

**RUTHERFORD BOARD OF EDUCATION**  
**WORKSESSION – OCTOBER 6, 2008**

The Worksession Meeting was called to order at 7:30 P.M. in the High School Cafeteria by President Casadonte with the Pledge of Allegiance to the Flag. On roll call the following members were present: Mrs. Ahmed, Dr. Fiume, Mr. Jasko, Mrs. Jones, Mr. McLean, Mr. Novosielski, Mrs. Williams and Mr. Casadonte. Mrs. Cevasco arrived at 7:39 P.M. Ms. O'Keefe, Mr. Brown and Mr Yousef were also present for the meeting.

**N.J. OPEN PUBLIC MEETINGS LAW**

The New Jersey Open Public Meetings Law was enacted to ensure the right of the public to have advance notice of and to attend the meeting of public bodies at which any business affecting their interests is discussed or acted upon. In accordance with the provisions of this Act, the Rutherford Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted on the bulletin board outside the Borough Clerk's Office, mailed to the News Leader, Herald, South Bergenite, and the Record newspapers, and filed with the Borough Clerk.

**TAPING AND BROADCASTING OF MEETINGS**

As approved by the Rutherford Board of Education, we are taping and broadcasting our worksessions and regular meetings. These meetings will be broadcast without editing during a two-hour time segment on Tuesday evenings at 8:00 PM on the Comcast public access channel. At the conclusion of the two-hour segment, the broadcast will end regardless of what part of the meeting is currently being viewed due to the Comcast time constraint. Any member of the public who wishes to view the two-hour tape should make a written request to the Board Secretary who will have a copy of the tape made available within two weeks of the request. There will be a nominal fee charged for this tape reproduction. We welcome comments from residents viewing the broadcast.

**MINUTES APPROVAL**

1A. Resolution by Mr. Novosielski, seconded by Mrs. Jones.

BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION that the minutes of the Regular Meeting and Executive Session of September 8, 2008 be approved as recorded.

Roll Call Vote:

Mrs. Ahmed – aye	Dr. Fiume – abstain	Mr. McLean – aye
Mr. Casadonte – aye	Mr. Jasko – aye	Mr. Novosielski – aye
Mrs. Cevasco – absent	Mrs. Jones – aye	Mrs. Williams – aye

**SPECIAL PRESENTATIONS:**

- Annual Violence/Vandalism Report - Ms. O'Keefe

**RUTHERFORD PUBLIC SCHOOLS  
ANNUAL SCHOOL VIOLENCE AND VANDALISM REPORT**

	<u>2007-08</u>	<u>2006-07</u>	<u>2005-06</u>
Violence	8	9	7
Vandalism	3 (\$505)	1 (\$100)	3 (\$220)
Weapons	1	4	1
Substance Abuse	2	10	12

\* Source: NJDOE Electronic Violence and Vandalism Reporting System

- Report on School Violence Awareness Week - Ms. O'Keefe
- Annual Report on Student Achievement - Mrs. Fargo

**REPORT OF THE PRESIDENT**

**REPORT OF THE STUDENT REPRESENTATIVE TO THE BOARD**

**MEETING OPEN TO THE PUBLIC (Action Items Only)** 8:30 P.M. No comments made.

**NEW BUSINESS (Action to be Taken)**

**PERSONNEL:**

**Motion by Mrs. Ahmed, seconded by Mrs. Cevasco to approve Personnel Items #1A through #6A.**

- STEVEN ALBIN 1A. Motion to accept, with regret, the retirement of Mr. Steven Albin, Assistant Principal at Pierrepont School, effective 1/1/09.
- KIM HUZZY-SIMANSKY 2A. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve a disability leave with pay for Mrs. Kim Huzzy-Simansky, student assistance counselor, effective 2/2/09 through twenty (20) days following the birth of her baby (or until sick leave is exhausted), to be followed by a child rearing leave of absence under the Family Leave Act without pay, through June 30, 2009.
- PATRICIA CORMACK 3A. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve a disability leave with pay for Mrs. Patricia Cormack, Spanish teacher at the high school, effective 1/6/09 through 1/15/09, to be followed by a child rearing leave of absence under the Family Leave Act without pay, through 4/8/09.
- MARILYN GILLIO 4A. Motion to accept, with regret, the retirement of Mrs. Marilyn Gillio, grade 6 teacher at Pierrepont School, effective 1/1/09.
- EMERGENT HIRES 5A. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ the following applicant(s) under the emergent hiring law as per the State Department of Education:  
  
Cynthia Calderon - Lunch Monitor  
Jennifer Wynne - Lunch Monitor
- AILEEN LA PIERRE 6A. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to rescind the June 9, 2008 appointment of Ms. Aileen LaPierre as a bus assistant for the 2008-2009 school year.

Roll Call Vote Personnel Items #1A-#6A:

Mrs. Ahmed – aye	Dr. Fiume – aye	Mr. McLean – aye
Mr. Casadonte – aye	Mr. Jasko – aye	Mr. Novosielski – aye
Mrs. Cevasco – aye	Mrs. Jones – aye	Mrs. Williams – aye

**FINANCE:**

**APPROVAL OF BILLS**

- 1A. Resolution by Mr. Jasko, seconded by Mrs. Cevasco.  
BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION that the bills listed below be approved.

Accounts Payable	\$347,951.08
Offline Checks	321,338.25
General Activities	<u>28,358.25</u>
Total	<b><u>\$697,647.58</u></b>

Roll Call Vote:

Mrs. Ahmed – aye	Dr. Fiume – aye	Mr. McLean – aye
Mr. Casadonte – aye	Mr. Jasko – aye	Mr. Novosielski – aye
Mrs. Cevasco – aye	Mrs. Jones – aye	Mrs. Williams – aye

**NEW BUSINESS: (Action will not be taken)**

**PERSONNEL:**

**Chairperson Ahmed reported on the items to be acted upon at the Regular Meeting of October 13, 2008.**

PERSONNEL:

Motion to move the following resignations, retirements, salary adjustments, reassignments, appointments, etc., as recommended by the Superintendent of Schools, pending approval from the State Department of Education, subject to the New Jersey Criminal Background Check and other legal requirements.

SALARY CHANGES

1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to change the salaries of the following employees due to obtaining additional graduate credits:

Louise Hetzel  
From: 68,847 (step 13, level 3)                      To: \$71,547 (step 13, level 4)

Jason Narozny  
From: \$60,341 (step 10, level 3)                      To: \$62,841 (step 10, level 4)

Jamie Nowak  
From: \$46,366 (step 4, level 1)                      To: \$48,366 (step 4, level 2)

Paul Scutti  
From: \$72,289 (step 13, level 3 including \$3,442 for 2 wks smr wk)  
To: \$75,124 (step 13, level 4) including \$3,577 for 2 wks smr wk)

Erin Tiffner  
From: \$53,502 (step 8, level 2)                      To: \$56,002 (step 8, level 3)

Christopher Viola  
From: \$55,459 (step 9, level 2)                      To: \$57,959 (step 9, level 3)

SUBSTITUTE TEACHERS

2. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ the following as substitute teacher(s) effective 10/14/08 at the per diem rate of \$80.00 and in accordance with law:

Kathleen Rizzo  
Michael Canzano  
Lisa Botas  
Jessica Magers  
Jennifer Kupper  
Robert Smith  
Adrienne DelRosso  
Megan Culvert  
Amy Lowther  
Lisa Renzulli  
Hector Matos

SUB TEACHER ASSISTANTS

3. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following as substitute teacher assistants for the 2008-2009 school year at the hourly rate of \$9.00:

Jessica Magers

LUNCH MONITORS

4. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following lunch monitors for the 2008-2009 school year at the hourly rate of \$8.65 (step 1):

Cynthia Calderon - Pierrepont  
Rita Pecora - Union  
Jennifer Wynne - Washington

HOME INSTRUCTORS

5. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following as home instructors for the 2008-2009 school year at the hourly rate of \$35.00:

Jennifer Kupper  
 Patricia Milner  
 Robert Smith

H.S. CO-CURRICULAR

6. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve Mr. Justin Mann as a Volunteer Assistant Play Director for the All School Play for the 2008-2009 school year.

CHILD STUDY TEAM SERVICE PROVIDER

7. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION for the Child Study Team to utilize the services of Kimberly Phillips to provide Applied Behavior Analysis home coordination and training to students for up to ten (10) hours per week at the rate of \$100 per hour.

KRISTINA GAGLIARDI

8. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ Ms. Kristina Gagliardi as a long-term substitute teacher at Lincoln School effective 11/10/08 through 3/20/09 at the per diem rate of \$216.00.

MARTIN STIO

9. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ Mr. Martin Stio as a one-on-one teacher assistant at Union School effective 11/1/08 for 6.25 hours per day, 5 days per week, at the hourly rate of \$17.22 (step 2). This is a replacement position.

REIMBURSEMENT FOR TRAVEL

10. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following travel reimbursements for the 2008-2009 school year:

Staff Name	Position	Name of Activity	Dates	Fee	Trans.	Meals	Lodgings	Other
Adelaide DeCarlo	Librarian	NJASL Convention	11-13, 11-14	\$85	\$75	none	none	none
Nina Colangelo	ESL Teacher	Language Conference	5-Dec	\$135	\$25	none	none	none
Judith DePasquale	Nurse	Mock Trial Workshop	29-Oct	none	\$50	none	none	none
Barbara O'Donnell	Supervisor	PowerSchool Mtgs	Oct-June/15	none	\$100	none	none	none
Margit Smith	Gr 5 Teacher	PRISM-Ecosystems	20-Oct	\$70	\$20	none	none	none
Margit Smith	Gr 5 Teacher	PRISM-Notebooks	12-Jan	\$70	\$20	none	none	none
Carol Drewes	Bus Teacher	NJBTEA Conference	13-May	\$60	\$25	none	none	none
Lorraine Lewis	Theater Tchr	MSU-Theatre Day	9-Jan	\$120.00	\$20	none	none	none
MaryFrances Calocino	Librarian	NJASL Convention	13-Nov	\$75.00	\$50	none	none	none
Adrienne Freudenberg	Psychologist	SBJC Workshop	3/19, 3/20	\$195.00	\$20	none	none	none
Mary Seaman	Bio Teacher	AP Bio Workshop	7-Mar	\$175	\$40	none	none	none
Beth Falker	Social Worker	Suicide Prevention Trn	25-Feb	\$65	\$60	none	none	none
Michele Hoen	Psychologist	Cornerstone Conference	21-Nov	\$50	\$60	none	none	none
Judith DePasquale	Nurse	Rutgers Conference	12-Dec	\$50	\$50	none	none	none
Judith DePasquale	Nurse	Rutgers Conference	15-Jan	\$50	\$50	none	none	none
Assunta Smith	Lang Tchr	Reading Council	10/29, 12/3	\$100	\$30	none	none	none
Kurt Schweitzer	Asst Principal	Bar Foundation Training	12-Nov	none	\$75	none	none	none
Denis Mullins	Supervisor	Livingston HS	11-Nov	none	\$75	none	none	none
Denis Mullins	Supervisor	High Point HS	18-Nov	none	\$75	none	none	none
Alison Heinzl	Supervisor	MSU-PRISM	12-Nov	none	\$25	none	none	none
Jerry Parise	PE Teacher	NJAHPERD Convention	23-Feb	\$50	\$60	none	none	none
Anne Hetzel	Reading Tchr	Workshop #2768	11-Dec	\$189	\$60	none	none	none
Adrianna Serrao	Psychologist	NJASP Winter Conf	19-Dec	\$100	\$60	none	none	none
Kurt Schweitzer	Asst Principal	NJDOE Conf	21-Nov	none	\$50	none	none	none

Louis Cuomo	Teacher	AMTNJ Conference	3-Dec	\$150	\$60.00	none	none	none
Diane Moe	Teacher	AMTNJ Conference	3-Dec	\$150	\$60	none	none	none
Erin Tiffner	Teacher	AMTNJ Conference	3-Dec	\$150	\$60	none	none	none

**CURRICULUM AND INSTRUCTION:**

**Chairperson Williams reported on the items to be acted upon at the Regular Meeting of October 13, 2008.**

**OUT-OF-DISTRICT PLACEMENT**

1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the placement of Student #2008008 (name on file in the office of special services) to attend ECLC effective 9/23/08 at the annual tuition of \$37,443.60 plus transportation.

**SCHOOL GOALS**

2. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following school goals for the 2008-2009 school year:

**Lincoln:**

1. Thirty eight percent of Special Education (SE/IEP) students in grade three will demonstrate competency in mathematics by being assessed as either "Advanced Proficient" or "Proficient" on the New Jersey Assessment of Skills and Knowledge. This goal represents an increase of 4.7% over the previous year's results.
2. By June 2009, 90% of all students in grades K-3 will participate in two running record diagnostic reading assessments. One sample will be saved from the fall, and one sample will be saved from the spring.

**High School:**

1. By June 2009 97% of Rutherford High School students will demonstrate an increased proficiency in Language Arts and 94% of students will show an increased proficiency in mathematics by achieving a level of proficient or advanced proficient on the High School Proficiency Assessment (HSPA). There will also be an increase by 5% in the advanced proficient scoring in both areas.
2. By June 2009 there will be a decrease by 10% of the number of students late to school four or more times.

**Union School:**

1. Improvement for students going into grade 6. A review of the NJASK scores from Spring 2008 shows that 29.1% of the (total) students in grade 5 received scores below 200 and were considered "Partially Proficient" in math. We will follow these students through the next grade level and spend our time on helping them improve in the area of math.

We will provide a program that will decrease the number of students (percentage rate) who are considered partially proficient. We will decrease the percentage of partially proficient from 29.1% down to 18% (or lower). The test results from NJASK 6 will be the determining factor.

2. The results of NJASK 2008 show that 44 Special Education students are considered partially proficient in math, or language arts, or both areas. Our goal will be to raise the total number of points scored by this population in each of the test areas, math and language arts, by 7%.

**Pierrepont School:**

1. By June 2009, 88% of general education students in grades four through eight will demonstrate proficiency in language arts literacy by achieving a level of proficient or advanced proficient on the NJASK.
2. By June 2009, 85% of general education students in grades four through eight will demonstrate proficiency in mathematics by achieving a level of proficient or advanced proficient on the NJASK.
3. By June 2009, 50% of special education students will demonstrate individualized improvement by achieving a level of proficiency or an increased scale score on the NJASK in language arts literacy and math.

**Washington School:**

1. (This is the second year of a two-year goal which was submitted as follows for the 2007-2008 school year.)

Develop a school wide writing program with specific benchmarks for each grade level. A portfolio would be created and maintained for each child. The individual student portfolio would be passed on with the student from grade level to grade level and eventually on with him/her to Union School.

This writing program will be designed to serve as a growth model for students within their grade level as well as over their range of grades at Washington School. It will be developed by a committee in the fall of 2007 for implementation over the 2007-2008 and 2008-2009 school years.

Eighty percent (80%) of all students in each grade level, K-3, will demonstrate growth in their individual writing skills of at least one full point as measured using the appropriate grade level rubric created by the Writing Committee. A baseline writing sample, to be completed within the first six weeks of school, will be compared to a year-end writing sample for each student.

2. Students in grade 3 will show significant improvement analyzing text. This growth will be measured by student performance in this focus area on the Reading section of the NJASK 3.

Students in grade 2 will show significant improvement analyzing text in print and analyzing oral passages. This growth will be measured by student performance in the areas of Analyzing the Passage in the Reading Skills section and Analyzing the Passage in the Listening Skills section of the NJ PASS.

3. By June 2009, 50% of special education students will demonstrate individualized improvement by achieving a level of proficiency on the Language Arts section of the NJASK 3 or by improving their percentage of correct answers on the Language Arts section of the NJASK 3 as compared to their results on that section of the NJ PASS in grade 2.

**FINANCE:**

**Chairperson Jasko reported on the meeting of the Finance Committee.**

**POLICY:**

**Chairperson Novosielski reported on the meeting of the Policy Committee and items to be acted upon at the Regular Meeting of October 13, 2008.**

COPYRIGHT COMPLIANCE POLICY 1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #6161.3 Copyright Compliance on first reading:

**BOARD OF EDUCATION  
RUTHERFORD**

**INSTRUCTION  
6161.3**

COPYRIGHT COMPLIANCE

The board recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain purposes.

Severe penalties may be imposed for unauthorized copying or using of audiovisual or printed materials and computer software, unless the copying or using conforms to the "fair use" doctrine.

Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship or research. If duplicating or changing a product is to fall within the bounds of fair use, these four standards must be met for any of the foregoing purposes:

A. THE PURPOSE AND CHARACTER OF THE USE. The use must be for such purposes as teaching or scholarship.

B. THE NATURE OF THE COPYRIGHTED WORK. Staff may make single copies of: book chapters for use in research; instruction or preparation for teaching; articles from periodicals or newspapers; short stories; essays or

poems; and charts, graphs, diagrams, drawings, cartoons or pictures from books, periodicals or newspapers in accordance with these guidelines.

C. THE AMOUNT AND SUBSTANTIALITY OF THE PORTION USED. Copying the whole of a work cannot be considered fair use; copying a small portion may be allowed if adopted procedures are followed.

D. THE EFFECT OF THE USE UPON THE POTENTIAL MARKET FOR OR VALUE OF THE COPYRIGHTED WORK. If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

While the district encourages its staff to enrich the learning programs by making proper use of supplementary materials, it is the responsibility of district staff to abide by the district's copying procedures and obey the requirements of the law. In no circumstances shall it be necessary for district staff to violate copyright requirements in order to perform their duties properly. The district cannot be responsible for any violations of the copyright law by its staff.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with the district's procedures or is permissible under the law should contact the superintendent or the person designated as the copyright compliance officer. The latter will also assist staff in obtaining proper authorization to copy or use protected material when such authorization is required.

The superintendent, copyright compliance officer or designee shall file with federal Copyright Office, and post the same information on the district's web site, his or her designation as the district's agent, in the district's role as an Internet service provider, to receive notifications that claim that users of the district's Internet network have infringed copyright.

Legal References: P.L. 94-553, Federal Copyright Law of 2000 (U.S. Code, Title 17)  
P.L. 105-304 Digital Millennium Copyright Act of 1998

Management Resources: Policy News, October 2001, Copyright Information Update

### COPYRIGHT

~~It is the intent of the Board of Education of Rutherford to adhere to the provisions of the current copyright laws and Congressional guidelines.~~

~~The Board recognizes that unlawful copying and use of copyright materials contributes to higher costs for materials, lessens the incentives for development of quality educational materials and fosters an attitude of disrespect for law which is in conflict with the educational goals of this school system.~~

~~The Board of Education directs that district employees adhere to all provisions of Title 17 of the United States Code, entitled "Copyrights", and other relative federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials.~~

~~The Board further directs that:~~

- ~~1. Unlawful copies of copyrighted materials may not be produced on district-owned equipment.~~
- ~~2. Unlawful copies of copyrighted material may not be used with district-owned equipment, within district-owned facilities, or at district-sponsored functions.~~
- ~~3. The legal and/or insurance protection of the district will not be extended to employees who unlawfully copy and use copyrighted materials.~~

~~Employees who make and/or use copies of copyrighted materials in their jobs are expected to be familiar with published provisions regarding fair use and public display, and are further expected to be able to provide to their supervisor, upon request, the justification under Sections 107 and 110 of United States Code 17 for copies that have been made or used.~~

~~Employees who use copyrighted materials which do not fall within fair use or public display guidelines will be able to substantiate that the materials meet one of the following tests:~~

- ~~1. The materials have been purchased from an authorized vendor by the individual employee or the Board of Education and a record of the purchase exists.~~
- ~~2. The materials are copies covered by a licensing agreement between the copyright owner and the Board of Education or the individual employee.~~
- ~~3. The materials are being reviewed or demonstrated by the user to reach a decision about possible future purchase or licensing and a valid agreement exists which allows for such use.~~

~~Though there continues to be controversy regarding interpretation of the copyright laws, this policy represents a sincere effort to operate legally. All school employees will be provided with copies of this policy and accompanying rulings.~~

Adopted: July 13, 1987  
Renumbered: 07/12/04 (2270)  
Revised:

COPYRIGHT COMPLIANCE REGULATION 2.BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Regulation #R6161.3 Copyright Compliance Regulation on first reading:

**BOARD OF EDUCATION**  
**RUTHERFORD**

**INSTRUCTION**  
R6161.3/page 1 of 7

COPYRIGHT COMPLIANCE

**Copyright Compliance**

Staff may make copies of copyrighted materials that fall within the following guidelines. Where there is reason to believe the material to be copied does not fall within these guidelines, prior permission shall be obtained from the principal. Staff members who fail to follow this procedure may be held personally liable for copyright infringement.

**Authorized Reproduction and Use of Copyrighted Material in Print:**

- A. Assume all materials on the Internet are copyrighted.
- B. Proper attribution (author, title, publisher, place and date of publication) should always be given.
- C. Notice should be taken of any alternations to copyrighted works, and such alternations should only be made for specific instructional objectives.
- D. Care should be taken in circumventing any technological protection measures. While materials copied pursuant to fair use may be copied after circumventing technological protections against unauthorized copying, technological protection measures to block access to materials may not be circumvented.

In preparing for instruction, a teacher may make or have made a single copy of:

- A. A chapter from a book;
- B. An article from a newspaper or periodical;
- C. A short story, short essay or short poem; or
- D. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper. A teacher may make multiple copies not exceeding more than one per pupil, for classroom use or discussion if the copying meets the tests of "brevity, spontaneity and cumulative effect" set by the following guidelines. Each copy must include a notice of copyright.

A. Brevity

1. A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words.
  2. Complete articles, stories or essays of less than 2500 words or excerpts from prose works less than 1000 words or 10% of the work, whichever is less may be copied; in any event, the minimum is 500 words.
  3. Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.
  4. One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue may be copied.
  5. "Special" works cannot be reproduced in full, this includes children's books combining poetry, prose or poetic prose. Short special works may be copied up to two published pages containing not more than 10 percent of the work.
- B. Spontaneity Copying should be at the "instance and inspiration" of the individual teacher when there is not a reasonable

length of time to request and receive permission to copy.

C. Cumulative Effect - Teachers are limited to using copied material for only one course in the school in which copies are made. No more than one short poem, article, story or two excerpts from the same author may be copied, and no more than three works can be copied from a collective work or periodical column during one class term. Teachers are limited to nine instances of multiple copying for one course during one class term.

Limitations do not apply to current news periodicals, newspapers and current news sections of other periodicals.

Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

The copyright law prohibits using copies to replace or substitute for anthologies, consumable works, compilations or collective works. "Consumable" works include: workbooks, exercises, standardized tests, test booklets and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers' reprints or periodicals, nor can they repeatedly copy the same item from term-to-term. Copying cannot be directed by a "higher authority." Students cannot be charged more than actual cost of photocopying.

Teachers may use copyrighted material with projectors for instructional purposes.

#### **Authorized Reproduction and Use of Copyrighted Materials in the Library:**

A library may make a single copy or three digital copies of:

1. An unpublished work which is in its collection.
2. A published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided that unused replacement cannot be obtained at a fair price.
3. A work that is being considered for acquisition, although use is strictly limited to that decision. Technological protection measures may be circumvented for purposes of copying materials in order to make an acquisition decision.

A library may provide a single copy of copyrighted material to a student or staff member at no more than the actual cost of photocopying. The copy must be limited to one article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstance, the entire work may be copied. In any case, the copy shall contain the notice of copyright and the student or staff member shall be notified that the copy is to be used only for private study, scholarship or research. Any other use may subject the person to liability for copyright infringement.

At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in "Authorized Reproduction and Use of Copyrighted Material in Print."

#### **Authorized Reproduction and Use of Copyrighted Music**

A teacher may make a single copy of a song, movement, or short section from a printed musical work that is unavailable except in a larger work for purposes of preparing for instruction.

A teacher may make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement, or song. In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed or are otherwise not available.

A teacher may make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal.

A teacher may make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions.

A teacher may edit or simplify purchased copies of music provided that the fundamental character of the music is not distorted. Lyrics shall not be altered or added if none exist.

Performance by teachers or students of copyrighted musical works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

Performances of non dramatic musical works which are copyrighted are permitted without the authorization of the copyright owner, provided that:

- A. The performance is not for a commercial purpose;
- B. None of the performers, promoters or organizers are compensated; and
- C. Admission fees are used for educational or charitable purposes only;

All other musical performances require permission from the copyright owner.

**Off-Air Recording of Copyrighted Programs**

Television programs, excluding news programs, transmitted by commercial and non-commercial television stations for reception by the general public without charge may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a school for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of this retention period, all off-air recordings must be erased or destroyed immediately.

Off-air recording may be used once by individual teachers in the course of instructional activities, and repeated once only when reinforcement is necessary within a building, during the first ten (10) consecutive school days, excluding scheduled interruptions, in the forty-five (45) calendar day retention period.

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

A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy shall be subject to all provisions governing the original recording.

After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the forty-five (45) calendar day retention period only for evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum. Permission must be secured from the publisher before the recording can be used for instructional purposes after the ten (10) day period.

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

All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

**Authorized Reproduction and Fair Use of Video Rentals or Videos Purchased for Home Guidelines for Commercially Produced Videos and DVDs**

Videos and DVDs may only be rented for classroom use from agencies or companies that allow for such use. Many retail video rental stores have strict license agreements prohibiting use with large, non-home audiences. These restrictions may also apply to the use of videos purchased for home use. Staff are expected to review and honor these agreements.

To comply with copyright law, staff need to document in the lesson plan the specific clip used for instructional purposes, referring either to the time index for videos or the chapter or scene in DVDs. Staff are expected show only specific clips of movies and focus on them for student work and discussion.

- Videos or DVDs may be used in classrooms, as an integral part of written lesson plans, in a manner called by law "face-to-face teaching."
- Videos or DVDs need to meet all of the requirements for non-basic instructional materials in terms of bias, quality, and instructional merit.
- Videos or DVDs may *not* be used as rewards, part of a party, or for a rainy day activity, unless special licensing is purchased (public performance rights).

**Authorized Reproduction and Use of Copyrighted Computer Software and CD ROM Products**

Schools have a valid need for high-quality software at reasonable prices. The school district shall support the legal and ethical issues involved in copyright laws and any usage agreements that are incorporated into the acquisition of software programs.

To this end, the following guidelines shall be in effect:

- A. All copyright laws and publisher license agreements between the vendor and the district shall be observed.
- B. Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment.
- C. A back-up copy shall be purchased for use as a replacement when a program is lost or damaged. If the vendor is not able to supply such, in accordance with P.L. 96-517, Section 7(b), the District shall make a back-up program and attest that the program will be used for replacement purposes only.
- D. The principal is authorized to purchase approved software or online resources. Software or online resource not listed on the district-approved list must be successfully evaluated using the Digital Resource Evaluation Form before purchasing. The licensing agreement shall be filed with the Instructional Technology Department.
- E. A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed.

**Fair Use Guidelines for Education Multimedia**

- A. Fair use does not include posting a student or teacher's work on the Internet if it includes portions of copyrighted materials. Permission to copy shall be obtained from the original copyright holder(s) before such projects are placed online.
- B. The opening screen of such presentations shall include notice that they were prepared under the fair use exemption of the U.S. copyright law and are restricted from further use.
- C. Students may incorporate portions of copyrighted materials in producing educational multimedia projects for a specific course, and may perform, display or retain the projects.
- D. Educators may perform or display their own multimedia projects to students in support of curriculum-based instructional activities. These projects may be used:
  - 1. In face-to-face instruction;
  - 2. In demonstrations and presentations, including conferences;
  - 3. In assignments to students;
  - 4. For remote instruction if distribution of the signal is limited;
  - 5. Over a network that cannot prevent duplication for fifteen days, after fifteen days a copy may be saved on-site only; or
  - 6. In their personal portfolios.
- E. Educators may use copyrighted materials in a multimedia project for two years, after that permission must be requested and received. The following limitations restrict the portion of any given work that may be used pursuant of fair use in an educational multimedia project:
  - 1. Motion media: ten percent or three minutes, whichever is less.
  - 2. Text materials: ten percent or 1,000 words, whichever is less.
  - 3. Poetry: an entire poem of fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than three excerpts from one poet or five excerpts from an anthology.
  - 4. Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations that change the basic melody or fundamental character of the work.
  - 5. Illustrations, cartoons and photographs: No more that five images by an artist, and no more than ten percent or fifteen images whichever is less from a collective work.
  - 6. Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less.

**Copying Limitations**

Circumstances will arise when staff are uncertain whether or not copying is prohibited. In those circumstances, the superintendent or designated copyright compliance officer should be contacted. The following prohibitions have been expressly stated in federal guidelines:

- A. Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations or collective works.
- B. Unless expressly permitted by agreement with the publisher and authorized by district action, there shall be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets and the like.
- C. Staff shall not:
  - 1. Use copies to substitute for the purchase of books, periodicals, music recordings, computer software or other copyrighted material except as permitted by district procedure;
  - 2. Copy or use the same item from term to term without the copyright owner's permission;
  - 3. Copy or use more than nine instances of multiple copying of protected material in any one term;
  - 4. Copy or use more than one short work or two excerpts from works of the same author in anyone term; or
  - 5. Copy or use protected material without including a notice of copyright. The following is a satisfactory notice:

NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

Staff shall not reproduce or use copyrighted material at the direction of someone in higher authority or copy or use such material in emulation of some other teacher's use of copyrighted material without permission of the copyright owner.

Approved:

LINE OF AUTHORITY  
POLICY

3. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revised Policy #2121 Line of Authority on first reading:

(see following page)



NEPOTISM POLICY

4. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revised Policy #4112.8 Nepotism on first reading:

**BOARD OF EDUCATION  
RUTHERFORD**

**INSTRUCTIONAL AND SUPPORT PERSONNEL  
4112.8/page 1 of 2**

NEPOTISM

The Board of Education adopts this Nepotism Policy as a condition of receiving State aid pursuant to N.J.A.C. 6A:23A-6.2.

For the purposes of this Policy, "relative" means an individual's spouse, by marriage or civil union pursuant to N.J.S.A. 37:1-33, domestic partner as defined in N.J.S.A. 26:8A-3, or the individual's or spouse's parent, child, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, whether the relative is related to the individual or the individual's spouse by blood, marriage or adoption.

No relative of a Board member or the Superintendent of Schools shall be employed in an office or position in this school district except that a person employed by the school district on the effective date of the Policy or the date a relative becomes a Board member or Superintendent shall not be prohibited from continuing to be employed in the person's current position or, in the case of a reduction in force, in any position to which that person has a legal entitlement.

However, the district may seek approval from the Executive County Superintendent to promote such an existing employee where such promotion is justified by the needs of the district to ensure implementation of the Core Curriculum Content Standards and upon a demonstration that the existing employee is the most qualified candidate for the position after full advertising and interviewing has occurred. The Superintendent of Schools shall not recommend to the Board of Education pursuant to N.J.S.A. 18A:27-4.1 any relative of a Board member or the Superintendent unless the person is subject to this exception.

A school district administrator shall be prohibited from supervising or exercising authority with regard to personnel actions over his/her relative.

A school district administrator who has an immediate family member who is a member of the bargaining unit shall be prohibited from discussing or voting on the proposed collective bargaining agreement with that unit or from participating in any way in negotiations, including, but not limited to, being a member of the negotiating team; nor should that school district administrator be present with the Board in closed session when negotiation strategies are being discussed.

A school district administrator who has an immediate family member who is a member of the same Statewide union in another school district shall be prohibited from participating in any way in negotiations, including but not limited to, being a member of the negotiating team or being present with the Board of Education in closed sessions when negotiation strategies are being discussed, prior to the Board of Education attaining a Tentative Memorandum of Agreement with the bargaining unit. Once the Tentative Memorandum of Agreement is established, a school district administrator with an immediate family member who is a member of the same Statewide union in another school district may fully participate in the process, absent other conflicts.

Adopted: October 7, 2002

Revised:

Legal Reference:

N.J.A.C. 6A:23A-6.2

~~Persons related by blood or marriage to a school official (board member or administrator) may be employed in this school district, but the interested board member must declare the relationship and abstain from discussing or voting on the appointment.~~

~~Persons related by blood or marriage to a member of the administrative staff shall not be appointed to a position that is in a line relationship involving supervision and evaluation of the position.~~

~~When a member of a school official's immediate family is a member of the bargaining unit, that school official shall not discuss or vote on the proposed collective bargaining agreement with that unit, nor participate in any way in negotiations or as a member of the negotiating team. Nor shall that board member be present with the board in closed session when negotiation strategies are being discussed.~~

No one shall be released from present employment in the district because of a conflicting relationship who has been regularly employed by the board prior to the inception of the relationship, the adoption of this policy or a school official's election or appointment.

For the purpose of this policy, family shall be defined as grandparent, parent, spouse, child, grandchild or sibling, whether by blood or marriage.

It is the intent of this policy to avoid any situation where there can arise the appearance of a conflict of interest either on the part of a member of the board or a member of the administrative staff.

Adopted: ~~October 7, 2002~~

Legal References: ~~N.J.S.A. 18A:11-1 General mandatory powers and duties~~  
~~N.J.S.A. 18A:12-2 Inconsistent interests or office prohibited~~  
~~N.J.S.A. 18A:12-21 et seq. School Ethics Act~~  
~~N.J.S.A. 18A:16-1 Officers and employees in general~~  
~~N.J.S.A. 18A:27-4.1 Appointment, transfer, removal or renewal of officers and employees; exceptions~~  
~~N.J.A.C. 6A:4-1.1 et seq. Appeals~~  
~~N.J.A.C. 6A:28-1.1 et seq. School Ethics Commission~~

~~In the Matter of the Election of Dorothy Bayless to the Board of Education of the Lawrence Township School District, 1974 S.L.D. 603, reversing 1974 S.L.D. 595~~

~~Shirley Smiecinski v. Board of Education of the Township of Hanover, Morris County, 1975 S.L.D. 478~~

~~Scola v. Ringwood Bd. of Ed., 1978 S.L.D. 413~~

~~Salerno v. Old Bridge Board of Ed., 1984 S.L.D. (April 28)~~

~~Larsen v. Woodbridge Board of Ed., 1985 S.L.D. (March 18)~~

~~Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93, (February 3, 1994)~~

~~In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97 NJAR 2d (EDU) 339~~

~~School Ethics Commission, Advisory Opinion, A01-93~~

~~School Ethics Commission, Advisory Opinion, A10-93~~

~~School Ethics Commission, Advisory Opinion, A021-93~~

~~School Ethics Commission, Advisory Opinion, A07-94~~

~~School Ethics Commission, Advisory Opinion, A33-95~~

~~School Ethics Commission, Advisory Opinion, A14-00~~

LEGAL SERVICES POLICY 5. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #9273 Legal Services on first reading:

**BOARD OF EDUCATION  
RUTHERFORD**

**BYLAW  
9273/page 1 of 2**

LEGAL SERVICES

The Board of Education adopts this Policy and its strategies to ensure the use of legal services by employees and the Board of Education members and the tracking of the use of legal services.

The Board of Education authorizes the Superintendent of Schools, Superintendent of Schools' designee, School Business Administrator/Board Secretary, Board President as designated contact person(s) to request services or advice from contracted legal counsel.

The Board of Education authorizes the establishment of the following procedures to guide such solicitation of legal advice:

1. The designated contact person (s) shall ensure that contracted legal counsel is not contacted unnecessarily for management decisions or readily available information contained in district materials such as Board policies, administrative regulations, or guidance available through professional source materials.
2. All requests for legal advice shall be made to the designated contact person (s) in writing and shall be maintained on file in the district offices. The designated contact person shall determine whether the request warrants legal advice or if legal advice is necessary. The designated contact person shall refer the request to the appropriate school/department administrator in the event the designated contact person deems legal advice is unwarranted or unnecessary.
3. The designated contact person(s) shall maintain a log of all legal counsel contact including the name of the legal counsel contacted, date of the contact, issue discussed, and length of contact.
4. All written requests for legal advice and logs of legal counsel contacts shall be forwarded to the Business Administrator, who shall be responsible to compare all legal bills to the contact logs and to investigate and resolve any variances.

Any professional services contract (s) for legal services shall prohibit advance payments. Services to be provided shall be described in detail in the contract and invoices for payment shall itemize the services provided for the billing period. Payments to legal counsel (s) shall only be for services actually provided.

School districts and vocational school districts are prohibited from contracting with legal counsel or using in-house legal counsel to pursue any affirmative claim or cause of action on behalf of district administrators and/or

any individual Board members or pursuing any claim or cause of action for which the damages to be awarded would benefit an individual rather than the school district as a whole.

The Board of Education will annually establish prior to budget preparation, a maximum dollar limit for each type of professional service, including legal services. In the event it becomes necessary to exceed the established maximum dollar limit for the professional service, the Superintendent of Schools shall recommend to the Board of Education an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

Contracts for legal services will be issued by the Board in a deliberative and efficient manner such as through a request for proposals based on cost and other specified factors or another comparable process that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. Contracts for legal services shall be limited to non-recurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct.

Adopted:

Legal References: N.J.A.C. 6A:23A-5.2

PROFESSIONAL SERVICES POLICY 6. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #9274 Professional Services on first reading:

**BOARD OF EDUCATION  
RUTHERFORD**

**ADMINISTRATION  
9274**

PROFESSIONAL SERVICES

The board of adopts this Policy and its strategies to minimize the cost of professional services.

The Board of Education will establish annually prior to budget preparation a maximum dollar limit for each type of professional service. In the event it becomes necessary to exceed the established maximum dollar limit for the professional services, the Superintendent of Schools shall recommend to the Board of Education an increase in the maximum dollar amount. Any increase in the maximum dollar amount shall require formal Board action.

Contracts for professional services will be issued by the Board in a deliberative and efficient manner such as through a request for proposals based on cost and other specified factors or another comparable process that ensures the district receives the highest quality services at a fair and competitive price or through a shared service arrangement. Contracts for professional services shall be limited to nonrecurring or specialized work for which the district does not possess adequate in-house resources or in-house expertise to conduct.

Nothing in this Policy or N.J.A.C. 6A:23A-5.2 shall preclude the Board from complying with the requirements of any statute, administrative code, or regulation for the award of professional services contracts.

Adopted:

Legal References: N.J.A.C. 6A:23A-5.2

PUBLIC RELATIONS PROGRAM POLICY 7. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #1100 Public Relations Program on first reading:

**BOARD OF EDUCATION  
RUTHERFORD**

**COMMUNITY RELATIONS  
1100**

COMMUNICATING WITH THE PUBLIC

PUBLIC RELATIONS PROGRAM

The Board of Education believes all reasonable means should be employed to keep the community served by the school district informed on matters of importance regarding district programs, finances, personnel, policies, and operations.

The Board will determine which of its official actions have sufficient community impact and interest to warrant special release; the Board alone will release to the news media information about those matters of importance. The Board President may release information regarding Board actions of lesser importance as they have been recorded in the minutes of the Board meetings and upon the request of media representatives. The release of all other publications, photographs, and documents depicting the accomplishments of the pupils and staff of the district shall be approved by the Superintendent of Schools or designee.

The school district will not release or publish photographs or release other personal identifying information of an individual district pupil without the prior written permission of the parent (s) or legal guardian (s) or from the adult pupil. Written permission slips for such release from each parent (s) or legal guardian (s) or adult pupil will be obtained by the Principal or designee for the pupils in their school building or by the Program Administrator for pupils in programs where a Principal is not assigned. These written permission forms shall be maintained by the Principal or Program Administrator. Group photographs may be released by the district without permission, but in no event will an individual pupil in a group photograph be identified by name and/or by other personal identifier without written permission from the parent (s) or legal guardian (s) or adult pupil.

The Superintendent of Schools shall direct an information program designed to acquaint residents of the community and the public generally with the achievements and the needs of the schools. As a minimum, information shall be disseminated regarding the district's educational goals; the district's guarantee of equal educational opportunity; the district's programs for basic skills improvement, special education, bilingual education, and English as a second language; and summary reports of the administration of statewide assessment tests. Every effort shall be made to foresee and avoid problems caused by misunderstanding or lack of information.

The public information program may include the publication and distribution of a district newsletter, meetings with parent (s) or legal guardian (s) and interested residents, a presentation and interpretation of the proposed annual budget, periodically distributed calendars and notices of events, the Superintendent's annual report, and a pupil handbook, as well as the release of news and photographs of school activities for publication. Notices, publications, and other written materials may be prepared in languages other than English when necessary and appropriate for understanding.

School district publications shall be produced and distributed in the most cost-efficient manner possible that will enable the school district to inform and educate the target community. The use of expensive materials or production techniques where lower cost methods are available, such as the use of multi-color glossy publications instead of suitable, less expensive alternatives, is prohibited.

The school district will not distribute, via mass mailings or other means to the district community at large, publications that include the picture (s) of any members of the Board of Education within ninety days before any election in which any Board member is seeking any elective office or any election relating to school district operations held in the district. Any publications (s) distributed by the Board via mass mailings or other means to the district community at large within sixty days before any election in which any Board member is seeking any elective office or any election relating to school district operations held in the district must be submitted to the Executive County Superintendent for review prior to distribution to ensure that the public funds are being expended in a reasonable and cost-effective manner.

Public relations activities, such as booths at Statewide conferences, marketing activities and celebrations for opening schools and community events, and TV productions that are not part of the instructional program or do not provide information about district or Board operations to the public, that are excessive in nature are prohibited. All activities involving promotional efforts to advance a particular position on school elections or any referenda are prohibited.

Nothing in this Policy shall preclude the school district from accepting donations or volunteer services from community members, local private education foundations and local business owners to conduct or assist in public relations services. Examples include, but are not limited to: providing school district flyers, newsletters, or other materials containing school-related information of public concern to local businesses, public meeting places, or other local organizations to display or make available for dissemination; making school district related information of public concern available to local newspapers to publish related articles; and utilizing volunteered services of local community members, district employees, members of parent organizations or local businesses with expertise in related areas such as printing, advertising, publishing, or journalism.

The Board of Education will establish annually prior to budget preparation, a maximum dollar limit for public relation. In the event it becomes necessary to exceed the established maximum dollar limit for public relations, the Superintendent of Schools shall recommend to the Board of Education an increase in the maximum dollar amount for public. Any increase in the maximum dollar amount shall require formal Board action.

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

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

The district's budget; its annual goals and its progress toward achievement of them; its special education plans; its basic skills improvement plan; its bilingual/ESL program; pupil progress toward achievement of the Core

~~Curriculum Content Standards; graduation statistics and any other information shall be communicated to the public as required by law.~~

~~The board's meetings and records shall be a matter of public information except as such meetings and records pertain to individual personnel and matters held confidential in accordance with law.~~

Adopted: June 10, 2002

Revised:

Legal References: ~~N.J.S.A. 10:4-6 et seq.~~ ~~Open Public Meetings Act~~  
~~N.J.S.A. 18A:7E-2~~  
~~through 5~~ ~~School report card program~~  
~~N.J.S.A. 47:1A-1 et seq.~~ ~~Right to Know Law~~  
~~N.J.A.C. 6:8-2.1~~ ~~Reporting requirements~~  
~~N.J.A.C. 6:8-2.2~~ ~~School level planning~~  
~~N.J.A.C. 6:19-1.1 et seq.~~ ~~Comprehensive Educational Improvement and Financing~~  
~~See particularly:~~ ~~Program~~  
~~N.J.A.C. 6:19-2.6~~  
~~N.J.A.C. 6A:30-1.4(a)1~~ ~~Evaluation process for the annual review~~  
~~Manual for the Evaluation of Local School Districts (August 2000)~~

N.J.A.C. 6A:23A-5.2

MAINTENANCE AND REPAIR POLICY

8. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #7410 Maintenance and Repair on first reading:

**BOARD OF EDUCATION  
RUTHERFORD**

**PROPERTY  
7410**

**MAINTENANCE AND REPAIR**

The Board of Education recognizes that the fixed assets of this district represent a significant investment of this community; their maintenance is, therefore, of prime concern to the Board.

The Board will develop, approve, and implement a comprehensive maintenance plan in accordance with the requirements of N.J.A.C. 6A:26A-3.1 and 6A:26A-3.2. A "comprehensive maintenance plan" means a multi-year maintenance plan developed by a school district covering required maintenance activities for each school facility in the school district pursuant to N.J.A.C. 6A:26A-1.1 et seq.

Required maintenance activities, in accordance with N.J.A.C. 6A:26A-2.1, are those specific activities necessary for the purpose of keeping a school facility open and safe for the use or in its original condition, and for keeping its constituent building systems fully and efficiently functional and for keeping their warranties valid. The activities address interior and exterior conditions; include preventative and corrective measures; and prevent premature breakdown or failure of the school facility and its building systems.

Expenditures for required maintenance activities set forth in N.J.A.C. 6A:26A-2.1 shall be accounted for in accordance with the requirements of N.J.A.C. 6A:26A-2.2.

The required annual maintenance budget amount in the comprehensive maintenance plan shall be included in the district's annual budget certified for taxes in accordance with the provisions of N.J.A.C. 6A:26A-4.1 (a). The required annual maintenance budget amount shall be calculated and adjusted in accordance with the provisions of N.J.A.C. 6A:26A-4.1 (b). The Executive County Superintendent, in accordance with the provisions of N.J.A.C. 6A:26A-4.1 (c), may not approve the school district's budget if the required annual maintenance budget is not included in the budget certified for taxes.

Facilities maintenance, repair scheduling and accounting shall be in accordance with the provisions of N.J.A.C. 6A:23A-6.9 and Regulation 7410.01

Adopted:

Legal References: N.J.S.A. 18A:18AA-43; 18A:21-1  
N.J.A.C. 6A:23A-6.9; 6A:26A-1.1 et seq.

MAINTENANCE AND  
REPAIR REGULATION

9. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Regulation #7410.01 Maintenance and Repair on first reading:

**BOARD OF EDUCATION  
RUTHERFORD**

**PROPERTY  
R7410.01/page 1 of 2**

**FACILITIES MAINTENANCE, REPAIR SCHEDULING AND ACCOUNTING**

A school district with three or more district buildings shall have an automated work order system by July 1, 2009 for prioritizing, performing and recording all maintenance and repair requests for all district buildings and grounds.

- A. Standard Operating Procedure (SOP) For Work Order System
1. The Superintendent or designee shall establish Standard Operating Procedures (SOP) for the approval and prioritization of work order requests which take into account the health and safety of building occupants, priorities and objectives established annually to carryout the district Strategic Plan, the need for the work requested, and other factors the district deems appropriate.
  2. Except in an emergency where the work is necessary to correct a situation that poses an imminent threat to the health or safety of pupils and/or staff, the work order system shall include the following information.
    - a. The name of the person making the request;
    - b. The date of the request;
    - c. The appropriate approval (s) as established by SOP;
    - d. The date of approval (s);
    - e. The location of work requested;
    - f. The priority level (for example, urgent, high, average, low);
    - g. The scheduled date (s) of service;
    - h. The trade (s) needed such as general maintenance worker, custodian, carpenter, plumber, electrician, HVAC, grounds, roofer, masonry, glazer, other;
    - i. A description of the work requested;
    - j. A projection of the materials and supplies needed for the work;
    - k. The estimated man hours needed to complete task;
    - l. The name of the work order assigner; and
    - m. The name of the employee (s) working on the order.
  3. The work order system shall include the following close-out information for each request for work.
    - a. The actual hours worked by date for each assigned staff member;
    - b. The actual hourly rate paid, both regular and over-time, for each assigned staff member;
    - c. The aggregate cost of labor by regular, over-time and total;
    - d. The actual materials and supplies needed to complete the work order;
    - e. Actual cost of materials and supplies; and  
The name of the employee responsible for attesting that the job was completed satisfactorily.
  4. Except where prohibited by a collective bargaining agreement, the SOP shall require for any work, which cannot be completed during regular working hours by the needed completion date, an assessment of the cost-benefit of

outsourcing any such work in excess of the quote threshold as determined under N.J.S.A. 18A:18A-37.

- 5. Where, according to the assessment, the cost of outsourcing work is less than the in-house estimated cost of labor, at over-time rates, and materials for the same work, the work shall be outsourced provided the work can be contracted in accordance with N.J.S.A. 18A:18A-1 et seq., completed by the projected completion date contained in the prioritized work order system and does not violate the terms of a collective bargaining agreement for maintenance workers and/or custodians.
- 6. The School Business Administrator/Board Secretary, in consultation with the supervisor responsible for this work, shall conduct an analysis of the information in the work order system no later than February 1 of the prebudget year for consideration during budget preparation. The analysis should include productivity of staff as a whole and individually, significant variations between estimated labor time and materials and actual labor time and materials, unusual trends for like projects, and other factors that will improve productivity and efficiency.

Adopted:

SCHOOL VEHICLE  
ASSIGNMENT, USE/  
TRACKING...POLICY

10. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #7650 School Vehicle, Use/Tracking, Maintenance and Accounting on first reading:

**BOARD OF EDUCATION  
RUTHERFORD**

**PROPERTY  
7650/page 1 of 2**

**SCHOOL VEHICLE ASSIGNMENT, USE, TRACKING, MAINTENANCE, AND ACCOUNTING**

The Board of Education adopts this Policy concerning the assignment, use, tracking, maintenance, and accounting of school district vehicles in accordance with the provisions of N.J.A.C. 6A:23A-6.11 and 6A:23A-6.12. For the purposes of this Policy, a "school district vehicle" means a vehicle purchased, leased, leased-purchased, or acquired without cost by gift, donation, or other method by the school district regardless of funding source.

School district vehicle assignment and use shall be in compliance with N.J.A.C. 6A:23A-6.12 and in accordance with OMB Circular 08-16-ADM or any superseding circulars. The Board of Education, upon the recommendation of the Superintendent, may authorize, at its discretion, by an affirmative vote of the Board's full membership, the lease, lease-purchase, or purchase and assignment of school district vehicles for the conduct of official school district business.

The vehicles may be assigned either to individuals or to units within the school district for pool use according to classifications as outlined in N.J.A.C. 6A:23A-6.12(b). No individual assignment shall be made for the primary purpose of commuting. Vehicle use logs shall be maintained for all individual and pool assignments in order to accurately record all usage of each vehicle, including the driver, mileage, and starting and destination points. All changes to vehicle assignment, whether pool or individual, shall require prior written approval of the Superintendent and the authorization of an affirmative majority vote of the full Board.

A school district vehicle shall only be used for business purposes and incidental and reasonable personal use of a school vehicle is prohibited without the approval of the Superintendent. However, the Board of Education may approve usage of school vehicles by the Borough of Rutherford and various community groups, provided that the Board of Education is reimbursed for all operating expenses and proper documentation of insurance coverage is provided.

If a school district vehicle is misused the driver's driving privileges for school district vehicles shall be suspended or revoked, and additional disciplinary action shall be taken as appropriate. The Board shall

establish and implement a policy for progressive, uniform, and mandatory disciplinary actions to be applied as necessary in the event it is determined a staff member misused a school vehicle.

The Board designates the School Business Administrator as the school vehicle coordinator(s) for district vehicles. The school vehicle coordinator (s) shall maintain inventory control records pursuant to the requirements of N.J.A.C. 6A:23A-6.11(a) 1., driving records of operators of school district vehicles pursuant to the requirements of N.J.A.C. 6A:23A-6.11 (a) 2., and the records of maintenance, repair and body work pursuant to the requirements of N.J.A.C. 6A:23A-6.11 (a) 3.

Adopted:

Legal References: N.J.A.C. 6A:23A-6.11; 6A:23A-6.12

**BUILDINGS AND GROUNDS:**

**Chairperson Jones reported on the meeting of the Buildings and Grounds Committee and items to be acted upon at the Regular Meeting of October 13, 2008.**

**COMPREHENSIVE  
MAINTENANCE PLAN**

1. WHEREAS, the Department of Education requires New Jersey School Districts to submit three-year maintenance plans documenting "required" maintenance activities for each of its public school facilities, and

WHEREAS, the required maintenance activities as listed in the attached document for the various school facilities of the Rutherford School District are consistent with these requirements, and

WHEREAS, all past and planned activities are reasonable to keep school facilities open and safe for use or in their original condition and to keep their system warranties valid,

NOW, THEREFORE, BE IT RESOLVED that the Rutherford School District hereby authorizes the School Business Administrator to submit the attached Comprehensive Maintenance Plan for the Rutherford School District in compliance with Department of Education requirements. This Comprehensive Maintenance Plan is for the years 2007-2008 actual, 2008-2009 budgeted, and 2009-2010 proposed.

**ENERGY SAVINGS  
PROPOSALS**

Discuss energy savings proposals for installation of light sensors and pool cover.

**ENERGY SAVINGS  
FEASIBILITY STUDY**

Discuss hiring consultant to prepare feasibility study and investigate grant opportunities.

**OLD BUSINESS: (No action to be Taken)**

➤ **Legislative Update**

Mrs. Jones reported on the BCSBA meeting held on September 24, 2008 at Rutherford High School. The topic was Delegate Assembly Training.

**MEETING OPEN TO THE PUBLIC:** 9:33 P.M.

Robert Genardi spoke about the recent gas leak at Union School, and also asked about the student capacity in each building and if the district could absorb an additional 120 students.

Meeting was then closed to the public at 9:47 P.M.

**ADJOURNMENT:**

Motion by Mr. Novosielski, seconded by Mrs. Ahmed that the meeting be adjourned at 9:53 P.M.

Approved.