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### **8130 – School Organization**

The Board of Education directs the organization of the instructional program of this district in the following schools and grades:

Schools

Lopatcong Township Elementary School

Lopatcong Township Middle School

Grades

Pre-Kindergarten through 4

5 through 8

The Superintendent shall continually monitor the effectiveness of the district organizational plan and recommend to the Board such modifications in the plan as may be in the best interest of pupils, make most effective use of district resources, and serve the educational goals of the Board.

Adopted: August 18, 2009



### **8140 – Pupil Enrollment Accounting (M)**

The Board of Education recognizes that efficient district operations require an accurate and up to date accounting of the number of pupils resident in this district and enrolled in district classes and programs.

Pupil attendance shall be recorded in the school register during school hours on each day the school is in session. Separate registers shall be kept for pupils attending preschool, Kindergarten, grades one through four, grades five through eight, each preschool class for the disabled, each class for the disabled, shared-time classes for regular pupils, shared-time classes for pupils with disabilities, full-time bilingual education programs and vocational day programs, summer schools operated by the district, and any other programs as required by the New Jersey Department of Education and N.J.A.C. 6A:32-8.1(d).

A pupil who has been placed on home instruction shall have his or her attendance status recorded on the regular register attendance pages for the program in which the pupil is enrolled. For the period beginning the first day the pupil is unable to attend school and ending the day before the first instructional day at the pupil's place of confinement, the pupil shall be marked absent. No absences will be recorded for the pupil while on home instruction, providing the hours of instruction are no less than required by N.J.A.C. 6A:14-4.8 and 4.9. The number of possible days of enrollment for a pupil on home instruction shall be the same as for other pupils in the program in which the pupil is enrolled.

Such records shall be made and maintained as will enable the Board to plan program and facilities development, to make appropriate allocation of district resources, and receive the district's maximum amount of State and federal aid.

The Superintendent or designee shall annually and in accordance with the timelines established by the Commissioner, file a report with the Commissioner stating the school district's enrollment.

#### **Legal References**

N.J.S.A. 18A:25-4

N.J.A.C. 6A:14-4.8; 6A:14-4.9; 6A:32-8.1; 6A:32-8.2

Adopted: August 18, 2009



### **R8140 – Enrollment Accounting (M)**

#### 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 and schools 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:
4. Kindergarten – more than five years as of October 1;
5. Day school – more than six years as of October 1; or
6. Preschool disabled – more than three years and less than five years.
7. 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.
8. Any pupil enrolled in a school register in a school district who moves to another school district in the same school year shall be enrolled in one register in the new school district upon entering school in that school district.
9. 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 schools were in session during the year, divided by the number of days schools were actually in session. The average daily enrollment for the classes or schools of the district having varying lengths of terms shall be the sum of the average daily enrollments obtained for the individual classes or schools.
10. The average daily attendance in the district for a school year shall be the sum of the days present of all enrolled pupils when schools were in session during the year, divided by the number of days schools were actually in session. The average daily attendance for the classes or schools of the district having varying lengths of terms shall be the sum of the average daily attendance obtained for the individual classes or schools.

#### 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 County Department of Education 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 Superintendent for approval.

Adopted: August 18, 2009



### **8210 – School Year**

The Board of Education recognizes that the preparation of a school calendar is essential to orderly educational planning and to the efficient operation of the district.

The Board shall determine annually the days when the schools will be in session for instructional purposes. The school calendar will provide no fewer than one hundred eighty days of instruction. Days on which school is closed for holidays, teachers' in-services, and inclement weather shall not be considered as days in session.

A school day shall consist of not less than four hours of actual instruction, except that in an approved Kindergarten, one continuous session of two and one half hours may be considered a full day. A half-day class shall be considered the equivalent of a full day's attendance only if the class is in session for four hours or more, exclusive of recess periods or lunch periods.

An approved Kindergarten shall meet the requirements set forth in N.J.A.C. 6A:32-8.3(c).

The Commissioner of Education shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse pupils for religious observance upon the written request signed by the parent or person standing in loco parentis. Staff members shall avoid, whenever possible, scheduling a test on a religious holiday commonly observed by residents of the district.

The Superintendent shall, in consultation with the administration, the local association, the Phillipsburg Cluster Schools, annually prepare and submit to the Board a school calendar no later than May 1. The Board reserves the right to alter the school calendar when such alteration is feasible and serves the best interests of the pupils of this district.

#### **Legal References**

N.J.S.A. 18A:25-3; 18A:36-2; 18A:36-16

N.J.A.C. 6A:32-8.3

Adopted: August 18, 2009



### **8220 – School Day**

The handling of unexpected school closing requires the implementation of precise sequential steps in a closely coordinated routine by the administration and staff.

In the event of such an emergency, the administration shall initiate the following procedure:

1. Take whatever steps are necessary and prudent to handle the emergency if time is of the essence and action is needed immediately, then contact the President of the Board as soon as possible after the decision is made.
2. If time is not crucial, the Superintendent or his/her designee shall confer with the Board President before action is taken.
3. If school closing because of inclement weather is being considered, the Superintendent will at his/her discretion close school early if in session, call school off completely, or open school with a delay. (Note: a school day is four instructional hours without lunch; four and one-half hours with lunch) Whenever possible, school closings, delayed openings, and early dismissals will be coordinated with the Phillipsburg Cluster Schools.
4. As soon as a decision is effected, the local media, school staff, and parent(s) or legal guardian(s) shall be notified as expediently as possible.
5. First snow days built into the calendar and then non-state mandated holidays on the school calendar shall be considered as make-up days, if the total number of pupil days on the school calendar falls below one hundred eighty.

Parent(s) or legal guardian(s) will be informed of changes in the school calendar as they occur.

#### **Legal References**

N.J.A.C. 6:20-1.3; 6:21-2.5

Adopted: August 18, 2009





### **R8220 – 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 schools must be closed, and Building Principals may be required to exercise independent judgment in individual circumstances. Any consequent deviation from these rules should be reported promptly to the Superintendent.

#### A. Notification Provisions

##### 1. Emergency Closing of School

An Instant Alert System will be used to notify all parent(s) or legal guardian(s) with regard to emergency closings and important announcements (parent(s) or legal guardian(s) must make sure they are registered). Additionally, all school closings, delayed openings, and early dismissals will be announced over radio stations:

WEST (1400 AM)

WAEB-FM (B104)

WODE-FM (99.9)

WCTO CAT COUNTRY 96 (96.1)

WEEX (1230 AM)

TV Station WFMZ (Channel 69)

In the event of a delayed opening of school due to an emergency, the morning Kindergarten and Preschool will also be delayed and the afternoon sessions will report at their regular times. Lunch will be served on the days of delayed openings. In the event of an emergency early dismissal, arrangements should be made with a neighbor or relative, so a child will know where to go when dismissed. Due to the high volume of calls received on these emergency days, it is impossible to deliver every message that comes into the office for more than nine hundred pupils enrolled during an emergency closing. Younger pupils seem to be less upset when they know well in advance what to do when these emergency days occur.

#### B. Delayed Opening

1. When circumstances are such as to require the late opening of school, the school day will ordinarily be delayed by ninety minutes for the Elementary School and one hundred minutes for the Middle School. All beginning schedules will be in effect, modified only by the 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 using the Instant Alert System.
3. Unless the Superintendent determines otherwise, custodial personnel are expected to report to work on time.
4. If weather conditions deteriorate after a delayed opening has been announced, the Superintendent may decide to close schools for the day. This decision will be made as soon as



practicable. Notice of the closing of schools for the day will be given using the Instant Alert System.

5. The Building Principal of each school will modify the school's schedule to accommodate the shorter day. Morning schedules may be canceled. After-school events may be canceled.
6. Lunch will be served as usual, but may be delayed.

### C. Early Dismissal

1. Building Principals in the affected schools will promptly notify all staff members of the early closing, using appropriate building procedures.
2. Parent(s) or legal guardian(s) will be notified by the emergency Instant Alert System.
3. 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.
4. 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 Board Policy #5230 – Late Arrival and Early Dismissal regarding the person(s) to whom a child may be released.
5. The Building Principal 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 Building Principal may arrange for transportation for pupils retained at the school.

Adopted: August 18, 2009



### **8310 – Public Records**

The Board of Education recognizes its responsibility to maintain the public records of this district and to make such records available to residents of New Jersey for inspection and reproduction. The Board designates the School Business Administrator/Board Secretary as the custodian of government records for the district.

#### **Government Record or Record (N.J.S.A. 47:1A-1.1)**

“Government records” or “records” pursuant to N.J.S.A. 47:1A-1.1 include any record that has been required by law to be made, maintained, or kept on file by the Board, its officials, or its employees. Except as such records that may be exempted by law or this Policy, a “government record” or “record” means 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 the official business of the Board of Education or that has been received in the course of the official business of the Board of Education.

Board meeting minutes may be inspected and copied as soon as they are prepared; unapproved minutes will be so labeled. Minutes of executive/closed session Board meetings conducted in accordance with the Open Public Meetings Act will be preserved separately and will not be available for immediate public inspection. These minutes will be integrated with minutes of public meetings only after the matter discussed at the executive/closed session meeting has been made public.

A “government record” or “record” does not include inter-agency or intra-agency advisory, consultative, or deliberative material.

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, information which is deemed to be confidential as per N.J.S.A. 47:1A-1 et seq. Victims’ records; trade secrets and proprietary commercial or financial information; any record within the attorney-client privilege; administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security; emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security; security measures and surveillance techniques and information which, if disclosed, would give an advantage to competitors or bidders are examples of excluded government records.

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; information which is a communication between the district and its insurance carrier, administrative service organization or risk management office; information which is to be kept confidential pursuant to court order and that portion of any most documents which discloses the social security number, credit card number, unlisted telephone number or driver license number of any



person; and 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 are examples of excluded government records.

Test questions, scoring keys and other examination data pertaining to the administration of the examination for employment or academic examination; information concerning individual pupil records; grievance or disciplinary proceedings against a pupil to the extent disclosure would reveal the identity of the pupil and all other information defined as not being a government record in N.J.S.A. 47:1A-1 et seq. are not government records.

### **Records of Investigation in Progress (N.J.S.A. 47:1A-3 et seq.)**

Records which are sought to be inspected, copied, or examined pertain to an investigation in progress by the Board and/or administration will be inspected, copied and/or examined pursuant to N.J.S.A. 47:1A-3.

### **Inspection, Examination and Copying (N.J.S.A. 47:1A-5 et seq.)**

The custodian will permit the government record to be inspected, examined, and copied pursuant to N.J.S.A. 47:1A-5 et seq. 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-1 et seq.

### **Copy Purchase (N.J.S.A. 47:1A-5 et seq.)**

Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$.05 per letter size page or smaller, and \$.07 per legal size page or larger. If the school district can demonstrate that its actual costs for duplication of a government record exceed the per page rates, the district shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or overhead expenses associated with making the copy except as provided for in N.J.S.A. 47:1A-5.c.

Actual copy costs for special copies, such as color printing or blueprints copied within the school district, shall be calculated separately. Access to electronic records and non-printed materials shall be provided free of charge, but the district may charge for the actual costs of any needed supplies such as computer discs.

If the district's calculated per copy actual cost exceeds the enumerated rates set forth in N.J.S.A. 47:1A-5.b. the school district, if challenged, must demonstrate its actual costs are indeed higher than those enumerated rates and are therefore justified.



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 Policy 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.

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. If a request is for a record in a medium not routinely used by the district; not routinely developed or maintained by the district or requiring a substantial amount of manipulation or programming of information technology, 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.

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.

The custodian will adopt a form for the use of any person who requests access to a government record held or controlled by the district. The request form will include information in accordance with the requirements of N.J.S.A. 47:1A-5.f. Requests for access to a government record shall be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the custodian. The custodian will promptly comply with a request in accordance with N.J.S.A. 47:1A-5.g.

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.

The custodian will grant access to a government record or deny a request for access to a government record in accordance with N.J.S.A. 47:1A-5.i and 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 custodian will post prominently in public view in the part of the office of the custodian that is 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.



### **Challenge to Access upon Denial (N.J.S.A. 47:1A-6)**

A person who is denied access to a government record by the custodian, at the option of the requestor, may institute a proceeding to challenge the custodian's decision by filing an action in Superior Court or 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). If it is determined that access was 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. A public official, officer, employee, or custodian who knowingly and willfully violates N.J.S.A. 47:1A-1 et seq. and is found to have unreasonably denied access under the totality of the circumstances, shall be subject to the penalties and disciplinary proceedings in accordance with N.J.S.A. 47:1A-11. 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.

### **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.

### **Construction with Other Laws (N.J.S.A. 47-1A-9 et seq.)**

The provisions of this Policy and N.J.S.A. 47:1A-1 et seq. shall not abrogate any exemption of a public 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.

The provisions of this Policy and N.J.S.A. 47:1A-1 et seq. shall 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 or government record.

### **Legal References**

N.J.S.A. 10:4-14

N.J.S.A. 47:1A-1.1 et seq.

Adopted: August 18, 2009

Revised: November 9, 2010



## **R8310 – Public Records**

### A. Definitions (N.J.S.A. 47:1A-1.1)

1. “Board” means the Lopatcong Township Board of Education, school staff, including members of the administration, and any persons acting on behalf of the Board of Education.
2. “Public agency” or “agency” means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department; the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch; and any independent State authority, commission, instrumentality, or agency. The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality, or agency created by a political subdivision or combination of political subdivisions.
3. “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 shall 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 any buildings 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;
- l. Personnel and pension records of an individual, including records relating to any grievance filed by or against 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; personnel or pension records of any individual shall be accessible when required to be disclosed by law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the United States, or when authorized by an individual in interest;
- m. Test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination;
- n. Information concerning pupil records or grievance or disciplinary proceedings against a pupil to the extent disclosure would reveal the identity of the pupil; and





- o. All other information listed as being confidential and not a government record as defined in N.J.S.A. 47:1A-1 et seq.

### C. Records of Investigation In Progress (N.J.S.A. 47:1A-3)

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 shall 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.

### D. Inspection, Examination and Copying (N.J.S.A. 47:1A-5 et seq.)

1. The custodian will permit the government 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.

### E. Copy Purchase (N.J.S.A. 47:1A-5 et seq.)

1. The custodian shall charge the requestor a fee for a copy or copies of a government record in accordance with the provisions of N.J.S.A. 47:1A-5.b. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$.05 per letter size page or smaller, and \$.07 per legal size page or larger.
  - a. If the school district can demonstrate that its actual costs for duplication of a government record exceed the per page rates, the school district shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or overhead expenses associated with making the copy except as provided for in N.J.S.A. 47:1A-5.c. and E.2. below.
  - b. The calculation of actual costs shall be as follows:
    - (1) The custodian should contact the school district's supplier(s) to determine the cost of paper and toner. A supplier is wherever the district obtains copying materials such as paper and toner.
    - (2) The custodian should calculate or contact the copying company to determine the school district's annual school year copying volume. This volume shall not only include copies pertaining to OPRA requests, but shall include all copying on all copy machines in the district for all purposes.
    - (3) The custodian should contact the copying company to determine the average paper life of one toner/ink cartridge (i.e. how many pieces of paper the ink or toner should be able to copy).
    - (4) The custodian shall maintain documentation of all information provided by the copying company or office supplier (i.e. contracts or correspondence from purchasing agent or copying company) regarding this calculation.
    - (5) The actual calculation is the total cost of paper purchased for one school year plus the total cost of toner purchased for one school year divided by the annual copying volume. This calculation can be averaged for all copy machines in the district that produce letter and legal copies.
    - (6) Actual copy costs for special copies, such as color printing or blueprints copied within the school district, shall be calculated separately.



- c. If the district's calculated per copy actual cost exceeds the enumerated rates set forth in N.J.S.A. 47:1A-5.b. and E.1. above, the school district, if challenged, must demonstrate its actual costs are indeed higher than those enumerated rates and are therefore justified.
  - d. Access to electronic records and non-printed materials shall be provided free of charge, but the district may charge for the actual costs of any needed supplies such as computer discs.
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 shall 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 the district 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 school district 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. The custodian will require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of \$5.00 to reproduce.
8. Request for access to a government record shall be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian.
9. The custodian will promptly comply with a request to inspect, examine, copy, or provide a copy of a government record.
10. 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.
11. The custodian will sign and date the form and provide the requestor with a copy thereof.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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 requestor has elected not to provide a name, address, or telephone number, or other means of contacting the requestor, the custodian will not be required to respond until the requestor reappears before the custodian seeking a response to the original request.
- c. 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.

#### F. 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 N.J.S.A 47:1A-6 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.

#### G. Government Records Council (N.J.S.A. 47:1A-7)

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.

#### H. 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.

#### I. 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. shall 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. shall 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.

Adopted: August 18, 2009  
Revised: November 9, 2010



### **8311 – Managing Electronic Mail**

School district e-mail messages, like paper records, must be retained and destroyed according to established records management procedures as required by New Jersey’s Division of Archives & Records Management (NJDARM). E-mail messages are electronic documents created and sent or received by a computer system. This definition applies equally to the contents of the communication, the transactional information, and any attachments associated with such communication. Thus, e-mail messages are similar to other forms of communicated messages, such as correspondence and memoranda.

N.J.S.A. 47:3-16, as amended, defines public records as follows:

“Public records” mean any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, data processed or image processed document, sound recording or in a similar device, or any copy thereof, that has been made or required by law to be received for filing, indexing, or reproducing by any officer, commission agency, or authority of the State or any political subdivision thereof, including any subordinate boards thereof, or that has been received in the course of his/her or its official business by such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein.

An e-mail message that meets the criteria of the definition of public records per N.J.S.A. 47:3-16, as amended, whether it is subject to access by the general public or not, must be retained according to records retention and disposition schedules approved by the State Records Committee. No public record e-mail may be destroyed without prior consent of the NJDARM and the State Records Committee, even if the retention period for a record has expired.

Retention or disposition of e-mail messages must be related to the information they contain or the purpose they serve. The content of e-mail messages may vary considerably and therefore, the content must be evaluated to determine the length of time the message must be retained.

For the purposes of this Policy, there are non-record e-mail messages and public record e-mail messages.

Non-record e-mail messages are personal correspondence that do not meet the criteria of public records as per N.J.S.A. 47:3-16, as amended, and may be deleted at any time unless they become part of some official record as a result of a special circumstance. These types of messages may include personal correspondence not received or created in the course of school district business and may be deleted at any time since it is not an official public record. Non-record e-mail messages are also non-governmental publications that are publications, promotional material from vendors, and similar materials that are publicly available to anyone. These e-mail messages are not public records as defined by N.J.S.A. 47:3-16, as amended, unless specifically incorporated into other official public records, and may also be deleted at any time. However, if an e-mail message is used to justify an expenditure or is included in a proposal, the e-mail message becomes an official public record and must



be retained according to records retention and disposition schedules in accordance with the appropriate retention schedules.

All public record e-mail messages shall be maintained by the individual who sends the e-mail message and the primary recipient. The sender and primary recipient are encouraged to print a hard copy of a public record e-mail and file the e-mail in school district files for continued access. The district may establish a district-wide system to facilitate public record e-mail management for continued access and retention. All public record e-mails shall be retained according to records retention and disposition schedules approved by the State Records Committee and no public record e-mail may be destroyed without prior consent of the NJDARM and the State Records Committee, even if the retention period for a record has expired.

An e-mail message that meets the criteria of the definition of a “government record” per N.J.S.A. 47:1A-1.1 must be made available to the public upon request under New Jersey’s Open Public Records Act during the required retention period, unless the content of the message falls under one of the exceptions contained in the Act or any other statute, regulation, Executive Order by the Governor, rule of Court, or Federal law, regulation or order.

### Legal References

State of New Jersey – Circular Letter 03-10-ST – Managing Electronic Mail: Guidelines and Best Practices – 7/11/02

Adopted: August 18, 2009





### **8320 – Personnel Records**

The Board of Education believes that the orderly operation of the school district requires the retention of all records bearing upon an employee's qualifications for employment and employment history.

The Board requires that sufficient records be compiled and maintained to demonstrate an employee's qualifications for the position assigned; compliance with federal, state, and local benefit programs; conformity to district rules; the proper conduct of evaluations; and the employee's entitlement, as appropriate, to tenure and seniority.

The Superintendent shall be responsible for the custody and maintenance of personnel records. A single, central file of documents shall be maintained; temporary, subsidiary records will be permitted for ease in data gathering only. An employee's personnel file shall be maintained for six years following his/her termination of district service, provided the employment history record card is maintained a minimum of eighty years.

Records maintained in the personnel files of this district are not public records and are not open to inspection except as provided for in this Policy. Board minutes and other public records of this district and any computerized files maintained by this district may include only an employee's name, title, position, assignments, salary, payroll record, length of service in the district and in military service, the date and reason for separation from service in this district, and the amount and type of pension a former employee receives.

Personnel records may be inspected by school administrators to the extent that such inspection is required in the performance of the inspector's duties.

Board members may have access to confidential information in the personnel files of only those employees recommended for or subjected to an employment action requiring a vote of the Board or where access to the information is essential for the performance of the Board member's duties. Board member access to personnel files is limited to the relevant portion of the file and is available only through the Superintendent. Board members may freely inspect employment applications filed by candidates for district positions.

An employee may inspect his/her personnel file provided that the employee requests such access in writing, reviews the record in the presence of the administrator designated to maintain the file, makes no alteration or addition to the file nor removes any material from it, and signs a log attached to the file indicating the date on which it was inspected.

An employee may appeal to the Superintendent the inclusion or exclusion of records or for appropriate administrative review of the accuracy of any record in his/her personnel file.

The Superintendent shall prepare rules enumerating the records to be maintained for each employee of this district, including, as a minimum and as appropriate to the position, the completed application form, employment contract(s), a copy of the employee's qualifying certification, transcripts, report of an employment physical examination, oath of allegiance, criminal background check, income tax forms, retirement registration, hospitalization forms, annuity forms, rate of compensation, attendance



record, assignments to positions, completed evaluations, reports of disciplinary incidents, records of special awards or distinctions, and reports of annual or special physical and mental examinations.

### Legal References

N.J.S.A. 18A:18A-14.2; 18A:40-19; 18A:66-32

N.J.S.A. 47:1A-1 et seq.

Adopted: August 18, 2009



### **R8320 – 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.
3. The content of personnel files will be reviewed annually and material no longer required will be destroyed.

#### B. Custodian of Personnel Records

1. The Superintendent is custodian of all personnel records.
2. Personnel records shall be maintained in the office of the School Business Administrator/Board Secretary, 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 School Business Administrator/Board Secretary. 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 School Business Administrator/Board Secretary 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 hand copy 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 Superintendent 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 Superintendent.
3. The Superintendent shall render a decision on the appeal as soon as possible, but not later than thirty working days from the time the written appeal is submitted. The Superintendent'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 Superintendent's decision to the Board; a decision of the Board may be appealed to the Commissioner of Education.

### F. Access by Board Members and School Officials

1. Personnel files may be inspected by school officials only as required in the discharge of their professional or statutory duties and to the extent required in the discharge of those duties.
2. Personnel files may be inspected by Board members when such inspection relates to the Superintendent's recommendation of a candidate for employment, promotion, transfer, dismissal, or discipline.
3. Much of the information included in an employee's file is confidential; access to the employee's file for professional reasons necessarily imposes on the person reviewing the file the duty to respect the confidentiality of the record.

### G. Computerized Records

1. Computerized personnel records may include only the following information about an employee:
  - a. Name, address, and telephone number;
  - b. Social security number;
  - c. Current assignment;
  - d. Work experience;
  - e. Employment date; and
  - f. Salary guide and step.
2. Computerized information may be used only for the following purposes:
  - a. Payroll;
  - b. An employee's individual employment record; and
  - c. Studies, reports, or surveys conducted by the district or a governmental agency and authorized by the Superintendent, provided that such studies, reports, or surveys do not identify specific employees.

Adopted: August 18, 2009



### **8330 – Student Records (M)**

The Board of Education believes that information about individual students must be compiled and maintained in the interest of the student's educational welfare and advancement. The Board will strive to balance the student's right to privacy against the district's need to collect, retain, and use information about individual students and groups of students. The Board authorizes the establishment and maintenance of student files that include only those records mandated by law, rules of the State Board of Education, authorized administrative directive, and those records permitted by this Board.

The Superintendent will prepare, present to the Board for approval, and distribute regulations that implement this Policy and conform to applicable State and Federal law and rules of the State Board of Education.

#### **General Considerations**

The Board of Education will compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1 et seq. Student records will contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record. The school district will provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and local policies will be made available upon request. The school district will make every effort to notify parents and adult students in their dominant language.

Nothing in this Policy will be construed to prohibit certified school personnel from disclosing student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

No liability will be attached to any member, officer, or employee of the Board of Education permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 et seq.

#### **Student Information Directory**

A student information directory is a publication of the Board of Education that includes information relating to a student as defined in N.J.A.C. 6A:32-2.1. This information includes: name; grade level; date and place of birth; dates of school attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information. The student information directory will be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. In the event the school district the student information directory, the Superintendent (or designee) will provide a parent or adult student a ten-day (10) working day period to submit to the Superintendent a written statement prohibiting the school district from including any or all types of



information about the student in any student information directory before allowing access to such directory to educational, occupational, and military recruiters pursuant to N.J.S.A. 18A:36-19.1 and P.L. 107-110 sec. 9528, Armed Forces Recruiter Access to Students and Student Recruiting Information of the No Child Left Behind Act of 2001.

### **School Contact Directory for Official Use**

A school contact directory for official use is a compilation by the school district that includes the following information for each student: name; address; telephone number; date of birth; and school enrollment. The district will compile and maintain a school contact directory for official use that is separate and distinct from the student information directory. The student contact directory may be provided for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. To exclude any information from the school contact directory for official use, the parent, adult student, or emancipated minor will notify the Superintendent (or designee) in writing.

### **Mandated and Permitted Student Records**

Mandated student records are those records school districts have been directed to compile by State statute, regulations, or authorized administrative directive in accordance with N.J.A.C. 6A:32-7.3.

Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare. The Board will authorize the permitted records to be collected by adopting this Policy and [Board Regulation #R8330 – Student Records](#), which will list such permitted records.

### **Maintenance and Security of Student Records**

The Superintendent (or designee) will be responsible for the security of student records maintained in the school district. This Policy and Regulation assure that access to such records is limited to authorized persons.

Records for each individual student may be stored electronically or in paper format. When student records are stored electronically, proper security and back-up procedures will be administered.

Student health records, whether stored on paper or electronically, will be maintained separately from other student records, until such time as graduation or termination, whereupon the health history and immunization record will be removed from the student's health record and placed in the student's mandated record. Records will be accessible during the hours in which the school program is in operation.

Any school district internet website will not disclose any personally identifiable information about a student without prior written consent from the student's parent, in accordance with the provisions of N.J.S.A. 18A:36-35. Personally identifiable information means student names; student photos; student addresses; student e-mail addresses; student phone numbers; and locations and times of class trips.



### **Access to Student Records**

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 will have access to student records, including student health records. Access to student records will be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within ten (10) calendar days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

The school district will control access to, disclosure of, and communication regarding information contained in student health records to assure access only to persons permitted by Federal and State statute and regulations in accordance with N.J.A.C. 6A:32-7.5.

The school district may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.

Access to and disclosure of a student's health record will meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 will have access to student records, including student health records.

Nothing in N.J.A.C. 6A:32-7.1 et seq. or in this Policy and Regulation #8330 – Student Records will be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.

In complying with N.J.A.C. 6A:32-7 – Student Records, individuals will adhere to requirements pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

### **Conditions for Access to Student Records**

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 et seq. will have access to the records of a student subject to conditions outlined in N.J.A.C. 6A:32-7.6(a).

### **Rights of Appeal for Parents and Adult Students**

Student records are subject to challenge by parents and adult students on the grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information or denial of access to organizations, agencies, and persons in accordance with N.J.A.C. 6A:32-7.7(a).

To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the parent or adult student will follow the procedures pursuant to N.J.A.C. 6A:32-7.7(b).

Appeals relating to student records for students with disabilities will be processed in accordance with the requirements of N.J.A.C. 6A:32-7.7(b).





Regardless of the outcome of any appeal, a parent or adult student will be permitted to place in the student record a statement commenting on the information in the student's record or setting forth any reasons for disagreement with the decision made in the appeal. Such statements will be maintained as part of the student'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 will also be disclosed to that party.

### **Retention and Disposal of Student Records**

A student's record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district. The school district will retain the student 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.

Student records of currently enrolled students, other than that described in N.J.A.C. 6A:32-7.8(e), may be disposed of after the information is no longer necessary to provide educational services to a student and in accordance with the provisions of N.J.A.C. 6A:32-7.8(b).

Upon graduation or permanent departure of a student from the school district, the parent or adult student will be notified in writing that a copy of the entire student's record will be provided to them upon request. Information in student records, other than that described in N.J.A.C. 6A:32-7.8(e), may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. Such disposition will be in accordance with the provisions of N.J.A.C. 6A:32-7.8(c)2.

No additions will be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.

In accordance with N.J.A.C. 6A:32-7.8(e), the New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district will keep for 100 years a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

### **Legal References**

N.J.S.A. 18A:36-19; 18A:36-19.1; 18A:40-4; 18A:40-19

N.J.A.C. 6A:32-7.1 through 7.8

Adopted: August 18, 2009

Revised: February 21, 2017



### **R8330 – Student Records (M)**

#### **A. Definitions (N.J.A.C. 6A:32-2.1)**

1. “Access” means the right to view, make notes, and/or reproduce a student record.
2. “Adult student” means a person who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.
3. “Mandated student records” means student records that school districts compile pursuant to State statute, regulation, or authorized administrative directive.
4. “Parent(s)” is defined in the Introduction to the Board’s Policy Manual.
5. “Permitted student records” means records that the Board of Education has authorized, by resolution adopted at a regular public meeting, to be collected to promote the educational welfare of students.
6. “Student record” means information related to an individual student gathered within or outside the school district and maintained within the school district regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information that is maintained for the purpose of second party review is considered a student record. Therefore, information recorded by certified school personnel solely as a memory aid and not for the use of a second party, is excluded from this definition.
7. “Student information directory” means a publication of the Board of Education that includes information relating to a student. It will be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. The information will be the student’s name; grade level; date and place of birth; dates of attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information.

#### **B. General Considerations (N.J.A.C. 6A:32-7.1)**

1. The Board of Education will compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1. et seq.
2. Student records will contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record.
3. The school district will provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State



and Federal laws and local policies will be made available upon request. The school district will make every effort to notify parents and adult students in their dominant language.

4. A non-adult student may assert rights of access only through his or her parents. However, nothing in N.J.A.C. 6A:32-7 et seq. or in this Regulation or Board Policy #8330 – Student Records will be construed to prohibit certified school personnel from disclosing at their discretion student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.
5. The parent or adult student will have access to their own records and have access to or be specifically informed about only that portion of another student’s record that contains information about his or her own child or himself or herself.
6. The Superintendent (or designee) will require all permitted student records of currently enrolled students to be reviewed annually by certified school personnel to determine the education relevance of the material contained therein. The reviewer will cause data no longer descriptive of the student or educational program to be deleted from the records except that prior notice will be given for classified students in accordance with N.J.A.C. 6A:14, Special Education. Such information will be disposed of and not be recorded elsewhere. No record of any such deletion will be made.
7. No liability will be attached to any member, officer, or employee of the Board of Education permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 et seq.
8. When the parent’s or adult student’s dominant language is not English or the parent or adult student is deaf, the school district will provide interpretation of the student’s records in the dominant language of the parents or adult student.
9. Student health records will be maintained separately from other student records and handled, according to the requirements of N.J.A.C. 6A:32-7.1 et seq., until such time as graduation or termination whereupon the health history and immunization record will be removed from the student’s health record and placed in the student’s mandated record.

### **C. School Contact Directory for Official Use (N.J.A.C. 6A:32-7.2)**

1. The Board of Education will compile and maintain a school contact directory for official use that is separate and distinct from the student information directory.
  - a. School personnel will 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 student 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 student in question, school personnel will promptly verify the enrollment of a student and provide the requester with



all the information about that student that is contained in the school contact directory for official use.

2. To exclude any information from the school contact directory for official use, the parent, adult student, or emancipated minor will notify the Superintendent (or designee) in writing.

### **D. Mandated and Permitted Student Records (N.J.A.C. 6A:32-7.3)**

1. Mandated student records will include the following:
  - a. The student's name, address, telephone number, date of birth, name of parent(s), gender, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance;
  - b. Record of daily attendance;
  - c. Descriptions of student progress according to the system of student evaluation used in the school 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 and immunizations;
  - e. Records pursuant to rules and regulations regarding the education of students with disabilities; and
  - f. All other records required by N.J.A.C. 6A.
2. Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare and include the following as authorized by this Board on adoption of Board Policy and Regulation #8330 – Student Records. These records may include, but are 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 student's record when it is reviewed by any other person, including a substitute;
  - b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
  - c. Educationally relevant information provided by the parent, adult student, or emancipated minor regarding the student's achievements or school activities;
  - d. Any correspondence with the student and/or the student's parents;
  - e. Driver education certificate;
  - f. Emergency notification form;
  - g. New student registration form;



- h. Withdrawal or transfer form;
- i. Change of schedule form;
- j. Records of disciplinary infractions, penalties, and disciplinary hearings;
- k. Records of the student's co-curricular and athletic activities and achievements;
- l. Class rank;
- m. Awards and honors;
- n. Notations of additional records maintained in a separate file;
- o. The statement from a student's parent, adult student, or emancipated minor regarding a contested portion of the record; and
- p. Entries indicating review of the file by an authorized person.

### **E. Maintenance and Security of Student Records (N.J.A.C. 6A:32-7.4)**

1. The Superintendent (or designee) will be responsible for the security of student records maintained in the school district and will devise procedures/regulations for assuring that access to such records is limited to authorized persons. This Regulation and its associated Policy assures that access to such records is limited to authorized persons.
2. Records for each individual student may be stored either electronically or in paper format. When student records are stored electronically, proper security and backup procedures will be administered.
3. Student health records, whether stored electronically, will be maintained separately from other student records, until such time as graduation or termination whereupon the health history and immunization record will be removed from the student's health record and placed in the student's mandated record. Records will be accessible during the hours in which the school program is in operation.
4. Mandated student records required as part of programs established through State administered entitlement or discretionary funds from the U.S. Department of Education will be maintained for a period of five years after graduation, termination from the school district, or age twenty-three (23), whichever is longer, and will be disposed of in accordance with N.J.S.A. 47:3-15 et seq.
5. Any school district website will not disclose any personally identifiable information about a student, in accordance with N.J.S.A. 18A:36-35.

### **F. Access to Student Records (N.J.A.C. 6A:32-7.5)**

1. Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 will have access to student records, including student health records. Access to student records will be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.



2. The school district will control access to, disclosure of, and communication regarding information contained in student health records to assure access only to persons under the conditions permitted by Federal and State statute and regulations or stated in N.J.A.C. 6A:32-7.5(e) and section G. below.
3. The district may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.
4. Access to and disclosure of a student's health record will meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

### **G. Authorized Organizations, Agencies, and Persons with Access to Student Records (N.J.A.C. 6A:7.5(e))**

Access will include only the following:

1. A student who has the written permission of a parent and the parent of a student under the age of eighteen whether the child resides with the parent except per N.J.S.A. 9:2-4:
  - a. The place of residence will not be disclosed; and
  - b. Access will not be provided if denied by a court;
2. Students at least sixteen years of age who are terminating their education in the school district because they will graduate secondary school at the end of the term or no longer plan to continue their education;
3. An adult student and parent who has the written permission of an adult student, except that the parent will have access without consent of the student as long as the student is financially dependent on the parent and enrolled in the public school system or if the student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the consent of the adult student;
4. Certified school district personnel who are assigned educational responsibility for the student will have access to the general student record, but not to the student health record, except under conditions permitted in N.J.A.C. 6A:16-2.4;
5. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below will have access to the general student record, but not to the student health record except under conditions permitted in N.J.A.C. 6:16-2.4:
  - a. An approved private school for the disabled;
  - b. A State facility;



- c. Accredited nonpublic schools in which students with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or
  - d. Clinics and agencies approved by the Department of Education;
6. To fulfill its legal responsibility, the Board of Education will have access through the Superintendent (or designee) to information contained in a student's record. Information will be discussed in executive session unless otherwise requested by the parent or adult student;
  7. Secretarial and clerical personnel under the direct supervision of certified school personnel will 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 will be limited only to student files in which such staff are directed to enter or record information and will 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 members who are assigned responsibility that 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 student is placed, registered, or seeks to enroll subject to the following conditions:
    - a. Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive will be forwarded to the receiving school district with written notification to the parent or adult student;
    - b. Original mandated student records that a Board of Education has required will be forwarded to the receiving school district only with the written consent of the parent or adult student except where a formal sending-receiving relationship exists between the school districts;
    - c. All records to be forwarded, including disciplinary records as specified in N.J.S.A. 18A:36-19(a), will be sent to the Superintendent (or designee) of the school district to which the student has transferred within ten (10) school days after the transfer has been verified by the requesting school district;
    - d. The Superintendent (or designee) will request in writing all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;
    - e. Upon request the Superintendent (or designee) of the school district of last attendance will provide a parent or an adult student with a copy of the records disclosed to other educational agencies or institutions; and
    - f. Proper identification, such as a certified copy of the student's birth certificate or other proof of the child's identity pursuant to N.J.S.A. 18A:36-25.1, will be requested at the time of enrollment in a new school district;



11. Officials of the United States Department of Education assigned responsibilities that necessitate review of such records;
12. Officers and employees of a State agency responsible for protective and investigative services for students referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, the Board of Education will ask the State agency for its cooperation in sharing the findings of an investigation;
13. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. § 1232g(b)(1)(L);
14. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student. Organizations, agencies, and persons will not transfer student record information to a third party without the written consent of the parent or adult student;
15. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5, upon the presentation of a court order
16. Bona fide researchers who explain to the Superintendent, the nature of the research project and the relevance of the records sought and who satisfy the Superintendent (or designee) that the records will be used under strict conditions of anonymity and confidentiality. Such assurance will be received in writing by the Superintendent prior to the release of information to the researcher;
17. Nothing in N.J.A.C. 6A:32-7.1 et seq. and Board Policy #8330 – Student Records and this Regulation will be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons; and
18. In complying with N.J.A.C. 6A:32-7.1 et seq., individuals will adhere to requirements pursuant to N.J.S.A. 47:1A-1 et seq. - the Open Public Records Act (OPRA) and 20 U.S.C. § 1232g, 34 CFR Part 99 - the Family Educational Rights and Privacy Act (FERPA).

### **H. Conditions for Access to Student Records (N.J.A.C. 6A:32-7.6)**

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 et seq. as listed below will have access to the records of a student subject to the following conditions:

1. No student record will be altered or disposed of during the time period between a request to review the record and the actual review of the record.
2. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students will submit to the Superintendent (or designee) the request in writing together with any required authorization.





3. The Superintendent (or designee) will be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, student, or individuals who have assigned educational responsibility for the individual student, an entry will be made in the student'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. Prior to the disclosure of any student records to organizations, agencies, or persons outside the school district pursuant to a court order, the Superintendent (or designee) will give the parent or adult student at least three (3) days' notice of the name of the requesting agency and the specific records requested unless otherwise judicially instructed. Such notification will be provided in writing if practicable. Only records related to the specific purpose of the court order will be disclosed.
  - a. Notice to the parent will not be required when he or she is party to a court proceeding involving child abuse and neglect or dependency matters, consistent with 20 U.S.C. § 1232g(b)(2)(B).
5. A record may be withheld from a parent or from an adult student only when the school 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 will be withheld. When the district has or obtains evidence of such court order, the parent or adult student will be notified in writing within five days of his or her request that access to the record has been denied, and that the person has the right to appeal this decision to the court issuing the order.

### **I. Rights of Appeal for Parents and Adult Students (N.J.A.C. 6A:32-7.7)**

1. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult student may seek to: expunge inaccurate, irrelevant, or otherwise improper information from the student'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.
2. To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the process will be as follows:
  - a. A parent or adult student will notify in writing the Superintendent of the specific issues relating to the student's record.
  - b. Within ten (10) school days of notification, the Superintendent (or designee) will notify the parent or adult student of the school district's decision.
  - c. If the school district disagrees with the request, the Superintendent (or designee) will meet with the parent or adult student to resolve the issues set forth in the appeal.



- d. If the matter is not satisfactorily resolved, the parent or adult student has ten (10) school days to appeal this decision to the Board of Education.
  - e. If an appeal is made to the Board of Education, a decision will be rendered within twenty (20) school days. The decision of the Board of Education may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:43, Controversies and Disputes.
  - f. At all stages of the appeal process, the parent or adult student will be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome will be made a part of the student's record with copies made available to the parent or adult student.
3. Appeals relating to student records of students with disabilities will be processed in accordance with the requirements of I.2 above.
  4. Regardless of the outcome of any appeal, a parent or adult student will be permitted to place in the student record a statement commenting on the information in the student's record or setting forth any reasons for disagreement with the decision made in the appeal.
    - a. Such statements will be maintained as part of the student'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 will also be disclosed to that party.

### **J. Retention and Disposal of Student Records (N.J.A.C. 6A:32-7.8)**

1. A student's record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district.
  - a. The school district will retain the student'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. Student records of currently enrolled students, other than the records that must be maintained for one hundred years as described in N.J.A.C. 6A:32-7.8(e) and 5. below, may be disposed of after the information is no longer necessary to provide educational services to a student.
  - a. Such disposition will be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful.
3. Upon graduation or permanent departure of a student from the school district:
  - a. The parent or adult student will be notified in writing that a copy of the entire student's record will be provided to them upon request.



- b. Information in student records, other than that described in N.J.A.C. 6A:32-7.8(e) and 5. below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq.
  - c. Such disposition will be accomplished only after written parental or adult student notification, and written parental or adult student permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful, and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of State.
4. No additions will be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.
5. The New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district will keep for one hundred years a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

Adopted: August 18, 2009  
Revised: February 21, 2017



### **8335 – Family Educational Rights and Privacy Act**

The Board of Education policies and regulations will be in compliance with the requirements of the Family Educational Rights and Privacy Act (FERPA). FERPA affords parents and adult pupils certain rights with respect to the pupil's education records. FERPA requires the district to provide parents and adult pupils the right to inspect and review the pupil's education records within forty-five days of the day the school district receives a request for access, to request an amendment(s) of the pupil's education records the parent or adult pupil believes are inaccurate, and to consent to disclosures of personally identifiable information contained in the pupil's education records, except to the extent that FERPA authorizes disclosure without consent.

FERPA permits disclosure of pupil records without consent if the disclosure is to school officials with legitimate educational interests. FERPA permits the school district to disclose education records without a parent's or adult pupil's consent to officials of another school district in which a pupil seeks or intends to enroll. FERPA requires a school district to make a reasonable attempt to notify the parent or adult pupil of the records request unless it states in its annual notification that it intends to forward records on request.

The parent or adult pupil has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

The New Jersey Administrative Code 6A:32-7 – Pupil Records adopted by the New Jersey Department of Education incorporates the requirements of FERPA and Board of Education [Board Policy and Regulation #8330 – Pupil Records](#) ensures parents and adult pupils are afforded certain rights with respect to the pupil's education records as required by FERPA.

#### **Legal References**

20 U.S.C. Sec. 1232g. – The Family Educational Rights and Privacy Act  
N.J.A.C. 6A:32-7

Adopted: August 18, 2009



### **8420 – Emergency and Crisis Situations (M)**

The Board of Education recognizes its responsibility to provide for the safety and security in each school building in the district. The district will develop and implement written plans and procedures to provide for the protection of health, safety, security, and welfare of the school population; the prevention of, intervention in, response to and recovery from emergency and crisis situations; the establishment and maintenance of a climate of civility; and supportive services for staff, pupils, and their families.

The Superintendent or designee shall consult with law enforcement agencies, health and social services provider agencies, emergency management planners, and school and community resources, as appropriate, in the development of the school district's plans, procedures, and mechanisms for school safety and security. The plans, procedures, and mechanisms shall be consistent with the provisions of N.J.A.C. 6A:16-5.1 and the format and content established by the Domestic Security Preparedness Task Force, pursuant to N.J.S.A. App. A:9-64 et seq., and the Commissioner of Education and shall be reviewed annually, and updated as appropriate.

A copy of the school district's school safety and security plan shall be disseminated to all school district employees. New employees shall receive a copy of the school district's safety and security plan, as appropriate, within sixty days of the effective date of their employment. All employees shall be briefed in writing, as appropriate, regarding updates and changes to the school safety and security plan.

The school district shall develop and provide an in-service training program for all school district employees to enable them to recognize and appropriately respond to safety and security concerns, including emergencies and crisis, consistent with the school district's plans, procedures, and mechanisms for school safety and security and the provisions of N.J.A.C. 6A:16-5.1 by November 1, 2010. New employees shall receive this in-service training, as appropriate, within sixty days of the effective date of their employment. This in-service training program shall be reviewed annually and updated, as appropriate.

In accordance with N.J.S.A. 18A:41-1, at least one fire drill and one school security drill will be conducted each month within school hours, including any summer months which the school is open for instructional programs. A school security drill means an exercise, other than a fire drill, to practice procedures that respond to an emergency situation including, but not limited to, a non-fire evacuation, lockdown, bomb threat, or active shooter situation that is similar in duration to a fire drill. Schools are required to hold a minimum of two active shooter, non-fire evacuation, bomb threat, and lockdown security drills annually. Fire alarm systems shall be initiated only during a fire drill evacuation. Responses made necessary by the unplanned activation of emergency procedures or by any other emergency shall not be substituted for a required school security drill.

The Building Principal or designee will provide local law enforcement or other emergency responders, as appropriate, with a friendly notification at least forty-eight hours prior to holding a school security drill. Although these outside agencies are not required to observe school security drills, the Building



Principal is encouraged to invite representatives from local law enforcement and emergency responder agencies to attend and observe at least four different security drills annually.

Such drills and in-service training programs shall be conducted in accordance with a building security drill guide and training materials that educate school employees on proper evacuation and lockdown procedures in a variety of emergency situations on school grounds as provided by the New Jersey Office of Homeland Security and Preparedness.

The school district will be required to annually submit a security drill statement of assurance to the New Jersey Department of Education by June 30<sup>th</sup> of each school year. Each school in the district will be required to complete a security drill record form as required by the New Jersey Department of Education.

### Legal References

N.J.S.A. 2C:33-3

N.J.S.A. 18A:41-1 et seq.

N.J.A.C. 6A:16-5.1; 6A:27-11.2

Adopted: August 18, 2009

Revised: March 9, 2011



### **R8420 – Emergency and Non-Fire Evacuation Plan (M)**

The need for orderly and safe evacuation during certain situations is critical to the safety of the occupants of a school building. If such a threat is deemed immediate, credible, and reasonable, the Building Principal or designee may order a non-fire building evacuation. In the event the Building Principal or designee believes a threat does not exist or immediate evacuation is not required, the Building Principal or designee shall review the situation with the Superintendent, who may consult with local law enforcement officials to review the threat risk.

#### **A. Procedures in the Event it is Determined a Non-Fire Evacuation is Warranted**

1. The Building Principal or designee will immediately order a non-fire evacuation of the school building. The notification process may be the school's fire alarm system, a notice over the school's public address system, or any other method deemed appropriate by the Building Principal or designee to inform building occupants to evacuate the school building. The evacuation may be an entire or partial building evacuation depending on the circumstances.
2. The Building Principal or designee will:
  - a. Immediately call local law enforcement officials;
  - b. Immediately call the Superintendent;
  - c. Ensure any school buses enroute to the school or other vehicles entering the school grounds are redirected to a designated alternative location pending further instructions from law enforcement officials;
  - d. Notify and maintain contact with the Superintendent regarding the communication to be released to parents, community and media; and
  - e. Allow local enforcement officials to control the scene upon their arrival.
3. School staff members, upon receiving notice the school needs to be evacuated, will:
  - a. Direct pupils to gather personal belongings in the classroom or within their immediate area;
  - b. Instruct pupils not to use any electronic communication device until instructed otherwise;
  - c. Close the windows and doors of their vacated rooms and turn off any light or electrical switch;
  - d. Take the pupil roster and the day's attendance;
  - e. Lead their class or the pupils under their supervision upon receiving the evacuation notice to the evacuation area;
  - f. Take attendance when arriving at the evacuation area and report any additional pupils or missing pupils to the Building Principal or designee;



- g. Not allow any pupil to re-enter the building, leave the evacuation area, or be dismissed from school unless authorized by the Building Principal or designee or law enforcement officials; and
- h. Not speak to the media or permit media to interview any pupil.

### B. Procedures After it is Determined the School Building Can be Reoccupied

1. The Building Principal or designee, upon a determination by school and law enforcement officials that the threat or risk is concluded, will direct the reoccupation of the building.
2. If it is determined the building is not safe to re-enter, the Building Principal or designee will notify school officials of the situation at the evacuation assembly locations. If it is determined pupils will be released for the day, the Building Principal or designee, in consultation with the Superintendent, will coordinate pupil dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.
3. The school district will provide school district staff and other school district crisis response team members to provide counseling and support as needed.

### Legal References

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: August 18, 2009  
Revised: March 9, 2011





### **R8420.01 – Fire and Fire Drills (M)**

#### A. Fire Drills

1. The Building Principal of each school building will conduct at least one fire drill each month within school hours, including any summer months during which the school is open for instructional programs. Attempts should be made to conduct drills in various weather conditions and at various times of the school day. Fire drills should always be unannounced to school staff and pupils. The Building Principal shall inform local fire fighting officials whenever a fire alarm is for drill purposes.
2. Fire alarm shall be by a building designated signal. Alarm signals should be tested regularly, before or after the school session.
3. When the fire alarm rings, each teacher will:
  - a. Direct pupils to form into a single file line and proceed along the evacuation route to the nearest exit designated for evacuation;
  - b. Close the windows of the room and turn off all lights and audio-visual equipment;
  - c. Take the class register or roll book;
  - d. Ascertain that all pupils have left the room and that any pupil who may have left the classroom prior to the fire drill is located and escorted from the building;
  - e. Close all doors to the room when the room is empty and keep all doors and exits of their respective rooms unlocked during the school hours, except during an emergency lockdown or an emergency lockdown drill;
  - f. Ensure that the pupils assigned to him/her class have left the school along the route prescribed in the school evacuation plan and, in the event a school building has been provided with fire escapes, they shall be used by a part or all of the pupils performing every fire drill;
  - 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 Building Principal 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 Building Principal and will be subject to discipline.
5. All persons in the school must leave the building during a fire drill, including all aides, visitors, volunteer workers, and all office, cafeteria, custodial, and maintenance employees, except those



employees who have been assigned specific duties to be performed in the school building during a fire drill.

6. Physical education classes in progress outside the building should stop the game activity and line up in place or in their regularly assigned drill position.
7. Pupils will be instructed not to gather belongings to take outside on the fire drill. In inclement or cold weather, elementary school pupils may pick up their coats and put them on after 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. Each Building Principal shall report monthly to the Superintendent 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. Building Principals are 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. In the event of a fire in a school building, the school staff member detecting the fire shall immediately sound the fire alarm for the evacuation of all pupils, staff members, visitors, and volunteers.
2. The report of the fire’s location shall be immediately relayed to the Building Principal, if possible.
3. 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.
4. As a precaution, the Building Principal or designee 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.
5. A school staff member who detects a fire on school grounds shall immediately report the fire to the local fire department in accordance with law, whether or not the fire has been extinguished. The location of the fire should then be reported to the Building Principal



6. As soon as practicable after the incident, the Building Principal shall submit a report to the Superintendent on the appropriate form.

Adopted: August 18, 2009  
Revised: June 29, 2010



### **R8420.02 – Bomb Threats (M)**

#### **Definition**

A bomb threat consists of a message, regardless of the source or form or truth of the message that someone has placed or intends to place in the school an explosive device or any material that will cause significant harm to persons in the school or damage to school property. The bomb threat message may be a telephone call, written communication, email, graffiti, rumored, or any other form of communication.

#### **A. Procedures When a Bomb Threat is Received**

1. A bomb threat received by any school employee will be immediately relayed to the Building Principal or designee.
2. A written bomb threat should be placed in a folder or a folded paper and should be handled as little as possible.
3. If possible, a telephoned bomb threat should be transferred to the Building Principal or designee.
  - a. The Building Principal or other person who talks to the caller will attempt to keep the caller on the line as long as possible to enhance the chance of identifying the telephone caller.
  - b. The person talking to the caller should attempt to obtain, by direct questioning and by listening to background clues, and record in writing as much information as possible about:
    - (1) The alleged bomb (e.g., its nature, size, specific location, what will cause detonation, detonation time);
    - (2) The caller (e.g., name, address, location, gender, age, background, motive);
    - (3) The identity of the person who placed the bomb, if the caller denies responsibility;
    - (4) The means by which the bomb was delivered to the site;
    - (5) The caller's voice (e.g., calm, angry, excited, slow, rapid, loud, slurred, distinct, familiarity); and
    - (6) Background sounds (e.g. street noises, music, office or factory machinery, animal noises, voices).

#### **B. Response Procedures to be Used After a Bomb Threat is Received**

1. The Building Principal or designee will immediately call:
  - a. The Police Department/local law enforcement;
  - b. The Fire Department; and
  - c. The Superintendent's office.



2. If the Building Principal or designee determines there is a reasonable cause to believe an explosive device is present and an immediate evacuation is warranted, the Building Principal or designee will order the immediate evacuation of the school building. The evacuation will be conducted as follows:
  - a. The fire drill alarm may include a building designated code to indicate that a bomb threat has been received;
  - b. If the Building Principal or designee determines that time permits, pupils will empty their cubbies or lockers and leave their lockers unlocked; and
  - c. School staff members, pupils, and visitors will be evacuated to a waiting place at least 1,000 feet from the school building and behind cover or to a predetermined area outside the school building.
3. If the Building Principal or designee determines an immediate evacuation is not warranted the building will not be immediately evacuated until law enforcement officials arrive on the scene and are provided control of the bomb threat situation.
4. The Building Principal or designee will also:
  - a. Prohibit the use of any electronic communication devices to include, but not be limited to cellular telephones and walkie-talkies;
  - b. Ensure any school buses enroute to the school or other vehicles entering the school grounds are redirected to a designated alternative location pending further instructions from law enforcement officials;
  - c. Notify and maintain contact with the Superintendent regarding the communication to be released to parents, community and media; and
  - d. Allow law enforcement officials to control the scene upon their arrival.
5. School staff members, upon receiving notice the school is being evacuated for a bomb threat, will:
  - a. Direct pupils to gather personal belongings in the classroom or within their immediate area;
  - b. Instruct pupils to not use any electronic communication device until instructed otherwise;
  - c. Conduct a quick visual survey of their classrooms for any suspicious or unfamiliar objects and report such to the Building Principal or designee;
  - d. Leave the windows and doors of their vacated rooms open and do not turn on or turn off any light or electrical switch;
  - e. Take the pupil roster and the day's attendance;
  - f. Lead their class or the pupils under their supervision upon receiving the evacuation notice to the evacuation area;
  - g. Take attendance when arriving at the evacuation area and report any additional pupils or missing pupils to the Building Principal or designee;



- h. Not allow any pupil to re-enter the building, leave the evacuation area, or be dismissed from school unless authorized by the Building Principal or designee or law enforcement officials; and
    - i. Not speak to the media or permit media to interview any pupil.
6. If law enforcement officials determine the building is safe to re-enter, the Building Principal or designee will issue 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 Building Principal may recommend to the Superintendent that the school be closed and pupils dismissed.
7. In the event an explosive device is found in the school building or on school grounds threatening the safety of staff and pupils, the Building Principal or designee will:
  - a. Work with law enforcement officials to ensure the continued safety of pupils and staff;
  - b. Notify school officials at the evacuation assembly locations of the situation that pupils will be released for the day; and
  - c. In consultation with the Superintendent and law enforcement officials, will coordinate pupil dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.
8. The school district will provide school district staff and other school district crisis response team members to provide counseling and support as needed.
9. All bomb threat procedures will be conducted with seriousness and dispatch. It is the intention of these regulations that the school community be protected against harm without conferring notoriety on the person who threatens harm.
10. In the event an explosion occurs while the building is evacuated, the Building Principal or designee, in consultation with the Superintendent and law enforcement officials, will coordinate pupil dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.
11. The Building Principal will submit to the Superintendent a written report of each bomb threat received, the steps taken in response, and the outcome of the threat.

These procedures are recommended for implementation in the event a bomb threat is received. However, based on the circumstance or situation, the Building Principal or designee or law enforcement officials may modify these procedures if it is determined modification is needed to best protect the building's occupants.



### Legal References

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: August 18, 2009  
Revised: March 8, 2011



### **R8420.03 – Natural Disasters and Man-Made Catastrophes (M)**

#### 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 Building Principal of each school building is responsible for responding quickly and reasonably to all natural disasters and man-made catastrophes. The Building Principal’s primary goal in any emergency is the protection of the pupils and staff members assigned to his/her building.
2. The Building Principal shall cooperate with local law enforcement officers, civil defense agencies, and other appropriate authorities.
3. All reasonable efforts will be made to predict or anticipate the occurrence of a natural disaster or manmade catastrophe and to take such steps in advance as may be necessary to protect 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 Building Principal, who shall immediately evaluate and/or verify the report. The Building Principal shall report an impending disaster or catastrophe to the Superintendent and the appropriate police or civil authority.
5. If necessary and prudent, the school will be evacuated in accordance with the fire drills procedures set forth in [Board Regulation #R8420.01 – Fire and Fire Drills](#). 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 Building Principal or their immediate supervisor for direction. The following personnel should be prepared to take the actions indicated at the direction of the Building Principal.
  - a. The school nurse will set up a station for the treatment of injuries and caring for injured and shocked persons until transportation to hospital facilities is available.
  - b. The head custodian will survey the damage, if any, done to essential school building services, such as electrical, gas, water, and fuel. He/she will report any such damage to the Building Principal along with any recommendations for repair or substitution.





- c. The cafeteria manager will assess food and water inventories and establish procedures for supplying such food and water as may be required by persons in the school or the school shelter.
7. If the school cannot or should not be re-entered, parents will be notified and pupils will be sent home as follows:
  - a. Pupils who ordinarily walk to school will be excused,
  - b. Pupils who ride school buses will be excused as soon as bus transportation is available,
  - c. The Building Principal 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 [Board Regulation #R8420 – Emergency Evacuation Plan](#). 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 Building Principal, other administrators, and all school staff members will strive to discharge their responsibilities calmly, intelligently, and prudently.
11. The Building Principal will make a written report to the Superintendent 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: August 18, 2009



### **R8420.04 – Kidnapping (M)**

#### 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 Superintendent;
  - b. Check school records to determine whether there is a legal custody issue;
  - c. Contact the pupil's parent(s) or legal guardian(s); and
  - d. 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.

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.

Adopted: August 18, 2009



### **R8420.05 – Asbestos Release (M)**

The Board of Education recognizes certain buildings in the school district may contain asbestos. The Board and school staff members have implemented the necessary safety measures to eliminate the possibility of asbestos fiber release episodes to ensure the safety of all building occupants. The 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 Superintendent 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.

Adopted: August 18, 2009



### **R8420.06 – Accidents To and From School (M)**

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 Superintendent.
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.
5. The school district may send a staff member to the scene of the accident, if appropriate.

Adopted: August 18, 2009



### **R8420.07 – Lockdown Procedures (M)**

In the event it is determined by the Building Principal or designee that a circumstance or situation requires the school building's occupants to remain secure within the school building, the Building Principal or designee may implement lockdown procedures. The following procedures shall be enacted during a lockdown which shall begin with notification to the building's occupants that all occupants should commence lockdown procedures. The notification may be a public address announcement or may be a discreet notification depending on the circumstance or situation.

- A. Procedures in the Event it is Determined That a Lockdown is Warranted:
1. The Building Principal and/or designee will:
    - a. Immediately inform the Superintendent of such action;
    - b. Contact local law enforcement;
    - c. Deactivate fire alarm pull stations without disengaging the fire sensors, if feasible, until law enforcement officials arrive on scene; and
    - d. Deactivate school bell systems, if feasible, until law enforcement officials arrive on scene.
  2. The Building Principal and/or designee will also:
    - a. Communicate to any staff outside the building to stop pedestrians and vehicles, including school buses, from entering the school grounds;
    - b. Assign a staff member in the main office to maintain communication with classrooms and monitor status and, if needed, designate a staff member to meet and brief local law enforcement upon their arrival;
    - c. Determine, in consultation and with the approval of the Superintendent, the most appropriate means to communicate information to be released to parents, community, and media; and
    - d. Will allow local law enforcement officials to control the scene upon their arrival.
  3. School staff members, on receiving notice that the school needs to be in a lockdown situation, will:
    - a. Turn off all lights, close the blinds/shades (refer to [Board Regulation #R8420.10 – Active Shooter](#) for when to leave the external blinds/shades open), and turn off electronic equipment;
    - b. Instruct pupils to be absolutely quiet and discourage the individual use of cellular telephones;
    - c. Instruct classroom occupants to get on the floor in a sitting or crouching position and direct pupils away from doors and windows wherever possible;
    - d. Close and lock doors and windows from inside the room, if possible;



- e. Secure all staff, pupils, visitors, including those from the hallways, behind locked doors, restrooms, gymnasiums, and other non-classroom areas without risking their own safety or the safety of others already secure;
  - f. Not permit anyone to leave a secured room or area until notified by the Building Principal or designee or law enforcement officials; and
  - g. Ignore bells or alarms unless otherwise notified by the Building Principal or designee or law enforcement officials.
4. 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.
  5. Teachers shall take pupil attendance for the pupils within their secured area report any additional pupils in the room and any missing pupils.
  6. Office personnel should remain in the general office areas or any other area that can be secured from the inside. All office doors shall be locked and secured to prevent entrance by an outside intruder.
  7. The building's occupants should remain in lockdown condition until an announcement indicating the lockdown is over.
  8. Lockdown Procedures for Those in Exposed Areas – Physical education classes using outside facilities shall, under the direction of the teacher, report to the nearest school entrance and upon entering the building locate to a secure classroom or location within the building. If there is reason to believe these pupils may be at risk re-entering the building, the pupils may be directed to another secure location off school grounds and/or away from the building.

### B. Procedures After Lockdown Situation is Brought Under Control

1. After the lockdown situation has been brought under control, the Building Principal or designee or law enforcement officials will communicate to building occupants the lockdown situation has ended.
2. Evacuation of the building after the lockdown situation has been declared under control shall be under the direction of the Building Principal or designee and law enforcement officials.
3. The Building Principal or designee, in consultation and with the approval of the Superintendent, will coordinate family reuniting procedures.
4. The school district will provide school district staff and other school district crisis response team members to provide counseling and support as needed.
5. The Building Principal or designee will debrief with local law enforcement and all other agencies involved in the school lockdown situation.



These lockdown procedures are recommended for implementation in the event it is determined a lockdown is needed. However, based on the circumstance or situation, the Building Principal or designee or a law enforcement official may modify these procedures if he/she determines modification is needed to best protect the building's occupants.

### Legal References

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: August 18, 2009  
Revised: March 8, 2011



### **R8420.10 – Active Shooter (M)**

An active shooter or armed assault in a school building or on school grounds involves one or more individuals' intent on causing physical harm to pupils and school staff. Intruders may possess weapons or other harmful devices. In an active shooter situation, one or more subjects who are believed to be armed has used or threatened to use a weapon to inflict serious bodily injury to another person and/or continues to do so while having unrestricted access to additional victims, their actions have demonstrated their intent to continuously harm others, and their overriding objective appears to be that of mass injury.

#### **A. Procedures in the Event of an Active Shooter in the School or on School Grounds**

1. If the Building Principal or designee determines there is an active shooter in the school or on school grounds he/she will immediately:
  - a. Order a lockdown of the school building. The notification may be a public address announcement or may be a discreet notification depending on the circumstance or situation;
  - b. Contact local law enforcement;
  - c. Inform the Superintendent;
  - d. Deactivate fire alarm pull stations without disengaging the fire sensors, if feasible, until law enforcement officials arrive on scene;
  - e. Deactivate school bell systems, if feasible, until law enforcement officials arrive on scene; and
  - f. Direct staff and pupils outside the building, if the active shooter is believed to be in the building, to move immediately to a predetermined evacuation assembly location and be prepared to evacuate the school site, if necessary.
2. The Building Principal and/or designee will also:
  - a. Communicate to any staff outside the building to stop pedestrians and vehicles, including school buses, from entering the school grounds;
  - b. Assign a staff member in the main office to maintain communication with classrooms and monitor status and, if needed, designate a staff member to meet and brief local law enforcement upon their arrival;
  - c. Determine, in consultation and with the approval of the Superintendent, the most appropriate means to communicate information to be released to parents, community, and media; and
  - d. Will allow local law enforcement officials to control the scene upon their arrival.
3. School staff members, upon receiving notice there may be an intruder or active shooter in the school building or on school grounds, will:





- a. If not already confirmed, upon first indication of an intruder or armed intruder will immediately notify the Building Principal or designee;
  - b. Turn off all lights and turn off electronic equipment;
  - c. If the intruder is outside the school building close all window and door shades/blinds, if the intruder is inside the school building only close the blinds/shades on internal windows and doors, leave the shades/blinds on external windows and doors open.
  - d. Instruct pupils to be absolutely quiet and not to use any individual electronic communication device;
  - e. Instruct classroom occupants to get on the floor in a sitting or crouching position and direct pupils away from doors and windows wherever possible;
  - f. Close and lock doors and windows from inside the room, if possible;
  - g. Secure all staff, pupils, and visitors, including those in the hallways, behind locked doors, restrooms, gymnasiums, and other non-classroom building areas without risking their own safety or the safety of others already secure;
  - h. Not permit anyone to leave a secured room or area until notified by the Building Principal or designee or law enforcement officials; and
  - i. Ignore bells or alarms unless otherwise notified by the Building Principal or designee or law enforcement officials.
4. 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 person in hallways and other unsecured and open areas are taken to the nearest classroom and/or secured area.
  5. Teachers shall take pupil attendance for the pupils within their secured area and report any additional pupils in the room and any missing pupils.
  6. Office personnel should remain in the general office areas or any other area that can be secured. All office doors shall be locked and secured to prevent entrance by an outside intruder.
  7. The building's occupants should remain in lockdown condition until an announcement indicating the lockdown is over.
  8. Physical education classes using outside facilities, under the direction and supervision of the teacher, shall report to the nearest school entrance and upon entering the building locate to a secure classroom or location within the building. If there is reason to believe pupils outside the school building may be at risk re-entering the building, the pupils may be directed to another secure location off school grounds and/or away from the building.
  9. The school may establish a predetermined code word or procedure for a staff member to communicate with the school office or administrative staff in the event an intruder enters a classroom or other secured area.



10. The Building Principal or designee may establish with local law enforcement officials a notification procedure in the event an active shooter or intruder is believed to be in the school building. The notification procedure would alert law enforcement officials if a classroom or other secured area is safe and secure or if emergency assistance is needed. The procedure may be a color card system placing colored cards inside or outside doors or windows or any other procedure agreed to by the Building Principal and local law enforcement.

### B. Procedures After Active Shooter Situation is Brought Under Control

1. After the active shooter situation has been brought under control, the Building Principal or designee or law enforcement officials will communicate to building occupants the active shooter situation has ended.
2. Evacuation of the building after the active shooter situation has been declared under control shall be under the direction of the Building Principal or designee and law enforcement officials.
3. The Building Principal or designee, in consultation and with the approval of the Superintendent, will coordinate family reunification procedures.
4. The school district will provide school district staff and other crisis response team members to provide counseling and support as needed.
5. The Building Principal or designee will debrief with local law enforcement and all other agencies involved in the active shooter situation.
6. The Superintendent, in consultation with the Building Principal and law enforcement officials, will determine when school can resume normal activities and will communicate this information to staff, parents, and the community.

These active shooter procedures are recommended for implementation in the event it is determined an active shooter may be in a school building or on school grounds. However, based on the circumstance or situation, the Building Principal or designee or law enforcement officials may modify these procedures if he/she determines modification is needed to best protect the building's occupants.

### Legal References

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: March 8, 2011



### **8431 – Preparedness for Toxic Hazard**

The Board of Education is concerned for the safety of the pupils and staff members assigned to district schools and will take reasonable steps to protect pupils and staff members from hazards that may result from industrial accidents beyond the control of school officials.

The Board will appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will, in accordance with procedures prepared by the Superintendent, identify potential sources of toxic hazard and develop a plan that includes preventive and remedial measures to be followed in the event pupils and staff members are exposed to a toxic hazard. The plan will also include a system for the periodic evaluation of school environments.

The THP Officer will enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard. The Board may, in its discretion, appoint and charge an ad hoc committee of community representatives to assist the THP Officer.

The plan for toxic hazard preparedness developed by the THP Officer and approved by this Board will be disseminated to the public. Teaching staff members will be instructed in the specific measures to be taken when toxic hazard is present and in the recognition of toxic hazards in the environment. A teaching staff member who detects a toxic hazard in school shall immediately notify the school Building Principal and the school nurse or, in the absence of either, the person authorized to perform that office.

Nothing in this Policy should be construed in any way as an assumption of liability by the Board of Education for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of the Board or its officers and employees.

#### **Legal References**

N.J.S.A. 13:1K-19 et seq.

N.J.S.A. 34:5A-1 et seq.

N.J.A.C. 6A:16-1.4

N.J.A.C. 7:1G-2.1

N.J.A.C. 8:59-1.4

Adopted: August 18, 2009



### **R8431 – Toxic Hazard Preparedness Program**

The following procedures are established to guide the Toxic Catastrophe Preparedness Officer in the implementation of [Board Policy #8431 – Preparedness for Toxic Hazard](#).

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 one or more district schools.
4. The THP officer may obtain information regarding compliance with the Worker and Community Right to Know Act by calling 609-984-3219. Information regarding compliance with the Toxic Catastrophe Prevention Act may be obtained by calling the project office at 609-984-3641. A copy of a facility's environmental survey may be requested by written request to:  
New Jersey Department of Environmental Protection  
401 East State Street  
Trenton, New Jersey 08625
5. The THP Officer should visit each of the facilities identified and attempt to enlist the aid of the plant manager. Without suggesting that the plant is mismanaged or a threat to the community, the THP officer should seek the plant manager's cooperation in:
  - a. Notifying immediately the district central office and, if appropriate, the Building Principal of one or more schools 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;
  - 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 Superintendent in planning and implementing an in-service program to train school district employees in recognizing a toxic condition and responding properly to the hazard.

Adopted: August 18, 2009



### **8441 – Care of Injured and Ill Persons (M)**

The Board of Education will provide the prompt and appropriate medical attention for students, staff members, or visitors who are injured or become ill on school grounds or during a school sponsored event, activity or field trip.

Any injury or illness will be reported immediately to the school nurse or, in the absence of the school nurse, the Building Principal (or designee). Immediate steps may be taken as necessary to remove the injured or ill person from danger and/or to prevent exacerbation of the injury or illness. Basic first aid may be administered by district personnel to ensure the safety and comfort of the injured or ill person until the school nurse or other medical professional arrives on the scene.

The parent of an injured or ill student and, if necessary, the family of an injured or ill staff member or visitor will be notified promptly of the injury or illness and the ongoing health status of the injured or ill person. If the school nurse or school physician or, in the absence of both, the Building Principal (or designee), determines that the injured or ill person should receive a medical examination from their medical professional the parent or a family member will be required to remove the injured or ill person from the school or school event or activity. In the event a serious health emergency occurs on school grounds or during a school sponsored event, activity, or field trip, emergency medical assistance will be contacted.

In the event it is determined by the school nurse and/or a medical professional that a student shall be immediately transported to a hospital or other emergency medical facility, a school staff member, if a parent or their designee is not on the scene, shall accompany the student to a hospital or other emergency medical facility.

The school nurses(s) in consultation with the school physician will develop basic emergency first aid procedures for the emergency treatment of an injury or illness in the event a school staff member may be in the position to provide emergency first aid until the school nurse or other medical professional arrives on the scene.

Student disabilities attributable to substance abuse will be handled in accordance with [Board Policy #5530 – Substance Abuse](#). Injuries that occur in the course of school bus transportation will be handled in accordance with regulations implementing [Board Policy #8630 – Bus Driver Responsibility](#).

#### **Legal References**

N.J.A.C. 6A:16-2.1(a)4

Adopted: August 18, 2009

Revised: August 9, 2016



## **R8441 – Care of Injured and Ill Persons (M)**

### **A. Injuries and/or Illnesses Requiring Immediate Attention**

These regulations apply when a student, staff member, visitor, or other person on school grounds or during a school-sponsored event, activity, or field trip is injured or becomes suddenly ill. A school staff member shall take charge under these circumstances until the school nurse or another medical professional arrives on the scene.

1. The injury or illness will be reported immediately to the school nurse or, in the absence of the school nurse, to the Building Principal (or designee).
2. If it is evident the illness or injury is serious and immediate medical attention may be required, emergency medical assistance will be immediately summoned by a telephone call to 911.
3. The injured or ill person will be examined for any obvious injuries or health problems.
4. The injured or ill person will be checked for the presence of a necklace or bracelet that identifies a particular medical condition.
5. The injured or ill person will not be moved, except as may be necessary to remove the person from a dangerous environment.
6. The injured or ill person should be made as comfortable as possible, without moving him/her.
7. No food or liquid should be given to the injured or ill person except on the orders of the school nurse or another medical professional.
8. The injured or ill person should be calmed with assurances that he/she is receiving or is about to receive aid.

### **B. Emergency First Aid Procedures**

1. The school nurse or other medical professional will administer emergency first aid to an injured student, staff member, or visitor.
2. In the event the school nurse or other medical professional is not available or before the school nurse or other medical professional arrives, the school staff member or other adult in charge may administer basic first aid to the injured or ill person until the school nurse or other trained medical professional arrives.
  - a. The school nurse will develop, in consultation with the school physician, basic emergency first aid procedures in the event a school staff member may be in the position to provide emergency first aid to an injured or ill person until the school nurse or other medical professional arrives on the scene.
  - b. The school nurse will make such basic emergency first aid procedures available to school staff members.

Adopted: August 18, 2009

Revised: August 9, 2016



### **8442 – Reporting Accidents**

The Board of Education directs that all reasonable efforts be made to ensure a safe learning and working environment for the pupils and employees of this district. To that end and to the end that legitimate employee claims for worker's compensation be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a pupil, an employee of the Board, or a visitor to the schools must be reported promptly and in writing to the district business office. Injured persons shall be referred immediately to the school nurse for such medical attention as may be appropriate.

The injured employee or visitor or the staff member responsible for an injured pupil shall complete a form, available in the office of the Building Principal, that includes the date, time and place of the incident; the names of persons involved; the nature of the injury, to the extent that it is known; and a description of all relevant circumstances.

A copy shall be retained by the Building Principal and a copy shall be sent to the business office.

Any employee of the Board who suffers a job-related injury must report the injury and its circumstances to the Building Principal or job supervisor, as appropriate, no later than twenty-four hours following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action.

Adopted: August 18, 2009





### **8451 – Control of Communicable Disease (M)**

The Board of Education recognizes that control of the spread of communicable disease is essential to the well-being of the school community and to the efficient operation of the schools.

The Board shall be bound by the statutes and by rules of the State Board of Education for the exclusion and readmission of pupils who have contracted a communicable disease and of teachers and pupils who have been exposed to a communicable disease and for the instruction of teachers in health and the prevention of disease. The Board shall comply with regulations of the New Jersey Department of Health and the Warren County Board of Health governing the prevention, control, and reporting of communicable disease.

The teacher may exclude from the classroom and the Building Principal may exclude from the school building any pupil who appears to be ill or has been exposed to a communicable disease. A pupil may be isolated in school to await the arrival of or instructions from an adult member of his/her family. If the school medical inspector or the school nurse is present in the building, his/her recommendation shall be sought before any such exclusion or isolation is ordered.

Any pupil retained at home or excluded from school by reason of having or being suspected of having a communicable disease shall not be readmitted to his/her classroom until he/she presents written evidence of being free of communicable disease. That evidence may be supplied by the school medical inspector or another qualified physician who has examined the pupil.

Any pupil or adult who has weeping skin lesions that cannot be covered shall be excluded from school.

The Superintendent shall develop procedures for the control of communicable disease that include the instruction of teaching staff members in the detection of disease and measures for its prevention and control; the removal from school premises to the care of a responsible adult for pupils identified and excluded in accordance with this Policy; the preparation of standards for the readmission of pupils who have recovered from communicable disease; the provision of appropriate home instruction to excluded pupils in accordance with law; and the filing of reports as required by law.

#### **Legal References**

N.J.S.A. 18A:40-3; 18A:40-7 et seq.

N.J.S.A. 26:4-4; 26:4-6

N.J.A.C. 6A:16-1.4

N.J.A.C. 8:57-1.3; 8:57-1.6; 8:57-2.1 et seq.

Adopted: August 18, 2009



### **R8451 – Control of Communicable Disease (M)**

#### 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 Building Principal to the County Health Officer or to the New Jersey Department of Health if the County Health Officer is not available. Such telephone report will be followed up by a written report or electronic report within twenty-four hours of the initial report. The diseases to be immediately reported are:
- a. Botulism (Clostridium);
  - b. Diphtheria (Corynebacterium diphtheriae);
  - c. Haemophilus influenzae, invasive disease;
  - d. Hepatitis A, institutional settings;
  - e. Measles;
  - f. Meningococcal 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 Building Principal the pupil's exclusion from school for medical reasons.
4. In the event neither the school nurse nor the school medical inspector is available to be consulted about the pupil's condition, the Building Principal 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 Building Principal or designee or the school nurse.

### D. Reports

1. The school nurse will file such reports as may be required by the New Jersey State Department of Health and in the reporting of communicable diseases in 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.
3. The teacher may, with the advice and consent of the Building Principal and the school nurse, inform the parent(s) or legal guardian(s) of pupils in his/her class that a pupil in the class has contracted a communicable disease. The information given to parents or legal guardians may include the specific symptoms of the disease and parent(s) or legal guardian(s) may be encouraged to consult their personal physicians for inoculations that may prevent the disease or ease the symptoms of the disease.

Adopted: August 18, 2009



### **8453 – HIV/AIDS**

The Board of Education will comply with rules of the State Board of Education and the State Department of Health and Senior Services with regard to the admission and employment of persons who may be diagnosed with Acquired Immune Deficiency Syndrome (AIDS) or infected with Human Immunodeficiency Virus (HIV). “AIDS” means a condition affecting a person who has a reliably diagnosed disease that meets the criteria for AIDS specified by the Center for Disease Control of the United States Public Health Services. “HIV infection” means infection with the human immunodeficiency virus or any other related virus identified as a probable causative agent of AIDS. Laboratory results indicative of infection with HIV shall mean laboratory results showing the presence of HIV or components of HIV, or laboratory results showing the presence of antibodies to HIV, or results from laboratory tests conducted to measure the presence of HIV RNA (viral load tests), such as quantitative PCR tests.

AIDS or HIV infection shall not be considered a communicable disease for purposes of admission to or attendance in a school or for eligibility for educational transportation.

In accordance with N.J.A.C. 6A:16-1.4(a)8, no person, pupil or employee, will be excluded from school solely because he/she is infected with HIV or lives with or is related to a person infected with HIV. Pupils infected with HIV, including those who may be symptomatic or diagnosed with AIDS, may be excluded from school only as a pupil not infected with HIV or diagnosed with AIDS may be excluded from school. A school employee infected with HIV may be restricted in his/her employment only if the employee has another illness that would affect his/her employment.

Any pupil excluded from the regular school program will be provided with home instruction in accordance with rules of the State Board of Education and Board Policy #2412 – Home Instruction Due to Health Condition.

No pupil, staff member, or visitor may attend or visit school if he/she has an uncoverable and/or uncovered weeping skin lesion, whether or not the person has been screened for HIV.

It is not required that anyone in the school be especially notified that an HIV-infected pupil or employee is present. School employee physicals, pupil physicals and athletic physicals do not require disclosure of HIV status. Records of health and medical examinations should not include information about an individual’s infection with HIV. Therefore, HIV/AIDS status is an exception to records required pursuant to pupil physical examinations, N.J.A.C. 6A:16-2.2, and school employee physical examinations, N.J.A.C. 6A:32-6.1 et seq. In the event the school nurse or a school official is apprised that a pupil or employee is HIV-infected, the fact of the infection will be held in strict confidence and will not be classified as a communicable disease for admission, local health reporting or educational transportation.

Information that identifies a pupil as having an 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)/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. The person who receives such information shall not reveal it to any



other person without the express written consent of the minor pupil's parent(s) or legal guardian(s), or the adult pupil.

The Board shall annually provide pupils, parent(s) or legal guardian(s), staff members, school volunteers, and members of the community with information intended to increase awareness of HIV and AIDS, including information regarding the nature of the disease and its prevention. The Board will cooperate with other agencies to provide HIV/AIDS awareness information to the community.

### **Legal Resources**

N.J.S.A. 26:5C-5; 26:5C-6; 26:5C-7; 26:5C-8;

N.J.S.A. 26:5C-9; 26:5C-10; 26:5C-11;

N.J.S.A. 26:5C-12; 26:5C-13; 26:5C-14

N.J.A.C. 6A:16-1.3; 6A:16-1.4; 6A:16-1.5; 6A:16-3.2; 6A:32-9.1

N.J.A.C. 8:57-2.1 et seq.

Adopted: August 18, 2009



### **8461 – Reporting Violence; Vandalism; Harassment, Intimidation, and Bullying, and Alcohol and Other Drug Abuse (M)**

The Board of Education shall observe “School Violence Awareness Week” during the week beginning with the third Monday in October of each year by organizing activities to prevent school violence. Activities shall include, but are not limited to, age-appropriate opportunities for pupil discussion on conflict resolution, issues of pupil diversity, and tolerance. The Board shall invite law enforcement personnel to join members of the teaching staff in the discussions and provide programs for school employees that are designed to help them recognize warning signs of school violence and to instruct them on recommended conduct during an incident of school violence.

Any school employee who observes or has direct knowledge from a participant or victim of an act of violence, or vandalism, 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 with the Building Principal, in accordance with N.J.S.A. 18A:17-46. The report shall be on a form adopted by the Board to include all of the incident detail and offender and victim information that are reported on the Electronic Violence and Vandalism Reporting System (EVVRS).

A report alleging an incident of harassment, intimidation, or bullying shall be made in accordance with the provisions of N.J.S.A. 18A:37-13.1 and Board Policy and Regulation #5512 – Harassment, Intimidation, and Bullying.

The Building Principal, for each incident report of violence; vandalism; harassment, intimidation, and bullying; or alcohol or other drug abuse, shall review the incident report for accuracy; forward a copy of the incident report to the Superintendent; and notify the Superintendent of the action taken regarding the incident. 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.

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; vandalism; and harassment, intimidation, and bullying, pursuant to N.J.S.A. 18A:17-46. Personally identifying information may be provided to the majority representative of the school employees’ bargaining units only in instances when school administrators have reason to believe that the safety of a school staff member is at risk.

Two times each school year, first between September 1<sup>st</sup> and December 31<sup>st</sup> and then between January 1<sup>st</sup> and June 30<sup>th</sup> at a public hearing held pursuant to N.J.S.A. 18A:17-46, the Superintendent shall report to the Board all acts of violence; vandalism; harassment, intimidation, and bullying; and incidents of alcohol and other drug abuse that occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3. The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L.2002,



c.83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any pupil engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each reporting period to the Department of Education. The report must include data broken down by the enumerated categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by Federal or State law for public release.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the provisions of P.L. 2002, c.83 (C.18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district. The Commissioner shall promulgate guidelines for a program to grade schools for the purposes of N.J.S.A. 18A:17-46. The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within ten days of the receipt of a grade by the school and district.

Whenever it is alleged a school employee has knowingly falsified the report on violence; vandalism; and harassment, intimidation, or bullying required under N.J.S.A. 18A:17-46, the Board shall make a determination regarding whether the employee committed the act. The Board shall provide written notice of the allegations to the employee and the employee shall be entitled to a hearing before the Board in accordance with the provisions of N.J.A.C. 6A:16-5.3(g)2. Upon a determination by the Board that an employee has knowingly falsified the report, the Board may take appropriate action as outlined in N.J.A.C. 6A:16-5.3(g)3. Any action taken by the Board 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. Any employee having been found responsible for the falsification of the annual report by the Board shall have the right to file a grievance under their respective bargaining agreements, appeal the Board's determination to the Commissioner of Education and subsequently to the State Board of Education, or appeal the decision to the Superior Court of New Jersey. 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.

The Board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements of N.J.S.A. 18A:17-46.





### Legal References

N.J.S.A. 18A:17-46; 18A:36-5.1

N.J.A.C. 6A:16-5.2; 6A:16-5.3

Adopted: August 18, 2009

Revised: July 12, 2011



## **R8461 – Reporting Violence; Vandalism; Harassment, Intimidation, and Bullying, and Alcohol and Other Drug Abuse (M)**

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 Building Principal, 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 report alleging an incident of harassment, intimidation, or bullying shall be made in accordance with the provisions of N.J.S.A. 18A:37-13.1 and Board Policy and Regulation #5512 – Harassment, Intimidation, and Bullying.

### A. Reporting Violence, Vandalism, Alcohol or Other Drug Use

1. For each incident report of violence, vandalism, or alcohol or other drug abuse, the Building Principal 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 Superintendent; and
  - c. Notify the Superintendent 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; vandalism; and harassment, intimidation and bullying pursuant to N.J.S.A. 18A:17-46.
  - a. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe that the safety of a school staff member is at risk.

### B. Reporting Requirements

1. The Superintendent shall:
  - a. Submit a report to the Department of Education in accordance with the provisions of N.J.S.A. 18A:17-46 of each incident of violence, vandalism, and alcohol and other drug abuse in the school district utilizing the EVVRS;
    - (1) Prior to submission, the Superintendent shall review the report to verify that it is an accurate and final report of all incidences of violence and vandalism in all of the schools in the school district;



- (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. Hearing Requirements

The Superintendent shall report to the Board all acts of violence; vandalism; harassment, intimidation, and bullying; and incidents of alcohol and other drug abuse that occurred during the previous reporting period, in accordance with the provisions of N.J.S.A. 18A:17-46.

### D. Knowingly Falsifying The 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 report, the Board shall make a determination regarding whether the employee committed the act.
2. Any employee alleged to have knowingly falsified the 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 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 non-tenured 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 report by the Board shall have the right to:
  - a. File a grievance under their respective bargaining agreements;
  - 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.

Adopted: August 18, 2009  
Revised: July 12, 2011



### **8462 – Reporting Potentially Missing or Abused Children (M)**

The Board of Education recognizes early detection of missing, abused, or neglected children is important in protecting the health, safety, and welfare of all children. In recognition of the importance of early detection of missing, abused, or neglected children, the Board of Education adopts this Policy pursuant to the requirements of N.J.S.A. 18A:36-24 and 18A:36-25. The Board provides this Policy for its employees, volunteers, or interns to provide for the early detection of missing, abused, or neglected children through notification of, reporting to, and cooperation with the appropriate law enforcement and child welfare authorities pursuant to N.J.S.A. 18A:36-24 and 18A:36-25 et seq., and N.J.A.C. 6A:16-11.1, N.J.S.A. 9:6-8.10.

Employees, volunteers, or interns working in the school district will immediately notify designated child welfare authorities of incidents of alleged missing, abused, and/or neglected children. Reports of incidents of alleged missing, abused, or neglected children will be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE or to any other telephone number designated by the appropriate child welfare authorities. If the child is in immediate danger a call will be placed to 911 as well as to the SCR.

The person having reason to believe that a child may be missing or may have been abused or neglected may inform the Building Principal or other designated school official(s) prior to notifying designated child welfare authorities, if the action will not delay immediate notification. The person notifying designated child welfare authorities will inform the Building Principal or other designated school official(s) of the notification, if such had not occurred prior to the notification. Notice to the Building Principal or other designated school official(s) need not be given when the person believes that such notice would likely endanger the reporter or student involved or when the person believes that such disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his/her employment.

The Building Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement. Notification to appropriate law enforcement authorities will be made for all reports by employees, volunteers, or interns working in the school district. 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.

School district officials will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children in accordance with the provisions of N.J.A.C. 6A:16-11.1(a)5.

The district designates the Building Principal (or designee) in each building as the school district's liaison to designated child welfare authorities to act as the primary contact person between the school district and child welfare authorities with regard to general information sharing and the development of mutual training and other cooperative efforts. The district designates the Superintendent (or designee)



as the school district's liaison to law enforcement authorities to act as the primary contact person between the school district and law enforcement authorities, pursuant to N.J.A.C. 6A:16-6.2(b)1, consistent with the Memorandum of Understanding, pursuant to N.J.A.C. 6A:16-6.2(b)13.

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 will be entitled to due process rights, including those rights defined in N.J.A.C. 6A:16-11.1(a)9.

The Superintendent (or designee) will provide training to school district employees, volunteers, and/or interns on the district's policy and procedures for reporting allegations of missing, abused, or neglected child situations. All new school district employees, volunteers, or interns working in the school district will receive the required information and training as part of their orientation.

There will be no reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potentially missing, abused, or neglected child situation pursuant to N.J.S.A. 9:6-8.13.

Any employee, volunteer, or intern with reasonable cause to suspect or believe a student has attempted or committed suicide, will report the information to the Department of Human Services, Division of Mental Health and Addiction Services, in a form and manner prescribed by the Mental Health and Addiction Services pursuant to N.J.S.A. 30:9A-24.a.

### Legal References

N.J.S.A. 18A:36-24; 18A:36-25 et seq.  
N.J.A.C. 6A:16-11.1

Adopted: August 18, 2009  
Revised: April 27, 2016



### **R8462 – Reporting Potentially Missing or Abused Children (M)**

#### **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), guardian(s), or other person having his/her custody and control:
  - a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
  - b. Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
  - c. Commits or allows to be committed an act of sexual abuse against the child;
  - d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent(s), guardian(s), or other person having his/her custody and control, to exercise a minimum degree of care (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so or (2) in providing the child the proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child’s behavior is harmful to himself/herself, others or property, or by any other act of similarly serious nature requiring the aid of the court;
  - e. Or a child who has been willfully abandoned by his/her parent(s), guardian(s), or such other person having his/her custody and control; or
  - f. Or a child who is in an institution as defined under N.J.S.A. 9:6-8.21 and (1) has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child’s mental or physical well-being or (2) has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child will not be considered abused under N.J.S.A. 9:6-8.9 if the acts or omissions described therein occur in a day school as defined in N.J.S.A. 9:6-8.21.
2. An “intern” means a post-secondary student or graduate student in a professional field gaining supervised practical experience.



### B. Indications of Child Abuse and/or Neglect

1. The suspicion of child abuse and/or neglect may be based on the complaints of the child or on the direct observations of the employee, volunteer, or intern. A person should suspect child abuse and/or neglect when certain conditions appear to be present. The conditions may be, but are not limited to, whenever:
  - a. There is evidence of physical injury to a student not likely to have been caused by an accident, regardless of the student's explanation of the injury;
  - b. A student complains of having been injured or having been sexually molested, with or without external signs of physical injury;
  - c. A student appears to be malnourished;
  - d. A student's general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;
  - e. A student complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;
  - f. A student is excessively apprehensive, fearful, withdrawn, or aggressive;
  - g. A student is afraid to go home after school or arrives to school unreasonably early;
  - h. A parent or the caretaker of a child admits having abused the child;
  - i. The removal from school by the parent(s), 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 reason to believe that a child has been subject to child abuse and/or neglect including but not limited to physical abuse, sexual abuse, neglect, educational abuse, and educational neglect.

### C. Notification Requirements for School District Employees, Volunteers or Interns

1. Employees, volunteers, or interns working in the school district will immediately notify designated child welfare authorities of incidents of alleged missing, abused, or neglected children.
  - a. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the Building Principal or other designated school official(s) prior to notifying designated child welfare authorities, if the action will not delay immediate notification.
  - b. The person notifying designated child welfare authorities will inform the Building Principal or other designated school official(s) of the notification, if such had not occurred prior to the notification.
    - (1) Notice to the Building Principal or other designated school official(s) need not be given when the person believes the notice would likely endanger the reporter or





student involved or when the person believes the disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his/her employment.

2. Reports of incidents of alleged missing, abused, or neglected children will be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE or to any other telephone number designated by the appropriate child welfare authorities. If the child is in immediate danger a call will be placed to 911 as well as to the SCR.

#### **D. School District's Notification to Law Enforcement**

1. The Building Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.
  - a. Notification procedures to child welfare authorities and law enforcement authorities regarding alleged incidents of missing, abused, or neglected children will be consistent with the Memorandum of Agreement between education and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.2(b)13.
  - b. Notification to appropriate law enforcement authorities will be made for all reports by employees, volunteers, or interns working in the school district.
    - (1) The notification to appropriate law enforcement authorities on behalf of a student attending a receiving school will be made to the law enforcement authorities identified in the receiving school's Memorandum of Agreement as required by N.J.A.C. 6A:16-6.2(b)13.
2. Confirmation by another person is not required for a school 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 will be made permitting the child welfare and law enforcement investigators to interview the student in the presence of the Building Principal or other designated school official(s).
    - (1) If the student is intimidated by the presence of the school representative, the student will be requested to name an employee, volunteer, or intern working in the school district, whom he/she feels will be supportive, and who will be allowed to accompany the student 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 student who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99.
- d. In accordance with N.J.A.C. 6A:16-11.1(a)5.iv., the 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 will 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 will be maintained in a secure location separate from other employee personnel records and accessible only to the Superintendent or designee.
- e. In accordance with N.J.A.C. 6A:16-11.1(a)5.v., the district will release the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider.
  - (1) Such removal will take place only after the Building Principal or other designated school official(s), has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the student from his/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 student who has been removed from his/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 will 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 pursuant to N.J.A.C. 6A:16-11.1.(a)2 will occur only if there



is reason to believe that the life or health of the alleged victim or other student is in jeopardy due to continued contact between the employee, volunteer, or intern and the student.

3. All references to a notification to the designated child welfare authorities of a potential missing, abused, or neglected child situation involving a school district employee, will 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: August 18, 2009  
Revised: April 27, 2016



### **8465 – Hate Crimes and Bias-Related Acts (M)**

The Board of Education is committed to providing a safe and healthy environment for all children in the school district. Hate crimes and bias-related acts involving pupils can lead to further violence and retaliation. Hate crimes and bias-related acts, by their nature are confrontational, inflame tensions, and promote social hostility and will not be tolerated by the school district. The school district employees will work closely with local law enforcement and the county prosecutor’s office to report or eliminate the commission of hate crimes and bias-related acts.

#### **Definitions**

A “hate crime” is any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race, color, disability, religion, sexual orientation, or ethnicity.

A “bias-related act” is an act directed at a person, group of persons, private property, or public property that is motivated in whole or part by racial, gender, disability, religion or sexual orientation, or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense. All hate crimes are also bias-related acts, but not all bias-related acts will constitute a hate crime.

#### **Required Actions**

Whenever any school employee in the course of his/her employment develops reason to believe that (1) a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed by any 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 (2) 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 operating school hours, the school employee shall immediately notify the Building Principal and Superintendent, who in turn shall notify the local police department and Bias Investigation Officer for the county prosecutor’s office. The Building Principal shall notify the local police department and the county prosecutor’s office immediately if there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a pupil or there is otherwise reason to believe that a life has been or will be threatened.

Whenever any school employee in the course of his/her employment has reason to believe that a bias-related act has been committed or is about to be committed on school property, or has been or is about to be committed by any pupil, whether on or off school property and whether or not such bias-related act was or is to be committed during operating school hours, the school employee should immediately notify the Building Principal and Superintendent, who in turn should promptly notify the local police department.

In deciding whether to refer the matter of a bias-related act to the local police department or the county prosecutor’s office, the Building Principal and the Superintendent, should consider the nature and seriousness of the conduct and the risk that the conduct posed to the health, safety and well-being of any pupil, school employee or member of the general public. The Building Principal and



Superintendent should also consider the possibility that the suspected bias-related act could escalate or result in some form of retaliation which might occur within or outside school property.

It is understood a referral to the local police department or county prosecutor's office is only a transmittal of information that might be pertinent to a law enforcement investigation and is not an accusation or formal charge.

Unless the local police department or the county prosecutor's office request otherwise, the school 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.

School officials will secure and preserve any such graffiti or other evidence of a suspected hate crime or bias-related act pending the arrival of the local police department or the county prosecutor's office. The school officials, when feasible, will cover or conceal such evidence until the arrival of the local police department or county prosecutor's office.

### Legal References

N.J.A.C. 6A:16-6.1 et seq.; 6A:16-6.3(e)

State Memorandum of Agreement approved by the Department of Law & Public Safety and the Department of Education

Adopted: August 18, 2009



### **R8465 – Hate Crimes and Bias-Related Acts (M)**

#### A. Definitions

2. 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.
3. 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 Superintendent, the local police department and Bias Incident Officer for the county prosecutor's office.
3. The Building Principal and the Superintendent shall notify the local police department and the county prosecutor's office immediately if there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a 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 Superintendent and the local police department.
3. In deciding whether to refer the matter of a bias-related act to the local police department or the county prosecutor's office, the Building Principal and the Superintendent, 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 Superintendent and should consider:
- a. That the police department or the county prosecutor's office may possess, or have access to, other information that could put the suspected bias-related act in proper context, which could shed light on the motivation for the act or some other unsolved hate crime; and
  - b. The possibility that the suspected incident could escalate or result in some form of retaliation that might occur within or outside school property.

#### D. Nature of Referral

1. The mandatory referral for suspected or committed hate crimes and the presumptive referral for suspected or committed bias-related acts as described in the regulation is only a request to the law enforcement agencies to conduct an investigation and is nothing more than the transmittal of information which may be pertinent to any such law enforcement investigation.
2. Any referral in accordance with this Regulation is not an accusation or formal charge.
3. Any referral pursuant to this Regulation is predicated on the basis of reasonable suspicion, which is less than probable cause, less than the proof sufficient to sustain an adjudication of delinquency or a finding of guilt in a court of law and less than the proof sufficient to justify the imposition of school discipline.
4. All doubts by school officials should be resolved in favor of referring a matter to the local police department or the county prosecutor's office.

#### E. Concurrent Jurisdiction

1. Unless the local police department or the county prosecutor's office request otherwise, the school 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 local police department or the county prosecutor's office believes the school investigation could jeopardize an on-going law enforcement investigation or otherwise endanger the public safety.

#### F. Preservation of Evidence

1. School officials will secure and preserve any such graffiti or other evidence of a suspected hate crime or bias-related act pending the arrival of the local police department or the county prosecutor's office.
2. The school officials, when feasible, will cover or conceal such evidence until the arrival of the local police department or county prosecutor's office in a manner designed to minimize the



harm and continued exposure to 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 local police department and/or the county prosecutor's office will photograph or otherwise document the location and content of any such graffiti or other bias-based evidence as soon as possible, so that the graffiti or other evidence may be removed or eliminated at the school district's earliest opportunity.

Adopted: August 18, 2009





### **8467 – Weapons (M)**

The Board of Education prohibits the possession, use, or exchange of any weapon in any school building, on school grounds, at any school-sponsored event, and on school sanctioned transportation except as the possession and use of a weapon is authorized by law and required in the performance of the possessor's duty.

For the purpose of this Policy, "weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. "Weapon" includes, but is not limited to, all firearms, knives, dangerous instruments intended to inflict harm, components that can be readily assembled into a weapon, explosive devices, and imitation firearms. For the purposes of this Policy "firearm" means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.

Any pupil or school employee who has reasonable grounds to suspect the presence of a weapon prohibited by this Policy shall immediately report his/her suspicion to the Building Principal and/or designee and/or immediate supervisor. The Building Principal and/or designee and/or immediate supervisor shall conduct an appropriate search in accordance with Board Policy #5770 – Right of Pupil Privacy and confiscate any weapon discovered in the course of the search. He/she shall, if appropriate and feasible, summon the aid of law enforcement officers in the conduct of the search. Any school employee who confirms the presence of a weapon under circumstances that place persons at serious risk may confiscate the weapon immediately and may use such force as is reasonable and necessary to obtain possession.

Unless the weapon has been taken by a law enforcement officer, the Building Principal and/or designee and/or immediate supervisor shall immediately store any confiscated weapon in a securely locked box or container and report the presence of the weapon to the Superintendent. The Superintendent shall promptly notify, by telephone call and by letter, the Chief of Police of the local police department that a dangerous weapon is present on school premises; the notice shall request removal of the weapon by an authorized law enforcement officer. The Superintendent shall obtain and file a receipt for any weapon removed by a law enforcement officer.

Any pupil who possesses, uses, or exchanges a weapon in violation of this Policy shall be subject to stringent discipline, which may include expulsion. Any pupil or school employee who suspects or knows of the presence of a weapon in violation of this Policy and fails to report the same shall be subject to discipline. Any person who possesses a dangerous weapon on school premises or school transportation or at a school-sponsored function shall be reported to the appropriate law enforcement agency.

Any pupil who is convicted or is an adjudicated delinquent for possession of a firearm or who is found to be in possession of a firearm on school property must be immediately removed from the regular education program and provided with an alternative program, pending a hearing before the Board of Education. Pupils convicted or found to be delinquent for possessing a firearm on school property, on a school bus, or at a school-sponsored function or committing a crime while possessing a firearm shall be immediately removed from the regular education program for a period of not less than one calendar



year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil. (Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act)

Any pupil who commits an assault upon members of the school community with a weapon other than a firearm on school property must be immediately removed from the regular education program and provided with an alternative program, pending a hearing before the Board of Education. (Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act)

Pupils with disabilities violating the provisions of this Policy shall be dealt with in accordance with Board Policy #2460 – Special Education.

Nothing in this Policy shall be construed to prohibit the reporting of a crime committed by a child with a disability to the appropriate law enforcement or judicial authorities, or to prevent such authorities from exercising their responsibilities with regard to the application of federal or state law to crimes committed by a child with disabilities.

Any pupil requiring removal from the regular education program for the reasons enumerated above shall be removed in accordance with Board Policy and Regulation #5611 – Removal of Pupils from the General Education Program for Weapons/Firearms Offenses.

The Superintendent, or designee, shall prepare regulations to implement this Policy for the guidance of school staff in dealing with incidents involving weapons in the school district.

### Legal References

N.J.S.A. 2C:39-1 et seq.; 2C:58-6.1; 2C:58-15

N.J.S.A. 18A:6-1

N.J.S.A. 23:4-16

N.J.A.C. 6A:14-2.8 et seq.

Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act

18 U.S.C. 921

20 U.S.C 1415

Adopted: August 18, 2009



### **R8467 – Weapons (M)**

#### A. Definitions

“Weapon” includes:

1. Firearms, which include but are not limited to, any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device, or instrument in the nature of a weapon from which may be fired or ejected any solid projectile ball, slug, pellet, missile, or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It also includes any firearm that is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person. Firearms for the purposes of this Regulation means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.
2. Components that can be readily assembled into a weapon.
3. Gravity knives, which means any knife that has a blade that is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.
4. Switchblade knives, which means any knife or similar device that has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.
5. Daggers, dirks, pen knives, box cutters, stilettos, and other dangerous knives.
6. Ballistic knives, which mean 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 Building Principal.



2. The Building Principal shall immediately notify the Chief of Police of the local police department by telephone when a dangerous 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 Building Principal shall safeguard the weapon until a law enforcement officer takes custody of it.
  - a. The Building Principal shall place the weapon in a box or container.
  - b. The Building Principal shall record or cause to be recorded on the container or on a document attached to the container,
    - (1) A description of the weapon;
    - (2) The name and signature of the person who confiscated the weapon;
    - (3) The date, time, and place the weapon was confiscated;
    - (4) The circumstances under which the weapon was confiscated; and
    - (5) The name of the 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 Building Principal's direct control.
  - d. In the event any person other than the Building Principal is permitted access to the weapon prior to its retrieval by a law enforcement officer, that person shall enter his/her name and signature on the record along with the time and date of inspection and the reason for the access. Access to the weapon will be permitted only in the presence of the Building Principal.
  - e. The law enforcement officer who takes custody of the weapon shall be required to sign and date the record to indicate his/her receipt of the substance or item.
4. The Building Principal shall provide to the law enforcement officer who takes custody of the weapon:
  - a. All information concerning the manner in which it was confiscated;
  - b. The identity of all persons who had custody of the weapon following its confiscation; and
  - c. The identity of any pupil or staff member believed to have been in possession of the weapon.

### C. Evacuation

1. The Building Principal shall, in accordance with [Board Regulation #R8420 – Emergency Evacuation](#), 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 Building Principal in his/her judgment believes that the school community is at risk and the building should be evacuated.
- 2. Regular evacuation routes may be modified as required to protect 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 Board Policy #5611 – Removal of Students From the General Education Program For Firearms Offenses.
- 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 Board Policy #5611 – Removal of Pupils From the General Education Program For Weapons/Firearms Offenses.
- 3. Removal of a pupil for reasons enumerated in this Regulation shall be in accordance with Board Policy and Regulation #5611 – Removal of Pupils from the General Education Program for Weapons/Firearms Offenses.
- 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.

Adopted: August 18, 2009



### **8468 – Crisis Response**

The Board of Education recognizes its responsibility to be prepared to confront circumstances in which the physical and/or mental well-being of pupils, staff and other individuals on school grounds is threatened or overtly impacted upon by an individual or group of individuals. Situations at issue include, but are not limited to, acts of terrorism, hostage situations and other threats or acts of a violent nature. The Board further recognizes there is a need to deal with the aftermath of such events and circumstances, and to contend with the psychological trauma, pain and confusion which may ensue as the result of these events.

The Board establishes through the person of the Superintendent, or his/her designee, a Crisis Team whose responsibility it shall be to act:

1. As a source of information;
2. As a vehicle through which direct services may be delivered;
3. In an advisory capacity to the Superintendent, or his/her designee, and/or other agents or agencies dealing with the crisis situation.

The Crisis Team may consist of the following membership:

1. The Superintendent, or his/her designee;
2. An administrator from each of the schools within the district;
3. School Psychologist(s);
4. Guidance Counselor(s);
5. School Social Worker(s);
6. Director of Special Services and/or Guidance;
7. Director of Buildings and Grounds;
8. Teacher representative(s);
9. A representative of local/State Police;
10. A representative of local medical facility/hospital;
11. School Nurse;
12. Others as deemed appropriate to the function of the Crisis Team; e.g., a fire department representative, EMT specialist, other school or community representatives.

The Crisis Team shall be convened at least on an annual basis:

1. To review established policy and procedures;
2. To orient new members as to their responsibilities;
3. To maintain and reinforce lines of communication between the various disciplines and specialists who make up the Crisis Team.

Adopted: August 18, 2009



### **R8468 – 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 Building Principal or their immediate supervisor.
2. The administrator/supervisor, upon receipt of such a report, shall isolate and contain the individual(s) reported to have made said threat. Such action is to be taken only if it is possible to do so without further jeopardizing the safety of the individual threatened, or any other individual on the school premises.
3. If the physical safety of any individual is, or might be jeopardized by an attempt to isolate or contain the individual in question, the local law enforcement authorities shall be contacted for their assistance.
4. Whenever possible, the building supervisor or administrator shall cause any and all other individuals present to be removed from the immediate and surrounding location, to a place of safety.
5. In those instances in which weapons, and/or potentially dangerous materials are discovered to be involved, the local law enforcement authorities shall immediately be notified in accordance with Board Policy and Regulation #5611 – Removal of Pupils From the General Education Program For Weapons/Firearms Offenses and Board Policy and Regulation #8467 – Weapons.
6. The building administrator or supervisor shall, at earliest opportunity, report to the Superintendent the existence of any crisis situation, the status of that situation and any action contemplated or taken by the building administrator.
7. In the absence of an imminent threat to any individual(s) (such as those outlined in #3 or #5 above), the Superintendent may choose to consult with others in determining an appropriate response to the threat situation; e.g., Board Attorney, administrator in whose school the threat has occurred. The Superintendent 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 Board Policy and Regulation #5611 – Removal of Pupils from the General Education Program for Weapons/Firearms Offenses.
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 Superintendent, 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 Superintendent, 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 Superintendent, 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 Superintendent, or his/her designee, for modifications in policy and procedures which have potential for dealing with future incidents.
3. The Superintendent, 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.

Adopted: August 18, 2009



### **8470 – Response to Concerted Job Action**

The Board of Education opposes the use of strikes by district employees as a tactic to pressure the Board to make concessions during negotiations or during the term of a collective bargaining contract.

The Board believes that school employee strikes are harmful to the public interest; are coercive in nature; are attempts to achieve immediate material gains for employees by depriving pupils of the education to which they are entitled; and have a long term negative impact on the perception by the pupils of the professionalism and dedication of the district's staff, and on the relations between the Board and the striking employees, and between the administration and the striking employees.

In the event that a strike is under consideration by any district employee organization, all staff are requested not to permit any discussions with pupils regarding a strike to interfere with carrying out their regular teaching responsibilities.

Staff are prohibited from requesting pupils to carry messages, oral or printed, to their parent(s) or legal guardian(s) that promote the position or carry an explanation of any employee organization that is engaged in or contemplating a strike.

It is the intention and resolve of the Board of Education to keep the schools open during any strike in the interests of the pupils and the public, so long as the safety and welfare of the pupils and the security of district property is maintained.

The Superintendent is directed to develop a plan for the safe operation of the district's schools in the event of a strike, and shall annually review and update this plan if needed.

In the event of a strike, including a partial strike, a coordinated, mass use of sick leave, or other concerted refusal by staff to perform their assigned duties, the Superintendent is authorized to take whatever emergency steps are deemed necessary for the safety of pupils, reporting staff, and district property. Such steps shall be reported to the Board of Education as soon as administratively possible.

#### **Legal References**

N.J.S.A. 18A:11-1

Adopted: August 18, 2009



### **8500 – Food Services**

The Board of Education recognizes the midday meal as an important part of each pupil's school day. The Superintendent shall ensure a wholesome, nutritious food services program in the district and one which reinforces the concepts of nutrition education as taught in the classrooms of this district.

The Board shall provide food service facilities for the consumption of food on school premises. All pupils not expressly excused by the Building Principal shall be expected to remain at school for lunch.

The operation and supervision of the food services program shall be the responsibility of the School Business Administrator/Board Secretary.

The district shall participate in the Federal Child Nutrition Program.

The Food Service Program shall be operated on a nonprofit basis. All moneys derived from the operation, maintenance, or sponsorship of the food service facilities shall be deposited in the Food Service Account. The net cash resources of the food service account may not exceed three months' operating cost. A periodic review of the food service account shall be made by the School Business Administrator/Board Secretary. Any surplus funds shall be used to reduce the cost of the service to pupils or to purchase cafeteria equipment.

The Superintendent shall ensure the maintenance of sanitary, neat premises, free from fire and health hazards, for the preparation and consumption of food and the safekeeping and storage of food and food equipment in strict compliance with regulations of the New Jersey State Department of Health.

#### **Legal References**

N.J.S.A. 18A:18A-42.1; 18A:33-3 et seq.; 18A:58-7.1

N.J.A.C. 6A:23-2.6 et seq.

N.J.A.C. 8:24-2.1 through 7.5

Adopted: August 18, 2009



### **8505 – Wellness Policy/Nutrient Standards for Meals and Other Food (M)**

The Board of Education recognizes child and adolescent obesity has become a major health concern in the United States. The Healthy, Hunger Free Kids Act of 2010 (HHFKA), funds child nutrition programs and establishes required nutrition standards for school lunch and breakfast programs. In accordance with the requirements of the HHFKA each school in the district shall implement this Wellness Policy that includes goals for nutrition promotion, nutrition education, physical activity, and other school-based activities that promote student wellness.

#### **A. Wellness Policy Goals**

The goals as outlined below shall apply to each school in the district.

1. Goals for Nutrition Promotion – The following activities will be coordinated in each school in the district:
  - a. Age-appropriate posters will be posted on the walls where food and beverages are served to students highlighting and encouraging the value of good nutrition.
  - b. The school lunch program will have promotional days during the school year where at least one new nutritional alternative menu item will be featured as part of the menu pattern meal component. The food service staff members will promote this nutritional alternative during meal service with posters, flyers, and/or hand-outs regarding the nutritional menu item alternative.
  - c. The Building Principal (or designee) will encourage food products that meet the nutrition standards of the HHFKA when used as an incentive or reward for student accomplishments, club or activity achievements, and/or success in competitions within the school.
  - d. Food service staff, in consultation with the Principal or designee, will coordinate obtaining student input on menu planning that will include taste testing of new nutritional food, satisfaction surveys, and other activities that will promote nutrition awareness.
  - e. Food service staff will place the healthier food items in the service line where students are more likely to choose them.
  - f. Parents will be provided the nutritional standards of the HHFKA and encourage parents to pack lunches and snacks that meet the HHFKA nutritional standards.
2. Goals for Nutrition Education – The following activities will be coordinated in each school in the district:
  - a. The Building Principal will ensure each student receives at least one presentation per school year that promotes good nutrition and nutrition education. These presentations may be provided through classroom visits from school staff members trained in



nutrition, school-wide or group assembly programs, during health/physical education classes during the school year, or any other presentation manner. This requirement may be provided as part of nutrition education provided to students as part of the district's curriculum.

- b. The Building Principal (or designee) will post the nutritional guidelines of the HHFKA in the area of the school building where food and beverages are served.
  - c. The school lunch menu will include nutritional information, activities, recipes, and/or any other information that encourages the selection of healthy food items.
3. Goals for Physical Activity
- a. The following activities will be coordinated in each elementary school in the district:
    - (1) All students shall receive health/physical education under the supervision of a properly certified teaching staff member as required by the New Jersey Department of Education.
    - (2) The Building Principal (or designee) will ensure there is age-appropriate equipment and supplies available during recess time for students to participate in physical activities.
    - (3) Students will be encouraged by school staff members supervising student recess time to participate in some type of physical activity, which may include, but not be limited to: walking; playing games that require physical activity, such as kick ball, volleyball, baseball, basketball, etc.; rope jumping; and/or using playground equipment.
    - (4) The Building Principal will encourage classroom teachers to incorporate brief, physical activity breaks into the school day to establish an environment that promotes regular physical activity throughout the school day.
    - (5) The Building Principal (or designee) will coordinate special events that highlight physical activity, which may include field days, walk-a-thons, and activity tournaments or competitions. The Building Principal (or designee) may involve parents, community members, and students in the planning of these events.
  - b. The following activities will be coordinated in each middle school in the district:
    - (1) All students shall receive health/physical education under the supervision of a properly certified teaching staff member as required by the New Jersey Department of Education.
    - (2) The Board of Education may offer middle school students opportunities to participate in after-school intramural and/or interscholastic team activities coordinated and under the supervision of school staff members.



- (3) The Board of Education will support after-school activities and clubs where physical activity for students is included as a key component to the activity's or club's purpose. These clubs may include, but not be limited to, gardening clubs, walking clubs, and exercise classes.
4. Goals for Other School-Based Activities - The following activities will be coordinated in each school in the district:
  - a. Each school in the district will establish a Wellness Committee comprised of the Building Principal (or designee), at least one health/physical education teacher, a school nurse, at least two parents, at least two students, and at least one food service staff member.
  - b. The Building Principal (or designee) will coordinate information being disseminated to students and parents promoting the school lunch program, nutrition, and nutrition education.
  - c. The school district will celebrate a School Wellness Week, as determined by the Superintendent, where schools will have special activities throughout the week to promote nutrition and physical activity. These special activities will be planned and coordinated by each school's Wellness Committee.
  - d. The Building Principal will encourage fund-raising activities that promote physical activity such as walk-a-thons, teacher-student activity competitions, family activity nights, and school dances.
5. Annual School Progress Report
  - a. The goals for nutrition promotion, nutrition education, physical activity, and other school-based activities that promote student wellness shall be evaluated annually by the Principal or designee of each school and the school's Wellness Committee in an Annual School Progress Report provided to the Superintendent before June 30<sup>th</sup>.
  - b. The Annual School Progress Report shall present the extent to which each school is in compliance with this Policy, the progress made in attaining the goals of this Policy, any recommended changes to this Policy, and an action plan for the following school year to achieve the school's annual goals and objectives.
6. Annual District Summary Progress Report
  - a. Upon receiving the Annual School Progress Report from each school, the Superintendent (or designee) will compile an Annual District Summary Progress Report to be presented to the Board of Education at a public meeting before the beginning of the school year. The public will be provided an opportunity to review and comment on the Annual District Summary Progress Report at the Board meeting.
  - b. Revisions to this Policy will be recommended by the Superintendent (or designee) to be approved by the Board of Education before September 30<sup>th</sup> of each school year.



### 7. Additional Wellness Policy Goals

- a. Nothing in this Policy shall prevent an individual school in the district from developing and implementing additional activities, approved by the Superintendent (or designee), to those required in this Policy.

### **B. Nutrition Guidelines for All Foods and Beverages**

1. The Board of Education requires each school in the district to comply with the Federal school meal nutrition standards and the smart snacks in accordance with the requirements HHFKA. The nutritional standards shall apply to all foods and beverages sold in each school in the district as part of the menu pattern meal, a la carte, in school stores, snack bars, or vending machines. The food requirements for any food sold in schools must meet a range of calorie and nutrient requirements as outlined in the HHFKA.
2. The school district will comply with the HHFKA beverage requirements and beverage portion requirements for elementary and middle schools. Each school will make potable water available to children at no charge in the place where breakfast, lunch, and afterschool snacks are served during meal service.
3. On-campus fundraisers involving food or beverage items must meet the Smart Snack standards of the HHFKA. The nutrition standards of the HHFKA do not apply to non-school hours, weekends, and off-campus fundraising events. The United States Department of Agriculture defines school day as starting from midnight to thirty minutes after the end of the school day. Fundraisers involving the sale of food or beverages must be submitted to the Building Principal (or designee) for approval.

### **C. District Coordinator**

The Superintendent (or designee) shall be the school district official responsible to ensure each school in the district complies with the requirements as outlined in this Policy.

### **D. Publication/Dissemination**

This Policy will be made available to staff members, students, and parents by being posted on the school district websites.

### **Legal References**

The Healthy, Hunger-Free Kids Act of 2010

Adopted: August 18, 2009

Revised: December 9, 2014



### **8506 – School Lunch Program Biosecurity Plan (M)**

The Board of Education is committed to protecting the health of the children and adults in school buildings by strengthening the safety of foodservice operations. Therefore, the Board requires the creation and implementation of a School Lunch Program Biosecurity Plan that will keep school meals free from intentional contamination and enable the foodservice to respond to threats or incidents of bioterrorism.

The School Lunch Program Biosecurity Plan shall be a document that spells out school lunch program policies and procedures that minimize the risk of intentional contamination of food and reduce the risk of illness or death in the school community. The Plan shall describe strategies for preventing threats and incidents of product tampering and food contamination. The Plan shall also include appropriate response actions to be taken should an incident occur. There may be a general Plan for all the schools in the district; however, the Plan will address the specific roles and responsibilities for individual schools or locations where food is served. The plan will be kept in the Business Office.

The School Lunch Program Biosecurity Plan shall be prepared, revised, and updated in accordance with the requirements of N.J.A.C. 2:36-1.13 - Biosecurity for School Food Service and the U.S. Department of Agriculture, “A Biosecurity Checklist for School Food Service Programs,” March 2004 version, as amended and supplemented, as New Jersey’s Biosecurity Policy for Child Nutrition Programs.

#### **Legal References**

N.J.A.C. 2:36-1.13

Adopted: August 18, 2009





### **8540 – School Nutrition Programs**

The Board of Education recognizes the importance of a child receiving a nutritious, well-balanced meal to promote sound eating habits, to foster good health and academic achievement, and to reinforce the nutrition education taught in the classroom. Therefore, the Board of Education may participate in the school nutrition programs of the New Jersey Department of Agriculture in accordance with the eligibility criteria of the program. These programs may include the National School Lunch Program, the School Breakfast Program, the After-School Snack Program, and the Special Milk Program.

The Board of Education will sign an Agreement with the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture for every school nutrition program operated within the school district. Any child nutrition program operated within the school district will be operated in accordance with the provisions of the Agreement and all the requirements of the program.

Students may be eligible for free or reduced rate pricing in accordance with the requirements of the program operating in the school district. Prices charged to paying children will be established by the Board of Education, but must be within the maximum prices established by the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture. Prices charged to adults will be in accordance with the requirements of the program.

The Superintendent (or designee) will annually notify parents of all children in the school district of the availability, eligibility requirements, and application procedures for free or reduced price meals or free milk in accordance with the notification requirements and procedures of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

The Superintendent will designate in the annual notification to parents, the person who will determine, in accordance with standards issued by the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture, a student's eligibility for free or reduced price meals or free milk depending on the programs operated in the school district.

A parent may request a household application and instructions from the Principal of their child's school. A household application must be completed before eligibility is determined. Where necessary, the Building Principal (or designee) will assist the applicant in the preparation of the household application.

Applications will be reviewed in a timely manner. An eligibility determination will be made, the family will be notified of its status, and the status will be implemented as soon as possible within ten school days of the receipt of the completed application. Any student found eligible will be offered free or reduced price meals or free milk immediately upon the establishment of his/her eligibility and will continue to receive such meals during the pendency of any inquiry regarding his/her eligibility in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture. Carry-over of previous year's eligibility for students shall be in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.



A denial of eligibility for free or reduced price meals or free milk will be in writing and will include the reasons for which eligibility was denied, notice of the parent’s right to appeal the denial, the procedures for an appeal, and a statement reminding parents that they may reapply at any time during the school year. Appeal procedures will include: a hearing, if requested by the parent, held with reasonable promptness and convenience of the parent before a hearing officer other than the school official who denied the application; the parent’s opportunity to be represented by counsel; a decision rendered promptly and in writing; and an opportunity to appeal the decision of the hearing officer to the School Business Administrator/Board Secretary. The appeal hearing will be conducted in accordance with the provisions as outlined by the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

There will be no overt identification of any child(ren) who may be eligible to receive free or reduced price school meals or free milk. The identity of students who receive free or reduced price meals will be protected. Eligible students will not be required to work in consideration for receiving such meals or milk. Eligible children will not be required to use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance, or consume their meals or milk at a different time. A student’s eligibility status will not be disclosed at any point in the process of providing free or reduced price meals or free milk in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

The School Business Administrator/Board Secretary (or designee) will verify applications of those eligible for free or reduced price meals or milk in accordance with the requirements of the, Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture.

The Board of Education will comply with all the requirements of the Division of Food and Nutrition, School Nutrition Programs, New Jersey Department of Agriculture Local Education Agency (LEA) Agreement and all requirements outlined in the School Nutrition Electronic Application Reimbursement System (SNEARS).

### Legal References

7 C.F.R. 210.1 et seq.

N.J.S.A. 18A:33-5; 18A:58-7.2

N.J.A.C. 2:36

Adopted: August 18, 2009

Revised: October 13, 2015



### 8550 – Outstanding Food Charges

The Board of Education understands a student may forget to bring lunch or money to purchase lunch to school on a school day. When this happens, the food service program will provide the student with lunch with an expectation payment will be made the next school day or shortly thereafter. However, there may be circumstances when payment is not made and a student's school lunch bill is in arrears. The school district will manage a student's lunch bill that is in arrears in accordance with the provisions of N.J.S.A. 18A:33-21 and this Policy.

In the event a student's school lunch bill is in arrears, the Building Principal (or designee) will contact the student's parent to provide notice of the amount in arrears and will provide the parent a period of ten (10) school days to pay the full amount due. If the student's parent does not make full payment to the Building Principal (or designee) by the end of the ten (10) school days, the Building Principal (or designee) will again contact the student's parent to provide a second notice that their child's lunch bill is in arrears.

Once a student's bill is in arrears by \$15 or more, the student will be provided a basic lunch containing the essentials in balanced nutritional selections as prescribed by the Bureau of Child Nutrition Programs, New Jersey Department of Agriculture.

A parent who has received a second notice their child's lunch bill is in arrears and who has not made payment in full within one (1) calendar week from the date of the second notice will be requested to meet with the Building Principal (or designee) to discuss and resolve the matter.

A parent's refusal to meet or take other steps to resolve the matter may be indicative of more serious issues in the family or household. In these situations, the Building Principal (or designee) will consult with and seek necessary services from both the County Board of Social Services and the Department of Children and Families, Division of Child Protection and Permanency, as appropriate.

When a parent's routine failure to provide lunch is reasonably suspected to be indicative of child abuse or neglect, the Building Principal (or designee) will immediately report such suspicion to the Department of Children and Families, Division of Child Protection and Permanency as required in N.J.S.A. 9:6-8.10. Such reporting will not be delayed to accommodate a parent's meeting with the Building Principal (or designee).

The provisions of N.J.S.A. 18A:33-21 and this Policy will be made available to parents of all children in the school district in a manner as determined by the Superintendent.

#### Legal Reference

N.J.S.A. 18A:33-21

Adopted: January 5, 2016

Revised: April 27, 2016



### **8600 – Transportation (M)**

The Board of Education shall transport eligible students to and from school and school related activities in accordance with N.J.S.A. 18A:39-1 et seq., N.J.A.C. 6A:27-1 et seq. and Board policy. Transportation shall be provided only to eligible public and non-public (and choice or charter, if applicable) school students, authorized school staff members, and adults serving as approved chaperones.

In accordance with New Jersey School Law, the Lopatcong Township Board of Education provides transportation to and from school for students who live more than two miles from school.

Exceptions are:

1. Children with physical disabilities who have been identified through the Lopatcong Township Child Study Team and are recommended for the related service by their IEP.
2. Children who live on or would walk along Route 57 and/or Route 519, which are considered hazardous routes.

The Board reserves the right to make the final determination in situations where there is an absence of a clearly defined point of demarcation relative to the established distances. Questions concerning transportation should be directed to the Transportation Coordinator.

Children must board assigned buses only and should be consistently picked up and dropped off at the same location to eliminate any confusion for the child, driver, and school staff. Students who are not bus riders will not be allowed to ride the bus home to another student's house. Students that are bussed may ride the bus they are assigned to only. They are not allowed to switch buses for any reason. Bus drivers are responsible for the enforcement of all bus safety rules and regulations.

The following guidelines must be followed for all students riding the bus:

1. Arrive at the bus stop five minutes prior to the scheduled pick-up time;
2. Wait on the sidewalk or loading area, not the street;
3. Appropriate behavior is expected at the waiting area;
4. Wait for the bus to stop before advancing to board the bus;
5. No standing while the bus is moving;
6. Keep the aisle of the bus clear;
7. Keep heads, hands, and arms inside the bus at all times;
8. No eating, drinking, or gum chewing is allowed on the bus for safety reasons;
9. Conversations on the bus should not be loud or boisterous; and
10. Obey and cooperate with the bus driver at all times.



If a student's behavior creates a safety hazard on the bus, the student may be denied bus riding privileges. A warning and detention will be issued for infractions before a suspension is issued. In the case of a severe infraction, a bus suspension may be issued immediately.

The Board will transport disabled students in accordance with N.J.S.A. 18A:46-1 et seq. and [Board Policy #8670 – Transportation of Disabled Students](#).

The Board will approve all bus routes by September of each school year. Bus routes for all non-remote students who must walk to and from school along hazardous routes will be designated. The Board will consider, but shall not be limited to, the criteria outlined in N.J.S.A. 18A:39-1.5 in determining "Hazardous Routes."

The Board will not be responsible for the transportation of non-resident students to or from school, except that transportation to and from school will be provided for homeless children for whom the district is determined to be the district of residence and for homeless children enrolled in this district when no district of residence has been determined.

The Board will transport resident children who attend a non-public, choice 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 students enrolled in the schools of this district. Pursuant to N.J.A.C. 6A:27-2.2, students living more than twenty miles from their non-public school are eligible for transportation services when other students living within the district, whose residence is less than twenty miles from school, are transported to the same non-public school.

Aid in lieu of transportation may be provided to parent(s) of non-public, choice and charter students pursuant to N.J.S.A. 18A:39-1. When the schools of this district are closed for inclement weather or other conditions, no transportation will be provided for students enrolled in any public, non-public, choice and/or charter school.

When the Board provides transportation of students to and from county vocational schools and/or when the Board has in the prior year provided payments in lieu of transportation for any non-public 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 available resources and strategies for providing cooperative transportation services in accordance with N.J.S.A. 18A:39-11.1. The Board will attempt to use one of the agencies prior to determining to pay aid in lieu of transportation if in the prior year payments in lieu of transportation were provided. The Board will provide to the agency, cooperative group or contractor any unique limitations or restrictions of the required transportation.

When the costs to provide transportation in cooperation with the above cited resources is less than the aid in lieu of payments, the Board will contract with said agency, cooperative group or contractor to provide transportation. 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 non-public school and the parent(s) of the non-public school by August 1 prior to the beginning of the school year.

Transportation in cooperation with available resources will not be required when the district can provide transportation at a lower cost than the said resources or the transportation provided by said



resources does not fall within the policies of the Board regarding length of ride and assignment of students to a route based on student age or classification.

Vehicles used to transport students to and from school or school related activities shall meet standards, registration and inspection requirements of the New Jersey Departments of Education and Transportation. 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.

### Legal References

N.J.S.A. 18A:39-1 et seq.

N.J.S.A. 27:15-16

N.J.S.A. 39:3B-1 et seq.

N.J.A.C. 6A:27-1.1 et seq.; 6A:27-2.1 et seq.; 6A:27-3.1

Adopted: August 18, 2009

Revised: May 12, 2015



### **R8600 – Student Transportation (M)**

#### **General Requirements – Students Remote from School**

A. The Board will transport:

1. Students 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. Non-public school students 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 students pursuant to N.J.A.C. 6A:3.1 et seq.;
4. Special education students who reside remote from their assigned school and students who require transportation services in accordance with their Individualized Educational Program (IEP);
5. School choice students pursuant to N.J.A.C. 6A:27-4.1.

#### **Non-Public, Choice and Charter School Transportation**

- A. The Board will transport resident children who attend a non-public, choice 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 students enrolled in the schools of this district.
- B. Students living more than twenty miles from their non-public, choice or charter school are eligible for transportation services when other students living within the district, whose residence is less than twenty miles from school, are transported to the same non-public school.
- C. Aid in lieu of transportation will be provided to a parent(s) pursuant to N.J.S.A. 18A:39-1.
- D. Transportation services will be provided in accordance with this N.J.A.C. 6A:27-2.2(c)2. to a non-public school located outside the State not more than twenty miles from the student's home.

#### **Non-Remote Courtesy Transportation**

The Board may consider requests for courtesy bussing under unique and special circumstances specific to the student only.

#### **Hazardous Routes**

The Board will approve all bus routes by September of each school year. Those bus routes for all non-remote students who must walk to and from school along hazardous routes will be designated. The Board will consider, but shall not be limited to the criteria outlined in N.J.S.A 18A:39-1.5 in determining “Hazardous Routes” as follows:

1. Population density;



2. Traffic volume;
3. Average vehicle velocity;
4. Existence or absence of sufficient sidewalk space;
5. Roads and highways that are winding or have blind curves;
6. Roads and highways with steep inclines and declines;
7. Drop-offs that are in close proximity to a sidewalk;
8. Bridges or overpasses that must be crossed to reach the school;
9. Train tracks or trestles that must be crossed to reach the school; and
10. Busy roads or highways that must be crossed to reach the school.

A school district shall work in conjunction with municipal officials in determining the criteria necessary for the designation of a hazardous route.

### **Choice or Charter School Transportation**

- A. The Board will provide transportation or aid in lieu of transportation to choice or charter school students pursuant to N.J.S.A. 18A:39-1.
- B. The Board is responsible for to and from choice or charter school transportation for the students that reside within the district.
- C. Students residing within the district that live less than remote from the choice or charter school are eligible for transportation in accordance with the school district's policies for public school students.
- D. Students who reside in the district or region of residence in which the choice or charter school is located shall be provided with transportation in the same manner as transportation is provided to other public school students 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 choice or charter school student transportation who resides outside of the district or region of residence in which the choice or charter school is located is limited to the annual non-public maximum expenditure per student in accordance with N.J.S.A. 18A:39-1.
- F. When the schools of this district are closed for inclement weather or other conditions, no transportation will be provided for students enrolled in any other public, choice, charter, and/or non-public school.

### **Cooperative Transportation Services**

- A. When the Board provides transportation of students to and from the county vocational schools and/or students 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 non-public





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 available resources 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 available resources prior to determining to pay aid in lieu of transportation.
- C. The Board will provide local resources 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 non-public school and the parent(s) of the non-public school by August 1<sup>st</sup> 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 local resources or the transportation provided by said resources does not fall within the policies of the Board regarding length of ride and assignment of students to a route based on student age or classification.

### **School Bus Use and Standards**

- A. 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. The Board further requires that drivers and passengers using private vehicles to transport students wear seat belts in the same manner.
- B. School busses used 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, or other designated administrator or person, 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 students 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.

Adopted: August 18, 2009  
Revised: May 12, 2015



### **8601 – Pupil Supervision After School Dismissal**

The Board of Education adopts this Pupil Supervision After School Dismissal Policy as a result of the New Jersey Supreme Court's decision in *Joseph Jerkins, an infant by his Guardian Ad Litem, Charles Jerkins; Charles Jerkins and Toni Jerkins, individually, v. Soweto Anderson; Kemba N. Anderson; John Does 1-10 (fictitious individuals) and ABC Corporations 1-10 (fictitious entities), and Board of Education of Pleasantville Public Schools and Rosemary Clarke*.

The New Jersey Supreme Court, in *Jerkins*, indicated dangers exist for younger pupils at dismissal as children are susceptible to numerous risks, including negligent conduct, when leaving school property. Because of these risks, the Board of Education adopts and requires the implementation of this Policy for the supervision of younger pupils after dismissal. The supervision provisions of this Policy Guide are applicable to parents or legal guardians of pupils attending district-operated schools or programs in grades Pre-K to eight who are not eligible for district-provided transportation after dismissal or are eligible and elect not to use district-provided transportation after dismissal.

Any parent(s) or legal guardian(s) of a pupil attending a district-operated school or program in grades Pre-K to eight, where the pupil is not eligible for district-provided transportation or is eligible and elects not to use district-provided transportation after dismissal may request the school or program not release the pupil to walk home after dismissal unless the pupil is released to the parent(s) or legal guardian(s) or escort(s) designated by the parent(s) or legal guardian(s). The parent(s) or legal guardian(s) may designate up to three escorts. The parent(s) or legal guardian(s) requesting their child(ren) only be released to a parent(s) or legal guardian(s) or parent(s) or legal guardian(s)-designated escort after dismissal must submit a completed Request for Supervision at Dismissal from School Form to the Building Principal or designee, or program administrator.

The form shall be made available:

1. In the Main office of the school building or the location of the program.
2. Upon request to the Building Principal, or designee, or the program administrator.
3. To parent(s) or legal guardian(s) in the beginning of the school year.
4. Referenced in the parent handbook calendar.

Only those parents or legal guardians requesting the school or program not release their child(ren) to walk home after school dismissal unless the child(ren) is released to the parent(s) or legal guardian(s) or designated escort need to complete the Request Form.

In order for the school administration to effectively implement the requirements of this Policy and to ensure the safety and security of pupils that will be released to a parent(s) or legal guardian(s) or designated escort, the parental request shall be applicable for every school day and shall apply for a duration period the entire school year with updates as needed. The Request Form must be re-submitted at the end of the duration period. In addition, a parent(s) or legal guardian(s) may rescind their Request by submitting a written request to the Building Principal or program administrator indicating the date in which the parent(s) or legal guardian(s) no longer requests the school provide supervision of their



child(ren) after school dismissal. The child(ren) will be dismissed in accordance with typical dismissal protocol effective the date indicated in the rescinding request.

The Building Principal or designee, or program administrator upon receiving the Request for Supervision at Dismissal from School Form, shall notify the appropriate school staff member(s) who has supervision of the pupil at dismissal time at the end of the school day of the parent's or legal guardian's request. The supervising staff member that receives such notice shall retain supervision of the pupil when other pupils are dismissed from school at the end of the school day.

Each Building Principal or program administrator will develop and implement a written Pupil Supervision After School Dismissal Plan for their school building or program location. This Plan shall include the school building's or program's supervision procedures for pupils at the end of the school day to the designated area in the school building or program and the location of the designated area in the school building or program. The Plan shall be based on the school's or program's ability to provide supervision, the accessibility for the parent(s) or legal guardian(s) or designated escort to pick-up the child without disrupting dismissal of the remaining school population, and other considerations unique to the school building or program location. The school's or program's Pupil Supervision After School Dismissal Plan shall be provided to all parent(s) or legal guardian(s) that have submitted a Request Form.

The pupil(s) shall be supervised by school staff in the designated area of the building and will only be released when the parent(s) or legal guardian(s) or designated escort arrives to pick up the pupil.

In order to ensure the safety of other pupils being dismissed from school in accordance with typical school dismissal protocol, to limit interaction of parent(s) or legal guardian(s) or designated escorts with other pupils within the building, and to avoid traffic and vehicular safety problems outside the school building, the Building Principal or program administrator may prohibit the parent(s) or legal guardian(s) or designated escort from entering the school building until a time period after school has dismissed or until school buses and other vehicular traffic have cleared the school site. This determination shall be made by each Building Principal or program administrator after considering the unique circumstances at the school building and the building's typical dismissal protocol.

In the event of an emergency such that, when an unforeseen event prevents a parent or legal guardian or designated escort from arriving for the child(ren) at dismissal within the time period designated by the Building Principal or program administrator, the pupil will be relocated to the Main Office in the school building and will remain in the Main Office supervised by the Main Office staff until the parent(s) or legal guardian(s) or designated escort arrives.

The school will provide parent(s) or legal guardian(s) information regarding any supervised after-school services, if any, that may be available to pupils at the school's facilities after formal school dismissal.

This Policy shall be published in pupil/school handbooks. In addition, the school district shall provide to parent(s) or legal guardian(s) in the beginning of the school year, the school's calendar to include the starting and dismissal times for full session, half-session, and early dismissal days due to weather or



other emergencies. Parent(s) or legal guardian(s) shall be required to return to the school a signed acknowledgement of receipt of the pupil/school handbook, which shall include this Policy and the school calendar. In addition, any changes to the school's calendar made during the school year shall also be provided to parent(s) or legal guardian(s).

Adopted: August 18, 2009



### **8613 – Waiver of Pupil Transportation**

The Board of Education is required to provide transportation services for the school year to an elementary pupil living more than two miles from the public school of attendance or to a secondary school pupil living more than two and one-half miles from the public school of attendance in accordance with the provisions of N.J.S.A. 18A:39-1 et seq.

The Board shall determine pupil transportation needs and approve pupil transportation routes based on all pupils eligible for transportation in accordance with the provisions of N.J.S.A. 18A:39-1 et seq. and any less than remote, courtesy busing, and/or hazardous route transportation determined by the Board of Education. However, while providing school bus seats for those pupils eligible for transportation each school year, the Board recognizes certain pupils eligible for transportation services voluntarily elect not to use the transportation services offered by the Board resulting in empty seats on school buses going to and from school. To assist the Board in operating the school district's transportation system in the most cost-effective manner, the Board may provide a pupil's parent/guardian the option of waiving transportation services for that school year in accordance with the provisions of N.J.S.A. 18A:39-1c. In the event the Board provides this option, a pupil's parent/guardian will be required to sign a written statement indicating the pupil waives transportation services for that school year. The written statement shall be in such form as determined by the New Jersey Department of Education. The transportation coordinator will make the form available on the school district's website.

In the event a parent/guardian of a pupil eligible for transportation services waives transportation services for that school year and circumstances change during that school year due to a family or economic hardship, the school district will reinstate the pupil's eligibility for transportation to and from school.

#### **Legal References**

N.J.S.A. 18A:39-1; 18A:39-1c

Approved: April 10, 2012



### **8630 – Bus Driver/Bus Aide Responsibility (M)**

The Board of Education requires all school bus drivers and bus aides employed by a contracted school bus company to be reliable persons of good moral character who possess the qualifications skills necessary to perform the duties of the position. Anyone driving a school bus used to transport students to and from school and school related activities must meet all requirements of N.J.S.A. 18A:39-17, 18, 19.1, and 30 and all New Jersey Motor Vehicle Commission (NJMVC) rules governing school bus drivers. All school bus drivers must possess the appropriate license and endorsement(s) to drive a school bus in the State of New Jersey and are subject to all the Federal and State requirements to maintain the appropriate license.

School bus drivers and bus aides will meet criminal history background check requirements pursuant to N.J.S.A. 18A:6-7.1 et seq. and tuberculin testing requirements pursuant to applicable State statutes and administrative codes. School bus drivers and bus aides will be considered under the Federal Family Educational Rights and Privacy Act (FERPA) to be school officials who have a legitimate educational interest to parts of a student's record relating to transportation, without parental consent, as outlined in N.J.A.C. 6A:27-12.1(j)1.

A Commissioner of Education-developed training program on proper procedures for interacting with students with special needs will be administered to all school bus drivers and bus aides in accordance with the requirements of N.J.S.A. 18A:39-19.2. This training program must be administered in accordance with the provisions of N.J.S.A. 18A:39-19.3.a. and all school bus drivers and bus aides must file a certification with the Board of Education that the individual has completed the training program within five business days of its completion. The Board will retain a copy of the certificate for the duration of the individual's employment and will file a copy of the certification to the Department of Education in accordance with the provisions of N.J.S.A. 18A:39-19.3.b.

School bus drivers and bus aides will receive training in the use of a student's educational records and in their responsibility to ensure the privacy of the student and his or her records. In addition, permanent and substitute school bus drivers and bus aides will be trained for the functions of their positions and in a safety education program as outlined in N.J.A.C. 6A:27-11.2(b) and (c).

In accordance with the provisions of N.J.S.A. 18A:39-28, school bus drivers must visually inspect the school bus they are assigned at the end of the transportation route to determine that no student has been left on the bus.

The school bus driver will be in full charge of the school bus at all times and will be responsible for maintaining order. The school bus driver will never exclude a student from the school bus, but if unable to manage a student, the school bus driver will report the unmanageable student to the Building Principal (or designee) of the school in which the student attends.

The Building Principal (or designee), upon such report from the school bus driver, may assign appropriate discipline. The discipline may include excluding the student from the bus. The student's parent(s) will provide for the student's transportation to and from school during the time of exclusion.



In the event of an emergency, the school bus driver will follow procedures established by this Board. School administrators will organize and conduct emergency exit drills at least twice within the school year for all students who are transported to and from school. All other students will receive school bus evacuation instruction at least once per year. School bus drivers and bus aides will participate in the emergency exit drills, which will be conducted on school property and will be supervised by the Building Principal or person assigned to act in a supervisory capacity. Drills will be documented in the minutes of the Board of Education at the first meeting following completion of the emergency exit drill in accordance with the provisions of N.J.A.C. 6A:27-11.2(d).

In accordance with the provisions of N.J.S.A. 18A:39-19.4, a Commissioner-developed student information card will be completed by a parent of a student with an Individualized Education Plan (IEP), who receives transportation services, when the IEP is developed or amended. Upon receiving consent from the parent, the student information card will be provided to a school bus driver and bus aide for each student on the bus route to which the school bus driver or bus aide is assigned for whom a student information card has been completed by the parent.

The school bus driver will immediately inform the Building Principal of the receiving school and the School Business Administrator (or designee) of the district providing the transportation following an accident that involves injury, death or property damage. The school bus driver must also complete and file within ten (10) days of the accident the Preliminary School Bus Accident Report prescribed by the Commissioner of Education. In addition to the Preliminary School Bus Accident Report, the driver of a school bus involved in an accident resulting in injury or death of any person, or damage to property of any one person in excess of \$500, will complete and file within ten days after such accident a motor vehicle accident report in accordance with N.J.S.A. 39:4-130.

School bus drivers are prohibited from using a cellular telephone or other electronic communication device while operating a school bus unless the school bus is parked in a safe area off a highway or in an emergency situation pursuant to N.J.S.A. 39:3B-25. A school bus driver who violates this policy provision is subject to fines pursuant to N.J.S.A. 39:3B-25.

School bus drivers are responsible for the safety of their students and will rigorously observe all motor vehicle laws and regulations and State Board of Education rules in the operation of their school bus.

### Legal References

N.J.S.A. 18A:25-2; 18A:39-28

N.J.S.A. 39:3B-25

N.J.A.C. 6A:27-11.1 et seq.; 6A:27-12.1 et seq.

Adopted: August 18, 2009

Revised: August 9, 2016





### **R8630 – Emergency School Bus Procedures (M)**

#### **A. Staff Training**

1. The Board of Education will administer a safety education program for all permanent and substitute school bus drivers and bus aides. At a minimum, the training will include:
  - a. Student management and discipline;
  - b. School bus accident and emergency procedures;
  - c. Conducting school bus emergency exit drills;
  - d. Loading and unloading procedures;
  - e. School bus stop loading zone safety;
  - f. Inspecting the school vehicle for students left on board the bus at the end of a route; and
  - g. The use of student’s educational records, including the district’s responsibility to ensure the privacy of the student and his or her records, if applicable.
2. The Board of Education will administer a safety education program to school bus drivers that includes defensive driving techniques and railroad crossing procedures.
3. The Board of Education will administer a Commissioner of Education-developed training program on proper procedures for interacting with students with special needs in accordance with the provisions of N.J.S.A. 18A:39-19.2 for all school bus drivers and school bus aides:
  - a. In the case of a school bus driver or aide who is employed prior to the development and availability of the training program, the Board will administer the training program to the individual no later than one hundred and eighty days after the training program is made available by the Commissioner;
  - b. In the case of a school bus driver or aide who is employed after the development and availability of the training program, the Board will administer the training program to the individual prior to that individual operating a school bus or serving as an aide on a school bus;
  - c. In accordance with the provisions of N.J.S.A. 18A:39-19.3b., the Board of Education will require a school bus driver or school bus aide employed by the Board to file a certification with the Board that the individual has completed the training program required as per N.J.S.A. 18A:39-19.2 within five business days of its completion. The Board will retain a copy of the certification for the duration of the individual’s employment, and will forward a copy of the certification to the Department of Education; and/or
  - d. Contractors that provide student transportation services under a contract with the Board of Education will comply with the requirements of N.J.S.A. 18A:39-19.2 and 19.3.



### **B. Emergency Bus Evacuation Drills**

1. The Building Principal of each school will organize and conduct emergency bus exit drills at least twice each school year for students who are transported to and from school and all other students will receive school bus evacuation instruction at least once during the school year.
2. School bus drivers and aides will participate in the emergency evacuation drills.
3. Bus exit drills will be conducted on school property and will be supervised by the Building Principal or by a person assigned to act in a supervisory capacity. The drill will be conducted when weather is conducive to safety and preferably when the bus arrives at school with a full complement of students.
4. The portion of the drill involving the use of the rear emergency door, which requires students to jump from the bus to the ground, does not need to be performed by every student and may be demonstrated by others.
5. The school bus driver or supervisor of the drill will:
  - a. Describe and demonstrate the use of kick-out windows and split-sash windows;
  - b. Describe the location and use of flares, flags, fire ax, and other emergency equipment;
  - c. Give instruction in the opening and closing of front and rear doors, turning off the ignition switch, and setting and releasing the emergency brake;
  - d. Explain that the bus will be evacuated by the front door when the bus is damaged in the rear and by the rear door when the front door is blocked;
  - e. Demonstrate the use of the emergency exit door;
  - f. Instruct students that lunches and books should be left on the bus in the evacuation procedure;
  - g. Encourage older, bigger students to assist younger, smaller students in their exit from the bus;
  - h. Have students leave the bus one row at a time, left and right sides alternating, in a prompt and orderly fashion;
  - i. Instruct students to group a safe distance away from the bus and to wait in that place until directed by the driver, a police officer, or other adult in authority;
  - j. Tolerate no student misbehavior in the conduct of the drill; the failure of any student to follow directions must be reported to the Building Principal: and
  - k. Provide any other training that will protect the safety of the students in the event the bus needs to be exited due to an emergency.
6. In accordance with the provisions of N.J.A.C. 6A:27-11.2(d), emergency bus evacuation drills will be documented in the minutes of the Board at the first meeting following completion of the emergency exit drill. The minutes will include, but are not limited to, the following:
  - a. The date of the drill;
  - b. The time the drill was conducted;



- c. The school name;
- d. The location of the drill;
- e. The route number(s) included in the drill; and
- f. The name of the Building Principal or assigned person(s) who supervised the drill.

### **C. Additional Precautions**

1. School bus drivers may, depending on the age of the students on a bus route, discuss with the students additional safety precautions that may be taken in the event of a bus emergency. The safety precautions to be discussed will be approved by the Building Principal (or designee).
2. In accordance with the provisions of N.J.S.A. 18A:39-19.4, the Commissioner of Education will develop a student information card that includes information that should be readily available to a school bus driver and school bus aide for the purpose of promoting proper interaction with a student with special needs. The parent of a student with an Individualized Education Plan (IEP) will complete the student information card when the IEP is developed or amended for a student who receives transportation services.
  - a. Upon receiving consent from a student's parent, the school district will provide a copy of the completed student information card to a school bus driver and school bus aide for each student on the bus route to which the school bus driver or school bus aide is assigned
3. School bus drivers will attend training workshops offered by the New Jersey Department of Education and this school district and will be trained in first aid.
4. Each school bus will be equipped with:
  - a. A list of the students assigned to that bus;
  - b. A first aid kit approved by the school nurse and inspected regularly by the bus driver;
  - c. Several emergency notice cards on which are printed the telephone numbers of the appropriate police department, the receiving school, and an emergency medical service and on which is provided a space for writing the location of a disabled school bus and the name of the bus driver;
  - d. Flags or flares or other warning devices; and
  - e. Any other equipment or supplies determined to be included on the school bus by the school district administration.
5. Each school bus driver will:
  - a. Inspect his/her bus for possible hazards or safety concerns before driving the bus each day;
  - b. Keep aisles and passageways clear at all times;
  - c. Maintain student discipline on the bus;
  - d. Prohibit the presence of any non-service animal, firearm, ammunition, weapon, explosive, or any other dangerous or illegal material or object on the school bus;



- e. Report promptly to the Building Principal any potential driving hazard on his/her route, such as construction, road work, etc.;
- f. Report promptly to the Building Principal any deviation in the bus route or schedule;
- g. Drive within speed limits at all times and exercise extraordinary care in inclement weather;
- h. Know and obey all motor vehicle laws and regulations and State Board of Education regulations;
- i. Not smoke, eat, or drink while in or operating the bus at any time or perform any act or behave in any manner that may impair the safe operation of the school bus ;
- j. Visually inspect the school bus at the end of each transportation route to determine that no student has been left on the bus; and
- k. Not allow a student on board a school bus unless the bus driver or other employee of the Board or school bus contractor is also on board the bus. This will not apply when a school bus driver leaves the bus to assist in the boarding or exiting of a disabled student or in the case of an emergency.

### **D. General Emergency Rules**

1. School bus drivers are responsible for the safety of the students on their bus. In the event of an emergency, school bus drivers must exercise responsible leadership. The safety and well-being of students must be the drivers' paramount consideration. The bus driver will stay with his/her students at all times.
2. School bus drivers may not leave the school bus when children are aboard except in an emergency and, then, only after they have turned off the engine, removed the ignition key, and safely secured the school bus.
3. A school bus must be evacuated when:
  - a. There is a fire in the engine or any other portion of the bus;
  - b. There is a danger of fire because the bus is near an existing fire or a quantity of gasoline or other highly combustible material and is unable to move away;
  - c. The bus is disabled for any reason and:
    - (1) Its stopping point is in the path of a train or is adjacent to a railroad track;
    - (2) A potential exists for the position of the bus to shift thus endangering students;  
or
    - (3) The stopping point (e.g., on a hill, curve, or near an obstruction) fails to provide oncoming traffic with at least 300 feet visibility of the bus, thus creating the danger of a collision.
  - d. The risk of remaining in the bus poses a greater safety risk than evacuating the bus.
4. When a school bus is evacuated, students will leave the bus by the exit(s) and in the manner that affords maximum safety in the circumstances.



5. Students who have been evacuated from a school bus will be moved to a safe place and distance from the bus and remain there until the driver or, if the driver is incapacitated, another person in authority has determined that no danger remains or until other alternative safety provisions can be made.
6. No student will be allowed to request a ride with a passerby or proceed to walk home or leave the scene without the specific approval of the bus driver, a police officer, or other person in authority.
7. In the event a school bus is disabled in the course of providing student transportation, the driver, or a responsible person designated by the driver, will notify the Building Principal of the receiving school of the number and location of the bus and the circumstances of the disability. The Building Principal (or designee) will make arrangements for the safety of the students.

### **E. Specific Emergency Situations**

1. In the event of an accident or vehicle failure the following procedures will be implemented:
  - a. The school bus driver will, in person or through a responsible designee, summon the police and emergency medical services, if necessary, and notify the Building Principal (or designee) of the receiving school and the School Business Administrator (or designee) of the district providing the transportation.
  - b. The school bus driver will attempt to make all students as safe and comfortable as possible. If possible and necessary, the driver will administer emergency first aid to injured students.
  - c. In the event of an accident with no apparent or actual injuries and when law enforcement officials permit the bus to continue on its route after investigating the accident the school nurse will:
    - (1) If the accident occurred on the way to school or during school hours, examine any student who is feeling or displaying any symptoms of any injuries from the accident when the bus arrives at school; or
    - (2) If the accident occurred on the way home from school, examine any student who is feeling or displaying any symptoms of any injuries from the accident the next school day or if the parent of a student requests the school nurse examine their child the next school day.
  - d. In the event of an accident where students are injured, a student(s) may be transported to a hospital if it is determined by law enforcement, medical, and/or first aid staff at the accident scene that additional medical treatment is required.
    - (1) If the accident occurred on the way to school or during school hours, the school nurse will examine any student not transported to the hospital who is feeling or displaying any symptoms of any injuries from the accident when the bus arrives at school.





- d. The Building Principal (or designee) will immediately arrange for the transportation of the students by substitute driver, substitute bus, or other means.
3. In the event of an injury to a student on the bus, 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 student 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.
  - b. If necessary, first aid will be administered.
  - c. If the student'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 student until emergency medical help arrives.
  - d. If the student's injury is not serious, and
    - (1) Occurs on the way to the school, the school bus driver will deliver the injured student to the school nurse for examination and such treatment or referral as may be required. The school nurse will notify the student's parent(s).
    - (2) Occurs on the way to the student's home, the school bus driver or another school district staff member will deliver the injured student to his/her parent(s) or to a responsible adult at the student's home or if no one is home the injured student will be transported back to a school district location until a parent or another responsible adult can be contacted. If it is determined the student may need medical treatment and a parent or responsible adult cannot be contacted, the child may be transported to the school physician's office or to the nearest hospital emergency room.
    - (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 student and notify the student's parent(s).
  - e. The school bus driver will immediately report the incident and any injuries to the Building Principal (or designee) of the school in which the student is enrolled. .

Adopted: August 18, 2009  
Revised: August 9, 2016



### **8660 – Transportation by Private Vehicle (M)**

The Board recognizes the need for some school employees to use their own automobiles in certain instances. To safeguard the district, employees, and pupils in matters of liability, the following policy shall be observed.

1. Custodial employees shall use a district owned vehicle necessary for the pick-up and delivery of supplies. If it is necessary to use their own private vehicles, they must have the permission of the Superintendent or his/her designee.
2. Transportation of pupils by professional personnel because of missed buses, field trips, etc., is prohibited. If an emergency arises, it must be brought to the attention of an administrator. If the situation warrants, an administrator and at least one other staff member will transport the pupil(s).
3. Authorized employees will understand that in case of an accident, their own private automobile policy takes effect first before those liability policies that are underwritten for the Board.

The Board recognizes that Staff and Board members act in other capacities (e.g., scout leader, athletic coach); this Policy only applies when they are acting or may be reasonably considered to be acting in their capacity as a Staff or Board member.

#### **Legal References**

N.J.S.A. 18A:16-6; 18A:25-2; 18A:39-20.1

N.J.A.C. 6A:27-7.6; 6A:27-7.7

Adopted: August 18, 2009  
Revised: November 10, 2009





### **8670 – Transportation of Disabled Pupils (M)**

The Board of Education shall provide transportation services for pupils with disabilities as required by law and dictated by the pupil's educational needs and physical welfare. The Board will provide the transportation specified as a related service in the program of special education approved for a disabled pupil. Such transportation will conform to the pupil's Individualized Education Program (IEP) and the transportation requirements described by the Child Study Team or prescribed by the school physician. Transportation to a placement outside this district will conform to the school calendar of the receiving school.

The transportation of a disabled pupil may include such special equipment, transportation aides, and special arrangements for other assistance to and from and in and around the school. When necessary for the pupil's welfare, the case manager will provide the transportation coordinator and driver with specific information about the pupil. For pupils with disabilities below the age of five, safety belts or restraint systems will be used.

The transportation of disabled pupils to special education programs approved by the Board and located outside the state will conform to guidelines established by the New Jersey State Department of Education. Such transportation services will be dictated by the pupil's IEP and approved by the Child Study Team. The individual plan for a disabled pupil's out-of-state transportation will be submitted to the Office of the Executive County Superintendent prior to its implementation. In general, transportation of out-of-state disabled pupils will be by the most economical and expeditious mode consistent with the pupil's special needs and will be limited to travel at the beginning and the ending of the school year.

State aid will be sought for the services provided in accordance with law and this Policy. The Board directs that appropriate records be maintained and all relevant documentation be preserved in order that the district is properly reimbursed for the costs of transportation.

#### **Legal References**

N.J.S.A. 18A:39-2.1; 18A:46-19.6; 18A:46-23

N.J.A.C. 6A:14-3.9(a)7; 6A:27-5.1 et seq.

Adopted: August 18, 2009



### **8710 – Property Insurance**

The Board of Education recognizes its responsibility under law to insure the replacement value of the property of this school district, both real and personal, against loss or damage by fire and expressly extends such insurance coverage to loss or damage caused by theft, water, glass breakage, explosion, boiler failure, smoke, windstorm, vandalism, and other hazards.

In placing property insurance coverage, the Board shall be guided by the price of the coverage, the ability of the insurer to meet obligations promptly and fully, the reputation and past performance of the insurer's agent, and the goal of distributing the insurance coverage of the district through one insurance broker.

The Board shall annually appoint an insurance advisor who shall review the insurance program of the district, consider alternatives, and report recommendations to the Board; recommend specific insurance placement and prepare specifications; assist the Board in the establishment and maintenance of property valuation and insurance records; provide annual safety and fire inspections; process all claims; provide workshops and lectures on fire safety and prevention and safety precautions to the appropriate staff members; and recommend such measures as may reduce the cost of insurance premiums.

To be eligible to represent this Board an insurance agent must write all insurance through a company whose minimum financial status, so far as loss paying ability is concerned, is rated by A.M. Best and Company to be no less than A+; and must derive over fifty percent of his/her income from insurance premium commissions or receive no less than \$100,000 annually in premium income from sources other than this school district.

The Board may, in accordance with law, enter a joint contract for the purchase of property insurance.

#### **Legal References**

N.J.S.A. 18A:18A-42(e); 18A:20-25

N.J.S.A. 40A:10-52 et seq.

Adopted: August 18, 2009



### **8740 – Bonding**

The Board of Education recognizes that the prudent trusteeship of the resources of this district dictates that employees responsible for the safekeeping of district moneys and property be bonded.

The Board directs the indemnification of the district against loss of money and property by the bonding of the Treasurer of School Moneys in accordance with rules of the State Board of Education. All other employees shall be covered under a blanket bond in an amount to be determined by the Board.

The Board shall bear the cost of bonding each employee required to be bonded by law or by this Policy.

#### **Legal References**

N.J. Constitution, Art. 7, §1, 4

N.J.S.A. 18A:17-6; 18A:17-26; 18A:17-32

N.J.A.C. 6A:23-2.5

Adopted: August 18, 2009



### **8750 – Employee Indemnification**

The Board of Education recognizes that officers and employees of this district are exposed to certain risks in the course of the performance of their duties and will provide insurance coverage against losses that may be incurred by such risks.

The Board shall in accordance with law, insure employees of the school district against injury and death arising out of or in the course of their employment.

The Board shall provide indemnification to any person holding any office, position or employment under the jurisdiction of the Board, including any student teacher/intern, or person assigned to other professional pre-teaching field experience, for damages, losses, and costs incurred as a result of a civil or administrative action or other legal proceeding brought against any such persons for any acts or omissions arising out of and in the course of their employment, student teaching, or other assignment to professional field experience with this Board. This indemnification will include all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and will hold harmless and protect such person from any financial loss resulting from such action. No employee will be held harmless or have his/her defense costs defrayed in a disciplinary proceeding instituted against him/her by the Board or when the employee is appealing an action taken by the Board. Indemnification for exemplary or punitive damages is not required and will be governed by the standards and procedures set forth in N.J.S.A. 59:10-4. The Board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

The Board shall provide indemnification to any person holding any office, position or employment under the jurisdiction of the Board, including any student teacher/intern, or person assigned to other professional pre-teaching field experience, for the costs of defense against any criminal or quasi-criminal action for any such act or omission when such prosecution is dismissed or results in a final disposition favorable to the officer or employee. This indemnification will include the cost of defending such proceeding, including reasonable counsel fees and expenses of the original hearing or trial and all appeals. No employee will be held harmless or have his/her defense costs defrayed as a result of a criminal or quasi-criminal complaint filed against the employee by or on behalf of the Board. The Board may arrange for and maintain appropriate insurance to cover all such damages, losses and expenses.

The Board may insure against any major liability arising from the use of a motor vehicle by an employee or pupil of the district in the performance of district business.

The Board may, in accordance with law, enter a joint contract for the purchase of liability insurance.



### Legal References

N.J.S.A. 18A:16-6; 18A:16-6.1; 18A:18A-3.2;  
N.J.S.A. 18A:18A-42(e); 18A:18B-1; 18A:18B-2;  
N.J.S.A. 18A:39-6; 18A:39-6.1; 18A:39-20.1  
N.J.S.A. 40A:10-52

Adopted: August 18, 2009



### **8760 – Pupil Accident Insurance**

The Board will provide parent(s) or legal guardian(s) the opportunity to purchase insurance coverage, at no cost to the Board, for injury resulting from accidents sustained by pupils.

#### **Legal References**

N.J.S.A. 18A:43-1 et seq.

Adopted: August 18, 2009



### **8770 – School Board Insurance Group**

The Board of Education shall provide insurance for loss or damage to school district property, real or personal; loss or damage from liability resulting from the use of district property; loss or damage from liability for the acts and omissions of school district officers or employees; loss or damage from liability established by the workers' compensation statutes; and the expenses of defending any claim against the Board members, officers, or employees of this district arising out of and in the course of the performance of their duties.

The Board recognizes the benefits to the school district of joining with other Boards of Education in providing coverage for the insurance needs of this district and in participating in programs of risk management to prevent loss and to control liability.

The Board may, upon formal resolution duly adopted, become a member of a school board insurance group in order to participate in any joint self-insurance fund or funds, risk management programs, or related services offered or provided by the group. The Board's membership in the group will be governed by the bylaws of the insurance group, which must be reviewed and approved by the Commissioner of Insurance in accordance with State law.

Trustees of the school board insurance group shall be selected in accordance with the bylaws of the insurance group; if the bylaws do not provide for the manner of a trustee's election, the trustee or trustees representing this Board of Education shall be elected by a plurality vote of those Board members present and voting.

#### **Legal References**

N.J.S.A. 18A:18B-1 et seq.

Adopted: August 18, 2009



### **8810 – Religious Holidays**

The Board of Education recognizes the acknowledgment of religious holidays in the public school may be a source of community concern. It is a goal of the district educational program to teach mutual understanding and brotherhood and respect for group differences. In pursuing this goal, the educational program may recognize that various religious groups celebrate different holidays with different practices.

In the acknowledgment or observance of any religious holiday, the Superintendent shall ensure the school and/or school officials do not mandate, organize, participate in an official capacity, endorse, persuade, compel, prevent or deny participation in constitutionally protected prayer or religion in violation of the governing principles of the First Amendment of the United States Constitution. Consistent with these principles, the Superintendent shall ensure:

1. No worship or religious service of any kind is sponsored by the school district and conducted during the school day, whether or not conducted by a clergyman;
2. Religious exhibits or displays include only materials that are a necessary or integral part of the curriculum;
3. Any religious music played is selected primarily for its artistic content; and
4. Any acknowledgment of a religious holiday neither advances nor inhibits any particular religious sect or religion consistent with the governing principles of the First Amendment of the United States Constitution.

#### **Legal References**

U.S. Constitution, First Amendment

N.J. Constitution, Article 1, ¶4

United States Department of Education - Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools

N.J.S.A. 18A:36-16

N.J.A.C. 6:20-1.3(j)

Adopted: August 18, 2009





### **8820 – Opening Exercises/Ceremonies**

The Board of Education requires the students in each school in the school district to salute the United States flag and repeat the pledge of allegiance to the flag of the United States of America in accordance with the provisions of N.J.S.A. 18A:36-3. The pledge of allegiance will be recited with students saluting the flag by standing at attention, removing any headdress, and placing their right hand over their heart. Students who have a conscientious objection against the pledge or salute, or are children of accredited representatives of foreign governments to whom the United States government extends diplomatic immunity, will not be required to salute the flag or recite the pledge, but must show full respect to the flag while the pledge is being given merely by quietly standing at attention and removing any non-religious headdress.

The Board of Education authorizes observance of Commodore John Barry Day as required by N.J.S.A. 18A:36-10 through 12 and appropriate exercises for the development of a higher spirit of patriotism on the last day of school preceding Washington's Birthday (also celebrated as President's Day), Decoration of Memorial Day, Columbus Day, and Veterans Day as required by N.J.S.A. 18A:36-13. In accordance with N.J.S.A. 18A:36-13.1, the district may conduct a course of exercises or instruction in accordance with the Core Curriculum Content Standards to observe holidays, including, but not limited to, Martin Luther King Jr.'s Birthday, Lincoln's Birthday, Thanksgiving Day, Arbor Day, and other holidays as determined by the Board of Education.

#### **Legal References**

N.J.S.A. 18A:36-3; 18A:36-10; 18A:36-11; 18A:36-12; 18A:36-13; 18A:36-13.1

Adopted: August 18, 2009  
Revised: October 13, 2015



### **8860 – Memorials**

The Board of Education recognizes that each officer and employee of this district is important not only to the school district but to the community at large. The loss of any officer or employee of this Board by death is a loss that the Board and the district share with the community.

In order to memorialize that loss in a fitting manner, the Board directs that, whenever notice is received of the death of a Board member or a person employed by the Board, the flag of the United States at each school district building shall be flown at half mast for one school day. Written notice shall be posted in an appropriate manner in each district building on that day in order that pupils, staff members, and visitors are informed of the purpose of the memorialization.

The Superintendent may, in his/her discretion, grant an employee of this district a brief absence without loss of pay or personal leave for the purpose of attending the funeral of his/her direct supervisor or subordinate provided that no disruption in the educational program will be caused by any such absence.

The Superintendent shall recommend to the Board and the Board may approve appropriate recognition measures beyond those provided for in this Policy when the deceased Board officer or employee has, by length of service or extraordinary accomplishment, especially distinguished his/her service to this school district.

Adopted: August 18, 2009

