids, will be applied in accordance with instructions supplied with the material.
 2. When the fluid is absorbed, the material will be vacuumed or swept up and the vacuum bag or sweepings will be disposed of in a plastic bag or lined trash can, secured, and disposed of daily.
 3. The broom and dust pan used in sweeping will be rinsed in a disinfectant. No special handling is required for the vacuuming equipment.
 4. Any disposable items (such as paper towels and tissues) used to clean up will be placed in a plastic bag or lined trash can, secured, and disposed of daily.
- E. Treatment of Soiled Items
1. Items such as clothing and fabric towels should be rinsed under cold running water to remove body wastes and fluids. If necessary for the treatment of stains, the item may be soaked in cold water.



2. If such prerinsing is required, gloves should be used when rinsing or soaking the items in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents/teachers.
 3. Rinsed items may be stored in a plastic bag until further treatment can be given. A pupil's soiled clothing should be placed in a plastic bag.
 4. Clothing and other items soiled by body wastes and fluids should be laundered separately in soap and water. The use of a household chlorine bleach is recommended; if the material is not colorfast, or laundry sanitizer.
 5. Soiled disposable items (e.g., tissues, cotton balls, band aids, paper towels, diapers) should be handled in the same manner as disposable gloves.
- F. Treatment of Soiled Rugs
1. Body wastes and fluids should be removed as provided in D.
 2. A rug shampoo with a germicidal detergent should be applied with a brush and, when dried, vacuumed.
 3. The vacuum bag will be placed in a plastic bag or lined trash can, secured, and disposed of daily.
- G. Disinfection of Hard Surfaces
1. Employees are to wear gloves while disinfecting hard surfaces and equipment.
 2. Body wastes and fluids should be removed as provided in D and a disinfectant applied to the affected surface.
 3. Mops should be soaked in the disinfectant after use and rinsed thoroughly or washed in a hot water cycle.
 4. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate.
 5. Nondisposable cleaning equipment (such as dust pans and buckets) should be thoroughly rinsed in the disinfectant.



6. The disinfectant solution should be promptly discarded down a drain pipe.

7. Gloves should be discarded in appropriate receptacles.

H. Disposal of Sharps

“Sharps” are defined as any instrument used to inject fluids into or draw fluids out of humans. Included are the pricks used for tine tests and blood sampling.

1. The school nurse shall keep a log of all sharps used on a monthly basis. One copy of the log shall be maintained with the nurse’s files and one copy submitted to the School Business Administrator/Board Secretary.

2. All sharps shall be placed in a medical waste container that is designed for that purpose.

When the medical waste container is 75% full, the school nurse shall arrange, by work order, to have the container picked up. The words, “Medical Waste”, shall be clearly typed across the top of the work order form.

The school nurse will arrange for the contracted vendor to pick up the sharps container. The vendor will provide a completed transmittal form at the time of pick up. A copy of the transmittal form will be kept by the school nurse and a copy submitted to the School Business Administrator/Board Secretary.

Adopted: 15 September 2010



R 7420.1 BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN

A. Definitions

1. "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in human beings, including but not limited to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).
2. "Exposure incident" means a specific eye, mouth, other mucous membranes, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.
3. "Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or any other body fluid that may result from the performance of an employee's duties.
4. "Parenteral" means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.
5. "Source individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

B. Exposure Determination

The employees in this school district who have occupational exposure are those employees whose duties require close contact with pupils and include the job classifications designated by the Chief School Administrator.

C. Workplace Controls

1. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. All body fluids shall be considered potentially infectious materials, whether or not the presence of bloodborne pathogens is determined and whether or not body fluid types can be differentiated.
2. All blood and body fluids shall be handled in accordance with Regulation No. R 7420, Handling and Disposal of Body Wastes and Fluids, which is incorporated herein as if set forth in its entirety.



D. Hepatitis B Vaccination

1. Hepatitis B vaccination shall be made available to each employee identified as having occupational exposure, after the employee has received training in bloodborne pathogens and within ten working days of his/her initial assignment, unless
 - a. The employee has previously received the complete hepatitis B vaccination series,
 - b. Antibody testing has revealed that the employee is immune,
 - c. The vaccine is contraindicated for medical reasons, or
 - d. The employee declines to receive the vaccine and signs the required statement to that effect, except than an employee who has declined to receive the vaccine and later decides to receive it shall be again offered the vaccine.
2. All laboratory tests shall be conducted by an accredited laboratory at no cost to the employee.

E. Post Exposure Evaluation and Follow-Up

Whenever an exposure incident is reported, the exposed employee shall be promptly offered a confidential medical evaluation and follow-up.

1. The route(s) of exposure and the circumstances under which exposure occurred shall be documented.
2. The identity of the source individual shall be documented, unless the Board establishes that identification is not feasible or is prohibited by state or federal law.
3. Unless the identified source individual's infection with HBV or HIV infection is already known, the identified source individual's blood shall be tested for HBV and HIV infectivity, provided that the source individual has consented to the test for HBV and HIV infectivity or when consent is not required by the law. When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.



4. The results of any blood testing of the source individual shall be made available to the exposed employee, and the employee shall be informed of all laws and regulations regarding disclosure of the identity and infectious status of the source individual.
5. The exposed employee's blood shall be collected as soon as possible after the exposure and on the employee's consent for HBV and HIV serological status. The employee may withhold consent for HIV serological testing for up to ninety days, during which his/her blood sample shall be preserved.
6. The exposed employee shall be offered post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service; counseling; and evaluation of any reported illnesses.

F. Communication of Hazards to Employees

Any container that holds blood or other potentially infectious material shall be conspicuously labeled with a sign that its contents are a biohazard, in accordance with federal regulations. 29 C.F.R. 1910.1030(g).

G. Training Program

1. Employees with occupational exposure must participate in a training program, which shall be provided at no cost to the employee and during working hours.
2. Employees shall receive training on their initial assignment to a position with occupational exposure within ninety days after the effective date of the exposure and annually thereafter. Employees shall also receive training whenever any modifications in the position affects exposure except that any such training may be limited to the new exposures created.
3. The training program shall include as a minimum:
 - a. An accessible copy of the OSHA regulation on bloodborne pathogens, 29 C.F.R. 1910.1030, and an explanation of its contents,
 - b. A general explanation of the epidemiology and symptoms of bloodborne diseases,
 - c. An explanation of the modes of transmission of bloodborne pathogens,



- d. An explanation of this Exposure Control Plan and the means by which the employee can obtain a copy of the plan,
 - e. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials,
 - f. An explanation of the use and limitations of methods that will prevent or reduce exposure, including work practices and personal protective equipment,
 - g. Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment,
 - h. An explanation of the basis for selection of personal protective equipment,
 - i. Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of vaccination, and the free availability of the vaccine and vaccination,
 - j. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials,
 - k. An explanation of the procedure to be followed if an exposure incident occurs, including the method of reporting that incident and the medical follow-up that will be made available,
 - l. Information on the post-exposure evaluation and follow-up that the employer is required to provide after an exposure incident,
 - m. Information regarding the labeling of biohazardous materials, and
 - n. An opportunity for interactive questions and answers with the person conducting the training session.
4. The person conducting the training shall be knowledgeable in the subject matter covered as is relates to the workplace that the training will address.



H. Recordkeeping

1. The district will establish and maintain an accurate medical record for each employee with occupational exposure in accordance with 29 CFR 1910.1020. The record shall include:
 - a. The name and social security number of the employee;
 - b. A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccinations required by Section D. of this regulation;
 - c. A copy of all results of examinations, medical testing, and follow-up procedures as required by Section E. of this Regulation;
 - d. The district's copy of the healthcare professional's written opinion as required by 29 C.F.R. 1910.1030 (f)5;
 - e. A copy of the information provided to the healthcare professional as required by 29 C.F.R. 1910.1030 (f)(4)ii(B)(C) and (D);
 - f. The district shall ensure the employee's medical records required in Policy 7420 and this Regulation are kept confidential and are not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by law; and
 - g. The medical records required in this section must be maintained by the district for at least the duration of employment of the employee plus thirty years in accordance with 29 CFR 1910.1020.
2. The district will maintain training records for three years from the date on which the training occurred. These records shall include:
 - a. The dates and contents or summary of the training sessions; and
 - b. The names and qualifications of persons conducting the training and the names and job titles of all persons attending the training sessions.



3. The district will ensure the training records required by this section of the Regulation be made available to authorized State and federal agencies, employees, and employee representatives upon request. Employee medical records required by this section of the Regulation shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, and to authorized State and federal agencies in a accordance with State and federal laws.
4. The district shall comply with the requirements involving the transfer of records set forth in 29 CFR 1910.1020(h).
5. The district shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the log shall be recorded and maintained in such a manner as to protect the confidentiality of the injured employee. The log shall contain, at a minimum: the type and brand of device involved in the incident; the department or work area where the exposure incident occurred; and an explanation of how the incident occurred. This log shall be maintained for the period required by 29 CFR 1904.6.

I. District's Exposure Control Plan

1. The District's Exposure Control Plan shall be reviewed at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update of the Plan shall also
 - a. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
 - b. Document annually consideration and implementation of appropriate, commercially-available, and effective safer medical devices designated to eliminate or minimize occupational exposure.

J. Staff Input

1. The Chief School Administrator and/or designee shall solicit input from non-managerial employees who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document this solicitation in the Exposure Control Plan.

Adopted: 15 September 2010



R 7420.2 CHEMICAL HYGIENE

A. Definitions

The following terms shall be defined as specified in 29 CFR 1910:

1. “Action level” means a concentration designated in 29 CFR part 1910 for a specific substance, calculated as an eight hour time-weighted average, which initiates certain required activities such as exposure monitoring and medical surveillance.
2. “Carcinogen” (see "select carcinogen").
3. “Chemical Hygiene Officer” means an employee who is designated by the employer, and who is qualified by training or experience, to provide technical guidance in the development and implementation of the provisions of the Chemical Hygiene Plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer’s organizational structure.
4. “Chemical Hygiene Plan” means a written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment and work practices that (i) are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular workplace and (ii) meets the requirements of a Chemical Hygiene Plan.
5. “Combustible liquid” means any liquid having a flashpoint at or above 100°F (37.8°C) but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C) or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.
6. “Compressed gas” means:
 - a. A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or
 - b. A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or



- c. A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.
- 7. “Designated area” means an area which may be used for work with "select carcinogens," reproductive toxins or substances which have a high degree of acute toxicity. A designated area may be the entire laboratory, an area of a laboratory or a device such as a laboratory hood.
- 8. “Emergency” means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in an uncontrolled release of a hazardous chemical into the workplace.
- 9. “Employee” means an individual employed in a laboratory workplace who may be exposed to hazardous chemicals in the course of his/her assignments.
- 10. “Explosive” means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.
- 11. “Flammable” means a chemical that falls into one of the following categories:
 - a. “Aerosol, flammable” means an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening:
 - b. “Gas, flammable” means
 - (1) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent by volume or less; or
 - (2) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than 12 percent by volume regardless of the lower limit.
 - c. “Liquid, flammable” means any liquid having a flashpoint below 100°F (37.8°C) except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.



- d. “Solid, flammable” means a solid, other than a blasting agent or explosive as defined in § 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.
12. “Flashpoint” means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:
- a. Tagliabue Closed Tester (See American National Standard Method of Test for Flash Point by Tagliabue Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C) that do not contain suspended solids and do not have a tendency to form a surface film under test; or
 - b. Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester A11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C) or that contain suspended solids, or that have a tendency to form a surface film under test; or
 - c. Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

13. “Hazardous chemical” means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic systems, and agents which damage the lungs, skin, eyes, or mucous membranes.



Appendices A and B of the Hazard Communication Standard (29 CFR 1910.1200) provide further guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for purposes of this standard.

14. "Laboratory" means a facility where the "laboratory use of hazardous chemicals" occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis.
15. "Laboratory scale" means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. "Laboratory scale" excludes those workplaces whose function is to produce commercial quantities of materials.
16. "Laboratory-type hood" means a device located in a laboratory, enclosure on five sides with a movable sash or fixed partial enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hands and arms.

Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous chemicals.

17. "Laboratory use of hazardous chemicals" means handling or use of such chemicals in which all of the following conditions are met:
 - a. Chemical manipulations are carried out on a "laboratory scale";
 - b. Multiple chemical procedures or chemicals are used;
 - c. The procedures involved are not part of a production process, nor in any way simulate a production process; and
 - d. "Protective laboratory practices and equipment" are available and in common use to minimize the potential for employee exposure to hazardous chemicals.



18. "Medical consultation" means a consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where a significant exposure to a hazardous chemical may have taken place.
19. "Organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
20. "Oxidizer" means a chemical other than a blasting agent or explosive as defined in § 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.
21. "Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.
22. "Protective laboratory practices and equipment" means those laboratory procedures, practices and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective, in minimizing the potential for employee exposure to hazardous chemicals.
23. "Reproductive toxins" means chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).
24. "Select carcinogen" means any substance which meets one of the following criteria:
 - a. It is regulated by OSHA as a carcinogen; or
 - b. It is listed under the category, "known to be carcinogens," in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or
 - c. It is listed under Group 1 ("carcinogenic to humans") by the International Agency for Research on Cancer Monographs (IARC) (latest editions); or



- d. It is listed in either Group 2A or 2B by IARC or under the category, "reasonably anticipated to be carcinogens" by NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:
 - (1) After inhalation exposure of 6-7 hours per day, 5 days per week, for a significant portion of a lifetime to dosages of less than 10 mg/m³;
 - (2) After repeated skin application of less than 300 (mg/kg of body weight) per week; or
 - (3) After oral dosages of less than 50 mg/kg of body weight per day.
- 25. "Unstable (reactive)" means a chemical which is in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.
- 26. "Water-reactive" means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

B. Employee Exposure

The Board shall provide for initial and periodic monitoring of any employees if there is reason to believe that exposure levels to an OSHA regulated substance will exceed permissible limits as specified in 29 CFR part 1910 subpart Z. Monitoring may only be terminated in accordance with the relevant standard. The School Business Administrator/Board Secretary will notify in writing affected employees within fifteen working days of the results of monitoring either individually or by posting the results in a location accessible to all employees.

C. Chemical Hygiene Plan

- 1. The Chief School Administrator shall cause the development of a Chemical Hygiene Plan which shall include at least the following elements and indicate specific measures the Board will take to ensure employee protection:
 - a. Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals;



- b. Criteria that the employer will use to determine and implement control measures to reduce employee exposure to hazardous chemicals including engineering controls, the use of personal protective equipment and hygiene practices; particular attention shall be given to the selection of control measures for chemicals that are known to be extremely hazardous;
 - c. A requirement that fume hoods and other protective equipment are functioning properly and specific measures that shall be taken to ensure proper and adequate performance of such equipment;
 - d. Provisions for employees information and training as prescribed by 29 CFR Part 1910;
 - e. The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the employer or the employer's designee before implementation;
 - f. Provisions for medical consultation and medical examinations in accordance with 29 CFR Part 1910;
 - g. Designation of personnel responsible for implementation of the Chemical Hygiene Plan including the assignment of a Chemical Hygiene Officer and, if appropriate, establishment of a Chemical Hygiene Committee; and
 - h. Provisions for additional employee protection for work with particularly hazardous substances. These include "select carcinogens", reproductive toxins and substances which have a high degree of acute toxicity. Specific consideration shall be given to the following provisions which shall be included where appropriate:
 - (1) Establishment of a designated area;
 - (2) Use of containment devices such as fume hoods or glove boxes;
 - (3) Procedures for safe removal of contaminated waste; and
 - (4) Decontamination procedures.
2. The plan shall be capable of protecting employees from health hazards associated with hazardous chemicals in laboratories and keeping exposure below specified limits.



D. Employee Information and Training

The School Business Administrator/Board Secretary shall provide employees with information and training to ensure that they are apprised of the hazards of chemicals present in their work area. The information shall be provided at the time of the employees initial assignment to the work area and whenever new exposure situations arise. Refresher information shall be provided as the situation with regard to hazardous chemicals changes. Employees shall be informed of (1) the contents of federal standards relating to hazardous chemicals; (2) the location and availability of the chemical hygiene plan; (3) the permissible exposure limits as established by OSHA; (4) signs and symptoms associated with exposure to hazardous chemicals used in the laboratory and (5) the location and availability of known references on the hazards, safe handling, storage and disposal of hazardous chemicals.

Employee training shall include (1) methods and observations used to detect the presence or release of hazardous chemicals; (2) the physical and health hazards of chemicals in the work area; (3) the measures employees can use to protect themselves, including specific procedures the Board has implemented to protect employees; (4) training on the applicable details of the Board's Chemical Hygiene Plan.

E. Medical Consultation

The Board will provide all employees who work with hazardous chemicals an opportunity to receive medical attention, including follow-up examinations the physician deems necessary under the following circumstances:

1. Whenever an employee develops signs or symptoms associated with a hazardous chemical to which the employee may have been exposed in the laboratory, the employee shall be provided an opportunity to receive an appropriate medical examination.
2. Where exposure monitoring reveals an exposure level routinely above the action level (or in the absence of an action level, the PEL) for an OSHA regulated substance for which there are exposure monitoring and medical surveillance requirements, medical surveillance shall be established for the affected employee as prescribed by the particular standard.



3. Whenever an event takes place in the work area such as a spill, leak, explosion or other occurrence resulting in the likelihood of a hazardous exposure, the affected employee shall be provided an opportunity for a medical consultation. Such consultation shall be for the purpose of determining the need for a medical examination.

F. Information Provided to the Physician

The employer shall provide the following information to the physician:

1. The identity of the hazardous chemicals(s) to which the employee may have been exposed;
2. A description of the conditions under which the exposure occurred including quantitative exposure data, if available; and
3. A description of the signs and symptoms of exposure that the employee is experiencing, if any.

G. Physician's Written Opinion Shall Include:

1. Any recommendation for further medical follow-up;
2. The results of the medical examination and any associated tests;
3. Any medical condition which may be revealed in the course of the examination which may place the employee at increased risk as a result of exposure to a hazardous chemical found in the workplace; and
4. A statement that the employee has been informed by the physician of the results of the consultation or medical examination and any medical condition that may require further examination or treatment.

H. Hazard Identification

With respect to labels and material data sheets, the Board shall (1) ensure that labels on incoming containers of hazardous materials are not removed or defaced; (2) maintain material safety data sheets and ensure they are available to employees, and (3) comply with federal regulations with regard to chemical substances produced within the laboratory, assuming that if a substance is produced whose composition is not known that it will be assumed it is hazardous.



I. Use of Respirators

Where respirators are required to maintain exposure below permissible limits, they will be provided to the employee at no cost and will comply with the requirements of 29 CFR 1910.134.

J. Recordkeeping

The School Business Administrator/Board Secretary shall establish and maintain for each employee exposed to hazardous chemicals an accurate record of any measurements taken to monitor employee exposures and any medical consultation and examinations including tests or written opinions required by federal standards. The Board shall assure that records are kept, transferred and made available in accordance with 29 CFR 1910.1020.

Adopted: 15 September 2010



R 7421 INDOOR AIR QUALITY STANDARDS

A. Definitions

1. “Air contaminants” - refers to substances contained in vapors from paint, cleaning chemicals, pesticides, solvents, particles, outdoor air pollutants and other airborne substances which together may cause material impairment to employees working within the enclosed workplace.
2. “Building related illnesses” - describes specific medical conditions of known etiology which can be documented by physical signs and laboratory findings. Such illnesses include sensory irritations when caused by known agents, respiratory allergies, asthma, nosocomial infections, humidifier fever, Legionnaires’ Disease, and the signs and symptoms characteristic of exposure to chemical or biologic substances such as carbon monoxide, formaldehyde, pesticides, endotoxins, or mycotoxins.
3. “Building systems” - include the heating, ventilating and air-conditioning (HVAC) system, the energy management system and all other systems in a facility which may impact indoor air quality.
4. “Department” - Department of Health and Senior Services
5. “Designated person” - a person who is designated by the administration to take necessary measures to assure compliance with indoor air quality standards.
6. “HVAC system” - means the collective components of the heating, ventilation and air conditioning systems including, but not limited to, filters and frames, cooling coil condensate drip pans and drainage piping, outside air dampers and actuators, humidifiers, air distribution ductwork, automatic temperature controls, and cooling towers.
7. “HVAC System Commissioning Report” - means a document normally prepared by an architect or engineer that provides verification that the HVAC system is operating in conformity with the design intent.
8. “Office Building” - means a building in which administrative and/or clerical activities are conducted. Examples of facilities and/or operations which are not office buildings include the school, repair shops, garages and print shops.



9. “Renovations and remodeling” - means building modification involving activities that include, but are not limited to; removal or replacement of walls, roofing, ceilings, floors, carpet and components such as moldings cabinets, doors, and windows; paintings; decorating; demolition; surface refinishing; and removal or cleaning of ventilating ducts.

B. Compliance Program

The Chief School Administrator will designate the School Business Administrator/Board Secretary who is given the responsibility to assure compliance with indoor air quality standards. The designated person will assure that at least the following actions are limited and documented:

1. Establishing and following a preventative maintenance schedule for heating, ventilating and air conditioning (HVAC) systems that are in accordance with manufacturer’s recommendations or with accepted practice for the HVAC system.
2. Implementing the use of general and local exhaust ventilation where housekeeping and maintenance activities involve the use of equipment or products that could reasonably be expected to result in hazardous chemicals or particulate exposure above the Permissible Exposure Limit (PEL).
3. When the carbon monoxide level exceeds 100 parts per million (ppm), the designated person will check to make sure the HVAC system is operating properly. If it is not, the designated person will take necessary steps as outlined in 1. above.
4. Check to make sure HVAC systems are working properly when the building temperatures are outside of the range of 68 to 79 degrees Fahrenheit. If it is not, the designated person will take necessary steps as outlined in 1. above.
5. If contamination of the make-up air supply is identified and documented, then the make-up inlets and/or exhaust outlets shall be re-located or the source of the contamination eliminated. Sources of make-up air contamination may include contaminants from sources such as cooling towers, sanitary vents, vehicular exhausts from parking garages, loading docks and street traffic.
6. Assure that buildings without mechanical ventilation have operable windows, doors, vents, stacks and other portals designated or used for natural ventilation are operational.



7. Promptly investigate all employee complaints of signs or symptoms that may be associated with building-related illnesses.
- C. Air Quality During Renovation and Remodeling
1. Renovation work and/or new construction that results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health will be safeguarded by means of local ventilation or other protective devices to ensure the safety of employees. Renovation areas in an occupied building shall be isolated and dust and debris shall be confined to the renovation or construction area.
 2. Before use of paints, adhesives, sealants, solvents, or installation of insulation, particle board, plywood, floor coverings, carpet backing, textiles, or other materials in the course of renovation or construction, the designated person will check product labels or seek and obtain information from the manufacturers of those products on whether or not they contain volatile organic compounds such as solvents, formaldehyde or isocyanates that could be emitted during regular use. This information shall be used to select products and to determine necessary measures to be taken to comply with indoor air quality standards.
 3. The designated person will notify employees at least twenty-four hours in advance, or promptly in emergency situations of work to be performed on the building that may induce air contaminants into their work area.
- D. Recordkeeping
1. The maintenance schedule shall be updated by the designated person to show all maintenance performed on the building systems. The schedule shall include the date such maintenance was performed and the name of the person or company performing the work.
 2. The records required to be maintained by this section shall be retained for at least three years and be available on request to employees and employee representatives and Department representatives for examination and copying.
- E. Response To A Signed Complaint From The Department
1. Within ten working days of receipt of the complaint notification from the Department, the designated person will respond in writing to the Department. The response may include any combination of the following:



- a. A statement that the complaint is unfounded;
 - b. A description of any remedial action already taken;
 - c. An outline of any remedial measures planned but not yet taken, with a timeline for completion; and/or
 - d. A statement that a study of the problem, with a timetable for completion of the study, has been initiated.
 2. Where remedial measures are planned or a study initiated, they shall be completed as soon as feasible. The designated person will submit, to the Department, a written report describing the remedial measures implemented and/or a copy of the study's report within fifteen working days of completion.
 3. Permits for remedial work shall be obtained as required by N.J.A.C. 5:23 (the New Jersey Uniform Construction Code). All work requiring a permit shall be performed in compliance with N.J.A.C. 5:23.
- F. In response to an employee complaint to the Department, the designated person will provide any of the following documents, if available, and requested by the Department:
1. As-built construction documents;
 2. HVAC system commissioning reports;
 3. HVAC systems testing, adjusting and balancing reports;
 4. Operations and maintenance manuals;
 5. Water treatment logs; and
 6. Operator training materials.

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R 7422 SCHOOL INTEGRATED PEST MANAGEMENT PLAN

A. Definitions

1. “Commissioner” means the Commissioner of Environmental Protection.
2. “Department” means the Department of Environmental Protection.
3. “Integrated Pest Management Coordinator” or “coordinator” means an individual who is knowledgeable about integrated pest management systems and has been designated by the Board, as the Integrated Pest Management Coordinator (IPMC) pursuant to the New Jersey School Integrated Pest Management Act. The IPMC is authorized to perform the statutory IPM responsibilities of the Board of Education.
4. “Low Impact Pesticide” means any pesticide or pesticidal active ingredient alone, or in combination with inert ingredients, that the United States Environmental Protection Agency has determined is not of a character necessary to be regulated pursuant to the “Federal Insecticide, Fungicide, and Rodenticide Act,” 7 U.S.C. s.136 et seq. and that has been exempted from the registration and reporting requirements adopted pursuant to that act; any gel; paste; bait; antimicrobial agent such as a disinfectant used as a cleaning product; boric acid; disodium octoborate tetrahydrate; silica gels; diatomaceous earth; microbe-based insecticides such as bacillus thuringiensis; botanical insecticides, not including synthetic pyrethroids, without toxic synergists; and biological, living control agents.
5. “Pesticide” means any substance or mixture of substances labeled, designed, intended for or capable of use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. “Pesticide” shall also include any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant or plant regulator.
6. “Plan” means the school district’s goals regarding the management of pests and the use of pesticides on all school property. The plan shall be developed in accordance with the requirements of N.J.S.A. 13:1f-19 through 33.
7. “School” means any public or private school as defined in N.J.S.A. 18A:1-1.



8. “School Integrated Pest Management Policy” means a managed pest control policy that eliminates or mitigates economic, health, and aesthetic damage caused by pests in school; that delivers effective pest management, reduces the volume of pesticides used to minimize the potential hazards posed by pesticides to human health and the environment in school; that uses integrated methods, site or pest inspections, pest population monitoring, an evaluation of the need for pest control, and one or more pest control methods, including sanitation, structural repair, mechanical and biological controls, other non-chemical methods, and when non-chemical options are ineffective or unreasonable, allows the use of a pesticide, with a preference toward first considering the use of a low impact pesticide for schools.
 9. “School pest emergency” means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a pupil or staff member.
 10. “School property” means any area inside and outside of the school building controlled, managed, or owned by the school district.
 11. “Staff member” means an employee of the school district, including administrators, teachers, and other persons regularly employed by the school district, but shall not include an employee hired by the school district or the State to apply a pesticide or a person assisting in the application of a pesticide.
 12. “Universal notification” means notice provided by the school district to all parents or legal guardians of children attending a school, and staff members of the school district.
- B. Integrated Pest Management Coordinator (IPMC)
- The Chief School Administrator will be designated as the Integrated Pest Management Coordinator (IPMC) of the school district. The Integrated Pest Management Coordinator (IPMC) shall:
1. Maintain information about the school, the school district’s Integrated Pest Management Policy, and about pesticide applications on the school property of the school;
 2. Act as a contact for inquiries about the School Integrated Pest Management Policy; and



3. Maintain material safety data sheets, when available, and labels for all pesticides that are used on the school property or in the school.

C. Maintenance of Records of Pesticide Application; Notices of Policy

The IPMC shall request from the pesticide applicator and shall maintain records of pesticide applications used on school property or for the school for three years after the application, and for five years after the application of a pesticide designed to control termites, and on request, shall make the data available to the public for review.

A notice of the school district's Integrated Pest Management Policy shall be included in school calendars or another form of universal notification to pupils and parent(s) or legal guardian(s). The notice shall include:

1. The school district's Integrated Pest Management Policy;
2. A list of any pesticide that is in use or that has been used in the last twelve months on school district property at each school location;
3. The name, address, and telephone number of the Integrated Pest Management Coordinator of (IPMC) of the school district;
4. A statement that:
 - a. The IPMC maintains the product label and material safety data sheet, when available, of each pesticide that may be used on school property;
 - b. The label and data sheet is available for review by a parent, legal guardian, staff member, or pupil attending the school; and
 - c. The Integrated Pest Management Coordinator (IPMC) is available to parents, legal guardians, and staff members for information and comment.
5. The time and place of any Board meetings that will be held to adopt the School Integrated Pest Management Policy; and



6. The following statement:

“As part of a school pest management plan, the School District may use pesticides to control pests. The United States Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (DEP) register pesticides to determine that the use of a pesticide in accordance with instructions printed on the label does not pose an unreasonable risk to human health and the environment. Nevertheless, the EPA and DEP cannot guarantee that registered pesticides do not pose any risk to human health, thus unnecessary exposure to pesticides should be avoided. The EPA has issued the statement that where possible, persons who are potentially sensitive, such as pregnant women, infants and children, should avoid unnecessary pesticide exposure.”

After the beginning of each school year, the IPMC, in conjunction with the Building Principal(s), shall provide this notice to each new staff member who is employed during the school year and to the parent(s) or legal guardian(s) of each new pupil enrolled during the school year.

D. Permitted Use of Certain Pesticides; Notice

If it is determined that a pesticide, other than a low impact pesticide, must be used on school property, the pesticide may be used only in accordance with the requirements of N.J.S.A. 13:1F-25.

1. The Chief School Administrator, upon prior notice from the IPMC, shall provide notice to a parent or legal guardian of each pupil enrolled at the school and each staff member of the school, at least seventy-two hours before a pesticide, other than a low impact pesticide, is used on school property. The notice shall include:
 - a. The common name, trade name, and federal Environmental Protection Agency registration number of the pesticide;
 - b. A description of the location of the application of the pesticide;
 - c. The date and time of application, except that, in the case of outdoor pesticide applications, one notice shall include three dates, in chronological order, on which the outdoor pesticide applications may take place if the preceding date is cancelled;



- d. A statement that the Office of Pesticide Programs of the United States Environmental Protection Agency has stated: “Where possible, persons who potentially are sensitive, such as pregnant women, infants, and children, should avoid any unnecessary pesticide exposure”;
 - e. A description of potential adverse effects of the pesticide based on the material safety data sheet, if available, for the pesticide;
 - f. A description of the reasons for the application of the pesticide;
 - g. The name and telephone number of the school district’s IPMC; and
 - h. Any additional label instruction and precautions related to public safety.
2. The notice required by D.1. above may be provided by:
 - a. Written notice sent home with the pupil and provided to each staff member;
 - b. A telephone call;
 - c. Direct contact;
 - d. Written notice mailed at least one week before the application; or
 - e. Electronic mail.
 3. If the date of the application of the pesticide must be extended beyond the period required for notice under this section, the Board shall reissue the notice required under D.1. above for the new date of application.
- E. Posting of Sign Prior to Use of Certain Pesticides

At least seventy-two hours before a pesticide, other than a low impact pesticide, is used on school property, the IPMC shall post a sign that provides notice of the application of the pesticide in a prominent place that is in or adjacent to the location to be treated and at each entrance to the building or school ground to be treated.

A sign required for the application of a pesticide shall:

1. Remain posted for at least seventy-two hours after the end of the treatment;



2. Be at least 8½ inches by 11 inches; and
3. State the same information as that required for prior notification of the pesticide application pursuant to Section D.1. of this Regulation.

In the case of outdoor pesticide applications, each sign shall include three dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled due to weather. A sign shall be posted after an outdoor pesticide application in accordance with 1, 2 and 3 above.

The requirement imposed pursuant to this section shall be in addition to any requirements imposed pursuant to the “Pesticide Control Act of 1971,” P.L. 1971, c.176 (C.13:1F-1 et seq.), and any rules or regulations adopted pursuant thereto.

F. Applicability of Notice and Posting Requirements

The provisions of Sections D and E of this Regulation shall apply if any person applies a pesticide, other than a low impact pesticide, on school property, including a custodian, staff member, or commercial applicator. These provisions shall apply to a school during the school year, and during holidays and the summer months, only if the school is in use by children during those periods. During those periods, notices shall be provided to all staff members and the parents or legal guardians of the pupils that are using the school in an authorized manner.

G. Emergency Use of Certain Pesticides

A pesticide, other than a low impact pesticide, may be applied on school property in response to an emergency, without complying with the provisions of Sections D and E of this Regulation, provided the following requirements are met:

1. The Building Principal shall, upon prior notice from the IPMC and within twenty-four hours after the application or on the morning of the next school day, provide to each parent or legal guardian of pupils enrolled at the school, and staff members of the school, notice of the application of the pesticide for emergency pest control that includes:
 - a. The information required for a notice under Section D of this Regulation;
 - b. A description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a pupil or staff member; and



- c. If necessary, a description of the steps that will be taken in the future to avoid emergency application of a pesticide pursuant to this section.

The district may provide notice required in G.1. above by:

1. Written notice sent home with the pupil and provided to the staff members;
2. A telephone call;
3. Direct contact; or
4. Electronic mail.

When a pesticide is applied pursuant to this section, the IPMC shall post a sign warning of the pesticide application at the time of the application of the pesticide in accordance with the provisions of Section E of this Regulation.

If there is an application of a pesticide pursuant to this section, the IPMC shall modify the School Integrated Pest Management Plan of the school district if necessary, to minimize the future emergency applications of pesticides under this section.

A pesticide, other than a low impact pesticide, shall not be applied on school property where pupils are expected to be present for academic instruction or for organized extra-curricular activities prior to the time prescribed for re-entry to the application site by the United States Environmental Protection Agency on the pesticide label, except that if no specific numerical re-entry time is prescribed on a pesticide label, such a pesticide, other than a low impact pesticide, shall not be applied on school property where pupils are expected to be present for academic instruction or for organized extra-curricular activities within seven hours of the application.

A pesticide, other than a low impact pesticide, shall not be applied in a school building when pupils are present. Pupils may not be present in an untreated portion of a school building being treated unless the area being treated with a pesticide, other than a low impact pesticide, is served by a separate ventilation system and is separated from the untreated area by smoke or fire doors.

A low impact pesticide may be applied in areas of a school building where pupils will not contact treated areas until sufficient time is allowed for the substance to dry or settle, or after the period of time prescribed for re-entry or for ventilation requirements on the pesticide label has elapsed.



The requirements of this section shall not apply when pesticides are applied on school property for pupil instructional purposes or by public health officials during the normal course of their duties.

H. Immunity From Liability of Commercial Pesticide Applicator

A commercial pesticide applicator shall not be liable to any person for damages resulting from the application of a pesticide at a school if the damages are solely due to the failure of the IPMC to provide the notice required prior to the application of a pesticide pursuant to the provisions of sections 7, 8, 9, or 10 of P.L. 2002, c.117 (C.13:1F-25, C.13:1F-26, C.13:1F-27 or C.13:1F-28).

I. Development, Availability of Form for Certifying Compliance

The Department of Environmental Protection shall develop and make available to commercial pesticide applicators a form that a commercial pesticide applicator may request an Integrated Pest Management Coordinator (IPMC) to sign prior to the application of a pesticide, other than a low impact pesticide, on school property. The form developed pursuant to this section shall set forth a certification by the Integrated Pest Management Coordinator (IPMC) that the notice and posting requirements for the application of a pesticide established pursuant to Sections D and E of this Regulation, or the posting requirement established pursuant to Section G of this Regulation, as appropriate, have met compliance requirements. Upon being presented by a commercial pesticide applicator with a form pursuant to this section, the signature of the Integrated Pest Management Coordinator (IPMC) shall be required as a condition for the application of the pesticide.

The Department of Environmental Protection may issue an administrative order against a local school Board that fails to adopt and implement a pesticide use and school Integrated Pest Management Policy in compliance with the provisions of N.J.S.A. 13:1F-32.

The Commissioner shall adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules or regulations as are necessary to implement the provisions of the School Integrated Pest Management Act.

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R 7430 SCHOOL SAFETY

Guidelines for Dealing with Accident/Injury

1. The school nurse or another trained person shall be responsible for administering first aid.
2. In all cases where the nature of an injury appears in any way serious, every effort shall be made to contact the parent(s) or legal guardian(s) and/or family physician immediately.
3. Parent(s) or legal guardian(s) shall be requested to pick up the pupil. If a parent(s) or legal guardian(s) is unable to provide such transportation, no pupil who is injured shall be sent home alone. A pupil who is injured may be taken home if a responsible person is there to receive that pupil.
4. In extreme emergencies, the school nurse, school doctor or Chief School Administrator may make arrangements for immediate hospitalization of injured pupils. Parent(s) or legal guardian(s) should be contacted as soon as possible.
5. The teacher or other staff member who is responsible for a pupil at the time an accident occurs shall make out a report within twenty-four hours, providing details about the accident. This shall be required for every accident whether first aid is necessary or not.
6. Any injuries or accidents to pupils shall be reported as soon as possible to the Chief School Administrator.

Emergency Medical Procedures for Sports/Athletics

The Board of Education recognizes its responsibility for pupil safety in all aspects of sports and athletic events, both intramural and interscholastic. Emergency medical procedures are to be developed at the school 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 district whether among themselves or with pupils of other districts.

These emergency medical procedures shall be disseminated to appropriate personnel within the district.

Adopted: 15 September 2010



R 7432 EYE PROTECTION PRACTICES

A. Eye Protection Devices

1. The following types of eye protective devices must be worn by all pupils, staff members, and visitors (including persons attending evening adult school programs) participating in the activity or process designated wherever it may occur on school premises:

<u>Potential eye hazard</u>	<u>Protective devices</u>
Caustic or explosive	Goggle, flexible fitting materials, hooded ventilation; add plastic window face shield for severe exposure
Dust producing operations	Goggle, flexible fitting, hooded ventilation
Electric arc welding	Welding helmet in combination with spectacles with eye cup or semi- or flat-fold side shields
Oxy-acetylene welding	Welding goggle, eye cup type with tinted lenses; welding goggle, coverspec type with tinted lenses or tinted plate lens
Hot liquids and gases	Goggle, flexible fitting, hood ventilation; add plastic window face shield for severe exposure
Hot solids	Clear or tinted goggles or spectacles with side shields
Molten materials	Clear or tinted goggles and plastic or mesh window face shield
Heat treatment or tempering	Clear or tinted goggles or clear or tinted spectacles with side shields



Potential eye hazard

Protective devices

Glare operations

Tinted goggles; tinted spectacles with side shields or welding goggles, eye cup or coverage type with tinted lenses or plate lens

Shaping solid materials

Clear goggles, flexible or rigid body spectacles with side shields; add plastic window face shield for severe exposure

Laser device operation or experimentation

Appropriate for specific hazard

Repair or servicing of vehicles

Clear goggles, flexible or rigid body; clear spectacles with side shields

2. The supplier of any eye protective device to this district shall certify in writing that the device meets or exceeds ANSI standards. All spectacle type eye protective devices shall have side shields of the eye cup, semi-, or flat-fold type.
3. Staff members shall regularly and frequently inspect the eye protective devices used in their classes and shall report to the Chief School Administrator devices that are defective or poorly fitting. All eye protective devices shall be identified with the name(s) of the user(s) and shall be properly stored when not in use.
4. An eye protective device that is shared shall be disinfected between uses by a method prescribed by the local school medical inspector.
5. The use of contact lenses shall be restricted in learning environments which entail exposure to chemical fumes, vapors or splashes, intense heat, molten metals, or highly particulate atmospheres. Staff members in these learning environments shall identify the pupils in his/her class who wear contact lenses. A list of such pupils shall be kept by the staff member in order that appropriate emergency eye care may be given; the list shall be destroyed at the end of the course of study.



When permitted, contact lenses may be worn only in conjunction with appropriate eye protective devices. The contact lens wearer shall be identified for appropriate emergency eye care in hazardous learning environments.

6. A pupil who wears prescription glasses shall be provided with an appropriate eye protective device that fits over his/her glasses. A pupil or staff member may wear his/her personal corrective eye wear in the course of an activity hazardous to the eyes provided that the eye wear has been certified in writing by a licensed optician to meet or exceed ANSI standards as defined in N.J.A.C. 6:29-1.7(b)1 and 2 for the appropriate eye protective device required.
 7. The responsible staff member will provide each visitor to an area in which an activity hazardous to eyes is conducted with an appropriate eye protective device.
- B. Eye Wash Fountains
1. Eye wash fountains or similar devices, capable of a minimum of fifteen minutes of continuous flow of eye wash solution shall be provided in accordance with Policy No. 7432 and the standards of the State Department of Education and N.J.A.C. 6:29-1.7(d).
 2. Eye wash fountains shall be routinely checked by the responsible staff member and any fountain that does not operate properly shall be promptly reported to the Chief School Administrator.
- C. Enforcement
1. Staff members shall not permit pupils to engage in an activity potentially hazardous to the eyes without appropriate eye protection and shall dismiss from the class period a pupil who refuses or persistently neglects to wear eye protection or to observe established eye protection practices. Any such dismissed pupil shall be reported absent for the class.
 2. Staff members shall report to the Building Principal a visitor who refuses or persistently neglects to wear eye protection or observe established eye protection practices.



3. The Chief School Administrator shall annually inspect the school premises for the existence of conditions potentially hazardous to the eyes, for the placement of signs requiring appropriate eye protective devices, and for an adequate supply of appropriate eye protective devices in satisfactory condition. Conditions potentially hazardous to the eyes include, in addition to the activities listed in paragraph A1 above, the likelihood of flying objects and spilled liquids and the presence of protruding and sharp objects.
- D. Training and Supplies
- The school district shall provide annual training and appropriate supplies and equipment to all school personnel responsible for implementing the eye safety policies and program. The training shall include all aspects of eye protection as defined in this regulation.

Issued: 15 September 2010



R 7440 SCHOOL SECURITY

A. Definitions

1. “Access” means free and unimpeded entry to the public areas on school premises. Access does not include entry to:
 - a. Areas that are the private domain of individuals, such as an individual’s office, closets, and filing cabinets, or
 - b. Areas in which pupil instruction is being carried on, without the express permission of the Chief School Administrator or the teacher in charge.
2. “School premises” means the school building, all school grounds, and any structures on school grounds.

B. Access to School Premises

1. Access to the school building and grounds during the school day will be permitted to all pupils enrolled in the school, all school staff members, and visitors pursuant to Policy No. 9150.
2. Access to the school building and grounds before and after the school day will be permitted to:
 - a. Members of the Board of Education;
 - b. The Chief School Administrator, Board Secretary, Supervisor of Buildings and Grounds, and Head Custodian;
 - c. The Building Principal and other administrative staff members;
 - d. Staff members in the performance of their professional responsibilities as long as administrative staff is present;
 - e. Pupils involved in interscholastic athletics, co-curricular, and extra-curricular activities and authorized spectators;
 - f. Members of organizations granted the use of school premises pursuant to Policy No. 7510;



- g. Police officers, fire fighters, health inspectors, and other agents of state and local government in the performance of their official duties; and
 - h. Members of the public present to attend a public Board meeting.
- 3. All visitors to the school building during the school day will be required to register their presence in the school office, pursuant to Policy No. 9150.
- 4. All persons who enter the school building when the school office is closed must sign a school log, maintained outside the school office. The log will record:
 - a. The person's name and, if appropriate, title;
 - b. The date and time of entry and exit;
 - c. The reason for the person's entry.
- 5. Signs will be conspicuously posted to inform visitors of the requirements of B3 and B4.

C. Building Security

- 1. Entrances to the school building shall be kept locked when the school office is closed, except for those entrances required for the access of authorized persons.
- 2. The Building Principal shall recommend to the Chief School Administrator the installation of any special protective device to guard against illegal entry and/or vandalism.

D. Keys to the School Building and Facilities

- 1. Staff members and school officials will be provided with keys as follows:
 - a. Teaching staff members and support staff members will be provided with keys to the specific classroom(s) or storage facility(ies) to which they require access for the performance of their professional duties.
 - b. The Building Principal and foreman of custodians will be provided with keys to the school building and master keys to all offices, classrooms, and storage facilities in the building.
 - c. Other administrators assigned to the school building will be provided with keys to the school building and to the offices to which they require access for the performance of their professional duties.



- d. The Chief School Administrator, School Business Administrator/Board Secretary, head custodian, and Building Principal will be provided with a set of all master keys.
 2. The employee or school official to whom a key or keys is entrusted is prohibited from distributing a key or copy of a key to a person not authorized to possess a key by these regulations.
 3. Possession and/or use of a key to school premises by a district employee not expressly authorized by these regulations to possess such a key is an infraction of rules subject to discipline.
 4. The loss of a key to any school building, facility, office, classroom, or storage place must be immediately reported to the School Business Administrator/Board Secretary. The staff member who loses a key will be responsible for the cost of the replacement of the key or, if necessary, the lock.
- E. Staff Member Responsibilities
1. All valuable belongings should be kept secure. A secure storage place shall be maintained in the school office under lock and key for the temporary storage of valuables belonging to staff members or pupils.
 2. A valuable item brought to school by a pupil should be placed in the school office under lock and key and a written receipt given to the pupil. The pupil's parent(s) or legal guardian(s) will be requested to retrieve the item from the school office. The parent(s) or legal guardian(s) may be requested to provide adequate identification before the item is released. The parent(s) or legal guardian(s) to whom a valuable item is released will sign a receipt, which will be maintained by the Chief School Administrator.
 3. Teaching staff members shall:
 - a. Close classroom windows and shut and lock classroom doors when leaving at the end of the school day,
 - b. Shut and lock classroom doors during the school day when the room is empty,
 - c. Report immediately to the Chief School Administrator any evidence of tampering or theft.



4. Custodians shall, at the end of the work day, conduct a security check of the building to make certain that all windows are closed and all office, classroom, and building doors are shut and locked, except as such doors may be required to be open for the purposes of authorized persons.
 5. Office personnel shall take all reasonable precautions to ensure the security of records and documents against unauthorized access, deterioration, and destruction.
 - a. Petty cash funds and records will be secured daily in accordance with Regulation No. 6620.
 - b. Board minutes will be secured in accordance with Bylaw No. 0168.
 - c. Financial records and books of account will be secured in accordance with Policy No. 6810.
 - d. Pupil records will be secured in accordance with Policy No. 8330 and Regulation No. 8330.
 - e. Personnel records will be secured in accordance with Policy No. 8320 and Regulation No. 8320.
- F. Summoning the Police
1. The Beverly City Police Department will be summoned promptly whenever evidence is discovered that indicates
 - a. A crime has been committed on school premises or in the course of staff or pupil transportation to or from school,
 - b. A break and entry has occurred on school premises,
 - c. A deadly weapon is on school premises, or
 - d. A breach of the peace has occurred on school premises.
 2. A call to law enforcement agents will be reported to the Chief School Administrator as soon as possible, along with the reason(s) for which the call was made and the outcome of the incident.

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R 7441 ELECTRONIC SURVEILLANCE IN THE SCHOOL BUILDING
AND ON SCHOOL GROUNDS

In order to enhance a safe and secure environment, the Board authorizes electronic surveillance devices to be used on district property and on school grounds.

A. Recording and Notice

1. Surveillance devices may include, but are not limited to, sound/video cameras, audio recording devices, and other appropriate devices.
2. Recordings may be used to monitor and observe the conduct of school district staff, pupils, community members, and other person(s) in the school building or on school grounds.
3. Notice regarding the use of surveillance devices will be posted in the school building or on school grounds where surveillance devices may be used.

B. Pupil Records and Notice

School district personnel will comply with the provisions of applicable law regarding pupil record requirements including the Family Education and Privacy Act and the Individual with Disabilities Education Improvement Act. Recordings considered for retention, as a part of a pupil's behavioral record, will be maintained in accordance with established pupil record procedures governing access, review, and release of pupil records.

C. Staff Records and Notice

1. Recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations, applicable law, and any labor agreements governing access, review, and release of employee personnel records.
2. The district will provide notice to pupils, parent(s) or legal guardian(s), and school staff members that surveillance devices may be used in the school building and on school grounds.



D. Storage/Security

1. All recordings will be stored by the Chief School Administrator or designee, and secured to ensure confidentiality.
2. Recordings will be stored for five calendar days after initial recording, whereupon such recordings may be erased or discarded, unless there is a legitimate reason for retaining such recording for review.

E. Use

1. The determination of the location of surveillance devices shall be made by the Chief School Administrator.
2. Tampering with or otherwise interfering with surveillance equipment is prohibited. Any individual found tampering with equipment shall be subject to discipline.

F. Viewing or Listening

1. Initial viewing or listening to recordings will be done by the Building Principal or designee.
2. Requests for viewing or listening will be limited to persons with a direct interest in any proceedings, disciplinary or otherwise, resulting from the recordings, as deemed appropriate by the Building Principal or designee.
3. Only the portion of the recording concerning a specific incident will be made available for viewing.
4. Viewing or listening to the recording will be permitted on school property or as otherwise required by law.
5. All viewing will be in the presence of the Building Principal or designee.
6. A written log will be maintained by the Building Principal or designee of those viewing video recordings including date of viewing, reason for viewing, the date the recording was made, and the signature of the viewer.



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Electronic Surveillance In The School Building
and On School Grounds

7. Video recordings remain the property of the district and may be reproduced only in accordance with law, including applicable district pupil records policy and procedures and district personnel records policy, procedures and applicable labor agreements.
- G. Purchase, Maintenance, Replacement of Equipment/Supplies
1. The Building Principal will be responsible for the purchase, maintenance, and replacement of all electronic surveillance devices.

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R 7610 VANDALISM

A. Definitions

1. “Vandalism” means the willful and malicious acts of any person that result in the destruction, defacement, or damage of any property, real or personal, belonging to or entrusted to the Board. Vandalism includes arson and an act of graffiti.
2. “Arson” means the willful and malicious burning or setting on fire of any building or part of any building owned or operated by the Board, by any person.
3. “Act of graffiti” means the drawing, painting or making of any mark or inscription on school district real or personal property without the permission of the school district.

B. Reporting Vandalism

1. Any school employee who has reason to believe that an act of vandalism has occurred shall immediately report that belief or suspicion to the Chief School Administrator of the affected building or, if the vandalism occurs at a facility other than a school, the supervisor in charge of the facility.
2. The Chief School Administrator or supervisor shall promptly institute an investigation of the report by taking these steps as appropriate to the extent and seriousness of the vandalism:
 - a. Requesting the reporting employee to file a report of the evidence giving rise to his/her belief or suspicion that vandalism has occurred;
 - b. Visiting the site of the vandalism and examining its extent, taking photographs as necessary;
 - c. Determining and recording the names of witnesses, if any;
 - d. Interviewing witnesses and requesting their written reports of events; and
 - e. Assessing the costs of repair and replacement of any parts of the building, furnishings, and/or equipment.



3. The Chief School Administrator will complete and file a detailed vandalism and property damage report.
 4. The Chief School Administrator will notify the police if the vandalism involves:
 - a. Significant damage, or
 - b. Arson, or
 - c. Theft or burglary, or
 - d. The use of any symbol that exposes persons to violence, contempt, or hatred on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability, or
 - e. An act of graffiti.
- C. Penalties and Restitution
1. A pupil who vandalizes school property is subject to discipline, which may include suspension or expulsion, in accordance with Policy Nos. 5600, 5610, and 5620.
 2. The parent(s) or legal guardian(s) of a pupil who vandalizes school property will be held liable for any damages caused by the act of vandalism.
 3. The parent(s) or legal guardian(s) of any minor who injures/vandalizes school property, whether or not the minor is enrolled in this district, shall be liable for damages to the amount of the injury, together with costs of suit if the Board must resort to legal process to obtain payment of damages. N.J.S.A. 18A:37-3
 - a. The School Business Administrator/Board Secretary shall obtain a professional estimate of the cost of repairs and/or replacements necessitated by the vandalism.
 - b. The School Business Administrator/Board Secretary shall present the pupil's parent(s) or legal guardian(s) with an itemized bill based on the estimated costs.



- c. If, within thirty calendar days, the pupil's parent(s) or legal guardian(s) has not paid the bill or made arrangements with the School Business Administrator/Board Secretary for the payment of the bill in periodic installments, the Chief School Administrator shall inform the Board and recommend that the Board Attorney commence civil action for the amount due together with costs.
4. Any person who purposely defaces or damages school property with any symbol that exposes persons to violence, contempt, or hatred on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability is guilty of a crime and shall be reported to the appropriate law enforcement agency.
5. Any person who purposely or knowingly damages school district property recklessly or negligently in the employment of fire, explosives or another dangerous means listed in accordance with N.J.S.A. 2C:17-2 or purposely or recklessly tampers with the tangible property of the school district so as to endanger school district property will be reported to the appropriate law enforcement agency.
6. A person convicted of an offense that involves an act of graffiti will be required to reimburse the school district the cost of damages and may be required to perform community service, which may include removing the graffiti from the property, in accordance with the law. In addition, the courts may suspend or postpone driving privileges of any person, at least thirteen and under eighteen years of age, if convicted of an act of graffiti.

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R 7650 SCHOOL VEHICLE ASSIGNMENT, USE, TRACKING, MAINTENANCE, AND ACCOUNTING

A. School Vehicle Assignment and Use

The Board of Education, upon the recommendation of the Chief School Administrator, may authorize, at its discretion, by an affirmative vote of the Board's full membership, the lease, lease-purchase, or purchase and assignment of school district vehicles for the conduct of official school district business.

1. The vehicles may be assigned either to individuals or to units within the school district for pool use according to the following classifications:
 - a. Vehicles may be assigned permanently and individually to the Chief School Administrator, School Business Administrator/Board Secretary, the staff member serving as head of facilities services, the staff member serving as head of security services or other supervisory employees who, based on their job duties, may be called upon on a twenty-four hour, seven day-a-week basis. No individual assignment shall be made for the primary purpose of commuting.
 - b. A unit may be permanently assigned one or more school 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 school district business. Pool vehicles shall not be used for the purpose of commuting and shall remain at a school district facility when not in official use.
2. Board members or employees may be temporarily assigned a school district vehicle for travel events.
3. In the event the operator of a school district vehicle believes their personal health (temporary or long-term) may impair their ability to safely operate a school vehicle, the operator shall inform their immediate supervisor and the school vehicle coordinator of the health problem and the expected duration of impairment. The operator's immediate supervisor or the school vehicle coordinator may coordinate a physical examination for the staff member in accordance with Policy 3160 or 4160.



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and Accounting

4. Smoking, as defined in Policy 7434, is prohibited on “school grounds” and therefore, in accordance with the definition of school grounds in Policy 7434, smoking is prohibited in a school district vehicle at any time.
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 by the school vehicle coordinator and/or appropriate administrator and appropriate disciplinary action shall be taken. Any disciplinary action shall be progressive and uniform depending on the specific misuse.
7. All changes to vehicle assignment, whether pool or individual, shall require prior written approval of the Chief School Administrator 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 IRS law or regulation, shall be purchased, lease-purchased, or leased by the school district. If a vehicle is assigned to the Chief School Administrator, 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 school district needs.
9. All damage to school district vehicles, regardless of cause, shall be reported within twenty-four hours to the school vehicle coordinator and the employee assigned to file insurance claims.
10. No physical alterations shall be made to a vehicle without prior Board approval.
11. Operators of a school district vehicle shall possess a valid driver's license to operate a vehicle in New Jersey. The school vehicle coordinator(s) shall be responsible to maintain a copy of each driver's license on file. In the event a driver's license is revoked, suspended or otherwise makes the driver unable to operate a school district vehicle in accordance with law, the driver shall immediately notify the school vehicle coordinator, who will immediately revoke the driver's authorization to operate a school district vehicle.



12. 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 school vehicle coordinator shall be responsible for ensuring the vehicle receives the scheduled service.
13. A driver assigned a school district vehicle shall be responsible for the security of the vehicle and its contents.
14. Drivers shall be personally responsible for all fines accrued as a result of traffic violations related to operation of school district vehicles.
15. The driver, or the driver's supervisor, if the driver is incapacitated, of a school district vehicle involved in an accident resulting in damage to the school district vehicle or other vehicle shall file, within twenty-four hours of the accident, a detailed written report with the school vehicle coordinator and the school district staff member responsible for making insurance claims.
16. Police shall be immediately notified of an accident by the driver or school vehicle coordinator, if the driver is incapacitated. A copy of the police report shall be submitted to the school vehicle coordinator and the school district staff member responsible for making insurance claims as soon as possible.
17. If a school district vehicle is misused in any of the following ways, the driver's driving privileges for school district vehicles shall be suspended or revoked, and additional disciplinary action shall be taken as appropriate:
 - a. Frequent violation of traffic laws;
 - b. Flagrant violation of traffic laws;
 - c. Operation of a vehicle which the police or insurance company determined was the cause of an accident;
 - d. Use of a vehicle for unauthorized use whether personal use, business use, or commuting;
 - e. Violation of these rules or school 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;



- f. Operation of a vehicle while impaired to any degree, or under the influence of alcohol or narcotics as defined by State statutes;
- g. Use of a school district vehicle by an unauthorized individual while assigned to an employee;
- h. Use of a school district vehicle to transport any person or child, other than in the course of their assigned duties and responsibilities; and/or
- i. Use of radar detectors in school district vehicles.

The Board shall implement a progressive and uniform mandatory disciplinary program to be applied as necessary in the event it is determined a staff member misused a school vehicle.

B. School Vehicle Inventory Control Record

The school vehicle coordinator(s) shall be responsible to maintain the following inventory control records for every school district vehicle:

- 1. Vehicle make, model and year;
- 2. Vehicle identification numbers (VIN);
- 3. Original purchase price;
- 4. Date purchased;
- 5. License plate number;
- 6. Person assigned or pool if not individually assigned;
- 7. Driver's license number of person assigned and the expiration date;
- 8. Insurer and policy number of person assigned; and
- 9. Usage category such as regular business, maintenance, security, or pupil transportation.



C. Driving Record of Operators of School District Vehicles

The school vehicle coordinator(s) shall be responsible to obtain and maintain the following driving records of operators of school district vehicles:

1. Name of driver;
2. Drivers license number and expiration date;
3. Require a drivers abstract from MVC/DMV;
4. Insurer and policy number of person assigned;
5. Motor vehicle code violations;
6. Incidents of improper or non-business usage;
7. Accidents; and
8. Other relevant information.

D. Record of Maintenance, Repair and Body Work for School District Vehicles

The school vehicle coordinator(s) shall be responsible to maintain the following records of maintenance, repair and body work for each school vehicle:

1. Vehicle make, model and year;
2. Vehicle identification numbers (VIN);
3. Original purchase price;
4. Date purchased;
5. License plate number;
6. Usage category such as regular business, maintenance, security or pupil transportation;
7. Manufacturer's routine maintenance schedule;



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8. Category of work performed (routine maintenance, repair or body work);
9. Purchase order number;
10. Date work was performed;
11. Detailed description of work performed;
12. Mileage on date work was performed; and
13. Cost of work performed.

All records maintained by the school vehicle coordinator(s) shall be maintained in the school district office of the school vehicle coordinator(s).

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R 8220	School Closings
R 8310	Public Records
R 8320	Personnel Records
R 8330	Pupil Records
R 8420	Emergency Evacuation Plan
R 8420.1	Fire and Fire Drills
R 8420.2	Bomb Threats
R 8420.3	Natural Disasters and Man-made Catastrophes
R 8420.4	Kidnapping
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R 8420.6	Accidents To and From School
R 8420.7	Lockdown Procedures
R 8431	Toxic Hazard Preparedness Program
R 8441	Care of Injured and Ill Persons
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R 8461	Reporting Violence, Vandalism, Alcohol, and Other Drug Abuse
R 8462	Reporting Potentially Missing or Abused Children
R 8465	Hate Crimes and Bias-Related Acts
R 8467	Weapons
R 8468	Crisis Response
R 8540	Free and Reduced Rate Meals
R 8600	Pupil Transportation
R 8630	Emergency School Bus Procedures



R 8140 ENROLLMENT ACCOUNTING

A. School Enrollment

1. The enrollment in a class, a school, or the district shall be the total number of original entries plus the number of re-entries, less the number of transfers, withdrawals or dropouts in any such unit during a school year. The total number of original entries and re-entries, less the number of transfers, withdrawals or dropouts, in all the classes of the district shall constitute the school enrollment for the school district during any school year.
2. No pupil attending a school operated by this district shall be enrolled in more than one school register in the school district during a school year. All pupils shall be enrolled as of the first day of attendance for that year.
3. No pupil shall be enrolled in a school register until the pupil has reached the following legal school age:
 - a. Kindergarten - more than four years and less than six years;
 - b. Day school - more than five years; or
 - c. Preschool - more than three years and less than five years.
4. Within ten days of the start of the school year, the district shall determine whether any re-entering pupil who has not attended school that year has an excused absence or has transferred, withdrawn, or dropped out of the school district.
5. The average daily enrollment in the district for a school year shall be the sum of the days present and absent of all enrolled pupils when school was in session during the year, divided by the number of days school was actually in session. The average daily enrollment for the classes of the district having varying lengths of terms shall be the sum of the average daily enrollments obtained for the individual classes.
6. The average daily attendance in the district for a school year shall be the sum of the days present of all enrolled pupils when school was in session during the year, divided by the number of days school was actually in session. The average daily attendance for the classes of the district having varying lengths of terms shall be the sum of the average daily attendance obtained for the individual classes.



B. Application for State School Aid

Pursuant to the requirements of N.J.S.A. 18A:7F-33, the district shall file with the Commissioner of Education an Application for State School Aid in accordance with the following procedures:

1. Counting Procedure

- a. Each employee responsible for the maintenance and safe keeping of a school register (and whose name appears on the cover of the register) shall conduct a count of the pupils entered in the register on the last school day prior to October 16.
- b. The count shall include all pupils who have attended school since the beginning of the school year, by original entry or reentry, and shall exclude all pupils who have been removed from the register by transfer or dropout.
- c. The count shall be recorded on a form, and the form shall be submitted to the School Business Administrator/Board Secretary no later than October 16.

2. Data Collection

- a. The School Business Administrator/Board Secretary shall assign responsibility for the preparation of worksheets to document the compilation of register data.
- b. Completed worksheets shall be submitted to the School Business Administrator/Board Secretary who shall compare the data submitted on the worksheets to the register count submitted in accordance with B.1.a.
- c. The School Business Administrator/Board Secretary shall reconcile all inconsistencies between worksheet data and register counts and submit final enrollment counts to the Executive County Superintendent no later than required by law.

3. Application Submission

The School Business Administrator/Board Secretary shall complete the Application for State School Aid and submit the application to the Chief School Administrator for approval.

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R 8220 SCHOOL CLOSINGS

The following procedures will govern the unscheduled closing of school for the entire school day, the delayed opening of school, and the early closing of school. No single set of rules can anticipate the problems that may be encountered when school must be closed, and the Building Principal may be required to exercise independent judgment in individual circumstances. Any consequent deviation from these rules should be reported promptly to the Chief School Administrator.

A. Notification Provisions

1. Notice to television and radio stations shall be by telephone call, with appropriate code, to the following stations:

Television and/or Radio Station

CBS – Channel 3
KYW – 1060 AM
NJ 101.5
FOX TV 29
10 NBC WCAU
Channel 6 ABC WPVI

2. Parent(s) or legal guardian(s) will be notified at the beginning of each school year that they will be notified of an emergency school closing day by means of announcements over the TV and radio stations listed above. The notice will include the call numbers of each station, its location on the AM or FM band or television station. Parent(s) or legal guardian(s) will be cautioned not to attempt to telephone the station.
3. The Chief School Administrator shall prepare an emergency call chain for the prompt notification of all teaching staff members and support staff members who regularly report to that school.
 - a. The staff call chain will be reviewed and updated annually. Each staff member is responsible for supplying the telephone number at which he/she can be reached for notification of the closing or delayed opening of school.



- b. A copy of the complete staff call chain will be maintained by the Chief School Administrator and will be kept as a confidential document.
 - c. Portions of the staff call chain will be released to staff members as necessary for the integrity and efficient operation of the call chain process.
 - 4. The Chief School Administrator will prepare and administer a staff call chain for central office employees.
 - 5. Each staff call chain should be so organized as to ensure that the first called are those staff members who live farthest from the school, office, or facility to which they regularly report.
- B. All Day Closing
 - 1. The decision to close school for the day will be made in accordance with Policy No. 8220. As soon as the decision is made, the Chief School Administrator will promptly notify:
 - a. Television and radio stations (see A1),
 - b. The Building Principal,
 - c. Private schools to which transportation is provided for district children,
 - d. Beverly Food Service, and
 - e. Beverly City Police Department.
 - 2. The Building Principal and other person responsible for a call chain will promptly institute the process of notifying staff members of the closing by means of the staff call chain. Every effort should be made to notify staff members as soon as practicable.
 - 3. In the event a staff member cannot be reached by telephone, the caller will report that fact to the Building Principal or other person responsible for the call chain.
 - 4. Unless the Chief School Administrator determines otherwise, school office personnel and custodial personnel are expected to report for work on an emergency closed day. It is the intention of this rule that all school offices be uniformly closed or open on a day when the school is closed for emergency.



C. Delayed Opening

1. When circumstances are such as to require the late opening of school, the school day will ordinarily be delayed by two hours. All beginning schedules will be in effect, modified only by the two hour delay.
2. The decision to delay the opening of school will be made as soon as practicable. Notice of the delayed opening will be given in accordance with B.
3. Unless the Chief School Administrator determines otherwise, school office personnel and custodial personnel are expected to report to work on time.
4. If weather conditions deteriorate after a delayed opening has been announced, the Chief School Administrator may decide to close school for the day. This decision will be made as soon as practicable. Notice of the closing of school for the day will be given in accordance with B.
5. The Chief School Administrator will modify the school's schedule to accommodate the shorter day. Morning schedules may be canceled. After-school and athletic events may be canceled.
6. Lunch will be served as usual, but may be delayed.

D. Early Dismissal

1. A decision to close school early will be promptly relayed to:
 - a. Building Principal,
 - b. Private schools to which transportation is provided for district children, and
 - c. Beverly City Police Department.
2. The Building Principal will promptly notify all staff members of the early closing, using appropriate building procedures.
3. Parent(s) or legal guardian(s) will be notified by the emergency parent call chain. Each caller will report to a person designated by the Chief School Administrator the names of any parent(s) or legal guardian(s) who cannot be reached by telephone.



4. Buses may be loaded as soon as they arrive at the school and may depart as soon as all pupils assigned to the bus have boarded.
5. A parent(s) or legal guardian(s) may come to the school and sign out his/her child at any time after the decision to close early has been made. Any removal of a child must be in strict accordance with Policy No. 5230 regarding the person(s) to whom a child may be released.
6. The Chief School Administrator will designate a safe and secure location in the school building to which may be assigned pupils whose parent or temporary caretaker could not be reached by telephone or other means.
 - a. A teaching staff member will be assigned to supervise the pupils who remain in the school.
 - b. Pupils who have remained in the school will be released at the time school regularly closes, by whatever means of transportation they would have taken were the school not closed early.
 - c. The Chief School Administrator may arrange for a late bus or transportation by private vehicle for pupils retained at the school.

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R 8310 PUBLIC RECORDS

A. Definitions (N.J.S.A. 47:1A-1.1)

"Board" means the Beverly City Board of Education, school staff, including members of the administration, and any persons acting on behalf of the Board of Education.

"State agency" means each of the principle departments in the Executive Branch of the State Government, and all Boards, divisions, commissions, agencies, departments, councils, authorities, offices or officers within any such departments now existing or hereafter established.

"Custodian of a government record" or "custodian" is the officer officially designated by formal action of the Board of Education.

B. Government Record or Record (N.J.S.A. 47:1A-1.1)

1. Any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information 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 his or its official business of the Board of Education or that has been received in the course of his or its official business of the Board of Education.
2. A "government record" or "record" does not include inter-agency or intra-agency advisory, consultative, or deliberative material.
3. A "government record" or "record" does not include excluded information as outlined in N.J.S.A. 47:1A-1.1. The excluded information includes, but is not limited to, the following information which is deemed to be confidential as per N.J.S.A. 47:1A-1 et seq.:
 - a. Victims' records, except that a victim of a crime shall have access to the victim's own records;
 - b. Trade secrets and proprietary commercial or financial information obtained from any source. Trade secrets include data processing software obtained by the district under a licensing agreement which prohibits its disclosure;



- c. Any record within the attorney-client privilege. This will not be construed as exempting from access attorney or consultant bills or invoices except that such bills or invoices may be redacted to remove any information protected by the attorney-client privilege;
- d. Administrative or technical information regarding computer hardware, software and networks that, if disclosed, would jeopardize computer security;
- e. Emergency or security information or procedures for the building or facility that, if disclosed, would jeopardize security of the building or facility or persons therein;
- f. Security measures and surveillance techniques that, if disclosed, would create a risk to the safety of persons, property, electronic data or software;
- g. Information that, if disclosed, would give an advantage to competitors or bidders;
- h. Information generated by or on behalf of the Board or Board employees in connection with any sexual harassment complaint filed within the Board or with any grievance filed by or against an individual or in connection with collective negotiations, including documents and statements of strategy or negotiating position;
- i. Information that is a communication between the district and its insurance carrier, administrative service organization or risk management office;
- j. Information that is to be kept confidential pursuant to court order;
- k. That portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number of any person; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the Division of Motor Vehicles as permitted by Section 2 of P.L.1997, c. 188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is



not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor; and

- l. Personnel and pension records of an individual, except the individual's name, title of position, salary, payroll record, length of service, date of separation and the reason therefore, the amount and type of pension he/she receives, and data, other than detailed medical or psychological information, that shows conformity with qualifications for employment and pensions;
- m. Test questions, scoring keys and other examinations for employment or for pupil achievement;
- n. Information concerning individual pupil records or information regarding grievance or disciplinary proceedings against a pupil to the extent disclosure would reveal the identity of the pupil; and
- o. All other information as defined in N.J.S.A. 47:1A-1 et seq.

C. Public Right of Inspection, Copies and Fees (N.J.S.A. 47:1A-2 et seq.)

1. Except as otherwise provided in N.J.S.A. 47:1A-1 et seq. or by any other statute, resolution of either or both houses of the Legislature, executive order of the Governor, rule of court, any Federal law, regulation or order, or by any regulation promulgated under the authority of any statute or executive order of the Governor, all records which are required by law to be made, maintained or kept on file by the Board, or by any official acting for or on behalf thereof will be deemed to be public records. Every citizen of this State, during the regular business hours maintained by the custodian of government records, has the right to inspect such records.
2. Every citizen of this State also has the right, during such regular business hours and under the supervision of a representative of the custodian, to copy such records by hand, and will also have the right to purchase copies of such records.



3. Copies of records will be made available upon the payment of such price as established below:

First page to tenth page	\$0.75 per page
Eleventh page to twentieth page	\$0.50 per page
All pages over 20	\$0.25 per page

4. If the custodian finds there is no risk of damage or mutilation of such records and it would not be incompatible with the economic and efficient operation of the office and the transaction of public business therein, the custodian may permit any citizen who is seeking to copy more than 100 pages of records to use his own photographic process. The process must be approved by the custodian, upon the payment of a reasonable fee, considering the equipment and the time involved, to be fixed by the custodian at not more than \$50.00 per day.

D. Records of Investigation In Progress (N.J.S.A. 47:1A-3 et seq.)

1. Notwithstanding the provisions of N.J.S.A 47:1A:1 et seq., where it appears the record or records which are sought to be inspected, copied, or examined pertain to an investigation in progress by the Board and/or administration:
 - a. The right to inspection, copying and/or examination may be denied if the inspection, copying or publication of such record or records will be inimical/detrimental to the public interest. This provision will not be construed to prohibit the Board and/or custodian from opening such record or records if not otherwise prohibited by law or to prohibit access to a record that was open for public inspection, examination, or copying before the investigation commenced; and
 - b. If the Board, during the course of an investigation, obtains from another public agency a government record that was open for public inspection, examination or copying before the investigation commenced, the Board will provide the other agency with sufficient access to the record to allow the other agency to comply with requests made pursuant to N.J.S.A. 47:1A-1 et seq.
2. Notwithstanding the provisions of N.J.S.A. 47:1A-1 et seq., the information concerning a criminal investigation will be available to the public in accordance with N.J.S.A. 47:1A-3.b.



- E. Inspection, Examination and Copying (N.J.S.A. 47:1A-5 et seq.)
1. The custodian will permit the record to be inspected, examined, and copied by any person during regular business hours. In the case of a board of education having a total district enrollment of 500 or fewer the custodian will permit the records to be inspected, examined and copied during not less than six regular business hours over not less than three business days per week or the entity's regularly-scheduled business hours, whichever is less, unless the government record is exempt from public access as per N.J.S.A. 47:1A-5.a.
 2. Prior to allowing access to any government record, the custodian will redact from that record any information which discloses the social security number, credit card number, unlisted telephone number, or driver license number of any person, except:
 - a. If the record is being used by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support;
 - b. With respect to the disclosure of driver information by the Division of Motor Vehicles as permitted by section 2 of P.L.1997, c. 188 (C.39:2-3.4);
 - c. That a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor; and
 - d. Where an agency can demonstrate an emergent need, a regulation that limits access to government records shall not be retroactive in effect or applied to deny a request for access to a government record that is pending before the agency, the council or a court at the time of the adoption of the regulation.
- F. Copy Purchase (N.J.S.A. 47:1A-5 et seq.)
1. If the custodian can demonstrate that its actual costs for duplication of a government record exceed the Board approved rates, the district is permitted to charge the actual cost of duplicating the record.



2. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this Regulation is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the district will charge, in addition to the actual cost of duplicating the record, a special service charge that will be reasonable and will be based upon the actual direct cost of providing the copy or copies. The custodian will provide the requestor an opportunity to review and object to the charge prior to it being incurred.
3. A custodian will permit access to a government record and provide a copy thereof in the medium requested if the district maintains the record in that medium. If the district does not maintain the record in the medium requested, the custodian will either convert the record to the medium requested or provide a copy in some other meaningful medium.
4. If a request is for a record in a medium not routinely used by the district; not routinely developed or maintained by an agency or requiring a substantial amount of manipulation or programming of information technology, the district will charge, in addition to the actual cost of duplication, a special charge that will be reasonable and based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the district or attributable to the district for the programming, clerical, and supervisory assistance required, or both.
5. Immediate access ordinarily will be granted to budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information.
6. The custodian will adopt a form for the use of any person who requests access to a government record held or controlled by the public agency. The form will provide:
 - a. Space for the name, address, and phone number of the requestor and a brief description of the government record sought;
 - b. Space for the custodian to indicate which record will be made available, when the record will be available, and the fees to be charged;



- c. Specific directions and procedures for requesting a record;
 - d. A statement as to whether prepayment of fees or a deposit is required;
 - e. The time period within which the public agency is required by N.J.S.A. 47:1A-1 et seq. to make the record available;
 - f. A statement of the requestor's right to challenge a decision to deny access and the procedure for filing an appeal;
 - g. Space for the custodian to list reasons if a request is denied in whole or in part;
 - h. Space for the requestor to sign and date the form; and
 - i. Space for the custodian to sign and date the form if the request is fulfilled or denied.
- 7. Request for access to a government record will be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian.
 - 8. The custodian will promptly comply with a request to inspect, examine, copy, or provide a copy of a government record.
 - 9. If the custodian is unable to comply with a request for access, the custodian will indicate the specific basis therefore on the request form and promptly return it to the requestor.
 - 10. The custodian will sign and date the form and provide the requestor with a copy thereof.
 - 11. If the custodian asserts that part of a particular record is exempt from public access pursuant to N.J.S.A. 47:1A-1 et seq. the custodian will delete or excise from a copy of the record that portion which the custodian asserts is exempt from access and shall promptly permit access to the remainder of the record.
 - 12. If the government record requested is temporarily unavailable because it is in use or in storage, the custodian will advise the requestor and will make arrangements to promptly make available a copy of the record.



13. If a request for access to a government record would substantially disrupt school district operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the district.
 14. Any officer or employee of the district who receives a request for access to a government record will forward the request to the custodian of the record or direct the requestor to the custodian of the record.
 15. Unless a shorter time period is otherwise provided by statute, regulation, or executive order, the custodian will grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived.
 - a. In the event the custodian fails to respond within seven business days after receiving a request, the failure to respond will be deemed a denial of the request, unless the requestor has elected not to provide a name, address or telephone number, or other means of contacting the requestor.
 - b. If the government record is in storage or archived, the requestor will be so advised within seven business days after the custodian receives the request. The requestor will be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied.
 17. A custodian will post prominently in public view in the part or parts of the office or offices of the custodian that are open to or frequented by the public a statement that sets forth in clear, concise and specific terms the right to appeal a denial of, or failure to provide, access to a government record by any person for inspection, examination, or copying or for purchase of copies thereof and the procedure by which an appeal may be filed.
- G. Challenge to Access Upon Denial (N.J.S.A. 47:1A-6)
1. A person who is denied access to a government record by the custodian, at the option of the requestor, may:
 - a. Institute a proceeding to challenge the custodian's decision by filing an action in Superior Court; or



- b. In lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to section 8 of P.L.2001, c. 404 (C.47:1A-7).
 2. The right to institute any proceeding under this section will be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The Board will have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.
- H. Government Records Council (N.J.S.A. 47:1A-7 et seq.)
- The Board and the custodian of records will comply with the requirements and guidelines from the Government Records Council in accordance with N.J.S.A. 47:1A-7.
- I. Common Right Law Right of Access (N.J.S.A. 47:1A-8)
- Nothing contained in N.J.S.A. 47:1A-1 et seq. will be construed as limiting the common law right of access to a government record, including criminal investigative records of a law enforcement agency.
- J. Construction with Other Laws (N.J.S.A. 47-1A-9 et seq.)
1. The provisions of this Regulation and N.J.S.A. 47:1A-1 et seq. will not abrogate any exemption of a public record or government record from public access heretofore made pursuant to N.J.S.A. 47:1A-1 et seq.; any other statute; resolution of either or both Houses of the Legislature; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; any federal law; federal regulation; or federal order.
 2. The provisions of this Regulation and N.J.S.A. 47:1A-1 et seq. will not abrogate or erode any executive or legislative privilege or grant of confidentiality heretofore established or recognized by the Constitution of this State, statute, court rule or judicial case law, which privilege or grant of confidentiality may duly be claimed to restrict public access to a public record or government record.

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R 8320 PERSONNEL RECORDS

A. Content of Record

1. A personnel file shall be assembled and maintained for each person employed by this district. Each file shall contain the original or copies, as appropriate, of the following documents regarding the employee:
 - a. The employee's current correct name, address, telephone number, and birthdate;
 - b. Application form, including transcripts of all academic work, records of prior military service, and other supporting documents;
 - c. Annual employment contract and/or annual salary notice, signed by the employee;
 - d. Certificates and/or licenses required for employment;
 - e. Documentation of fulfillment of requirements for any change in salary classification;
 - f. Income tax forms;
 - g. Retirement registration;
 - h. Hospitalization forms;
 - i. Annuity forms;
 - j. Rate of compensation;
 - k. Attendance record, including the starting and ending dates of all leaves of absence, whether the leave was paid or unpaid, and the purpose for which such leaves were granted;
 - l. Assignment to positions, including position title and building to which assigned;
 - m. Completed evaluations;



- n. Reports of disciplinary incidents;
 - o. Records of special awards, commendations, or distinctions;
 - p. Oath of allegiance;
 - q. Reports of routine physical examinations; and
 - r. Reports of physical and mental examinations required for cause.
 - 2. No information will be placed in an employees' file that does not pertain to the employee's position in this district and the performance of the employee's duties.
- B. Custodian of Personnel Records
- 1. The Chief School Administrator is custodian of all personnel records.
 - 2. Personnel records shall be maintained in the office of the Chief School Administrator, who shall be records manager responsible for the day-to-day maintenance of the files and for supervising access to the files.
- C. Notice of Content of Files
- 1. Each employee shall be informed of the content of his/her personnel file.
 - 2. Each employee will be notified of the inclusion in his/her file of any document that was not received from the employee or at the direction of the employee.
 - a. No evaluation form will be placed in a personnel file until it has been reviewed and signed by the employee.
 - b. No copy of a memorandum or letter sent by an administrator or other school official to an employee will be placed in the employee's file unless the original and copy include the notation "cc: Personnel File" or other clear indication of the author's intention to place the memorandum or letter in the employee's file.
 - c. No report or letter or memorandum from any source, other than documents referred to in C2b above, may be placed in an employee's file until a copy of the same has been delivered to the employee.



D. Employee Access to Personnel Records

1. Each employee shall be granted access to his/her personnel file in accordance with these regulations, except as may have been negotiated with the employee's majority representative.
2. Written request for access shall be submitted to the Chief School Administrator or designee. Except in unusual circumstances, access shall be granted only during the regular working hours of the office in which the file is kept.
3. The employee shall review the record in the presence of the Chief School Administrator or designee and, at the employee's request, a representative of the employee.
4. No alteration or addition or deletion may be made to the file, except that the employee may append to any document in the file his/her comment on that document.
5. The employee may handcopy any portion of his/her file and may receive photocopies of records on payment of the copying fees established for copies of public records.

E. Appeal of Content of the File

1. The employee may appeal to the Chief School Administrator the exclusion or inclusion of any portion of his/her personnel file or the accuracy of any information in the file.
2. An appeal must be made in writing on a form available in the office of the Chief School Administrator.
3. The Chief School Administrator shall render a decision on the appeal as soon as possible, but not later than ten working days from the time the written appeal is submitted. The Chief School Administrator's decision shall be in writing and shall be delivered to the employee and the records manager responsible for the employee's file.
4. Except as may be otherwise provided by contract negotiated with the employee's majority representative, the appellant may appeal the Chief School Administrator's decision to the Board; a decision of the Board may be appealed to the Commissioner of Education.



F. Access by Board Members and School Officials

1. Personnel files may be inspected by school officials only as required in the discharge of their professional or statutory duties and to the extent required in the discharge of those duties.
2. Board members may have access to confidential information in the personnel files of only those employees recommended for or subjected to an employment action requiring a vote of the Board or where access to the information is essential for the performance of the Board member's duties. Board member access to personnel files is limited to the relevant portion of the file and is available only through the Chief School Administrator. Board members may freely inspect employment applications filed by candidates for district positions.
3. Much of the information included in an employee's file is confidential; access to the employee's file for professional reasons necessarily imposes on the person reviewing the file the duty to respect the confidentiality of the record.

G. Computerized Records

1. Computerized personnel records may include only the following information about an employee:
 - a. Name, address, and telephone number;
 - b. Social security number;
 - c. Current assignment;
 - d. Work experience;
 - e. Employment date; and
 - f. Salary guide and step.
2. Computerized information may be used only for the following purposes:
 - a. Payroll;
 - b. An employee's individual employment record; and
 - c. Studies, reports, or surveys conducted by the district or a governmental agency and authorized by the Chief School Administrator, provided that such studies, reports, or surveys do not identify specific employees.

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R 8330 PUPIL RECORDS

A. Definitions

1. “Access” means the right to view, make notes, and/or reproduce the pupil record.
2. “Adult pupil” means a pupil who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.
3. “Mandated pupil records” means those pupil records that school districts have been directed to compile by State statute, regulation, or authorized administrative directive.
4. “Parent” means the natural or adoptive parent, the legal guardian, surrogate parent, or a person acting in place of a parent in accordance with N.J.A.C. 6A:32-2.1. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under N.J.A.C. 6A:32. “Parent” shall also include, for the purposes of N.J.A.C. 6A:32, the adult pupil. A foster parent may act as a parent under the provisions of N.J.A.C. 6A:32 if the parent’s authority to make educational decisions on the pupil’s behalf has been terminated by a court of appropriate jurisdiction.
5. “Permitted pupil records” means records that the Board of Education has authorized, by resolution adopted at a regular public meeting, to be collected in order to promote the educational welfare of the pupil.
6. “Pupil record” means information related to an individual pupil gathered within or outside the school system and maintained within the school system regardless of the physical form in which it is maintained. Any information that is maintained for the purpose of second party review is considered a pupil record. Therefore, information recorded by certified school personnel solely as a memory aid, not for the use of a second party, is excluded from this definition.
7. “Parent surrogate(s)” means an individual or individuals approved by the Board in accordance with N.J.A.C. 6A:14-2.2 to act on behalf of a pupil whose parent(s) is not available to assure the pupil’s educational rights.



8. "Pupil information directory" means a publication of the district which includes the following information relating to a pupil: the pupil's name, grade level, date and place of birth, dates of attendance, major field of study, participation in officially recognized activities, weight and height relating to athletic team membership, degrees, awards, the most recent educational agency attended by the pupil, and other similar information.

B. General Considerations

1. Pupil records shall contain only such information as is relevant to the education of the pupil and is objectively based on the personal observations or knowledge of certified school personnel who originate the record.
2. The district shall notify parents and adult pupils annually in writing of their rights in regard to pupil records and pupil participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and local policies shall be made available upon request. The district shall make every effort to notify parents and adult pupils in their dominant language.
3. A non-adult pupil may assert rights of access only through his or her parents. However, nothing in Policy or Regulation 8330 shall be construed to prohibit certified school personnel, in their discretion, from disclosing pupil records to non-adult pupils or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the pupil or other persons.
4. The parent or adult pupil, including an emancipated minor, shall have access to their own records and have access to or be specifically informed about only that portion of another pupil's record that contains information about his or her own child or himself or herself.
5. The Chief School Administrator or designee shall require all permitted pupil records of currently enrolled pupils to be reviewed annually by certified school personnel to determine the education relevance of the material contained therein. The reviewer shall cause data no longer descriptive of the pupil or educational program to be deleted from the records except that prior notice shall be given for classified pupils in accordance with N.J.A.C. 6A:14, Special Education. Such information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.



6. No liability shall be attached to any member, officer, or employee of the Board of Education permitting access or furnishing pupil records in accordance with Department of Education rules.
7. When the parent's or adult pupil's dominant language is not English or the parent or adult pupil is deaf, the district shall provide interpretation of the pupil's records in the dominant language of the parents or adult pupil.
8. Pupil health records shall be maintained separately from other pupil records and handled, according to the requirements of N.J.A.C. 6A:32-7.1, until such time as graduation or termination whereupon the health history and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record.

C. School Contact Directory

1. The district shall compile and maintain, but need not publish, a school contact directory for official use, which is separate and distinct from the pupil information directory.
 - a. School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel who are currently providing services to the pupil in question.
 - b. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider who is currently providing services to the pupil in question, school personnel shall promptly verify the enrollment of a pupil and provide the requester with all the information about that pupil that is contained in the school contact directory for official use.
2. In order for a parent or adult pupil to exclude any information from the school contact directory for official use, the parent or adult pupil shall notify the Chief School Administrator or designee in writing on a form prescribed by the Commissioner of Education.



- a. The form shall explain the purpose of the school contact directory for official use is to allow judicial, law enforcement, and medical personnel to contact the parent when necessary, and that the school contact directory for official use is only accessible by school, judicial, law enforcement, and medical personnel who are currently providing services to the pupil in question.

D. Mandated and Permitted Pupil Records

1. Mandated pupil records shall include the following:
 - a. The pupil's name, address, telephone number, date of birth, name of parent(s), gender, citizenship, standardized assessment and test answer sheets (protocol), grades, attendance, classes attended, grade level completed, and year completed;
 - b. Record of daily attendance;
 - c. Descriptions of pupil progress according to the system of pupil evaluation used in the school district;
 - d. History and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified school district employees;
 - e. Records pursuant to rules and regulations regarding the education of pupils with disabilities; and
 - f. All other records required by the State Board of Education.
2. Permitted pupil records are authorized by the Board to promote the pupil's educational welfare and include the following as authorized by this Board upon adoption of Policy and Regulation 8330. These records include, but may not be limited to:
 - a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator. Information recorded solely as a memory aid for the originator becomes a pupil's record when it is reviewed by any other person, including a substitute;



- b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
- c. Educationally relevant information provided by the parent or adult pupil regarding the pupil's achievements or school activities;
- d. Any correspondence with the pupil and/or the pupil's parents;
- e. Driver education certificate;
- f. Emergency notification form;
- g. New pupil registration form;
- h. Withdrawal or transfer form;
- i. Change of schedule form;
- j. Records of disciplinary infractions, penalties, and disciplinary hearings;
- k. Records of the pupil's co-curricular and athletic activities and achievements;
- l. Class rank;
- m. Awards and honors;
- n. Notations of additional records maintained in a separate file;
- o. The statement from a pupil's parent or adult pupil regarding a contested portion of the record; and
- p. Entries indicating review of the file by an authorized person.

E. Maintenance and Security of Pupil Records

- 1. The Chief School Administrator or designee shall be responsible for the security of pupil records maintained in the school district. Policy and Regulation 8330 assures that access to such records is limited to authorized persons.



2. Records for each individual pupil shall be maintained in a central file at the school attended by the pupil. When records are maintained in different locations, a notation in the central file as to where other such records may be found is required.
 3. Pupil health records shall be maintained and located in a locked cabinet or room in the school building or complex which the pupil is assigned. Records kept in electronic form shall be both accessible and secure. Pupil health records shall be maintained separately from other pupil records, until such time as graduation or termination whereupon the health history and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record. Records shall be accessible during the hours in which the school program is in operation.
 4. Security blocks will be installed for records stored in computerized systems to protect against security violations of the records stored therein. To guard against the loss of pupil records, the district shall maintain an updated hard copy and backup versions of pupil records.
 5. Mandated pupil records required as part of programs established through State administered entitlement or discretionary funds from the U.S. Department of Education shall be maintained for a period of five years after graduation, termination from the school district, or age 23, whichever is longer, and shall be disposed of in accordance with N.J.S.A. 47:3-15 et seq.
 6. Any district internet website shall not disclose any personally identifiable information about a pupil, in accordance with N.J.S.A. 18A:36-35.
- F. Access to Pupil Records
1. The district shall control access to, disclosure of, and communication regarding information contained in pupil health records to assure access only to those persons under the conditions permitted by Federal and State statute and regulations.
 2. The district will charge a reasonable fee for reproduction, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-2, provided that the cost does not effectively prevent the parents or adult pupils from exercising their rights under N.J.A.C. 6A:32-7 or under rules and regulations regarding pupils with disabilities.



3. Access to and disclosure of a pupil's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

G. Authorized Organizations, Agencies, and Persons with Access to Pupil Records

Access shall include only the following:

1. A pupil who has the written permission of a parent and the parent of a pupil under the age of eighteen whether or not the child resides with that parent except per N.J.S.A. 9:2-4;
 - a. The place of residence shall not be disclosed; and
 - b. Access shall not be provided if denied by a court.
2. Pupils at least sixteen years of age who are terminating their education in the district because they will graduate secondary school at the end of the term or no longer plan to continue their education.
3. The adult pupil and the pupil's parent who has the written permission of such pupil, except that the parent shall have access without consent of the pupil as long as the pupil is financially dependent on the parent and enrolled in the public school system or if the pupil has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult pupil may not disclose information contained in the adult pupil's record to a second or third party without the consent of the adult pupil.
4. Certified school district personnel who have assigned educational responsibility for the pupil shall have access to the general pupil record, but not to the pupil health record, except under conditions permitted in N.J.A.C. 6A:16-1.5.
5. Certified educational personnel who have assigned educational responsibility for the pupil and who are employed by agencies listed below shall have access to the general pupil record, but not to the pupil health record except under conditions permitted in N.J.A.C. 6:16-1.5:
 - a. An approved private school for the disabled;
 - b. A State facility;



- c. Accredited nonpublic schools in which pupils with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or
 - d. Clinics and agencies approved by the Department of Education.
- 6. In order to fulfill its legal responsibility as a Board, the Board has access through the Chief School Administrator or designee to information contained in a pupil's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult pupil.
- 7. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to those portions of the record to the extent that is necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to those pupil files which such staff are directed to enter or record information and shall cease when the specific assigned task is completed.
- 8. Accrediting organizations in order to carry out their accrediting functions.
- 9. The Commissioner of Education and members of the New Jersey Department of Education staff who have assigned responsibility which necessitates the review of such records.
- 10. Officials of other district Boards of Education within the State of New Jersey or other educational agencies or institutions where the pupil is placed, registered, or seeks to enroll subject to the following conditions:
 - a. Original mandated pupil records school districts have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving school district with written notification to the parent or adult pupil;
 - b. Original permitted pupil records which the Board has required shall be forwarded to the receiving school district only with the written consent of the parent or adult pupil except where a formal sending-receiving relationship exists between the school districts;
 - c. All records to be forwarded, including disciplinary records as specified in N.J.S.A. 18A:36-19(a), shall be sent to the Chief School Administrator or designee of the school district to which the pupil has transferred within ten school days after the transfer has been verified by the requesting school district;



- d. The Chief School Administrator or designee shall request all pupil records in writing from the school district of last attendance within two weeks from the date that the pupil enrolls in the new school district;
 - e. The Chief School Administrator or designee of the school district of last attendance shall upon request, provide a parent(s) or an adult pupil with a copy of the records disclosed to other educational agencies or institutions; and
 - f. Proper identification, such as a certified copy of the pupil's birth certificate, shall be requested at the time of enrollment in a new school district.
- 11. Officials of the United States Department of Education who have assigned responsibilities which necessitate review of such records.
 - 12. Officers and employees of a State agency who are responsible for protective and investigative services for pupils referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, the district shall ask such State agency for its cooperation in sharing the findings of the investigation.
 - 13. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult pupil, except that these organizations, agencies, and persons shall not transfer pupil record information to a third party without the written consent of the parent or adult pupil.
 - 14. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5(e), upon the presentation of a court order.
 - 15. Bona fide researchers who explain in writing, in advance to the Chief School Administrator, the nature of the research project and the relevance of the records sought and who satisfy the Chief School Administrator or designee that the records are to be used under strict conditions of anonymity and confidentiality. Such assurance shall be received in writing by the Chief School Administrator prior to the release of information to the researcher.

H. Conditions for Access to Pupil Records

All authorized organizations, agencies, and persons with access to pupil records shall have access to the records of a pupil subject to the following conditions:

- 1. No pupil record shall be altered or disposed of during the time period between a request to review the record and the actual review of the record.



2. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult pupils shall submit their request in writing together with any required authorization, to the Chief School Administrator or designee.
 3. The Chief School Administrator or designee shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage, or loss. In every instance of inspection of pupil records by persons other than parents, pupil, or individuals who have assigned educational responsibility for the individual pupil, an entry shall be made in the pupil's record of the names of persons granted access, the reason access was granted, the time, and circumstances of inspection, the records studied and the purposes for which the data will be used.
 4. Unless otherwise judicially instructed, the district shall, prior to the disclosure of any pupil records to organizations, agencies, or persons outside the school district pursuant to a court order, give the parent or adult pupil at least three days' notice of the name of the requesting agency and the specific records requested. Such notification shall be provided in writing if practicable. Only those records related to the specific purpose of the court order shall be disclosed.
 5. A record may be withheld from a parent of a pupil under eighteen or from an adult pupil 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. When the district has or obtains evidence of such court order, the parent or adult pupil shall be notified in writing within five days of his or her request that access to the record has been denied, and that the person has the right to appeal this decision to the court issuing the order.
- I. Rights of Appeal for Parents and Adult Pupils
1. Pupil records are subject to challenge by parents and adult pupils on grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult pupil may seek to: expunge inaccurate, irrelevant, or otherwise improper information from the pupil's record; insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or request an immediate stay of disclosure pending final determination of the challenge procedure as described in N.J.A.C. 6A:32-7.7.



2. To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the process shall be as follows:
 - a. A parent or adult pupil shall notify the Chief School Administrator in writing of the specific issues relating to the pupil's record.
 - b. Within ten days of notification, the Chief School Administrator or designee shall notify the parent or adult pupil of the school district's decision.
 - c. If the school district disagrees with the request, the Chief School Administrator or designee shall meet with the parent or adult pupil to revise the issues set forth in the appeal.
 - d. If the matter is not satisfactorily resolved, the parent or adult pupil may appeal this decision either to the Board of Education or the Commissioner of Education within ten days.
 - e. If appeal is made to the Board of Education, a decision shall be rendered within 20 days. The decision of the Board may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:4, Appeals.
 - f. At all stages of the appeal process, the parent or adult pupil shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made a part of the pupil's record with copies made available to the parent or adult pupil.
3. Appeals relating to the records of pupils with disabilities shall be processed in accordance with the requirements above.
4. Regardless of the outcome of any appeal, a parent or adult pupil shall be permitted to place a statement in the pupil's record commenting upon the information in the pupil's record or setting forth any reasons for disagreement with the decision of the agency.
 - a. Such statements shall be maintained as part of the pupil's record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.



J. Retention and Disposal of Pupil Records

1. A pupil's record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the pupil is enrolled in the school district.
 - a. The school district shall retain the pupil's health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.
2. Pupil records of currently enrolled pupils, other than the records that must be maintained for one hundred years as described in 6. below, may be disposed of after the information is no longer necessary to provide educational services to a pupil.
 - a. Such disposition shall be accomplished only after written parental or adult pupil notification and written parental or adult pupil permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult pupil permission have been unsuccessful.
3. Upon graduation or permanent departure of a pupil from the school district, the parent or adult pupil shall be notified in writing that a copy of the entire pupil's record will be provided to them upon request.
4. Information in pupil records, other than the records that must be maintained for one hundred years as described in 6. below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq.
 - a. Such disposition shall be accomplished only after written parental or adult pupil notification, and written parental or adult pupil permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult pupil permission have been unsuccessful, and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of State.
5. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult pupil.



6. The New Jersey public school district of last enrollment, graduation, or permanent departure of the pupil from the school district shall keep for one hundred years a mandated record of a pupil's name, date of birth, name of parents, gender, citizenship, address, telephone 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.

Issued: 15 September 2010



R 8420 EMERGENCY EVACUATION PLAN

An emergency evacuation plan will be prepared for the school building and facility in accordance with the following rules.

1. The Building Principal and facility supervisor will prepare a detailed plan for the quick evacuation of pupils and staff members in the event of an emergency. The plan will include, as a minimum:
 - a. A map or diagram of the school building, including:
 - (1) All offices, classrooms, workshops, labs, gyms, auditoriums, storage places, public rooms, hallways, restrooms, faculty lounges, and the like;
 - (2) All entrances and exits to the building;
 - (3) The exit routes to be followed by pupils and staff members from every location in the building, including alternative routes to be used in the event that an exit is blocked;
 - (4) The locations of emergency equipment, such as fire extinguishers; and
 - (5) The location of fire alarms, main electrical switches, main gas and water valves, and any other utility device.
 - b. A building procedure for the conduct of fire drills;
 - c. Procedures for the safe evacuation of large assemblies of people in such locations as the auditorium and gymnasium;
 - d. The identification and telephone numbers of the fire and police departments;
 - e. The design of a communications system to alert the whole school community when necessary and to notify parent(s) or legal guardian(s) of the evacuation of pupils; and



- f. A location near the school in which evacuated pupils may be kept until they can be removed to their homes and the provisions that will be made for pupils who are kept there.
2. The evacuation plan will be reviewed and updated annually.
3. A copy of the evacuation plan will be filed with the Chief School Administrator.
4. The evacuation diagram of the building will be prominently displayed in appropriate locations in the building. The regular and alternate evacuation routes appropriate to that room will be prominently displayed in each room in the school.
5. Each staff member assigned to the building is responsible for knowing the evacuation plan. In particular, each teaching staff member must understand the evacuation route to be taken by the pupils assigned to him/her and be prepared to effectuate the plan immediately and under any circumstances.

Adopted: 15 September 2010



R 8420.1 FIRE AND FIRE DRILLS

A. Fire Drills

1. The Chief School Administrator will conduct a fire drill not less than twice each month that school is in session. Attempts should be made to conduct drills in various weather conditions and at various times of the school day. Fire drills should always be unannounced to school staff and pupils. The Chief School Administrator shall inform local fire fighting officials whenever a fire alarm is for drill purposes.
2. Fire alarm shall be by a building designated signal. Alarm signals should be tested regularly, before or after the school session.
3. When the fire alarm rings, each teacher will:
 - a. Direct pupils to form into a single file line and proceed along the evacuation route to the nearest exit;
 - b. Close the windows of the room and turn off all lights and audio-visual equipment;
 - c. Take the class register or roll book;
 - d. Ascertain that all pupils have left the room and that any pupil who may have gone to the lavatory is escorted from the building;
 - e. Close all doors to the room when it is empty;
 - f. Ensure that the pupils assigned to him/her class have left the school along the route prescribed in the school evacuation plan;
 - g. Direct his/her pupils to a location not less than a distance twice the height of the building walls and keep the pupils in a single file line facing the building;
 - h. Take attendance to determine that all pupils who reported to his/her class have been evacuated from the building and report immediately to the Chief School Administrator any pupil who is unaccounted for; and



- i. When the recall signal is given, conduct his/her pupils back to the classroom.
4. Evacuation of the school in a fire drill must be conducted quickly and quietly and in an orderly fashion. Pupils must be silent, refrain from talking and running, and remain in closed, single file lines. Any pupil or staff member whose behavior disrupts the conduct of the fire drill shall be reported to the Chief School Administrator and will be subject to discipline.
5. All persons in the school must leave the building during a fire drill, including all aides, visitors, volunteer workers, and all office, cafeteria, custodial, and maintenance employees, except those employees who have been assigned specific duties to be performed in the school building during a fire drill.
6. Physical education classes in progress outside the building should stop the game activity and line up in place or in their regularly assigned drill position.
7. Pupils will be instructed not to gather belongings to take outside on the fire drill. In inclement or cold weather, pupils may pick up their coats and put them on as they exit the building, provided no time is lost in that activity.
8. The office employee responsible for keeping the central attendance register, or a designated substitute, must carry the register out of the building during the drill.
9. The Chief School Administrator shall report monthly on the conduct of fire drills. His/Her report will include the date, weather conditions, and time to evacuate for each drill conducted, as well as any comments that could assist in improving the conduct of future drills.
10. Every fire drill will be conducted with seriousness and with the assumption that prompt evacuation is actually required for the safety and survival of persons in the school.
11. The Chief School Administrator is encouraged to change the circumstances of fire drills so that staff members and pupils are subjected to various conditions and learn to respond to them quickly, constructively, and safely. Any such variations should take into account the ages and abilities of children.
 - a. One or more exits may be designated as “blocked” so that pupils are required to use alternative evacuation routes.



- b. A fire drill may be designated as a “smoke drill” so that pupils learn to avoid the hazards of smoke by walking in a low or crouching position (not a crawling position).

B. Fire

1. A school staff member who detects a fire in a school building or on school grounds shall immediately call 911 in accordance with law, whether or not the fire has been extinguished.
2. The report shall be immediately relayed to the school Chief School Administrator.
3. In the event of a fire in a school building, the school Chief School Administrator shall immediately sound the fire alarm for the evacuation of all pupils, staff members, visitors, and volunteers.
4. Evacuation shall be conducted in accordance with the fire drill procedures established in paragraph A, except that no employee may remain in the building to perform specific duties.
5. As a precaution, the Chief School Administrator will maintain a record of disabled pupils who may require special attention in the event of fire or other evacuation. Fire fighters will be promptly informed of the location and special circumstances of each such pupil.
6. As soon as practicable after the incident, the Chief School Administrator shall submit a report on the appropriate form.

Adopted: 15 September 2010



R 8420.2 BOMB THREATS

A. Definition

A “bomb threat” consists of a message to a school employee, regardless of the source or form or truth of the message that someone has placed or intends to place in the school an explosive device or any material that will cause significant harm to persons in the school or damage to school property.

B. Receipt of Bomb Threat

1. A bomb threat received by any school employee will be immediately relayed to the school Chief School Administrator or the person designated to act on behalf of an absent Chief School Administrator.
2. A written bomb threat should be placed in a folder or a folded paper and should be handled as little as possible.
3. If possible, a telephoned bomb threat should be transferred to the Chief School Administrator.
 - a. The person talking to the caller should attempt to obtain, by direct questioning and by listening to background clues, and record in writing as much information as possible about
 - (1) The alleged bomb (e.g., its nature, size, specific location, detonation time);
 - (2) The caller (e.g., name, location, gender, age, background, motive);
 - (3) The identity of the person who placed the bomb, if the caller denies responsibility; and
 - (4) The means by which the bomb was delivered to the site.

C. Response

1. The Chief School Administrator will immediately call 911,



2. The Chief School Administrator will evacuate the school building. The evacuation will be conducted in accordance with the fire drill procedures established in Regulation No. 8420.1, with the following exceptions:
 - a. Teachers will conduct a quick survey of their classrooms for any suspicious or unfamiliar object;
 - b. If the Chief School Administrator determines that time permits, pupils will empty their lockers and leave them unlocked;
 - c. Teachers will leave the windows and doors of their vacated rooms open; and
 - d. Pupils will be escorted to a waiting place at least 350 feet from the school building.
3. The Chief School Administrator, upon direction from law enforcement or emergency personnel, will form a search team of volunteer teachers, office and cafeteria workers, custodians, and administrators to conduct a superficial search of the entire school premises.
 - a. Searchers will examine the portions of the building with which they are most familiar. Particular attention will be given to stairways and hallways near building entrances and to any sign of a forced entry into the school.
 - b. No walkie-talkie or other radio transmission device shall be used in the conduct of the search.
 - c. Each searching party will report back to the Chief School Administrator the results of its survey.
 - d. Any suspicious or unfamiliar object will be immediately reported to emergency personnel, which will send a bomb disposal unit to the school. Any such object shall not be touched or disturbed in any way by a school employee.
4. If an object is reported to emergency personnel and the school has not already been evacuated, the school shall be immediately evacuated in accordance with the evacuation procedures set forth in C2.



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5. If the search team finds no suspicious or unfamiliar object or after the bomb disposal unit removes the object, once emergency personnel signals an all clear, the Chief School Administrator will sound the recall signal to bring pupils back into the school building. The regular instructional program will be resumed as quickly as possible. If the bomb threat disruption has occurred late in the school day, the Chief School Administrator may recommend that the school be closed and pupils dismissed.
6. All bomb threat procedures will be conducted with seriousness and dispatch. It is the intention of these regulations that the school community be protected against harm without conferring notoriety on the person who threatens harm.
7. In the event an explosion occurs, school officials and staff members will respond in accordance with procedures in Regulation No. 8420.3.
8. The Chief School Administrator will submit a written report of each bomb threat received, the steps taken in response, and the outcome of the threat.

Adopted: 15 September 2010



R 8420.3 NATURAL DISASTERS AND MAN-MADE CATASTROPHES

A. Definitions

1. “Natural disasters” include floods, hurricanes, earthquakes, lightning strikes.
2. “Man-made catastrophes” include explosions, toxic hazards, airplane accidents, nuclear accidents, attacks.

B. Procedures

1. The Chief School Administrator is responsible for responding quickly and reasonably to all natural disasters and man-made catastrophes. The Chief School Administrator’s primary goal in any emergency is the protection of the pupils and staff members assigned to his/her building.
2. The Chief School Administrator shall cooperate with law enforcement officers, emergency preparedness agencies, and other appropriate authorities.
3. All reasonable efforts will be made to predict or anticipate the occurrence of a natural disaster or manmade catastrophe and to take such steps in advance as may be necessary to protect pupils and staff and, if possible, school property.
4. Any school employee who detects or suspects a natural disaster or man-made catastrophe shall immediately notify the Chief School Administrator, who shall immediately evaluate and/or verify the report. The Chief School Administrator shall report an impending disaster or catastrophe to the appropriate police or civil authority.
5. If necessary and prudent, the school will be evacuated in accordance with the fire drills procedures set forth in Regulation No. 8420.1. The alarm for a disaster or catastrophe will be a building designated signal.
6. Until their pupils are sent home or they are otherwise excused from their duties, classroom teachers will attend to the needs of the pupils assigned to them. Other teaching staff members and support staff members will report to the Chief School Administrator or their immediate supervisor for direction. The following personnel should be prepared to take the actions indicated at the direction of the Chief School Administrator.



- a. The school nurse will set up a station for the treatment of injuries and caring for injured and shocked persons until transportation to hospital facilities is available.
 - b. The head custodian will survey the damage, if any, done to essential school building services, such as electrical, gas, water, and fuel. He/She will report any such damage to the Chief School Administrator along with any recommendations for repair or substitution.
 - c. The cafeteria manager will assess food and water inventories and establish procedures for supplying such food and water as may be required by persons in the school or the school shelter.
7. If the school cannot or should not be re-entered, parents will be notified and pupils will be sent home as follows:
 - a. Pupils who ordinarily walk to school will be excused in accordance with early dismissal policy,
 - b. Pupils who ride school buses will be excused as soon as bus transportation is available in accordance with early dismissal policy,
 - c. The Chief School Administrator may arrange for private vehicle transportation.
8. Pupils who cannot be sent home safely shall be sheltered in a safe place in the school or in the place designated for out-of-school shelter in the school evacuation plan. A teaching staff member will be assigned to supervise any such pupils until they can be transferred to the parent or responsible adult designated by the parent.
9. Parent(s) or legal guardian(s) will be informed of the school's response to the disaster or catastrophe by implementation of the parent call chain established pursuant to Regulation No. 8420. Reasonable efforts will be made to inform parent(s) or legal guardian(s) promptly of the nature of the emergency and to assure them of their children's safety.
10. The Chief School Administrator, other administrators, and all school staff members will strive to discharge their responsibilities calmly, intelligently, and prudently.



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11. The Chief School Administrator will make a written report on the nature of the emergency, the actions taken in response to the emergency, and the outcome of those actions. The report will detail, as necessary, the actions of specific staff members and make such recommendations for commendation or discipline as may be appropriate.

Adopted: 15 September 2010



R 8420.4 KIDNAPPING

A. Definition

1. A person is a victim of kidnapping:
 - a. When a person is unlawfully removed from the school or school grounds;
or
 - b. When a person is unlawfully confined with the purpose of holding the victim for ransom, reward, as a shield, or hostage; or
 - c. When a person is unlawfully removed from the school or school grounds or a substantial distance from where he or she is found in school or on school grounds; or
 - d. When a person is unlawfully confined for a substantial period of time with any of the following purposes:
 - (1) To facilitate commission of a crime or flight thereafter, or
 - (2) To inflict bodily injury on or terrorize the victim.

B. Procedures

1. The following procedures shall be implemented in the event there is reason to believe a pupil has been kidnapped. The Building Principal or designee will:
 - a. Immediately notify the Chief School Administrator;
 - b. Notify the local law enforcement agency.

The Building Principal or designee will be prepared to provide law enforcement authorities information about the pupil (to the extent possible) including: a physical description of the pupil; any photograph of the pupil; information regarding known friends of the pupil; the names of any potential witnesses to an abduction; a description of an abductor; and other information that may be helpful to law enforcement in locating the pupil.



- c. Check school records to determine whether there is a legal custody issue; and
 - d. Contact the pupil's parent(s) or legal guardian(s).
- 2. The Building Principal or designee will alert school staff to the possible kidnapping and solicit staff assistance in obtaining information that may be helpful to law enforcement in locating the pupil.
- 3. The administrative staff will encourage all staff members remain calm to prevent panic.

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R 8420.5 ASBESTOS RELEASE

The Board and school staff members have implemented the necessary safety measures to eliminate the possibility of asbestos fiber release episodes to ensure the safety of all building occupants. The district maintains an Asbestos Management Plan as required by the Asbestos Hazard Emergency Response Act (AHERA). The following procedures shall be implemented in the event of an inadvertent disturbance that causes an asbestos fiber release episode in a school district building.

Procedures

1. The area where the fiber release may have occurred shall be immediately evacuated;
2. The building's heating, ventilating, and air conditioning system shall be shut down;
3. The area where the fiber release may have occurred shall be sealed off and doors shall be closed;
4. The Chief School Administrator and building maintenance supervisor shall be immediately contacted;
5. The names of all persons who were in the area where the fiber release may have occurred shall be recorded and maintained in separate file;
6. The Building Principal or designee shall communicate to the parents/legal guardians of pupils, staff, and other occupants of the building as necessary; and
7. The school district shall take such action as necessary depending on whether asbestos fibers were released.

Issued: 15 September 2010



R 8420.6 ACCIDENTS TO AND FROM SCHOOL

The Board of Education recognizes that school staff and/or school pupils may be involved in an accident on their way to or on their way home from school. The school district or school building, depending on the circumstances, will follow these procedures, when practical, in the event there is an accident involving a school staff member or pupil who is on their way to or on their way home from school.

Procedures

1. The person receiving notice of an accident shall immediately contact police, fire, or rescue department as appropriate. In the event the person receiving notice of such accident is a pupil, the pupil shall immediately notify the Building Principal or designee. In the event the person receiving notice is a school staff member, the staff member shall notify the Building Principal or designee, or their immediate supervisor after contacting police, fire, or rescue department as appropriate.
2. The Building Principal or designee, or the immediate supervisor, shall immediately contact the Chief School Administrator.
3. The Building Principal or designee, or the immediate supervisor, shall notify the parent(s) or legal guardian(s), spouse, or individual identified on the emergency card as appropriate.
4. In the event the police, fire, or rescue department is aware of the accident when the district is notified of the accident, the Building Principal or designee, or the immediate supervisor shall continue to attempt to notify the parent(s) or legal guardian(s), spouse or individual identified on the emergency card as appropriate.
 - a. If the parent(s) or legal guardian(s), spouse or individual identified on the emergency card, is unavailable, the Building Principal or designee, or the immediate supervisor shall discuss the situation, as appropriate, with an associate at the place of employment of the parent(s) or legal guardian(s), spouse, or emergency contact.
 - b. If contacts are unsuccessful, the Building Principal or designee, or the immediate supervisor will attempt to contact relatives, neighbors, or faith-based institutions, as appropriate.

Issued: 15 September 2010



R 8420.7 LOCKDOWN PROCEDURES

In the event a circumstance or situation requires school building's occupants to remain secure within the school building, the Chief School Administrator or designee may implement lockdown procedures. The following procedures shall be enacted during a lockdown which shall begin with notification to the building's occupants that all occupants should commence lockdown procedures. The notification may be a public address announcement or may be a discreet notification depending on the circumstance or situation.

1. The Chief School Administrator and/or designee will immediately inform of such action.
2. School staff members will:
 - a. Turn off all lights and electronic equipment (unless it is a bomb threat).
 - b. Instruct pupils to be absolutely quiet.
 - c. Direct pupils away from doors and windows wherever possible.
 - d. Close and lock doors and windows from inside the room.
 - e. Physical education teachers who are in the gymnasium are to direct pupils to an area that may be secured or locked from inside the room or area.
3. Any school staff member not supervising pupils at the time of the lockdown notification should go to the nearest classroom or secure area to assist other staff members with pupils. These staff members should ensure any pupils in hallways and other unsecured and open areas are taken to the nearest classroom and/or secured area.
4. Teachers shall take pupil attendance for the pupils within their secured area and note any missing pupils.
5. Office personnel should remain in the general office areas or any other area that can be secured from the inside. All office doors shall be locked and secured to prevent entrance by an outside intruder.



6. The building's occupants should remain in lockdown condition until an announcement indicating the lockdown is over.

Lockdown Procedures for Those in Exposed Areas

Physical education classes using outside facilities shall, under the direction of the teacher, report to the nearest school entrance and upon entering the building locate to a secure classroom or location within the building. If there is reason to believe these pupils may be at risk re-entering the building, the teacher may be instructed to remove the children to another secure location off school grounds and/or away from the building.

These lockdown procedures are recommended for implementation in the event it is determined a lockdown is needed. However, based on the circumstance or situation, the Chief School Administrator or designee may modify these procedures if he/she determines modification is needed to best protect the building's occupants.

Issued: 15 September 2010



R 8431 TOXIC HAZARD PREPAREDNESS PROGRAM

The following procedures are established to guide the Toxic Hazard Preparedness Officer in the implementation of Policy No. 8431.

1. The Toxic Hazard Preparedness (THP) Officer should obtain municipal tax maps of the area within the survey zone and mark on the maps the location of each facility that is potentially dangerous: chemical plants, waste treatment plants, industrial plants, dumps, storage yards, hazardous waste disposal sites, and so forth.
2. The THP Officer should contact county health departments and the fire and police departments in municipalities within the survey zone to determine which, if any, have completed a plan for emergency response to industrial accidents.
3. The THP Officer should contact the county health department and local fire and police departments and solicit their cooperation in determining the facilities that may pose a danger to the school.
4. The THP officer may obtain information regarding compliance with the Worker and Community Right to Know Act by calling 609-984-3219. Information regarding compliance with the Toxic Hazard Prevention Act may be obtained by calling the project office at 609-984-3641. A copy of a facility's environmental survey may be requested by written request to:

New Jersey Department of
Environmental Protection
401 East State Street
Trenton, New Jersey 08625

5. The THP Officer should visit each of the facilities identified and attempt to enlist the aid of the plant manager. Without suggesting that the plant is mismanaged or a threat to the community, the THP officer should seek the plant manager's cooperation in:
 - a. Notifying immediately the district central office and, if appropriate, the Chief School Administrator of the school in the event of an accident that might adversely affect pupils and staff members;
 - b. Suggesting appropriate measures to be taken in response to an accident;



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Toxic Hazard Preparedness Program

- c. Suggesting appropriate emergency equipment and supplies that should be kept on hand in the school nurse's office for use in the event of an industrial accident; and
 - d. Training the district nursing staff in coping with the consequences of exposure to a hazardous substance.
- 6. The THP Officer shall request local fire and police officers to notify school officials immediately in the event of an industrial accident known to them which might adversely affect pupils and school staff members. The THP Officer shall also request the aid of fire and police officers as circumstances dictate.
- 7. The THP Officer will assist the Chief School Administrator in planning and implementing an in-service program to train school district employees in recognizing a toxic condition and responding properly to the hazard.

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R 8441 CARE OF INJURED AND ILL PERSONS

A. Immediate Attention

These regulations apply when a person--pupil, staff member, or visitor--on school premises or in the course of a school-sponsored event or field trip is injured or becomes suddenly ill. The school staff member or other responsible adult present who takes charge should act quickly but not hastily.

1. The injury or illness shall be reported immediately to the school nurse or, in the absence of the school nurse, to the Chief School Administrator. The report may be made directly (over an intercom) or by another adult or by a pupil messenger.
2. If it is clearly evident that the illness or injury is serious, emergency medical assistance shall be immediately summoned by telephone call to 911.
3. The victim shall be examined for breathing obstructions, bleeding, and broken bones.
4. The victim shall be checked for the presence of a necklace or bracelet that identifies a particular medical problem such as diabetes or epilepsy.
5. The victim will not be moved, except as may be absolutely necessary to remove the person from a dangerous environment. If necessary, furniture or equipment will be moved to permit space around the victim.
6. The victim should be made as comfortable as possible, without moving him/her, by loosening binding clothing and providing warm coverings.
7. No food or liquid should be given to the victim except on the orders of a health professional.
8. The victim should be calmed with assurances that he/she is receiving or is about to receive aid.



B. Emergency First Aid Procedures

The school nurse shall administer the following emergency first aid procedures, as appropriate to the victim's illness or injury. If the school nurse or other health professional is not available or cannot be summoned quickly or the victim's illness or injury is so serious as to warrant immediate attention, these first aid procedures may be followed by the responsible adult present.

1. ALLERGIC REACTIONS

The victim may show sudden blotchy swelling of the skin (hives) and mucous membranes, difficulty in breathing, wheezing, increased pulse rate, nausea, abdominal cramps, vomiting, fall in blood pressure with weak pulse.

The use of a single dose auto-injector for epinephrine may be indicated. The school nurse or trained teacher shall decide whether or not to administer the appropriate dose.

In a severe allergic (anaphylaxis) reaction, call 911.

2. BLEEDING, SEVERE

- a. Apply direct pressure with a sterile compress, if available; if no compress is available, the gloved or otherwise protected hand or fingers may be used until a compress can be obtained.
- b. Unless there is evidence of a fracture, a severe wound of the hand, neck, arm, or leg should be elevated above the level of the victim's heart.
- c. Apply pressure on the supplying artery if severe bleeding does not stop after application of direct pressure plus elevation.
- d. A tourniquet may be used only for a severe, life threatening hemorrhage that cannot be controlled by other means. The decision to use a tourniquet may be made only by a health professional.

3. BREATHING OBSTRUCTION

- a. Tilt the victim's head, clear the airway, and begin mouth-to-mouth or mouth-to-nose breathing immediately.



Initially, give four quick, full breaths without allowing the lungs to fully deflate between each breath.

- b. Maintain the head tilt and look, listen, and feel for exhalation of air. Check the carotid pulse for at least five but no more than ten seconds.
- c. If there is no pulse and no breathing, cardiopulmonary resuscitation (CPR) should be commenced by a person trained to give CPR.
- d. If there is a pulse but no breathing, mouth-to-mouth breathing should be continued until the victim breathes spontaneously.

4. BURNS, MAJOR

The victim has sustained a second- or third-degree burn, i.e. has burned the epidermis and underlying dermis and perhaps underlying tissues, possibly over a large area; the skin will appear red and blistered or, in a very serious burn, white or blackened.

- a. If the burn was caused by exposure to a chemical,
 - (1) Flush the affected area under cool running water for at least fifteen minutes;
 - (2) Apply any first aid measures specified on the chemical container;
 - (3) Cover the burn with a cool, wet dressing; and
 - (4) Call 911.
- b. If the burn is a second degree burn that covers an area less than two or three inches across,
 - (1) Rinse the burn with cool water and gently wash and rinse the burned area;
 - (2) Do not apply ointments, petroleum jelly, margarine, grease, oil, or butter; and



- (3) Do not break blisters to avoid the risk of infection.
- c. If the burn affects an area more than two or three inches across or is a third degree burn,
 - (1) Immerse the burned area in cold water or apply cold compresses to the affected area to bring skin temperature back to normal, and
 - (2) Call 911.

5. CONCUSSION

The victim may be dazed or unconscious, bleed from mouth, nose or ears; have rapid but weak pulse; have eye pupils unequal in size; complain of headache and dizziness; be nauseated or vomiting,

- a. Keep victim lying down and warmly covered.
- b. Ice may be applied to head.
- c. Medical attention must be sought to determine extent of injury.

6. CONVULSION OR SEIZURE

- a. Protect the victim from self-injury by lying him/her down, preferably on a padded surface, and loosen his/her clothing.
- b. Turn the victim's head to one side to keep the airway open and permit saliva to flow out of the mouth. If possible, place a rolled-up handkerchief or other soft object (not a hard object) between the upper and lower teeth. Do not place a finger in the victim's mouth or try to force open the victim's clenched jaws.
- c. Do not restrain the victim unless gentle restraint is necessary to prevent self-injury.
- d. If vomiting occurs, turn the head so that vomitus is expelled from the mouth and is not inhaled.
- e. If the seizure continues, call 911.



7. INSULIN SHOCK

The victim may have a sudden onset of weak, drowsy appearance; moist and pale skin; drooling; intense hunger, vision disturbance; normal or shallow respirations; full and pounding pulse; irritability;

- a. Administer some kind of carbohydrate, which can be in the form of sugar, fruit juice, candy, sugared soda pop (not artificially sweetened). If the victim has lost consciousness, honey or granulated sugar should be placed under the victim's tongue.
- b. After symptoms have subsided (in ten to fifteen minutes), offer the victim a food snack.
- c. If the symptoms continue, call 911.

8. DIABETIC COMA

The victim may have an extremely ill appearance, dry flushed skin, intense thirst, exaggerated respiration with hunger for air, weak and rapid pulse, dimming of vision, and acetone or fruity odor on breath. Call 911.

9. HEAT EXHAUSTION

The victim may have pale, clammy skin, rapid and weak pulse, weakness, headache, nausea, cramps of abdomen or limbs.

- a. The victim should lie down with his/her head lower than the body.
- b. The victim should be protected from chilling.
- c. If the symptoms do not subside, the victim should be taken to a hospital emergency service.

10. POISONING

- a. Contact the Poison Control Center by calling 911 for instructions. Be prepared to give information regarding the substance and amount ingested and the state of the victim.



- b. If the Poison Control Center cannot be consulted and the poison can be identified with certainty and its original container is available, administer the antidote specified on the container in the method and dosage recommended and seek medical assistance.
- c. If the poison is not corrosive or a petroleum product (see B10e) and the victim is not unconscious, induce vomiting by:
 - (1) Administering one to two tablespoons of Ipecac Syrup followed by water, or
 - (2) Inserting a spoon handle or finger in the victim's throat to produce a gag reflex.
- d. Call 911.

11. SHOCK

The victim may be drained of color and have a clammy skin, weak and rapid pulse, irregular or labored breathing, perspiration on upper lip and forehead. Victim may be nauseated and/or thirsty.

- a. Keep the victim covered and lying down, with feet raised higher than the heart.
- b. Loosen tight clothing and keep the victim comfortably warm.
- c. If the victim is conscious, has no abdominal injury, and is not vomiting, the victim may be given fluid.

C. Routine First Aid Care

The school nurse shall administer the following routine first aid procedures, as appropriate to the victim's illness or injury. If the school nurse or other health professional is not available or cannot be summoned quickly, these first aid procedures may be followed by the responsible adult present.

1. ABDOMINAL PAIN

- a. Take the victim's temperature and pulse rate.



- b. Check for recent history of nausea, vomiting, and food ingestion and whether victim has had appendectomy.
- c. Require victim to lie down for rest period.
- d. If pain does not diminish or intensifies, notify parent(s) or legal guardian(s) or the school physician.

2. ABRASIONS AND LACERATIONS

- a. Wash area gently with bland soap and cool water, rinsing carefully.
- b. Cover area with a light protective adhesive bandage.

3. BITES and STINGS

- a. A wound resulting from the bite of an animal--dog, cat, hamster, mouse--should be treated as follows:
 - (1) Wash wound immediately with soap under running water. Apply an antiseptic and an antibiotic.
 - (2) If the wound is severe or a puncture wound, cleanse and send victim to hospital emergency services.
 - (3) Attempt to identify and capture animal.
- b. A wound resulting from the bite of a human being should be washed and treated by a physician.
- c. A bee sting should be treated as follows:
 - (1) Remove the stinger by scooping it out of the skin.
 - (2) Apply an ice pack or flush with cold water.
 - (3) Apply calamine lotion or cream to ease itching and swelling.
 - (4) If severe allergic reaction occurs, take the victim to hospital emergency services.



4. BLISTERS (other than those caused by burns)
 - a. Apply a light protective bandage.
 - b. Do not break; allow tissues to absorb fluid.
 - c. If blister ruptures, wash with antiseptic and water and apply sterile dressing.
5. BOILS
 - a. Apply dry dressing.
 - b. If boil has erupted, cleanse area and apply sterile dressing.
6. BRUISES
 - a. Apply cold compresses or ice to bruised area.
 - b. If bruise is black eye, examine pupil's eye and check victim for head injury.
7. BURNS, MINOR
 - a. Cool burned area under cold running water or with application of cold compress.
 - b. Encourage victim to drink fluids.
8. DIARRHEA
 - a. Take the victim's temperature.
 - b. Call parent(s) or legal guardian(s).
9. DISLOCATIONS
 - a. Apply ice or cold compress.
 - b. If possible, e.g., in the dislocation of a finger joint, apply a splint.



- c. Notify pupil's parent(s) or legal guardian(s).
- d. Take victim to hospital emergency services or a doctor's offices.

10. EARACHE

- a. Check victim's temperature and examine ear.
- b. Place small piece of cotton gently in outer orifice to provide warmth and/or comfort.
- c. Call parent(s) or legal guardian(s).

11. FAINTING

- a. Recline victim to lying position on his/her back. Loosen clothing for comfort.
- b. Check victim for pulse rate and breathing; if necessary, apply CPR.
- c. Permit victim to recover slowly.
- d. If recovery does not occur in reasonable period of time or other symptoms indicate possibly complications, take victim to hospital emergency services.

12. FOREIGN OBJECTS

- a. If the object is in the eye,
 - (1) Wash hands and examine the inner surface of the lower lid by pulling lid gently down.
 - (2) Remove object with slightly moistened swab.
 - (3) Eye may be flushed with clean running water to dislodge object.
 - (4) If object remains, take victim to hospital emergency services or doctor's office.



- b. If the object is in the ear,
 - (1) Use tweezers to remove any soft object that is clearly visible.
 - (2) Tilt the victim's head so that affected ear is downward and gently shake the victim's head.
 - (3) Place oil in ear only to immobilize an insect in the victim's ear.
 - (4) If object remains, take victim to hospital emergency services or doctor's office.
- c. If the object is in the nose,
 - (1) Use tweezers to remove any soft object that is clearly visible.
 - (2) Have victim gently blow his/her nose once or twice to attempt to dislodge the object.
 - (3) If object remains, take victim to hospital emergency services or doctor's office.
- d. When a foreign object has been swallowed or is in the victim's air passages,
 - (1) Apply the Heimlich maneuver.
 - (2) Remove victim to hospital emergency services.

13. FRACTURES

- a. When the fracture is simple (no wound or break in skin),
 - (1) Support the fracture with a splint or bandage, as required.
 - (2) Take the victim to hospital emergency services or a doctor's office.
- b. When the fracture is compound (punctures the skin),



- (1) Take measures to stop the bleeding and apply a protective dressing to the wound.
 - (2) Provide support but do not move or handle the injured part until the bone has been splinted.
 - (3) Summon the ambulance and keep victim warm and comfortable.
- c. When the fracture occurs to the skull (to be suspected when the victim is unconscious or semiconscious after a blow to the head) or to the neck or spinal column,
 - (1) Do not move the victim; be careful to keep neck in alignment with the rest of the spine.
 - (2) Control any bleeding with gentle direct pressure.
 - (3) If it is absolutely necessary to move victim (to remove him/her from a life-threatening situation), first place victim on board or other firm object, with head, neck, and spine in alignment and immobilized.
 - (4) Summon an ambulance to take the victim to hospital emergency services.

14. HEADACHE

- a. Ascertain how and when the headache started, the length of time it has persisted, and what medication, if any, has been taken.
- b. Take victim's temperature.
- c. Have victim rest for ten minutes.
- d. Offer fluid and apply ice pack to back of head.
- e. In case of frequent recurring headaches or complicating symptoms, notify parent(s) or legal guardian(s).

15. MENSTRUAL DISCOMFORT

- a. Have victim rest and apply heating pad for thirty minutes.



- b. If a physician's permission has been given, administer analgesic.
 - c. If pain is severe, notify parent(s) or legal guardian(s).
16. NOSEBLEEDS (not associated with head injury)
- a. Have victim sit with head angled slightly forward so that blood cannot run back into the throat.
 - b. If bleeding is from one nostril only, press that nostril toward the center; if from both nostrils, pinch nostrils together five to ten minutes. Ask victim to breathe through the mouth.
 - c. If bleeding persists when pressure is removed, make twist of sterile gauze or clean cloth and insert in nostril(s). Reapply pressure for ten minutes.
 - d. If bleeding stops, gently remove packing after thirty to sixty minutes.
 - e. If bleeding cannot be stopped or recurs frequently, notify parent(s) or legal guardian(s) or take victim to doctor's office.
17. POISON IVY, OAK, SUMAC
- a. If person has recently been exposed to toxic plant, wash exposed skin area with soap and rinse thoroughly.
 - b. After rash appears, apply calamine lotion to lessen itching and burning.
 - c. Weeping rash should be covered with a dressing. Victim with weeping rash should be excluded from school.
18. SORE THROAT
- a. Check victim's temperature.
 - b. Observe throat for infection, redness, swollen tonsils, and the like.
 - c. If fever or complicating symptom is present, notify parent(s) or legal guardian(s).



19. SPLINTERS

- a. Cleanse area with soap and water, followed by alcohol.
- b. Remove visible splinter with tweezers or sterile needle and cleanse area again. Apply antiseptic and light protective adhesive bandage.
- c. If splinter is imbedded, do not remove. Notify parent(s) or legal guardian(s).

20. SPRAIN

- a. Eliminate all stress on the injured part.
- b. Keep the area raised, elevated on a pillow or sling.
- c. Apply ice pack or cold compresses to the injured part to keep swelling down.
- d. Bandage with elastic bandage for support.
- e. Notify parent(s) or legal guardian(s).

21. TEETH

- a. Apply a mild analgesic (Anbesol) to a mild toothache if physician's or dentist's permission has been granted.
- b. If the toothache is severe, notify the parent(s) or legal guardian(s) and suggest dental care. A cold pack may be applied for temporary relief.
- c. If a tooth is broken or is knocked out, notify the parent(s) or legal guardian(s).

This regulation shall not be in effect unless it has the specific approval of the School Medical Inspector.

Adopted: 15 September 2010



R 8451 CONTROL OF COMMUNICABLE DISEASE

A. Detection of Communicable Diseases

1. Teachers will be trained to detect communicable diseases in pupils by recognizing the symptoms of disease.
2. In general, a pupil who shows one or more of the following symptoms should be sent to the school nurse for evaluation and/or treatment:
 - a. Pain, generalized or specific,
 - b. Chills,
 - c. Fever,
 - d. Earache,
 - e. Vomiting,
 - f. Sore throat,
 - g. Enlarged glands,
 - h. Skin eruption,
 - i. Running nose, or
 - j. Red and discharging eyes.
3. A pupil who shows symptoms of any of the following communicable diseases should be sent promptly to the school nurse for evaluation.
 - a. Chicken pox: Small reddish, itchy eruptions on the skin resembling pimples or blisters, which later fill with fluid and form crusts; slight fever.
 - b. German measles (rubella): A common cold followed by a light red rash on face and body; small beady lumps behind ears; slight fever.



- c. Measles (rubeola): Cold, runny nose, watery and light-sensitive eyes, fever, followed by bluish-white specks (Koplik spots) on inside of mouth, red blotchy rash, and dry cough.
 - d. Mumps: Tenderness and swelling of the salivary glands below and a little in front of the ear; fever.
 - e. Streptococcal infections (including scarlet fever, sore throat, and erysipelas): Sudden onset of fever, sore throat, strawberry tongue, followed by bright red rash on body, usually on the inner arm and thigh.
 - f. Whooping cough (pertussis): A common cold, with irritating cough, followed by repeated series of violent coughs without inhaling, often with respiratory whoops. Cough may end with vomiting.
 - g. Fifth disease (erythema infectiosum): Fine rash that is most apparent on the cheeks and later spreads to arms and legs, low grade fever.
 - h. Pink eye (conjunctivitis): Redness of white areas of eyes, accompanied by some itching; eyes may discharge pus and be light sensitive.
 - i. Head lice (pediculosis): Itching scalp, presence of lice and nits at hair roots.
 - j. Impetigo (staphylococcus infection): Lesions.
 - k. Meningitis-meningococcal: Severe headache, chills, vomiting, convulsions, fever, stiff neck, pain in neck.
 - l. Hepatitis infectious: Fever, anorexia, nausea, malaise, abdominal discomfort, followed by jaundice.
4. Any person who is ill or infected with any disease below and as outlined in N.J.A.C. 8:57-1.3 or any communicable disease, whether confirmed or presumed will be reported immediately by the school Chief School Administrator to the County Health Officer or to the New Jersey Department of Health if the County Health Officer is not available. Such telephone report will be followed up by a written report or electronic report within twenty-four hours of the initial report. The diseases to be immediately reported are:
- a. Botulism (Clostridium);



- b. Diphtheria (*Corynebacterium diphtheriae*);
- c. *Haemophilus influenzae*, invasive disease;
- d. Hepatitis A, institutional settings;
- e. Measles;
- f. Meningoccal disease (*Neisseria meningitidis*);
- g. Pertussis (whooping cough, *bordetella pertussis*);
- h. Plague (*Yersinia pestis*);
- i. Poliomyelitis;
- j. Rabies (human illness);
- k. Rubella;
- l. Viral hemorrhagic fevers, including, but not limited to, Ebola Lassa, and Marburg viruses;
- m. Foodborne intoxications, including, but not limited to, mushroom poisoning;
- n. Any foodborne, waterborne, nosocomial, outbreak or suspected outbreak or any outbreak or suspected outbreak of unknown origin;
- o. Any other disease included in N.J.A.C. 8:57-1.3.

B. Exclusion From School

- 1. A pupil who exhibits any of the symptoms described in A2 or whose condition suggests the presence of a communicable disease as described in A3 or A4 will be sent to the school nurse's office. The teacher will ensure that the pupil is accompanied by an adult or a responsible pupil.
- 2. The teacher will communicate to the school nurse, directly or by written note, the reason for which the pupil is sent for medical assessment.



3. The school nurse will examine the pupil and, in consultation with the school medical inspector if the pupil's condition so indicates, recommend to the Chief School Administrator the pupil's exclusion from school for medical reasons.
4. In the event neither the school nurse or the school medical inspector is available to be consulted about the pupil's condition, the Chief School Administrator may determine to exclude the pupil from school.
5. The parent, adult family member, or other responsible adult designated by the parent will be promptly notified by telephone of the pupils' exclusion and requested to come to school to fetch the pupil. Until the adult arrives to remove the pupil, the pupil will be kept in an isolated location in the school and will be made as comfortable as possible. The pupil will be supervised at all times by a school staff member.

C. Readmission to School

1. A pupil who has been excluded from school or retained at home by reason of having or being suspected of having a communicable disease shall not be readmitted to school until the pupil presents written evidence that he/she is free of communicable disease.
2. Evidence that a pupil is free of communicable disease will consist of the certification of the school medical inspector or another qualified physician who has personally examined the pupil.

No pupil who has had a communicable disease will be readmitted to school until a physician's certificate indicating the symptoms of the disease have ceased has been provided to the Chief School Administrator or designee or the school nurse.

D. Reports

1. The school nurse will file such reports as may be required by the New Jersey State Department of Health and in the reporting of communicable diseases in schools.
2. When the rate of school absenteeism is in excess of fifteen percent, the school nurse shall report the absenteeism to the local and/or the County Board of Health.

Adopted: 15 September 2010



R 8461 REPORTING VIOLENCE, VANDALISM, ALCOHOL,
AND OTHER DRUG ABUSE

Any school employee who observes or has direct knowledge from a participant or victim of an act of violence or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reports a pupil for being under the influence of alcohol or other drugs, according to the requirements of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3, shall file a report describing the incident to the school Chief School Administrator, in accordance with N.J.S.A. 18A:17-46. The report shall be on a form to include all of the incident detail and offender and victim information that are reported on the Electronic Violence and Vandalism Reporting System (EVVRS).

A. Reporting Violence, Vandalism, Alcohol or Other Drug Use

1. For each incident report of violence, vandalism, or alcohol or other drug abuse, the Chief School Administrator shall:
 - a. Review the incident report for accuracy in indicating the incident type, offender information, victim information, pupil demographics, and incident location;
 - b. Forward a copy of the incident report to the Chief School Administrator; and
 - c. Notify the Chief School Administrator of the action taken regarding the incident.
2. The Board shall not discharge or subject to any manner of discrimination any school employee who files a report pursuant to N.J.A.C. 6A:16-5.3.
3. The majority representative of the school employees' bargaining units shall have access monthly to the number and disposition of all reported acts of school violence and vandalism, pursuant to N.J.S.A. 18A:17-46.
 - a. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe that the safety of a school staff member is at risk.



B. Annual Reporting Requirements

1. The Chief School Administrator annually shall:

- a. Submit a report to the Commissioner of Education of each incident of violence, vandalism and alcohol and other drug abuse in the school district utilizing the EVVRS;
 - (1) Prior to submission, the Chief School Administrator shall review the report to verify that it is an accurate and final report of all incidences of violence and vandalism in the school;
 - (2) Verify that the data entered onto the EVVRS are correct and in accordance with N.J.A.C. 6A:16-7.1(a)6; and
 - (3) Provide for the annual training of staff to prepare them to fulfill the reporting requirements set forth in N.J.A.C. 6A:16-5.3.

C. Annual Hearing Requirements

At an annual hearing held pursuant to N.J.S.A. 18A:17-46, the Chief School Administrator shall report to the Board all acts of violence, vandalism, and incidents of alcohol and other drug abuse that occurred during the previous school year, according to the provisions of N.J.S.A. 18A:17-46.

D. Knowingly Falsifying The Annual Violence and Vandalism Report Required Under N.J.S.A. 18A:17-46

1. Whenever it is alleged that a school employee has knowingly falsified the annual report, the Board shall make a determination regarding whether the employee committed the act.
2. Any employee alleged to have knowingly falsified the annual report shall be notified in writing of such allegation and shall be entitled to a hearing before the Board.
 - a. The hearing shall take place within thirty business days of the date on which the employee is notified of the allegation;



- b. The employee shall be entitled to be represented by a person of his or her choosing and to present witnesses on his or her behalf; and
 - c. The Board shall notify the employee of its determination in writing within five school days of the hearing.
- 3. Upon determination by the Board that an employee has knowingly falsified the annual report, it shall take one or more of the following actions:
 - a. Impose minor discipline on a tenured or non-tenured employee notwithstanding any other law to the contrary and if negotiated with the majority representative of the employees in the appropriate collective bargaining unit;
 - b. Withhold a tenured or nontenured employee's increment for predominantly disciplinary reasons, which shall be subject to the grievance procedures established pursuant to law and shall be subject to the grievance procedures of section 8 of N.J.S.A. 34:13A-29;
 - c. File tenure charges with the Secretary of the Board in writing and with a written statement of evidence under oath to support such charges;
 - d. Terminate employment for an employee:
 - (1) For tenured employees, the termination shall be in accordance with the outcome of the proceedings in D.3.c. above; or
 - (2) Impose such other disciplinary sanctions as may be authorized by law.
- 4. Any action taken by the Board pursuant to D.3. above shall be based on its consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.
- 5. Any employee having been found responsible for the falsification of the annual report by the Board shall have the right to:
 - a. File a grievance under their respective bargaining agreements;



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- b. Appeal the Board's determination to the Commissioner of Education in accordance with N.J.A.C. 6A:3-1.3 through 1.17 and subsequently to the State Board of Education; or
 - c. Appeal the decision to the Superior Court of New Jersey.
6. The availability of appeal options shall be based upon the action taken by the Board.

A Board of Education shall submit and implement corrective action plans for high incidences of violence, vandalism, or alcohol or other drug abuse upon notification by the Commissioner of Education.

Issued: 15 September 2010



R 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

A. Definitions

1. An “abused child” as defined in N.J.S.A. 9:6-8.9, is a child under the age of eighteen years whose parent(s) or legal guardian(s), or other person having his/her custody or control:
 - a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
 - b. Creates or allows to be created a substantial or ongoing risk of physical injury to the child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
 - c. Commits or allows to be committed an act of sexual abuse against the child;
 - d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent(s) or legal guardian(s), or such other person having his/her custody and control, to exercise a minimum degree of care (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so or (2) in providing the child the proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child’s behavior is harmful to himself/herself, others or property, or by any other act of similarly serious nature requiring the aid of the court;
 - e. Or a child who has been willfully abandoned by his/her parent(s) or legal guardian(s), or such other person having his/her custody and control.



- f. Or a child who is in an institution as defined under N.J.S.A. 9:6-8.21 and has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being or has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation. A child shall not be considered abused under this section if the acts or omissions described therein occur in a day school as defined in N.J.S.A. 9:6-8.21.

- 2. An "Intern" means a post-secondary pupil or graduate in a professional field gaining supervised practical experience.

B. Indications of Child Abuse and/or Neglect

- 1. The suspicion of child abuse and/or neglect may be based on the complaints of the child or on the direct observations of the employee, volunteer, or intern. A person should suspect child abuse and/or neglect when certain conditions appear to be present. The conditions may be, but are not limited to, whenever:
 - a. There is evidence of physical injury to a pupil not likely to have been caused by an accident, regardless of the pupil's explanation of the injury;
 - b. A pupil complains of having been injured or having been sexually molested, with or without external signs of physical injury;
 - c. A pupil appears to be malnourished;
 - d. A pupil's general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;
 - e. A pupil complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;
 - f. A pupil is excessively apprehensive, fearful, withdrawn, or aggressive;
 - g. A pupil is afraid to go home after school or arrives to school unreasonably early;



- h. A parent or the caretaker of a child admits having abused the child;
- i. The removal from school by the parent(s) or legal guardian(s), or other person having custody and control of the child that may be an indicator of additional grievous abuses; or
- j. School district personnel have any other reasonable cause to believe that a child has been subject to child abuse and/or neglect or acts of child abuse and/or neglect.

C. Notification Requirements for School District Employees, Volunteers or Interns

- 1. Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, and/or neglected children.
 - a. The person having reason to believe that a child may be missing or may have been abused or neglected may, prior to notifying designated child welfare authorities, inform the Building Principal or designee if the action will not delay immediate notification.
 - b. The person notifying designated child welfare authorities shall inform the Building Principal or designee of the notification, if such had not occurred prior to the notification.
 - (1) Notice to the Building Principal or designee need not be given when the person believes that such notice would likely endanger the reporter or pupil involved or when the person believes that such disclosure would likely result in retaliation against the pupil or in discrimination against the reporter with respect to his or her employment.
- 2. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.



D. School District's Notification to Law Enforcement

1. The Building Principal or designee upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.
 - a. Any school district or building level administrative staff member, in addition to the Building Principal, is authorized by the Board to report and notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.
 - b. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school district.
2. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

E. School District Cooperation with Designated Law Enforcement Authorities

1. The school district will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children.
 - a. Accommodations shall be made permitting the child welfare and law enforcement investigators to interview the pupil in the presence of the Building Principal or designee.
 - (1) If the pupil is intimidated by the presence of the school representative, the pupil shall be requested to name an employee, volunteer, or intern working in the school district, whom he or she feels will be supportive, and who will be allowed to accompany the pupil during the interview.
 - b. District administrative and/or supervisory staff members will assist designated child welfare and law enforcement authorities in scheduling interviews with any employee, volunteer, or intern working in the school district who may have information relevant to the investigation.



- c. In accordance with N.J.A.C. 6A:16-11.1(a)5.iii., the district will release all records of the pupil who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and N.J.A.C. 6A:32-7 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99.
- d. In accordance with N.J.A.C. 6A:16-11.1(a)5.iv., the district will ensure the maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations is in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and N.J.A.C. 6A:32-7.
 - (1) All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required in order to cooperate in investigations pursuant to N.J.A.C. 6A:16-11.1(a)2. and 3. or by virtue of a Court Order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the Chief School Administrator or designee.
- e. In accordance with N.J.A.C. 6A:16-11.1(a)5.v., the district will release the pupil to child welfare authorities while school is in session when it is necessary to protect the pupil or take the pupil to a service provider.
 - (1) Such removal shall take place only after the Building Principal, or designee, has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the pupil from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30.
- f. The district will cooperate in the transfer of a pupil who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29 to another school.



F. Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect

1. An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused, or neglected child situation shall be entitled to due process rights.
2. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school district named as a suspect shall occur only if there is reason to believe that the life or health of the alleged victim or other pupil is in imminent danger due to continued contact between the employee, volunteer, or intern and the pupil.
3. All references to a notification to the designated child welfare authorities of a potential missing, abused, or neglected child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a.

Adopted: 15 September 2010



R 8465 HATE CRIMES AND BIAS-RELATED ACTS

A. Definitions

1. A hate crime is any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race, color, gender, disability, religion, sexual orientation, or ethnicity.
2. A bias-related act is an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial, gender, disability, religion, sexual orientation, or ethnic prejudice. A bias-related act need not involve an act that constitutes a criminal offense. All hate crimes are also bias-related acts, but not all bias-related acts will constitute a hate crime.

B. Procedure For Reporting Hate Crimes

1. A school employee will notify the Building Principal whenever the school employee, in the course of his/her employment, develops reason to believe that:
 - a. A hate crime has been committed or is about to be committed on school property; or
 - b. A hate crime has been or is about to be committed by any pupil, whether on or off school property and whether or not such offense was or is about to be committed during operating school hours; or
 - c. That a pupil enrolled in the school has been or is about to become the victim of a hate crime, whether committed on school property or during school hours.
2. The Building Principal will notify the Chief School Administrator, the Beverly City Police Department and the county prosecutor's office.
3. The Chief School Administrator shall notify the Beverly City Police Department and the county prosecutor's office immediately if there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a pupil or there is otherwise reason to believe that a life has been or will be threatened.



C. Procedure For Reporting Bias Incidents

1. A school employee should immediately notify the Building Principal whenever the school employee, in the course of his/her employment, develops reason to believe that:
 - a. A bias-related act has been committed or is about to be committed on school property; or
 - b. A bias-related act has been or is about to be committed by any pupil, whether on or off school property and whether or not such bias-related act was or is to be committed during school hours.
2. The Building Principal will notify the Chief School Administrator and the Beverly City Police Department.
3. In deciding whether to refer the matter of a bias-related act to the Beverly City Police Department and the county prosecutor's office, the Building Principal and the Chief School Administrator, should consider:
 - a. The nature and seriousness of the conduct; and
 - b. The risk that the conduct posed to the health, safety and well-being of any pupil, school employee or member of the general public.
4. The Building Principal will consult with the Chief School Administrator and should consider:
 - a. That the police department or the county prosecutor's office may possess, or have access to, other information that could put the suspected bias-related act in proper context, which could shed light on the motivation for the act or some other unsolved hate crime; and
 - b. The possibility that the suspected incident could escalate or result in some form of retaliation that might occur within or outside school property.



D. Nature of Referral

1. The mandatory referral for suspected or committed hate crimes and the presumptive referral for suspected or committed bias-related acts as described in the regulation is only a request to the law enforcement agencies to conduct an investigation and is nothing more than the transmittal of information which may be pertinent to any such law enforcement investigation.
2. Any referral in accordance with this regulation is not an accusation or formal charge.
3. Any referral pursuant to this regulation is predicated on the basis of reasonable suspicion, which is less than probable cause, less than the proof sufficient to sustain an adjudication of delinquency or a finding of guilt in a court of law and less than the proof sufficient to justify the imposition of school discipline.
4. All doubts by school officials should be resolved in favor of referring a matter to the Beverly City Police Department and the county prosecutor's office.

E. Concurrent Jurisdiction

1. Unless the Beverly City Police Department or the county prosecutor's office request otherwise, the school district may continue to investigate a suspected hate crime or bias-related act occurring on school property and may take such actions as necessary and appropriate to redress and remediate any such acts.
2. The school officials will discontinue the in-school investigation if the Beverly City Police Department or the county prosecutor's office believe the school investigation could jeopardize an on-going law enforcement investigation or otherwise endanger the public safety.

F. Preservation of Evidence

1. School officials will secure and preserve any such graffiti or other evidence of a suspected hate crime or bias-related act pending the arrival of the Beverly City Police Department and the county prosecutor's office.



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2. The school officials, when feasible, will cover or conceal such evidence until the arrival of the Beverly City Police Department and county prosecutor's office in a manner designed to minimize the harm and continued exposure to pupils by such evidence, but that will not permanently damage or destroy such evidence or otherwise limit its utility in an ongoing investigation or prosecution.
3. The Beverly City Police Department and/or the county prosecutor's office will photograph or otherwise document the location and content of any such graffiti or other bias-based evidence as soon as possible, so that the graffiti or other evidence may be removed or eliminated at the school district's earliest opportunity.

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R 8467 WEAPONS

A. Definitions

“Weapon” includes:

1. Firearms, which include but are not limited to, any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device, or instrument in the nature of a weapon from which may be fired or ejected any solid projectile ball, slug, pellet, missile, or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It also includes any firearm that is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile, with sufficient force to injure a person. Firearms for the purposes of this regulation means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.
2. Components that can be readily assembled into a weapon.
3. Gravity knives, which means any knife that has a blade that is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.
4. Switchblade knives, which means any knife or similar device that has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.
5. Daggers, dirks, pen knives, box cutters, stilettos, and other dangerous knives.
6. Ballistic knives, which means any device capable of lethal use that can propel a knife blade.
7. Billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood.
8. Stun guns, which means any weapon or other device that emits an electrical charge or current intended to temporarily or permanently disable a person.



9. Any device that projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.
10. Imitation firearms, which means an object or device reasonably capable of being mistaken for a firearm.

B. Confiscation

1. A school employee who confiscates any weapon shall immediately notify the school Chief School Administrator.
2. The Chief School Administrator shall immediately notify 911 by telephone that a weapon has been confiscated and shall request removal of the weapon by a police officer. The telephone call shall be confirmed in a written letter.
3. The Chief School Administrator shall safeguard the weapon until a law enforcement officer takes custody of it.
 - a. The Chief School Administrator shall place the weapon in a locked box.
 - b. The Chief School Administrator shall record or cause to be recorded on the container or on a document attached to the container,
 - (1) A description of the weapon;
 - (2) The name and signature of the person who confiscated the weapon;
 - (3) The date, time, and place the weapon was confiscated;
 - (4) The circumstances under which the weapon was confiscated; and
 - (5) The name of the pupil or staff member believed to be in possession of the weapon when it was confiscated.
 - c. The container will be placed in a secure location under lock and key and under the Chief School Administrator's direct control.



- d. In the event any person other than the Chief School Administrator is permitted access to the weapon prior to its retrieval by a law enforcement officer, that person shall enter his/her name and signature on the record along with the time and date of inspection and the reason for the access. Access to the weapon will be permitted only in the presence of the Chief School Administrator.
 - e. The law enforcement officer who takes custody of the weapon shall be required to sign and date the record to indicate his/her receipt of the substance or item.
 - 4. The Chief School Administrator shall provide to the law enforcement officer who takes custody of the weapon:
 - a. All information concerning the manner in which it was confiscated;
 - b. The identity of all persons who had custody of the weapon following its confiscation; and
 - c. The identity of any pupil or staff member believed to have been in possession of the weapon.
- C. Evacuation
 - 1. The Chief School Administrator shall, in accordance with Regulation No. 8420, direct the immediate evacuation of the school building or the appropriate portion thereof in the event that:
 - a. The presence of an incendiary device or explosive is known or is reasonably reliably suspected;
 - b. A person possessing a firearm or incendiary device or explosive refuses to surrender the weapon and the use of force necessary to confiscate the weapon would place another person at serious risk; or
 - c. The Chief School Administrator in his/her judgment believes that the school community is at risk and the building should be evacuated.
 - 2. Regular evacuation routes may be modified as required to protect pupils and staff members from danger.



3. Law enforcement officers shall be summoned immediately to any school building evacuated under this regulation.

D. Removal of Pupils from Educational Program

1. A pupil convicted or found to be delinquent for possessing a firearm on any school property, on a school bus, or at a school-sponsored function or a pupil committing a crime with a firearm shall be immediately removed from the school's regular education program for a period of not less than one calendar year in accordance with Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act and Policy No. 5611.
2. A pupil who assaults a member of the school community with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program in accordance with Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act and Policy No. 5611.
3. Removal of a pupil for reasons enumerated in this Regulation shall be in accordance with Policy and Regulation No. 5611.
4. The Building Principal will immediately notify the pupil's parent(s) or legal guardian(s) if the pupil is found to be in possession of a firearm on school property or if a pupil commits an assault upon members of the school community with a weapon other than a firearm on school property.

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R 8468 CRISIS RESPONSE

In responding to a crisis situation, the school administration and staff shall implement the following procedures:

A. LEVEL I - Threat Situation

In the event of an overt threat to an individual:

1. Anyone becoming aware of such a threat shall, without delay, report the nature of this threat, and any details known about the threat to the Chief School Administrator.
2. The administrator/supervisor, upon receipt of such a report, shall isolate and contain the individual(s) reported to have made said threat. Such action is to be taken only if it is possible to do so without further jeopardizing the safety of the individual threatened, or any other individual on the school premises.
3. If the physical safety of any individual is, or might be jeopardized by an attempt to isolate or contain the individual in question, the local law enforcement authorities shall be contacted for their assistance.
4. Whenever possible, the building supervisor or administrator shall cause any and all other individuals present to be removed from the immediate and surrounding location, to a place of safety.
5. In those instances in which weapons, and/or potentially dangerous materials are discovered to be involved, the local law enforcement authorities shall immediately be notified in accordance with Policy and Regulation Nos. 5611 and 8467.
6. In the absence of an imminent threat to any individual(s) (such as those outlined in #3 or #5 above), the Chief School Administrator may choose to consult with others in determining an appropriate response to the threat situation; e.g., Board Attorney. The Chief School Administrator may also:
 - a. Convene a meeting of the Crisis Team and/or any members of that Team for consultation regarding an appropriate course of action.
 - b. Direct the administrator to:



- (1) Contact the parents of the individual(s) involved, and require their immediate presence at school to discuss the nature of the threat.
 - (2) Immediately suspend the pupil(s) from school, pending further action.
 - (3) When applicable, place suspended pupil(s) on Homebound Instruction, pending evaluation by the Child Study Team.
 - (4) If deemed necessary, report the incident to the local police authorities.
- c. In instances in which weapons have been involved, initiate suspension or expulsion proceedings in accordance with Policy and Regulation No. 5611.

8. Upon resolution of a Level I situation, counseling services may be provided to individual(s) who have been adversely affected. Such services may be made available through the Guidance Department, Child Study Team or through a referral to an outside agency.
9. The Chief School Administrator or his/her designee, shall report to the Board concerning the relevant details of the Level I crisis situation; specifically, those actions contemplated or taken, and the resultant outcome.

B. Level II - Crisis in Progress

During the commission of an act of terrorism, hostage situation or other violence, the jurisdiction of the local/State Police authority is recognized.

1. Aware that such an act is in progress, the administrator shall, without delay, notify the local, state or county law enforcement authorities.
2. The school shall place at the disposal of the law enforcement authorities, all personnel and information that might be supportive and useful in resolving the crisis.
3. The Crisis Team may be immediately convened.



4. The Crisis Team may be briefed on the status of the situation, and will act in an informational and advisory capacity to the Chief School Administrator or his/her designee, and local enforcement agency during the crisis.
 5. The Crisis Team members will provide assistance and services as needed to help maintain order. Efforts should also be directed toward generating a sense of control in pupils, staff and members of the community.
 6. The Chief School Administrator or his/her designee shall act as the primary disseminator of information to the press, public and staff concerning the ongoing crisis. He/she may elect to consult with the local, state or county law enforcement authorities and/or Crisis Team in determining the nature and extent of information to be released. Consideration shall be given to the possible effects the release of information might have on:
 - a. The safety of individuals immediately involved in the situation;
 - b. The reactions or interpretation of the staff, pupils or community;
 - c. The effect upon law enforcement efforts to resolve the crisis.
- C. Level III - Aftermath
- Upon resolution of a Level II situation, the Crisis Team shall convene to determine the status of the student body, staff and community; and to determine the steps needed to reestablish a normalized psychological/social environment.
1. The Crisis Team shall consider and make recommendations concerning:
 - a. Individuals who are in need of referral to in-school counseling services;
 - b. Individuals who need to be referred to agencies or private counselors;
 - c. Steps to be taken by staff in dealing with pupil questions, concerns and fears related to the crisis. To accomplish this, a faculty meeting of the entire staff shall be held as soon as time and circumstances allow;
 - d. Information to be provided to the classroom teacher which may be shared with pupils with the objective of reducing fear, rumor, and promoting a calming and healing atmosphere;



- e. Debriefing opportunities for staff members who have questions, concerns and fears related to the crisis;
 - f. Directions to the staff regarding appropriate/inappropriate media contact.
- 2. The Crisis Team shall:
 - a. Review the crisis policy and procedures currently in effect;
 - b. Make suggestions to the Chief School Administrator or his/her designee, for modifications in policy and procedures which have potential for dealing with future incidents.
- 3. The Chief School Administrator or his/her designee, shall communicate to the Board of Education, information concerning the resolution of the crisis situation, details of actions contemplated or taken and recommendations for changes in policy or procedure.
- 4. Individuals who are members of the pupil population, and are found to be culpable in the commission of any threat or act as indicated above, shall be subject to:
 - a. Criminal law pertaining to such acts and individuals.
 - b. The civil law pertaining to such acts and individuals.
 - c. New Jersey Education Law and Codes (Regular or Special Education) as they pertain to such acts and individuals.

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R 8540 FREE AND REDUCED RATE MEALS

In order to accomplish the purposes of the National School Lunch Act, the Child Nutrition Act of 1966, the regulations and instructions governing the National School Lunch Program, School Breakfast Program and the Special Milk Program, issued there under, the New Jersey State Department of Education, hereinafter referred to as the “Department” and Beverly City School District hereinafter referred to as the “Sponsor” contract and agree that the Department and Sponsor shall understand that the following terms shall be construed to mean:

A. Breakfast

A meal served to children during the morning hours, which meets the nutritional requirements specified in federal code.

B. Free Meal

A meal for which neither the child nor any member of his/her family pays or is required to work.

C. Lunch

A meal which meets nutritional requirements specified in federal code.

D. Milk

Milk which meets state and local standards for fluid types of flavored or unflavored whole milk, unflavored low fat milk, skim milk or cultured buttermilk.

E. Nonpricing

A system which does not establish a separate charge for meals or milk served to children. This shall include any such program in which children are normally provided meals or milk in a school or child care institution financed by a tuition, boarding, camping or other fee, or by private donations or endorsements.

F. Nonprofit Food or Milk Service

Food or milk service maintained by or on behalf of the school for the benefit of children, all of the income from which is used solely for the operation or improvement of such food or milk service.



G. Nonpublic School (Nonprofit)

An elementary or secondary school in the state, other than a public school, organized and operated not for profit, offering education for grades Kindergarten through twelve, or any combination thereof, wherein a child may legally fulfill compulsory school attendance requirements; or a public or nonprofit, private, licensed residential child care institution not limited to group homes, orphanages, and juvenile detention centers. All nonpublic schools and residential child care institutions must be tax exempt under section 502(c)(3) of the Internal Revenue Code of 1954.

H. Reduced Price Meals

A meal which meets all of the following criteria:

1. The price shall be less than the full price of the meal.
2. The maximum price shall be established by the United States Department of Agriculture.
3. Neither the child nor any member of his/her family shall be required to supply an equivalent in work.

I. Sponsor

The governing body which is responsible for the administration of the school and which has the legal authority to operate a school food service program therein. The term "Sponsor" also includes a nonprofit agency to which such governing body has delegated authority for the operation of a food service program in a school.

J. Verification

Confirmation of income information provided on the application for free and reduced price meals. Households selected for verification must be given written notice.

THE DEPARTMENT SHALL:

To the extent of funds available, reimburse the Sponsor for the National School Lunch Program, School Breakfast Program, or Special Milk Program in the school listed in Schedule A, hereto attached and made a part of, in any fiscal year during which this Agreement is in effect. The amount of reimbursement for each program on behalf of any school shall not exceed:



A. National School Lunch Program

The total amount equal to the number of lunches served to children multiplied by the rate of reimbursement assigned by the Department.

B. National School Breakfast Program

The total amount equal to the number of breakfasts served to children multiplied by the rate of reimbursement assigned by the Department.

C. Special Milk Program

The amount equal to the number of half pints of fluid milk served to children multiplied by the rate of reimbursement assigned by the Department.

THAT THE SPONSOR SHALL:

A. National School Lunch Program

1. Abide by all state and federal regulations and instructions governing the operation of the National School Lunch Program.
2. Serve lunches which meet the nutritional requirements of the National School Lunch Program during periods designated by the school.
3. Encourage maximum participation in the National School Lunch Program.
4. Make maximum use of the reimbursement payments to reduce the price of meals to children as a means of encouraging participation.
5. Plan for and prepare lunches on the basis of participation trends with the objective of providing one meal per child per day. In no event shall the Sponsor claim reimbursement for lunches served in excess of one reimbursable lunch per child per day.
6. Make the National School Lunch Program available to all children enrolled.
7. Promote activities to involve pupils and parent(s) or legal guardian(s) in the National School Lunch Program.



B. School Breakfast Program

1. Abide by all state and federal regulations and instructions governing the operation of the School Breakfast Program.
2. Serve breakfasts which meet the nutritional requirements for a school breakfast during morning periods designated by the school.
3. Encourage maximum participation in the School Breakfast Program.
4. Make maximum use of the reimbursement payments to reduce the price of meals to children as a means of encouraging participation.
5. Plan for and prepare breakfasts on the basis of participation trends with the objective of providing one meal per child per day. In no event shall the Sponsor claim reimbursement for breakfasts served in excess of one reimbursable breakfast per child per day.

C. Special Milk Program

1. Operate the program only in a school that does not participate in the National School Lunch or School Breakfast Program.
2. Exception: Operate the program only for split-session Kindergarten children that do not have access to any school meals in a school participating in the National School Lunch or School Breakfast Program.
3. Make maximum use of the reimbursement payments to reduce the price of milk to children as a means of encouraging participation and consumption of fluid milk by children.
4. Purchase milk pursuant to New Jersey statutes.
5. Decide whether to provide free milk to eligible children in the school or sites under its sponsorship. Schools which provide free milk must make it available to all eligible children at times when milk is available to ineligible children under the program. Schools which do not provide free milk must be designated on the Schedule A under Special Milk Option.



D. Donated Commodities

Accept and use, within the allocation period and in as large a quantity as can be efficiently utilized in the school food service program, such foods as may be offered as a donation by the United States Department of Agriculture.

E. Price of Food and Beverage Items

1. Price the school breakfast or lunch as a unit. Set the price of children's meals not to exceed the maximum prices established annually by the Department.
2. Set the price of all ala carte items, including milk sold to adults, to cover all costs. Price meals served to adults to exceed the price of meals served to children by an amount equal to or greater than the price established by the Department.

F. Competitive Food Service

1. Ensure that all income derived from the sale of food and beverage items within a school, including those items sold from vending machines, accrues to the School Nutrition Programs' account or to a school approved, nonprofit organization, except that during hours when the School Nutrition Programs are in operation, all such income must accrue to the School Nutrition Programs' account.
2. Prohibit the sale of foods of minimal nutritional value, (carbonated beverages, water ices, chewing gum, certain candies: hard candies, jellies and gums, marshmallow candies, fondant, licorice, spun candy or candy coated popcorn) on the school property at any time before the end of the last lunch period in the school which operates the National School Lunch Program, School Breakfast Program, or the Special Milk Program.

G. Ala Carte Food Service

Restrict extra food items offered during serving periods to those items recognized as making a significant contribution to the nutritional needs of children, or those items provided by the school as part of the lunch and/or breakfast. Restrict the number and type of such items offered in accordance with the "Nutritional Standards for School Nutrition Programs".



H. Nonprofit Requirement

1. Operate a nonprofit school food service program or milk program. Use all income solely for program purposes; provided, however, that such income shall not be to purchase land or to acquire or construct buildings.
2. Limit the net cash resources of the school food service program or the special milk program to no more than three month's average expenditures.

I. Policy For Free and Reduced Price Meals or Free Milk

1. Adopt and submit, annually, a copy of the Policy for Free and Reduced Price Meals or Free Milk to the Bureau of Child Nutrition Programs.
2. Follow the state guidelines in implementing said policy.
3. Develop and utilize procedures for collecting children's payments which prevent the overt identification of those children eligible for free or reduced price meals or free milk.

J. Verification

1. Verify a minimum of 3% or 3,000, whichever is less, of approved free and reduced price applications on file selected randomly; OR the lesser of 1% or 1,000 of total approved applications selected from non-food stamp households with incomes near the eligibility levels, plus the lesser of .5% or 500 of approved applications which substituted a food stamp/AFDC case number for income information. All verification activity must be completed by December 15 of each school year.
2. Maintain on file, for review, a description of the verification efforts including:
 - a. Summary of efforts including the techniques to be used.
 - b. Total number of applications on file as of October 31.
 - c. Percentage or number of applications verified.
3. Households selected for verification must be given written notice.



K. Reimbursement Claims

A meal served to children during the morning hours which meets the nutritional requirements specified in 7CFR 220.8.

1. Claim reimbursement only for meals or milk actually served to children that meet the nutritional standards outlined herein.
2. Submit claims for reimbursement within ten days following the calendar month of operation for which the claim is made. Federal regulations prohibit the payment of claims received after sixty days following the month of operation.
3. In no event shall the Sponsor claim reimbursement for free or reduced price meals served in excess of one reimbursable lunch and/or breakfast per child per day.
4. The authorized representative that signs each reimbursement voucher shall be responsible for reviewing and analyzing meal counts to ensure the accuracy of the claim.
5. The Sponsor acknowledges that failure to submit accurate claims will result in the recovery of an overclaim and may result in the withholding of payments, suspension or termination of the program as specified in 7 CFR Section 210.24.
6. The Sponsor acknowledges that if failure to submit accurate claims reflects embezzlement, willful misapplication of funds, theft, or fraudulent activity the penalties specified in 7 CFR Section 210.25 shall apply.

L. Records

1. Maintain full and accurate records pertaining to the school food service or milk program within the school or school district, and retain such records for a period of three years after the end of the fiscal year to which they pertain except if audit findings have not been resolved, the records shall be retained beyond the three year period as long as required for the resolution of the issues raised by the audit.



2. Make all accounts and records pertaining to the school food service program available, upon request, to the Department and the United States Department of Agriculture for review and/or audit at a reasonable time and place.
3. Keep full and accurate records, by calendar month, of the meal or milk program as a basis for the claim for reimbursement and for audit review purposes including:
 - a. School Lunch Program
 - (1) Statistics

Daily number of lunches served to children eligible for free, reduced price or paid meal.
 - (2) Program Income (Revenue)

From children's payments, from state and federal school lunch reimbursement, from food sales to adults, from all other sources, including loans to program, subsidies from the Sponsor, any interest accrued from food service interest bearing accounts, and any rebates.
 - (3) Programs Costs (Supported by invoices, receipts or other evidence of expenditure).

For food, labor and all other expenditures including repayment of loans to the program and fees paid to management companies.
 - (4) Dated menus of actual meals served.
 - b. School Breakfast Program
 - (1) Statistics

Daily number of breakfasts served to children eligible for free, reduced price or paid meal.



(2) Program Income (Revenue)

From children's payments, from federal reimbursement and from all other sources, including subsidies from the Sponsor, any interest accrued from food service interest bearing accounts, and any rebates.

(3) Programs Costs (Supported by invoices, receipts or other evidence of expenditure).

For food, labor and all other costs related to the breakfast program, including fees paid to management companies.

(4) Dated menus of actual meals served.

(5) Documentation of program costs specifically for Severe Need Rates of Reimbursement (if applicable).

c. Special Milk

(1) Statistics

(a) Daily number of half pints served to children,

(b) Daily number of half pints served free to needy children, if school provides free milk.

(2) Program Income (Revenue)

From children's and adult's payments and federal reimbursement.

(3) Programs Costs (Supported by invoices, receipts or other evidence of expenditure).

For milk and all other expenditures.



M. Accountability Requirements

1. Point of Service Counts

All claims for reimbursable meals or milk must be based on daily counts, taken at the “point of service,” which identify the number of meals or milk served by reimbursement category. “Point of service” is defined as that point in the food service operation where a determination can accurately be made (at the time and place the meal or milk is served) that a reimbursable free, reduced price, or paid meal or milk has been served to an eligible child.

2. Local Level Requirement to Review the School and Claims

- a. Every school year, each Sponsor with more than one school shall perform at least one on-site review of the school under its jurisdiction before February 1 of each school year. If this review discloses problems with a school's meal counting or claiming procedure, the SFA shall: (1) ensure that the school develops and implements a corrective action plan; and (2) within forty-five calendar days of the review, conduct a follow-up on-site review to determine that the corrective action resolved the problem. Each on-site review shall ensure that the school's claim is based on the counting system authorized in the Policy for Free and Reduced Price Meals and the Agreements with the Department and that this system, as implemented, yields the actual number of reimbursable free, reduced price, and paid lunches served for each day of operation.
- b. Prior to submission of a monthly claim for reimbursement, each sponsor shall compare the school's daily claim against data which will assist in the identification and correction of the claims in excess of the number of reimbursable free, reduced price, and paid lunches actually served that day to children eligible for such lunches. Such data shall, at a minimum, include the number of children currently approved for free and reduced price lunches in that school, and, for every month except September, the average daily number of free, reduced price, and paid lunches served for the preceding month.
- c. Sponsors shall also compare claims against any other data available, such as the school's average daily attendance (ADA) enrollment, and an attendance factor. Sponsors shall maintain, on file, all of the above data used in the claims review process by school.



- d. Sponsors shall make this information available to the State agency upon request.

N. Audit Requirements

The Sponsor agrees to comply with the Single Audit Act of 1984 as specified in OMB Circular A-128, "Audits in State and Local Governments," or OMB Circular A-110, "Uniform Administrative Requirements for Grants and Other Agreements and Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations," and New Jersey Grants Management Information System Manual.

O. Facilities

1. Maintain, in the storage, preparation and service of food, proper sanitation and health practices that meet the standards of the current sanitation code established by the New Jersey State Department of Health and all applicable state and local health laws and regulations. Maintain facilities to safeguard against theft.
2. A current inspection of each food service site by the Board of Health is required. The certificate should be posted in a conspicuous place.

P. Anti-Discrimination

1. Make no discrimination because of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability against any individual participating in the nutritional program.
2. Assure the United States Department of Agriculture and the Department that it now complies with and shall in the future comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C.2000d et seq.), Title IX of the Education Amendments of 1972 (20. U S.C. 1981 et seq.); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28CFR 50.3 and 42; and Food and Nutrition Services (FNS) directives and guidelines, to the effect that, no person shall, on the grounds of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or gender identity or sexual expression, social or economic status, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the sponsor receives Federal financial assistance from FNS: and hereby gives assurance that it will immediately take



measures necessary to effectuate this Agreement. By accepting this assurance, the Sponsor agrees to compile data, maintain records and submit reports, as required, to permit effective enforcement of the nondiscrimination laws and permit authorized USDA personnel, during normal working hours, to review such records, books and accounts as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, Food and Nutrition Services, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Sponsor and its successors, transferees and assignees, as long as they receive assistance or retain possession of any assistance from the Department. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

3. Collect and maintain on file for three years the racial/ethnic breakdown of applicants for free and reduced price benefits on a school-by-school basis.
4. In the operation of U.S.D.A. Child Feeding Programs, no child will be discriminated against because of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or gender identity or sexual expression, social or economic status, or disability. If you believe you have been discriminated against in any U.S.D.A. related activity, write immediately to the Secretary of Agriculture, Washington, D.C. 20250.

Q. Nutritional Requirements

1. Serve meals which meet the nutritional requirements specified in the current regulations for the National School Lunch Program (7CFR 210), and/or School Breakfast Program (7CFR 220).
2. Provide specific training for cashiers to ensure proper identification and accurate recording of reimbursable lunches and/or breakfasts. Issue the nutritional requirements for lunch and/or breakfast, in writing, to each cashier.

R. Menus

1. Offer choices for lunches and breakfasts, in accordance with standards established by the Department.
2. Display, for pupils information, the daily menu specifying the food items composing the lunch and/or breakfast.



3. Keep on file dated menus for meals actually served with other records for review and/or audit purposes for a period of three years from the close of the fiscal year to which they pertain. If audit findings have not been resolved, the records shall be retained beyond the three year period as long as required for the resolution of the issues raised by the audit.

S. Management Company or Vendor

1. Remain responsible for compliance with all aspects of this Agreement if the Sponsor employs a food service management company or vendor:
 - a. The contract between the Sponsor and the management company must comply with the requirements specified in 7CFR 210.9, 7CFR 210.16 and all applicable New Jersey Statutes. The contract should also include pertinent parts of this Agreement. A copy of the contract between the Sponsor and the management company must be submitted with this Agreement.
 - b. The contract between the Sponsor and the vendor must comply with the requirements specified in 7CFR 210.16 and all applicable New Jersey Statutes. The contract should also include pertinent parts of this Agreement.
2. Ensure that any federally donated commodities received by the Sponsor and made available to a food service management company, vendor or processor accrue only the benefit of the school food service program, and are utilized therein.
3. Require the food service management company to make books and records of such company pertaining to the school food service program, available for a period of three years from the close of the fiscal year to which they pertain, for inspection and/or audit by representatives of the Department and the United States Department of Agriculture, or the General Accounting Office of the United States, at a reasonable time and place.
4. All books and records pertaining to the school food service program shall remain the property of the school district.
5. Establish an advisory board composed of parent(s) or legal guardian(s), teachers and pupils to assist in menu planning in schools which contract with a food service management company.



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Free and Reduced Rate Meals

T. Nonpublic Sponsors

Shall also agree to the general terms and conditions of the attached Contract: II, III, V, VI, VII, XI B and C, XIII C, XIV to the extent required by federal regulations, XVII A, B, C to the extent it is not inconsistent with terms of primary contract and D, XVIII, XIX and XX.

Issued: 15 September 2010



R 8600 PUPIL TRANSPORTATION

General Requirements - Pupils Remote From School

- A. The Board will transport:
1. Pupils who reside remote, as defined in N.J.S.A. 18A:39-1. and N.J.A.C. 6A:27-1.2(a)1. and (a)2., from their assigned district school of attendance;
 2. Nonpublic school pupils who reside remote from their school of attendance and meet the eligibility criteria of N.J.A.C. 6A:27-2.2;
 3. Charter school pupils pursuant to N.J.A.C. 6A:3.1 et seq.; and
 4. Special education pupils who reside remote from their assigned school and pupils who require transportation services in accordance with their Individualized Educational Program (IEP).

Nonpublic and Charter School Transportation

- A. The Board will transport resident children who attend a nonpublic or charter school in the State of New Jersey not more than twenty miles from their residence, but not a lesser distance from their residence than that required for the transportation of pupils enrolled in the school.
- B. Pupils living more than twenty miles from their nonpublic or charter school are eligible for transportation services when other pupils living within the district, whose residence is less than twenty miles from school, are transported to the same nonpublic school.

Charter School Transportation

- A. The Board will provide transportation or aid in lieu of transportation to charter school pupils pursuant to N.J.S.A. 18A:39-1.
- B. The Board is responsible for to and from charter school transportation for the pupils that reside within the district.
- C. Pupils residing within the district that live less than remote from the charter school are eligible for transportation in accordance with the school district's policies for public school pupils.



- D. Pupils who reside in the district or region of residence in which the charter school is located shall be provided with transportation in the same manner as transportation is provided to other public school pupils residing in the district and in accordance with N.J.S.A. 18A:39-1 and N.J.A.C. 6A:27-3.1.
- E. The expenditure for charter school pupil transportation who reside outside of the district or region of residence in which the charter school is located is limited to the annual nonpublic maximum expenditure per pupil in accordance with N.J.S.A. 18A:39-1.
- F. When the school is closed for inclement weather or other conditions, no transportation will be provided for pupils enrolled in any other public school, charter school, and/or nonpublic school.

Cooperative Transportation Services

- A. When the Board provides transportation of pupils to and from the county vocational schools and/or pupils classified pursuant to Chapter 46 of N.J.S.A. 18A of the New Jersey Statutes and/or when the Board has in the prior year provided payments in lieu of transportation for any nonpublic schools pursuant to N.J.S.A. 18A:39-1 or the Board cannot provide transportation in the ensuing school year the Board will utilize Burlington County Educational Services Unit for providing cooperative transportation services in accordance with N.J.S.A. 18A:39-11.1.
- B. The Board will attempt to use the cooperative services provided by Burlington County Educational Services Unit prior to determining to pay aid in lieu of transportation.
- C. The Board will provide Burlington County Educational Services Unit with any unique limitations or restrictions of the required transportation. When the costs to provide transportation by one of the agencies is less than the aid in lieu of payments, the Board will contract with the agency to provide transportation.
- D. The Board will make the determination on the manner in which transportation services shall be provided in accordance with N.J.S.A. 18A:39-11.1 and shall notify the nonpublic school and the parent(s) or legal guardian(s) of the nonpublic school by August 1 prior to the beginning of the school year.
- E. Transportation by one of these agencies will not be required when the local district can provide transportation at a lower cost than the transportation provided by Burlington County Educational Services Unit does not fall within the policies of the Board regarding length of ride and assignment of pupils to a route based on pupil age or classification.



School Bus Use and Standards

- A. The Board requires that all buses bid or purchased shall be equipped with seat belts.
- B. School bus drivers and all school bus passengers shall be required to wear seat belts when transported in school buses so equipped. Seat belts shall be fastened when the driver and passengers board the vehicle and they 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.
- C. The Board requires every school bus bid or purchased that is used to transport public, non-public and/or charter school pupils will be equipped with a crossing control arm. The arm must open and extend out from the bus at least five feet each time the bus door is opened.
- D. School bus purchase, use and standards must meet Federal and State standards and must be in accordance with N.J.A.C. 6A:27-7.1 et seq.

Operation and Management of Transportation System

- A. The School Business Administrator/Board Secretary shall
 - 1. Prepare a map of the district on which each bus stop and bus route is indicated or, alternatively, prepare an itinerary of bus routes that may be used in conjunction with a map of the school district;
 - 2. Prepare and promulgate procedures to be followed in the event of a bus emergency, bus safety, bus driver training and rules governing the conduct of all pupils transported by the Board in accordance with N.J.A.C. 6A:27-11.1 and 6A:27-12.1 et seq.
 - 3. Maintain such records and make such reports regarding school transportation as are required by the State Board of Education; and
 - 4. Prepare the specifications for each bus route or contract for which proposals will be sought by the Board in accordance with N.J.A.C. 6A:27-9.1 et seq.
- B. The operation and fiscal management of the district's transportation system shall be conducted in strict accordance with rules of the State Board of Education and the Department of Education Policy and Procedures Manual for Pupil Transportation.

Issued: 15 September 2010



R 8630 EMERGENCY SCHOOL BUS PROCEDURES

The following procedures apply to all school bus drivers employed by the Board of Education or under contract with the Board of Education for the transportation of pupils to and from school or in the course of an activity sponsored by the Board of Education.

A. Bus Exit Drills

1. The Chief School Administrator shall organize and conduct emergency bus exit drills at least twice each school year for pupils who are transported to and from school and at least once per year for all other pupils.
2. The school bus driver will participate in the drill.
3. Bus exit drills will be conducted on school property and will be supervised by the Chief School Administrator or by a person assigned by the Chief School Administrator to supervise the drill. The drill will be conducted when weather is conducive to safety and preferably when the bus arrives at school with a full complement of pupils.
4. The portion of the drill involving the use of the emergency door, which requires pupils to jump a thirty-inch drop, need not be performed by every pupil; a few pupils may demonstrate for the others.
5. The school bus driver or supervisor of the drill shall:
 - a. Describe and demonstrate the use of kick-out windows and split-sash windows;
 - b. Describe the location and use of flares, flags, and other emergency equipment;
 - c. Give instruction in the opening and closing of front and rear doors, turning off the ignition switch, and setting and releasing the emergency brake;
 - d. Explain that the bus will be evacuated by the front door when the bus is damaged in the rear and by the rear door when the front door is blocked;
 - e. Demonstrate the use of the emergency exit door;



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- f. Instruct pupils that lunches and books should be left on the bus in the evacuation procedure;
- g. Appoint older, bigger pupils to assist younger, smaller pupils in their exit from the bus;
- h. Have pupils leave bus one row at a time, left and right sides alternating, in a prompt and orderly fashion;
- i. Instruct pupils to group in a safe place at least fifty “giant steps” away from the bus and to wait in that place until directed by the driver, a police officer, or other adult in authority; and
- j. Tolerate no pupil misbehavior in the conduct of the drill; the failure of any pupil to follow directions must be reported to the Chief School Administrator.

B. Additional Precautions

- 1. School bus drivers shall attend training workshops offered by the New Jersey Department of Education and this school district and shall be trained in first aid.
- 2. Each school bus shall be equipped with:
 - a. A list of the pupils assigned to that bus;
 - b. A first aid kit approved by the school medical inspector and inspected regularly by the school nurse;
 - c. Several emergency notice cards on which are printed the telephone numbers of the appropriate police department, the receiving school, and an emergency medical service and on which is provided a space for writing the location of a disabled school bus and the name of the bus driver; and
 - d. Flags or flares or other warning devices.
- 3. Each school bus driver shall:
 - a. Daily survey his/her bus for possible hazards;
 - b. Keep aisles and passageways clear at all times;



- c. Maintain pupil discipline on the bus;
- d. Prohibit the presence of any animal, firearm, ammunition, weapon, explosive, or any other dangerous material or object on the school bus;
- e. Report promptly to the Chief School Administrator any potential driving hazard on his/her route, such as construction, road work, etc.;
- f. Report promptly to the Chief School Administrator any deviation in the bus route or schedule;
- g. Drive at safe speeds at all times and exercise extraordinary care in inclement weather;
- h. Know and obey all motor vehicle laws and regulations and State Board of Education regulations; and
- i. Not smoke, eat, or drink any liquid or perform any act or behave in any manner that may impair the safe operation of the school bus while it is transporting pupils.

C. General Emergency Rules

- 1. The school bus driver is responsible for the safety of the pupils on his/her bus. In the event of an emergency, the school bus driver must exercise responsible leadership. The safety and well-being of pupils must be the driver's paramount consideration. The bus driver will stay with his/her pupils at all times.
- 2. The bus driver may not leave the school bus when children are aboard except in an emergency and, then, only after he/she has stopped the motor, removed the ignition key, set the auxiliary brake, and put the transmission in gear for a standard transmission or in "Park" for an automatic transmission.
- 3. A school bus must be evacuated when:
 - a. There is a fire in the engine or any other portion of the bus;
 - b. There is a danger of fire because the bus is near an existing fire or a quantity of gasoline or other highly combustible material and is unable to move away; or



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- c. The bus is disabled for any reason and
 - (1) Its stopping point is in the path of a train or is adjacent to a railroad track,
 - (2) A potential exists for the position of the bus to shift thus endangering pupils, or
 - (3) The stopping point (e.g., on a hill, curve, or near an obstruction) fails to provide oncoming traffic with at least 300 feet visibility of the bus, thus creating the danger of a collision.
- 4. When a school bus is evacuated, pupils shall leave the bus by the exit(s) and in the manner that affords maximum safety in the circumstances.
- 5. Pupils who have been evacuated from a school bus shall be moved to a safe place at least 100 feet from the bus and remain there until the driver or, if the driver is incapacitated, another person in authority has determined that no danger remains or until other provisions can be made.
- 6. No pupil shall be allowed to request a ride with a passerby or proceed to walk home or leave the scene without the specific approval of the bus driver, a police officer, or other person in authority.
- 7. Whenever a school bus is disabled in the course of providing pupil transportation, the driver, or a responsible person appointed by the driver, will notify the Chief School Administrator of the number and location of the bus and the circumstances of the disability. The Chief School Administrator will make arrangements for the safety of the pupils involved, by substitute transportation or otherwise.

D. Specific Emergency Situations

- 1. In the event of an accident or vehicle failure the following procedures will be implemented.
 - a. The school bus driver shall summon the police and emergency medical services, if necessary, and notify the Chief School Administrator of the receiving school and the School Business Administrator, or designee, of the district providing the transportation.



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- b. The school bus driver will attempt to make all pupils as safe and comfortable as possible. If necessary, the driver will administer emergency first aid to injured pupils.
- c. Each pupil on a school bus involved in an accident must be examined for possible injuries, whether or not the pupil appears to have been injured. In the event the school medical inspector is not immediately available, pupils will be examined by the school nurse or by the pupil's personal physician. A written report must be made of the medical condition of each pupil on the bus and submitted to the Chief School Administrator.
- d. If another vehicle(s) is involved, the bus driver will obtain the following information from the driver(s) of that vehicle(s): driver's name, driver's license number, vehicle owner's name and address, vehicle registration number, owner's insurance company and policy number, and a description of the vehicle (color, make, year, body type).
- e. The driver will obtain the names and addresses of persons involved in the accident and, if possible, of witnesses.
- f. The following notifications must be provided:
 - (1) The school bus driver must report immediately to the Chief School Administrator of the receiving school and the School Business Administrator or designee of the district providing the transportation, any accident that involves an injury, death, or property damage. In addition, the bus driver must complete and file the Preliminary School Bus Accident Report prescribed by the Department of Education with the Chief School Administrator of the receiving school. The written accident report must be accurate and complete.
 - (2) The Chief School Administrator of the receiving school shall retain a copy of the Report and forward other copies of the Report as prescribed by the New Jersey Department of Education.
 - (3) In addition, a school bus driver involved in an accident resulting in injury or death of any person or property damage in excess of \$500 shall, within ten days after the accident, complete and file a Motor Vehicle Accident Report in accordance with N.J.S.A. 39:4-130.



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- (4) The parent(s) or legal guardian(s) of pupils involved in a school bus accident shall be notified as quickly as possible commensurate with the severity of the accident and injuries, if any, and hospital placement of their child if transported per ambulance report.
2. In the event the school bus driver is incapacitated, the following procedures will be implemented:
 - a. A school bus driver is incapacitated when he/she is unable to operate the school bus safely or when his/her driving ability is significantly impaired by the driver's physical or mental condition.
 - b. When the school bus driver is incapacitated, a pupil leader shall take charge of the bus and will be responsible for implementing these procedures.
 - c. If necessary, the bus will be stopped, with due consideration for the safety of its passengers, the motor turned off, the ignition key removed, and the auxiliary brake set.
 - d. The responsible individual shall summon emergency services to aid the driver.
 - e. The responsible individual shall, in person or through a responsible delegate, immediately notify the Principal of the receiving school of the number and location of the bus and, to the extent that it is known, the condition of the driver.
 - f. The Principal of the receiving school shall immediately arrange for the transportation of the pupils by substitute driver, substitute bus, or other means.
3. In the event of an injury to a pupil on the bus, at a bus stop, or along a transportation route, not incurred as the result of a school bus accident, the following procedures will be implemented.
 - a. In the absence of another responsible adult in authority, the school bus driver will take charge of a pupil who has been injured or disabled on a



school bus, at a school bus stop, or along the transportation route traveled by the school bus.

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Emergency School Bus Procedures

- b. If necessary, first aid will be administered.
- c. If the pupil's injury is serious, emergency medical services will be summoned; the school bus driver or a responsible adult appointed by the bus driver will remain with the pupil until emergency medical help arrives.
- d. If the pupil's injury is not serious, and
 - (1) Occurs on the way to the school, the school bus driver will deliver the injured pupil to the school nurse for examination and such treatment or referral as may be required. The school nurse will notify the pupil's parent(s) or legal guardian(s).
 - (2) Occurs on the way to the pupil's home, the school bus driver will deliver the injured pupil to his/her parent(s) or legal guardian(s) or to a responsible adult at the pupil's home or if no one is home the injured pupil will be delivered to the nearest hospital emergency room.
 - (3) Occurs on the way to or from an extracurricular event, the school bus driver will notify a professional staff member assigned to the activity, who will take charge of the pupil and notify the pupil's parent(s) or legal guardian(s).
- e. The school bus driver will immediately report the incident to the Chief School Administrator of the school in which the pupil is enrolled. The Chief School Administrator may request that the school medical inspector examine the pupil or may request the pupil's parent(s) or legal guardian(s) to submit the report, if any, of the examining physician.

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R 9000 COMMUNITY

<u>Number</u>	<u>Title</u>
R 9120	Public Information Program
R 9130	Public Complaints and Grievances
R 9140	Citizens Advisory Committee
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R 9180	School Volunteers
R 9190	Community Organizations
R 9270	Home Schooling and Equivalent Education
R 9320	Cooperation with Law Enforcement Agencies
R 9324	Sex Offender Registration and Notification



R 9120 PUBLIC INFORMATION PROGRAM

A. Standards of Presentation

1. Material released in the district's public information program should:
 - a. Be factual, topical, newsworthy, and consistent with the educational goals adopted by the Board of Education;
 - b. Represent the activities at all grade levels, subject areas, and school and not favor one school population or activity over another;
 - c. Strive to interpret the educational program to the lay public and avoid the use of professional terminology; and
2. Information regarding an individual pupil, other than information classified as directory information in Policy No. 8330, shall be released only with the express written permission of the pupil's parent(s) or legal guardian(s). Pupil "information" includes verbal and photographic material, whether or not the pupil depicted is individually identified. Directory information regarding an individual pupil may be released only if the pupil's parent(s) or legal guardian(s) has not prohibited its release in accordance with Policy No. 8330.

B. Preparation of Information for Public Distribution

1. Information will be released in a systematic manner to avoid confusion and misunderstanding.
2. All letterheads, bulletins, and publications must carry the full name of the Beverly City Board of Education.
3. The Chief School Administrator should prepare a bulletin or news item of interest in his/her building. A copy of the item will be sent to the Chief School Administrator for clearance before the bulletin or item may be released to the press.
4. The office of the Chief School Administrator will prepare and disseminate:
 - a. An annual calendar of Board, district, and school events open to the public;



- b. A district newsletter;
 - c. Information about the proposed budget, in accordance with Policy No. 6230;
 - d. News releases about Board activities and district-wide activities.
5. The Chief School Administrator will prepare, submit for approval, and disseminate the following public information publications.
- a. A pupil handbook will be given to each pupil enrolled in the school or to the pupil's parent(s) or legal guardian(s). The handbook will include, as appropriate to the grade levels in the school:
 - (1) The organization of the school;
 - (2) Rules for pupil conduct;
 - (3) Pupil rights and responsibilities;
 - (4) Information about school operations, health services, attendance, emergency closings, and the like;
 - (5) Descriptions of pupil activities and programs;
 - (6) The pupil grievance procedure; and
 - (7) Academic requirements.
 - b. A calendar of school events will be distributed to all pupils, parent(s) or legal guardian(s), and staff members.
 - c. As appropriate to the grade levels of the school, a listing of course offerings and requirements will be distributed to all parents or legal guardians and pupils.
 - d. Programs for specific performances and athletic contests will be distributed to attendees and participants.



C. Release of Information to the Press

1. Information regarding Board actions of lesser importance may be released to the press by the Chief School Administrator.
2. Information regarding the activities of the school and of individuals in the school may be released to the press on the approval of the Chief School Administrator.
3. All inquiries from members of the press will be referred to the Chief School Administrator for response. A staff member who is requested to give an interview to a Chief School Administrator member of the press shall so inform the Chief School Administrator, who may request to be present at the interview.

D. Displays

1. Displays of the accomplishments of district pupils and the results of educational programs may be placed in locations that afford a high level of public visibility, such as in local commercial establishments, municipal offices, health facilities, libraries, and banks.
2. Any display must be approved in advance by the Chief School Administrator.
3. The staff member planning the display must request and receive in writing the permission of the facility in which the display will be placed. The request will clearly indicate the duration of the display, the time when it will be installed, and any particular accommodations that are necessary to the display.
4. A letter of appreciation shall be sent to the facility after the display is removed.

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R 9130 PUBLIC COMPLAINTS AND GRIEVANCES

All complaints and grievances addressed to the Board of Education, Board members individually, school officials, or district staff members shall be referred to the Chief School Administrator for consideration in accordance with the following procedures.

A. Complaints Regarding a Teaching Staff Member Other Than Administrator

1. First level

- a. The complainant will be directed to address the matter to the staff member.
- b. The staff member will be directed to discuss the matter directly with the complainant and to make every reasonable effort to explain the difficulty and/or take appropriate action in accordance with district regulations and within his/her authority and district regulations.
- c. The staff member will report the matter, and whatever action may have been taken to resolve the matter, to the Chief School Administrator.

2. Second level

- a. If the matter cannot be satisfactorily resolved at the first level, the complainant may discuss the matter with the Chief School Administrator.
- b. The Chief School Administrator will take all reasonable and prudent steps to resolve the complaint or to explain to the complainant why the matter cannot be resolved as the complainant wishes.

3. Third level

- a. If the matter cannot be satisfactorily resolved at the second level, the complainant may, within three working days (see Policy No. 9130) of his/her meeting with the Chief School Administrator, submit a written request for a conference. The request shall include:
 - (1) The specific nature of the complaint and a brief statement of the facts giving rise to it,



- (2) The respect in which it is alleged that the complainant or the complainant's child has been unfairly treated or adversely affected, and
 - (3) The remedy sought by the complainant.
 - b. A copy of the request for conference will be sent to the Board of Education.
 - c. Within seven working days (see Policy No. 9130) of the receipt of the request, the Chief School Administrator shall conduct a conference, at a time convenient to the complainant, and attempt to resolve the matter informally. The time for conference will be extended if the complainant is unable to schedule a convenient meeting.
 - d. The Chief School Administrator shall record in writing his/her disposition of the complaint and shall, within ten working days (see Policy No. 9130) of the conference, provide a copy of the written disposition to the complainant and to the Board.
- 4. Fourth level
 - a. A complaint that is not resolved by conference with the Chief School Administrator or that seeks a remedy beyond the Chief School Administrator's jurisdiction may be appealed to the Board of Education.
 - b. The complainant may, within three working days (see Policy No. 9130) of his/her receipt of the Chief School Administrator's written disposition, submit a written request for a hearing before the Board. The request will include a copy of the Chief School Administrator's disposition at Level 3.
 - c. The Board shall, within forty-five calendar days (see Policy No. 9130) of the receipt of the request, conduct an informal hearing before a committee of Board members, in which the complainant will present his/her complaint. The Board may, on the petition of the complainant, permit the examination of witnesses. The Board may permit the teaching staff member complained of to testify in his/her own behalf.
 - d. The Board shall, within ten calendar days (see Policy No. 9130) of the hearing, advise the complainant in writing of the Board's disposition of the complaint.
 - e. The complainant will be advised that the Board's decision may be appealed to the Commissioner of Education.



B. Complaints About an Administrative Staff Member

1. The procedure set forth in A will be followed and the complainant will be directed to discuss the matter first with the administrator.
2. A complaint about a Chief School Administrator or a central office administrator will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the Chief School Administrator in accordance with A3.

C. Complaints About a Support Staff Member

1. The procedure set forth in A will be followed and the complainant will be directed to discuss the matter first with the support staff member.
2. Appeal at the second level of the complaint procedure will be to the support staff member's supervisor.
3. A complaint about a support staff supervisor will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the Chief School Administrator in accordance with A3.

D. Complaints About a Program, Practice, or Operation

1. A complaint directed to a matter of district or school policy, procedure, program, or operation, including entitlement programs established by state or federal law, should be addressed, initially, to the administrator or department head most directly concerned with the matter, in accordance with A1.
2. A complaint that cannot be satisfactorily resolved at the first level may be appealed to the Chief School Administrator and, thereafter, the Board in accordance with the procedures set forth in A3 and A4.

E. Complaints About Instructional and Resource materials

1. Complaints about textbooks, library books, reference works, and other instructional materials used in the district will be made in writing and submitted to the Chief School Administrator.
2. The complainant will complete and sign a complaint form available in the Chief School Administrator's office. The form will include:



- a. The title, author, and publisher of the work complained of,
 - b. The specific portions or language complained of (by page and item),
 - c. The complainant's familiarity with the work objected to,
 - d. The reasons for the objection,
 - e. The pupils or class for whom the work is intended, and
 - f. The way in which the work is used.
3. Within seven working days of the receipt of the complaint form, the Chief School Administrator shall appoint a review committee consisting of:
 - a. The head of the department in which the work is being used,
 - b. A teacher in the subject area of the work,
 - c. A library staff member,
 - d. A Board member,
 - e. A lay person knowledgeable in the area of the work, and
 - f. The Chief School Administrator of a school in which the work is used.
4. The review committee will meet to evaluate the complaint and review the material objected to. The standards used by the committee will be those set forth in Policy No. 2530.
5. The Board will receive the report of the committee. If the Board acts to remove the work complained of or to limit access to the work, its action will be accompanied by a statement of reasons for the removal or limitation.
6. A copy of the committee's report and the Board's action, if any, will be given to the complainant.
7. The complainant will be informed that a decision of the Board may be appealed to the Commissioner of Education.

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R 9140 CITIZENS ADVISORY COMMITTEE

A. Appointment

In order to form the membership of advisory committees to the Board of Education, the President shall:

1. Appoint residents who are able and interested in the subject and concerned about the school;
2. Appoint a chairperson;
3. Appoint himself/herself and the Chief School Administrator as ex-officio members of the committee;
4. Define the committee assignment in writing;
5. Define the committee assignment in writing in terms of topics for study or well-defined areas of activity; and
6. Set dates for a preliminary and final report.

B. Operation

1. All members of the committee, whether elected Board members, residents, or staff employees are intended to have the same rights, participation, and vote.
2. The chairperson shall call committee meetings, establish agenda, and provide liaison with staff where necessary.
3. It is expected that some committees will meet more often than others in accordance with a schedule determined by its membership.
4. Meetings of an advisory committee shall not be open to the public.
5. A committee chairperson may call a special meeting of his/her committee at any time with due consideration to applicable statutes, rules, and regulations.



C. Recommendations

1. Recommendations of advisory committees shall not reduce the responsibility of the Board, which shall be free to accept or reject the recommendations as it sees fit.
2. Members of committees who are not elected Board members may not make decisions nor bind the Board or the school district in matters that are reserved to Board members by law.
3. Matters concerned with individual school district employees or pupils are not appropriate matters for consideration by non-elected members of the committees, but the philosophy, goals, and objectives related to programs, organization, structure, resources, facilities, and finance are.

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R 9150 SCHOOL VISITORS

A. Definition

“Visitor” means any person present in a school building on a school day during the hours school is in session, other than those persons whose presence is required by their enrollment in the school or employment by the Board and includes, but need not be limited to, parents or legal guardians, family members, district residents, guests, educational researchers, and members of the Board. For the purposes of this regulation, “visitor” does not include persons present in the school building to attend meetings of the Board or events sponsored by organizations granted permission by the Board to meet in the school.

B. Registration

1. Every visitor is required to register in the school office.
2. A notice will be prominently posted at each entrance to the school building, advising visitors to report to the school office before advancing to any other part of the school. Additional signs should be posted in the lobby of the building to advise visitors not to proceed without registering in the school office.
3. The Chief School Administrator will maintain a logbook in the main office of the school. Each visitor shall enter his/her name and the purpose of his/her visit in the logbook except that the Chief School Administrator may exempt trades persons who make regular and frequent visits to the school.
4. Each visitor will be given an identification tag or badge, which must be worn while the visitor is in the school. The Chief School Administrator may give a permanent identification tag or badge to a trades person who makes regular and frequent visits to the school.
5. The Chief School Administrator or office personnel designated by the Chief School Administrator shall arrange for an escort to accompany each visitor to his/her destination except that the Chief School Administrator may permit visitors familiar with the school and personally known to the Chief School Administrator to proceed unaccompanied.
6. A staff member who encounters a visitor without identification will request the visitor to report at the school office, and if feasible, conduct the visitor to the school office. A visitor who resists the request or refuses to be conducted to the school office shall be reported to the Chief School Administrator immediately.



7. A teacher shall not admit a visitor to his/her classroom unless the visitor has the identifying tag or badge or is accompanied by the Chief School Administrator or the Chief School Administrator's designee.
8. When a visitor has completed the business of his/her visit, he/she will return directly to the school office, return the identification tag or badge, and promptly leave the building.
9. The provisions of this paragraph may be waived for parents or legal guardians attending scheduled parent-teacher conferences.

C. Permission to Visit Classroom

1. Permission to visit a classroom in session must be sought from and granted by the Chief School Administrator.
2. In general, arrangements to visit a classroom should be made at least one day in advance of the intended visit.
3. If the intended visit would interfere with the planned instructional program, the Chief School Administrator will so advise the visitor and suggest another time for the visit.
4. The Chief School Administrator is authorized to exclude a visitor from a classroom if the Chief School Administrator has reason to suspect that the visitor may disrupt the educational program or threaten the health and safety of pupils or staff members.
5. The parent(s) or legal guardian(s) who arrives at school without having sought advance approval of a classroom visit may be admitted to the classroom at the discretion of the Chief School Administrator.
6. The Chief School Administrator may arrange visits to classrooms by educators and student teachers with the cooperation and consent of the classroom teachers.
7. Teachers may invite guest speakers or observers to their classrooms with the approval of the Chief School Administrator. Each such guest speaker and observer must sign the school logbook.
8. The Chief School Administrator has the authority to evaluate all requests to visit a classroom. A denied request will be accompanied by an explanation of the denial. The parent(s) or legal guardian(s) who has been denied access to his/her child's classroom may appeal the Chief School Administrator's decision, whose determination may be appealed to the Board of Education in accordance with Policy No. 9130.



D. Limitations on Visits to School

1. Visitors are permitted in the school only during school hours.
2. A visitor may remove a pupil from school only in strict accordance with Policy No. 5230.
3. A visitor may confer with a pupil in the school only with the approval of the Chief School Administrator and in the presence of a teaching staff member.
4. A visitor to a classroom shall not interrupt the instructional program, speak to or disturb pupils, or distract the teacher. A visitor who wishes to confer with the teacher must make arrangements for a conference at a later date.
5. A visitor may not bring a child or children to a classroom without the express permission of the teacher and the Chief School Administrator.
6. A classroom visit may ordinarily not exceed forty-five minutes without the express permission of the teacher and the Chief School Administrator.
7. The Chief School Administrator may restrict the number of visitors to any classroom at any one time. Preference will be given to the parent(s) or legal guardian(s) of pupils in the classroom.

E. Disruptive Visitors

1. The Chief School Administrator has complete authority to exclude from school premises any person whom he/she believes may:
 - a. Disrupt the instructional program;
 - b. Disturb teachers or pupils; or
 - c. Commit an illegal act.
2. A visitor whose presence or conduct is disruptive or whose conduct in the past suggests that he/she may be disruptive may be requested to leave the school premises. If the visitor so requested does not withdraw, the Chief School Administrator may summon assistance from the Beverly City Police Department.



3. A visitor who presents a serious and immediate threat to the health and safety of persons in the school may be subdued by appropriate means pending the arrival of law enforcement officers.
4. If the Chief School Administrator has been alerted to dangerous persons in the vicinity of the school or has been informed that a person intends to enter the school with the intent of doing harm, the Chief School Administrator may, in his/her discretion:
 - a. Assign personnel to patrol entrances to the school and deny entrance to any person not properly identified or personally known to them;
 - b. Secure the services of professional security personnel to monitor entrances; and/or
 - c. Lock all school entrances so that doors cannot be opened from the outside (taking all necessary steps to ensure that doors can be opened from the inside by pressure on crash bars).

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R 9180 SCHOOL VOLUNTEERS

A. Assignments

The tasks to which volunteers may be assigned include, but need not be limited to, the following:

1. Helping with classroom housekeeping;
2. Helping children remove and don outerwear and boots;
3. Supervising the playground;
4. Reading aloud and telling stories;
5. Assisting with the school library program;
6. Assisting pupils locate material in reference works;
7. Assisting with the school lunch program;
8. Serving as chaperones on field trips when necessary; and
9. Serving as resource persons in a special subject area.

B. Rules of Conduct for Volunteers

1. A volunteer may serve only under the direction and supervision of a teaching staff member.
2. A volunteer should perform no duties other than those expressly assigned him/her.
3. A volunteer must respect the individuality, dignity, and worth of each pupil. A volunteer must never punish or rebuke a pupil.
4. A volunteer must not seek access to records about an individual pupil. A volunteer must respect the confidentiality of any information gained about an individual pupil, by whatever means.



5. A volunteer who imparts information to pupils must be mindful of the age, maturity, and sensibility of those pupils and exercise proper care and discretion accordingly.
6. A volunteer must respect the staff.
7. A volunteer must never publicly disagree with teaching staff, especially in the presence of pupils.

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R 9190 COMMUNITY ORGANIZATIONS

The Chief School Administrator directs the Building Principal to:

1. Establish and maintain a file of community resources.
2. Recommend which instructional program and/or district operations would profit by the involvement of community resources personnel.

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R 9270 HOME SCHOOLING AND EQUIVALENT EDUCATION

Home schooling is an educational program provided at home, usually by the parent(s) or legal guardian(s) of the child. Children are taught using their own curriculum or published home school curriculum. The Board of Education recognizes that home schooling is an option for parent(s) or legal guardian(s) under the compulsory education law.

A. Legal Requirement for Compulsory Attendance

1. N.J.S.A. 18A:38-25 requires all children six to 16 years to attend the public schools or a day school in which there is given instruction equivalent to that provided in the public school for children of similar grades and attainments or to receive equivalent instruction elsewhere other than school.
2. The parent(s) or legal guardian(s) of a child that is home schooled is responsible to ensure their child receives instruction equivalent to that provided in the public school for children of similar grades and attainments or to receive equivalent instruction elsewhere other than school.
3. If the Chief School Administrator makes a report, the parent(s) or legal guardian(s) of a pupil receiving instruction elsewhere other than school may notify the Chief School Administrator of their child's educational program status and provide sufficient information to satisfy the district that equivalent instruction is being offered.
4. Parent(s) or legal guardian(s) of a home schooled pupil are not required to seek approval from the district or to submit materials to the Chief School Administrator in order to permit it to make a determination as to the equivalency of the instruction.

B. Truancy/Violations of Compelling Attendance

1. When a Chief School Administrator and Board believe a person is not complying with the compulsory education law (N.J.S.A. 18A:38-25 et seq.) they must initiate truancy proceedings in municipal court where a parent may be found guilty of a disorderly persons offense and fined in accordance with N.J.S.A. 18A:38-27 and N.J.S.A. 18A:38-31.
2. If the parent(s) or legal guardian(s) are challenged in court by the Chief School Administrator or Board, the district must demonstrate, beyond a reasonable doubt, that the parents are not providing a curriculum that is academically equivalent to that provided in the public school for a child of similar grade and attainment.



C. District Requirements for Home Schooled Pupils

1. Unless requested by the parents, and agreed to by the school district, the school district is not required or permitted to:
 - a. Test a child educated at home;
 - b. Review the quality of instruction received at home; or
 - c. To monitor the results of home instruction.
2. When children are educated at home and are not enrolled in a school, the school district will not provide entitlements or privileges of pupils enrolled in the school district unless specifically provided in the federal special education laws.
3. A child educated at home shall not receive a state endorsed high school diploma from the Board of Education.

D. Pupils With Disabilities

1. The Chief School Administrator will consider requests for evaluation of all potentially disabled home schooled children and make determinations whether or not to conduct evaluations.
 - a. If the school district's Child Study Team (CST) determines that an evaluation is required, the procedures as outlined in N.J.A.C. 6A:14 are followed.
 - b. If the child is eligible for special education, the CST will determine a classification category and develop an Individualized Education Program (IEP) in accordance with N.J.A.C. 6A:14.
 - c. Home schooled children with disabilities may be provided a special education program including related services.
 - d. If a home schooled child with disabilities re-enrolls in the public school, the school district must implement the special education program described in the IEP. The school district will also review the IEP annually and be ready to conduct re-evaluation every three years.



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Home Schooling and Equivalent Education

- e. The school district will notify the parent(s) or legal guardian(s) of a classified child who is being educated at home to offer services as required by law. The documentation of this notice will be maintained in the child's record file.
- f. Any determination by the school district CST regarding the provision of a special education program to a classified child who is being educated at home may be challenged by the parent(s) or legal guardian(s).

Home Schooling in New Jersey

PTM NO. 1400.66 New Jersey Department of Education, 30 April 1997

Commissioner of Education Correspondence dated 9 April 1998

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R 9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES

A. Relations with Local Police Department

1. The Chief School Administrator will endeavor to establish a continuing cooperative relationship with the law enforcement officers that serve the area in which the school is located.
2. Local police officers will be encouraged to visit the school on regular tours of duty so that their presence in the school is helpful and non-threatening.
3. Police should be encouraged to take active roles as resource persons in school programs in order to bring them into direct contact with pupils and to impress pupils with the positive aspects of police protection and security. Police officers may be invited to participate in such programs as driver education, substance abuse, and health/family life education.
4. At the same time that he/she works toward a liaison with the police and assists the police in the necessary performance of their responsibility to enforce the law, the Chief School Administrator will impress upon the police his/her role as protector of the rights and interests of the pupils enrolled in the school.
5. For the purposes of this Regulation:
 - a. "Police Department" means the law enforcement agency designated by the County Prosecutor to receive such information.
 - b. "Chief School Administrator" means the Chief School Administrator and/or designee.
 - c. "Chief School Administrator" means the Chief School Administrator and/or designee.
 - d. "School staff member" means any school employee.

B. Summoning the Police onto School Property for the Purpose of Conducting Law Enforcement Investigations, Searches, Seizures, Arrests and in Emergencies

1. Police may be summoned to the school by the Chief School Administrator or, in the absence of the Chief School Administrator, the staff member in charge of the school building. If the Chief School Administrator or staff member in charge is not immediately available in an emergency situation, the police may be summoned by any staff member with direct knowledge of the emergency, who shall report his/her call to the Chief School Administrator at the earliest possible time.



2. The telephone number by which police can be summoned shall be prominently displayed at telephones in the school that have an outside line.
3. Police officers should be summoned to the school:
 - a. When an incident involving the suspected or actual use, possession, or distribution of alcohol or a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon occurs, in accordance with Regulation No. 5530;
 - b. When evidence indicates that a crime has been committed, that a break and entry has occurred, that a deadly weapon is on school premises, or that a breach of the peace has occurred, in accordance with Regulation No. 7440;
 - c. When an act of vandalism has occurred, in accordance with Regulation No. 7610;
 - d. When fire is detected and immediately after the fire department has been summoned, in accordance with Regulation No. 8420.1;
 - e. When a bomb threat has been received, in accordance with Regulation No. 8420.2;
 - f. When the school is threatened by toxic hazard, in accordance with Regulation No. 8431;
 - g. In a serious medical emergency, in accordance with Regulation No. 8441;
 - h. When a visitor to the school is seriously disruptive and/or refuses to obey the Chief School Administrator's order to leave the premises, in accordance with Regulation No. 9150; and
 - i. In any other instance in which the Chief School Administrator or staff member in charge has cause to believe the health, safety and welfare of the building occupants and/or property are in jeopardy.
4. An emergency call to the police should include the:
 - a. The name and title of the caller;



- b. The name and location of the school building in which law enforcement is needed; and
 - c. A brief description of the nature of the situation, including an accurate assessment of the seriousness of the situation.
 - 5. If possible, a staff member or responsible pupil should be dispatched to meet and guide responding officers.
 - 6. If offenders are to be arrested, a staff member should be prepared to assist the police in obtaining the necessary warrants.
- C. Planned Security Protection at School Events and Extra-Curricular Activities
 - 1. Each September or as early as possible, the Chief School Administrator will provide the local police department with a calendar of events scheduled at the school for the school year just beginning. The calendar will be updated as necessary during the year.
 - 2. The Chief School Administrator will review with the police the events for which the need for police assistance and/or security is anticipated. Their review will include:
 - a. The number of officers required,
 - b. The responsibilities to be assumed by the officers, and
 - c. The remuneration, if any, each is to receive.
- D. Police Investigations in the School
 - 1. The Chief School Administrator shall demand proper identification of any individual who represents him/herself as a police officer before the Chief School Administrator permits any investigation to go forward. The Chief School Administrator may verify this identification with the Police Department or the law enforcement agency that the individual claims to represent.
 - 2. A police officer's request for access to school records will be responded to as follows:
 - a. A request for access to the public records of this district will be granted only in accordance with Regulation No. 8310.



- b. A request for access to district or Board of Education records that are classified as confidential by Policy No. 8310 shall be reported to the Chief School Administrator or Board Secretary, who will determine, in consultation with the Board Attorney, whether or not to release the record.
 - c. A request for access to personnel records that are classified as confidential by Policy No. 8320 shall be reported to the Chief School Administrator and shall be released only if:
 - (1) The employee concerned has consented to inspection of his/her file, or
 - (2) The law enforcement officer presents a warrant authorizing a search or certain confidential records from the file.
 - (3) The Chief School Administrator may consult with the Board Attorney prior to releasing any personnel records that are classified as confidential.
 - d. A request for access to pupil records that are classified as confidential by law and by Policy No. 8330 shall be reported to the Chief School Administrator and shall be released only if:
 - (1) The parent(s) or legal guardian(s) of the pupil concerned has consented in writing to the inspection; or
 - (2) The police officer presents to the Chief School Administrator a court order authorizing access to the record; or
 - (3) The parent(s) or legal guardian(s) of the pupil concerned has been given at least three days written notice of the name of the requesting agency and the records requested and has not obtained a judicial order barring access.
 - (4) The Chief School Administrator may consult with the Board Attorney prior to releasing any pupil records that are classified as confidential.
3. A request by law enforcement officials to interrogate pupils, on school premises or while under the protection of the school, shall be handled as follows:



- a. The police officer shall be required to ask the Chief School Administrator for access to the pupil, regardless of the pupil's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.
- b. The Chief School Administrator shall ask the police officer to delay the interrogation or conduct the interrogation away from school. In general, it should not be necessary to conduct an interrogation in school unless the matter involves:
 - (1) A crime committed in school; or
 - (2) An investigation that would be compromised without the interrogation in school; or
 - (3) An endangerment to the lives or safety of pupils or other persons; or
 - (4) Other reasons law enforcement officials believe an interrogation must be conducted in school and cannot wait until the pupil is away from school.
- c. The Chief School Administrator shall make every reasonable effort to notify the pupil's parent(s) or legal guardian(s) of the request by law enforcement officials to interrogate the pupil while in school to receive the parent's or legal guardian's consent to permit the pupil to be interrogated before the interrogation.
 - (1) The Chief School Administrator will permit the interrogation if the parent(s) or legal guardian(s) consents to the interrogation.
 - (2) The Chief School Administrator will delay the interrogation in the event the parent(s) or legal guardian(s) requests to be present during the interrogation.
 - (3) The Chief School Administrator will deny the law enforcement official an interrogation if the parent(s) or legal guardian(s) cannot be contacted or if the parent(s) or legal guardian(s) does not consent to the interrogation.
- d. A pupil shall not be removed from school for interrogation unless:
 - (1) The pupil has been lawfully arrested; or
 - (2) The adult pupil or the parent(s) or legal guardian(s) of a minor pupil has consented to the removal.



4. All searches and seizures of pupils, their property and personal effects conducted by school staff must comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.* 469 U.S. 325 (1985) and in compliance with Policy No. 5770.
 - a. Any questions concerning searches conducted by school officials shall be directed to the County Prosecutor.
 - b. A school official may request that law enforcement authorities assume responsibility for conducting any search or seizure.
 - c. No school staff member will impede any law enforcement officer engaged in a lawful search, seizure or arrest whether pursuant to a warrant or otherwise.
 - d. School staff will permit law enforcement authorities upon their arrival to assume responsibility for conducting any search or seizure.
 - e. All inspections of lockers, desks or other objects or personal property on school grounds involving the use of law enforcement, drug-detection canines may only be undertaken with the express permission of the County Prosecutor or the Director of the Division of Criminal Justice in the New Jersey Department of Law and Public Safety.
 - f. Any questions concerning the legality of any contemplated or ongoing search, seizure or arrest conducted by a law enforcement officer on school grounds shall be directed to the County Prosecutor or, in the case of search, seizure or arrest undertaken by the Division of Criminal Justice, to the assigned Assistant Attorney General.
5. The Chief School Administrator and Building Principal will cooperate with law enforcement authorities in the planning and conduct of undercover school operations.
 - a. The Chief School Administrator shall approve such undercover operations without prior notification to the Board of Education in accordance with N.J.A.C. 6A:16-6.2(a)6.i.
 - b. All information relative to any undercover school operation shall be kept strictly confidential by the Chief School Administrator and the Building Principal and may not be divulged to any person without the express approval of the County Prosecutor.



- c. The Chief School Administrator and/or Building Principal must immediately inform the County Prosecutor in the event it becomes known by such authorized school official(s) that any information regarding the existence of an undercover operation has been revealed.
- 6. A request or attempt to arrest a pupil, on school premises or while under the protection of the school, shall be handled as follows:
 - a. The police officer shall be required to ask the Chief School Administrator for access to the pupil, regardless of the pupil's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.
 - b. The police officer shall not be permitted to arrest or take custody of a pupil unless:
 - (1) The Chief School Administrator lawfully requests the removal of the pupil; or
 - (2) The officer has probable cause to arrest the pupil for a felony; or
 - (3) The officer has an arrest warrant or a judicial order requiring the custody of the pupil.
 - c. The Chief School Administrator shall request the police officer to defer the arrest to another time and place or, if that is not possible, to take steps to protect the pupil's privacy, such as taking custody in a private place or assigning the taking of custody to a nonuniformed police officer or a school security officer.
 - d. The Chief School Administrator shall make every reasonable effort to notify the pupil's parent(s) or legal guardian(s) of the impending arrest.
 - e. The Chief School Administrator shall determine the place to which the pupil will be removed and held in custody or detention and will so inform the parent(s) or legal guardian(s).
 - f. Notwithstanding anything to the contrary in this Regulation, a police officer has the legal right to take direct and unhindered action in the school.



- (1) In an emergency situation, where the commission of a crime or offense involving felony or a serious breach of the peace in school has been witnessed by the officer, or
- (2) The police officer is in "hot pursuit" of the pupil for such a crime.
- g. In any situation in which a police officer takes direct action, the Chief School Administrator shall be promptly notified.

E. Reporting Pupils or Staff Members to Law Enforcement

- 1. Subject to the provisions of N.J.A.C. 6A:16-6.5, any staff member having reason to believe that a pupil or staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids or drug paraphernalia, on or within 1,000 feet of the outermost boundary of the school property pursuant to N.J.S.A. 2C:35-7, shall report the matter as soon as possible to the Chief School Administrator or, in the absence of the Chief School Administrator, to the staff member responsible at the time of the alleged violation.
 - a. Either the Chief School Administrator or the responsible staff member shall notify the Chief School Administrator, who in turn shall notify the Police Department as soon as possible.
 - b. The Chief School Administrator will provide to the Police Department and/or County Prosecutor all known information concerning the matter, including the identity of the pupil or staff member involved.
 - c. The Chief School Administrator will not disclose the identity of any pupil or staff member who has voluntarily sought treatment or counseling for a substance abuse problem provided the pupil or staff member is not currently involved or implicated in drug distribution activities.
 - d. An admission by a pupil or staff member in response to questioning initiated by the Chief School Administrator or teaching staff member, or following the discovery of a controlled dangerous substance, including anabolic steroids or drug paraphernalia by the Chief School Administrator or teaching staff member, shall not constitute a voluntary, self-initiated request for counseling and treatment.



2. The Chief School Administrator, or in the absence of the Chief School Administrator the staff member responsible at the time of the alleged violation, will report to the police department. Whenever any staff member develops reason to believe that a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. section 921, or other deadly weapon, whether enumerated in N.J.S.A. 2C:39-1(r) or not, except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. section 921, has unlawfully been brought onto school property, or that any pupil or other person is in unlawful possession of a firearm or other deadly weapon, whether on or off school property, or that any pupil or other person has committed an offense with or while in possession of a firearm, whether or not such offense was committed on school property or during school operating hours.
 - a. The Chief School Administrator will provide to the Police Department all known information concerning the matter, including the identity of the pupil or staff member involved.
3. The Chief School Administrator will immediately notify the Police Department whenever any school staff member in the course of his or her employment develops reason to believe that a pupil has threatened, is planning, or otherwise intends to cause death, serious bodily injury or significant bodily injury to another person under circumstances in which a reasonable person would believe the pupil genuinely intends at some time in the future to commit the violent act or carry out the threat.
4. The Chief School Administrator will immediately notify the Police Department whenever any school employee in the course of his or her employment develops reason to believe that a crime involving sexual contact or criminal sexual conduct has been committed on school property, or by or against a pupil during school operating hours or during school-related functions or activities.
5. School employees will immediately notify the Chief School Administrator when in the course of their employment they develop reason to believe that a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed by any pupil, whether on or off school property. This notification is required whether or not such offense was or is to be committed during school hours. This notification is also required if a pupil enrolled in the school has been or is about to become the victim of a hate crime, whether committed on or off school property or during school hours.



- a. The Chief School Administrator will promptly notify the Police Department and the Bias Investigation Officer for the County Prosecutor's office in the instances described above.
- b. The Chief School Administrator will immediately notify the Police Department and the Bias Investigation Officer for the County Prosecutor's office where there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a pupil, or there is otherwise reason to believe that a life has been or will be threatened.

F. Handling of Substances, Firearms and Other Items

- 1. Any school employee who seizes or discovers any substance or item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall immediately notify and turn the substance or item over to the Chief School Administrator or designee.
 - a. The Chief School Administrator shall safeguard the substance or paraphernalia against further use or destruction and shall secure the substance or paraphernalia until such time as the substance or paraphernalia can be turned over to the appropriate law enforcement officials.
 - b. The Chief School Administrator will provide to local law enforcement or designee all information concerning the manner in which the substance or paraphernalia was discovered or seized, including:
 - (1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and
 - (2) The identity of any pupil or staff member believed to have been in possession of the substance or paraphernalia.
 - c. The Chief School Administrator will not disclose the identity of any pupil or staff member who on his or her own initiative turned over the substance or paraphernalia to a school employee, provided that there is reason to believe that the pupil or staff member was involved with the substance or paraphernalia for the purpose of personal use, not distribution activities, and further provided that the pupil or staff member agrees to participate in an appropriate treatment or counseling program.



An admission by a pupil or staff member in response to questioning initiated by the Chief School Administrator or teaching staff member, or following the discovery of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia by the Chief School Administrator or teaching staff member will not constitute a voluntary self-initiated request for counseling and treatment.

2. Whenever a school employee seizes or comes upon any firearm or dangerous weapon, school officials will:
 - a. In the case of a firearm, immediately advise the Police Department and secure the firearm pending the response by the Police Department to retrieve and take custody of the firearm; and
 - b. In the case of a dangerous weapon other than a firearm, immediately advise the Police Department and secure the weapon pending the response by the Police Department to retrieve and take custody of the dangerous weapon.
 3. School employees having custody of a firearm or dangerous weapon shall take reasonable precautions to prevent the theft, destruction or unlawful use of the firearm or dangerous weapon by any person.
- G. Confidentiality of Pupil or Staff Involvement in Substance Abuse Intervention and Treatment Programs
1. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program for substance abuse shall be kept strictly confidential, according to the requirements of 42 CFR Part 2 and N.J.S.A. 18A:40A-7.1 and 7.2.
 2. Nothing in this Regulation shall be construed in any way to authorize or require the transmittal of any information or records which are in the possession of a substance abuse counseling or treatment program.
 3. The Chief School Administrator will not disclose to law enforcement officials or to any person other than a member of the local district's comprehensive alcohol, tobacco and other drug abuse program that a pupil or staff member has received or is receiving services through the local district's comprehensive alcohol and other drug abuse program. The Chief School Administrator will not disclose any information, including the pupil's or staff member's identity or information about illegal activity, where such information was learned in the course of or as a result of services provided through the local district's comprehensive alcohol and other drug abuse program.



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Cooperation with Law Enforcement Agencies

4. Nothing in this Regulation shall be construed to preclude the disclosure of information about illegal activity that was learned by any school employee outside of the local district's comprehensive alcohol and other drug abuse program.

Any such information about illegal activity shall be reported according to the requirements of this Regulation and N.J.A.C. 6A:16-6.3 and 6.4.

H. Records

1. The Chief School Administrator shall record in writing and enter in the pupil's file:
 - a. The date, time, place, and circumstances of the incident;
 - b. The name of the officer and the law enforcement agency he/she represents;
 - c. The name of the pupil;
 - d. The notification or attempt to notify the pupil's parent(s) or legal guardian(s); and
 - e. An anecdotal description of the incident, including such information regarding its conduct as may be necessary to show that the pupil was fairly or unfairly treated.

I. In-Service Training

The Chief School Administrator will develop, in conjunction with the Building Principal(s), the County Prosecutor's Office and the Police Department, in-service training for school staff regarding Policy and Regulation 9320.

J. Agreement or Memorandum of Understanding With Law Enforcement

1. The Chief School Administrator and Police Department will meet on a regular basis, or at least annually, to discuss the implementation and need for revising the Agreement or Memorandum of Understanding and to review the effectiveness of the policies and procedures implemented in accordance with N.J.A.C. 6A:16-6.1 et seq.
2. Any Agreement or Memorandum of Understanding between the Board of Education and Law Enforcement Officials will be approved by the Board of Education and will be submitted to the Police Department, County Prosecutor and County Superintendent of Schools.

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R 9324 SEX OFFENDER REGISTRATION AND NOTIFICATION

A. Definitions

1. Tier One Offender - An offender that is a “low risk of re-offense”, thus constituting a low risk of harm to the community. This offender is one who, because of the type of crime, the lack of violence in his/her behavior, the lack of a substantial criminal history and the existence of ties to the community presents no more than a possible risk of re-offense.
2. Tier Two Offender - An offender who is a “moderate risk of re-offense”, thus constituting a moderate risk of harm to the community in that the pertinent documents demonstrate that they are reasonably likely to re-offend, warranting limited notice for the protection of the public.
3. Tier Three Offender - An offender who is a “high risk of re-offense” in that the available record demonstrates that there is a probable risk of re-offense, warranting notice to the community likely to encounter the offender.
4. Likely To Encounter - Law enforcement agencies, community organizations or members of the community who are in a location or in close geographic proximity to a location which the offender visits or can be presumed to visit on a regular basis.
5. Fair Chance to Encounter - The types of interaction which ordinarily occur at that location and other attendant circumstances demonstrate that contact with the offender is reasonably certain.

B. Notification To School District From the Law Enforcement Agency/County Prosecutor’s Office

1. The Chief School Administrator will be notified by the Prosecutor’s Office, without the need to register to be notified, for all sex offenders classified as Tier Two or Tier Three Offenders. Local law enforcement agencies and/or the County Prosecutor’s Office will determine there is a “fair chance to encounter” the offender in determining community notification. In any event the Chief School Administrator will be notified for all Tier Two and Tier Three Offenders.



2. The Chief School Administrator is entitled to receive the offender's name and a recent photograph, along with a physical description, the offense of which he/she was convicted, their address, place of employment and/or schooling, and vehicle license number.
 3. The County Prosecutor's Office determines the specific school, community organizations and residences to receive notification.
 4. The County Prosecutor's Office and/or the appropriate law enforcement office will notify the Chief School Administrator.
- C. School District Procedure Upon Notification From the Law Enforcement Agency/County Prosecutor's Office
1. The Chief School Administrator will have the discretion to make the determination as to which employees within the school should be informed of the notification. The Chief School Administrator should share the notice with any person who in the course of the duties of his/her employment or assignment is regularly in a position to observe unauthorized persons in or near the property of the notified school. If any persons to be notified by the Chief School Administrator are employees of private contractors, the Chief School Administrator will notify the private vendor who will provide notice to the employees. The Chief School Administrator will take appropriate steps to educate and alert those staff members who are charged with the care and supervision of children, emphasizing that this information is intended to assist staff members in the protection of their charges, not to provide notification to the community at large.
 2. The Chief School Administrator, in conjunction with the appropriate law enforcement agency and the County Prosecutor's Office will provide information, along with appropriate advice regarding the safeguarding of the school's children.
 3. All school district staff are prohibited from releasing any of this information to the public at large. All inquiries from community members, non-affected school staff, all parent(s) or legal guardian(s) and other members of the general public shall be directed to the appropriate law enforcement agency and/or the County Prosecutor's Office.

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