

Policies/Regulations Agenda 2-12-2018

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R 2431.4	Prevention and Treatment of Sports-Related Concussions and Head Injuries	Revised	additional
R 5200	Attendance	Revised	additional
P 6751	Tax Exempt Debt Issues - Post-Issuance Compliance	New	additional
P 7841	Unmanned Aircraft Systems (USA also known as Drones)	Revised	additional



**NEW JERSEY
POLICY ALERT**
Policy Alert and Support System

No. 213
July 2017

- P 2700 Services to Nonpublic School Students (M) (Revised)**
- P & R 7100 Long-Range Facilities Planning (M) (Revised)**
- P & R 7101 Educational Adequacy of Capital Projects (Revised)**
- P 7102 Site Selection and Acquisition (Revised)**
- R 7102 Site Selection and Acquisition (New)**
- P 7130 School Closing (Revised)**
- P 7300 Disposition of Property (Revised)**
- R 7300.1 Disposition of Instructional Property (Abolished)**
- R 7300.2 Disposition of Land (Revised)**
- R 7300.3 Disposition of Personal Property (Revised)**
- R 7300.4 Disposition of Federal Property (Revised)**

This POLICY ALERT replaces and/or adds Policy and/or Regulation Guides in the following sections: 2000 and 7000.

Please note the comments below are organized as follows:

0000 NAME OF POLICY

This paragraph describes a development at the State or Federal level.

This paragraph describes the effect of the development on local Board policy. Local policy is **MANDATED** by law or monitoring standards, (these policies will be designated with a "M" in the upper right hand corner), **RECOMMENDED** by sound management practices, or merely **SUGGESTED** as may be appropriate to meet your district needs.

These Policy and Regulation Guides should be used to update the Policy and Regulation Manuals of the school district. If your district manual(s) contain any of the policies or regulations contained in this Policy Alert, they must be updated for your district manual(s) to remain current and in compliance with law. It does not matter whether or not the policy or regulation is **MANDATED**, all policies and regulations in district manuals contained in this Alert should be updated.



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Policy Alert and Support System

Subscribers to Strauss Esmay's Policy Alert & Support System (PASS) receive new and/or revised policies and regulations in paper copy and electronically either through email or download from Strauss Esmay's website, www.straussesmay.com. For your convenience, the revised policies and regulations have changes indicated by ~~strike-throughs~~ to denote required text deletions and **bolded text** to indicate new material. The **Policy Alerts** tab on our website, www.straussesmay.com contains two different folders: one titled "Alert in one Word document" with ~~strike-throughs~~ and **bolded text**; and the second titled "Alert in one Word document - NO BOLDS OR STRIKETHROUGHS" with ~~strike-throughs~~ and **bolded text** removed for a clean document. The File Maker Pro download requires File Maker Pro software installed on your computer and will run on IBM, Apple Macintosh, or compatibles. On the electronic download versions, the text should be changed to regular print in 12 font Courier, Courier (WL), or Times New Roman for DistrictOnline clients and ~~strike-throughs~~ should be deleted when the policy or regulation is prepared for your print manual. Policy and regulation guides enclosed in this mailing are double sided as a cost containment and paper conservation measure.

2700 – Services to Nonpublic School Students (M) (Revised)

Policy Guide 2700 has been revised to incorporate revisions in N.J.A.C. 6A:16 regarding services to be provided to nonpublic schools. These revisions, although not significant, were extensive and in lieu of updating this Policy Guide with numerous revisions, our office has developed a new Policy Guide to replace the existing one. There is nothing in the new code and Guide that requires any new or additional responsibilities for a district with a nonpublic school located in the school district. However, the services outlined in this Policy Guide must be provided making this a mandated Policy for any school district that has a nonpublic school located in the school district. This Policy Guide is not required for a district that does not have a nonpublic school located in the school district. This Policy Guide does not have a corresponding Regulation Guide.

Policy Guide 2700 is **MANDATED**

7100 – Long-Range Facilities Planning (M) (Revised)

Policy and Regulation Guides 7100 have been revised to be consistent with N.J.A.C. 6A:26-2.1, 6A:26-2.2, and 6A:26-2.3 regarding long-range facilities plans. The Regulation Guide has been updated to provide more detailed guidance regarding long-range facilities plans. The Policy and Regulation Guides are mandated as they provide guidance on the requirements of long-range facilities planning.

Policy Guide 7100 is **MANDATED**
Regulation Guide 7100 is **MANDATED**



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7101 – Educational Adequacy of Capital Projects (Revised)

Policy and Regulation Guides 7101 have been revised to align with revisions in N.J.A.C. 6A:26 – Educational Facilities. Comprehensive guidance is provided in the Regulation Guide regarding the process for a school district to receive approval for capital projects, State agency and/or department names have been updated, and an additional section for capital projects not subject to educational adequacy review has been added to the Regulation Guide. The Policy and Regulation Guides are recommended as they provide comprehensive guidance when a school district needs direction on receiving approval for capital projects.

Policy Guide 7101 is **RECOMMENDED**
Regulation Guide 7101 is **RECOMMENDED**

7102 – Site Selection and Acquisition (Revised)

New Policy and Regulation Guides 7102 have been developed to align with N.J.A.C. 6A:26-7.1, 6A:26-7.2, and 6A:26-7.3 for the approval of the acquisition of land or approval for acquisition of existing facilities. The existing Policy Guide 7102 was very detailed and read like a Regulation Guide rather than a Policy Guide. Therefore, the language in the existing Policy Guide 7102 was updated to be more comprehensive in order to align with the new administrative code sections and was relocated into a new Regulation Guide 7102. This new Policy Guide 7102 should replace the existing Policy Guide 7102 and this new Regulation Guide 7102 should be included in a district's Policy and Regulation Manual. The Policy and Regulation Guides are recommended as they provide comprehensive guidance when a school district needs direction on receiving approval for school site selection and acquisition.

Policy Guide 7102 is **RECOMMENDED**
Regulation Guide 7102 is **RECOMMENDED**

7130 – School Closing (Revised)

Policy Guide 7130 – School Closing has been updated providing more detailed information on the assurances a school district must provide to the New Jersey Department of Education and Executive County Superintendent to receive approval to close a school. The 2nd paragraph of the existing Policy Guide has been removed as the Guide lists some requirements not included in the administrative code. Some additional requirements have been expanded toward the end of the Policy Guide. The Policy Guide is recommended as it provides comprehensive guidance when a school district needs direction on receiving approval for school closing. This Policy Guide does not have corresponding Regulation Guide.

Policy Guide 7130 is **RECOMMENDED**



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7300 – Disposition of Property (Revised)

Policy Guide 7300 – Disposition of Property and corresponding Regulation Guides 7300.1 – Disposition of Instructional Property, 7300.2 – Disposition of Real Property, 7300.3 – Disposition of Personal Property, and 7300.4 – Disposition of Federal Property have been reviewed and revised to incorporate minor revisions in the administrative code over the past several years. Policy Guide 7300 has several minor revisions, most importantly providing clarification of a district procedure to dispose of scrap or waste school district personal property after there are no bids for the property after a public or a private sale. This Policy Guide is recommended as it provides comprehensive guidance when a school district needs direction on disposal of school property.

Policy Guide 7300 is **RECOMMENDED**

R 7300.1 – Disposition of Instructional Property (Abolished)

This Regulation Guide outlines the procedure for disposal of instructional school district property which was the same procedure required for the disposal of school district personal property as outlined in Regulation Guide 7300.3 – Disposal of Personal Property. Therefore, it is recommended a school district abolish Regulation Guide 7300.1.

Regulation Guide 7300.1 should be **ABOLISHED**

R 7300.2 – Disposition of Land (Revised)

Regulation Guide 7300.2 has been revised to incorporate revisions in the administrative code. State agency names have been updated, additional details on the procedures to be used to dispose of real property have been included. The title “Disposition of Real Property” has been changed to “Disposition of Land” as “land” is in the administrative code title N.J.A.C. 6A:26-7.4. This Regulation Guide is recommended as it provides comprehensive guidance when a school district needs direction on disposal of school district land.

Regulation Guide 7300.2 is **RECOMMENDED**

R 7300.3 – Disposition of Personal Property (Revised)

Regulation Guide 7300.3 has been revised to incorporate revisions in the administrative code. The revisions to this Guide are the addition of a procedure for disposing textbooks as required by N.J.S.A. 18A:34-3, a district procedure to dispose of scrap or waste school district personal property, and requiring Board approval for the sale of any personal property at private sale after a public sale. This Regulation Guide is recommended as it provides comprehensive guidance when a school district needs direction on disposal of school district personal property.

Regulation Guide 7300.3 is **RECOMMENDED**



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R 7300.4 – Disposition of Federal Property (Revised)

Regulation Guide 7300.4 has been revised to incorporate revisions in the Federal requirements to dispose of property purchased with Federal funds and used in Federal programs. There have been several material revisions in this Guide including some additional definitions: reference to the Federal “Uniform Grant Guidance” as the current source of the Federal requirements for disposition of Federal property in schools; and providing separate disposition procedures for Federal equipment, supplies, and real property as outlined in the Uniform Grant Guidance. This Regulation Guide is recommended as it provides comprehensive guidance when a school district needs direction on disposal of Federal property purchased with Federal funds and used in Federal programs.

Regulation Guide 7300.4 is **RECOMMENDED**

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SERVICES TO NONPUBLIC SCHOOL STUDENTS (M)

2700 SERVICES TO NONPUBLIC SCHOOL STUDENTS (M)

M

~~The Board of Education shall provide, in accordance with law and to the limit of State aid available for such purposes, services to students enrolled in nonpublic schools located within this school district in which a child may legally fulfill compulsory school attendance requirements and which complies with Title VI of the Civil Rights Act of 1964.~~

~~Textbooks N.J.S.A. 18A:58-37.1 et seq.
N.J.A.C. 6A:23A-20.1 et seq.~~

~~The Board shall, on individual request, purchase and loan, without charge, textbooks to students attending a nonpublic school located in this district, provided the student is a New Jersey resident and the student's tuition is not paid by a district Board of Education. Such loan of textbooks will be indicated in each book by a label. Any textbook so loaned will remain the property of this Board. Textbooks loaned to nonpublic school students shall be returned at the end of the school year or the district may enter into agreements with the nonpublic schools to store the textbooks without cost to this Board.~~

~~A request for the loan of textbooks shall be signed by the parent(s) or legal guardian(s) of nonpublic school students and submitted in writing directly to this Board or may be forwarded collectively by the nonpublic school. Requests must be received by the Board by March 1 of the preceding school year.~~

~~Textbooks shall be purchased in the same manner as are textbooks purchased for use in this district. Nonpublic school students shall be subject to the rules and sanctions for the care of textbooks set forth in Policy No. 5513, Care of School Property, in the same manner as are students of this district.~~

~~Remedial Services N.J.S.A. 18A:46-19.1 et seq.
N.J.A.C. 6A:14-6.1 et seq.~~

~~The Board shall provide services for the identification, referral, evaluation, and determination of eligibility for special education and/or related services, the development of individualized education programs, and speech correction for articulation disorders.~~

~~The eligibility of students in nonpublic schools for such services shall be determined by the criteria established by rules of the State Board and used to determine the eligibility of students enrolled in this district for the same services. Services shall be provided only upon the written consent of the parent(s) or legal guardian(s) of the student and shall include~~



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~~procedural safeguards provided to students of this district under N.J.A.C. 6A:14.2 et seq. and Policy No. 2460.~~

~~Remedial services will be supplied by appropriately certified personnel who are not employees of the nonpublic school, except that speech correction may be provided by employees of the nonpublic school. Such services shall be provided only upon consent of the parent(s) or legal guardian(s) of the student. Services may also be provided under contract with a public or private agency approved by the Commissioner for the provision of remedial services. The location in which services are provided will be determined by the Board, and will comply with rules of the State Board.~~

~~Auxiliary Services N.J.S.A. 18A:46A-1 et seq.
N.J.A.C. 6A:14-6.1 et seq.~~

~~The Board shall provide supportive services for acquiring communication proficiency in the English language for children of limited English speaking ability, supplementary instruction services, and home instruction services. Auxiliary services will be provided only upon the written consent of the student's parent(s) or legal guardian(s).~~

~~Auxiliary services may be provided by appropriately certified personnel who are employees of this district or of the nonpublic school. Services may also be provided under contract with a public or private agency approved by the Commissioner for the provision of auxiliary services. The location in which services are provided will be determined by the Board, and will comply with rules of the State Board.~~

~~Nursing and Emergency Services N.J.S.A. 18A:40-23 et seq.
N.J.A.C. 6A:16-2.5 et seq.~~

~~The Board shall provide basic nursing services in accordance with N.J.A.C. 6A:16-2.5 et seq. within the limits of funds appropriated or otherwise made available for this purpose according to N.J.S.A. 18A:40-23. Nursing services shall include the extension of emergency care for students enrolled full time in the nonpublic school who are injured or become ill at school, or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-1.4(a)1.~~

~~The Superintendent and the administrator of the nonpublic school shall meet annually to review funding, to agree on basic nursing services and additional medical services to be provided based on funding, and to assure the nonpublic school has a copy of N.J.S.A. 18A:40-23 to 31. If agreement cannot be reached between the district and the nonpublic school, the County Office of Education shall be consulted for clarification. The district may provide additional nursing services when all basic nursing services have been provided, or~~



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~~will be provided, within the limits of funds appropriated or otherwise made available for this purpose according to N.J.S.A. 18A:40-23. The nursing services provided to a nonpublic school shall not include instructional services.~~

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~~Funds spent on services delivered under this policy in any one nonpublic school shall not exceed the amount allocated to that school on a per student basis, less the cost to this district of administrative services directly attributable to the provision of such services or six percent of the funds allocated for each participating nonpublic school, whichever is less.~~

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~~Nursing services shall include assistance with medical examinations and dental screening, screening of hearing examinations, maintenance of student health records, notification of local and county health officials of any student who has not been properly immunized, and the conduct of scoliosis examinations. If the Board and the nonpublic school agree, emergency care shall be provided to nonpublic school students who become ill or are injured in school or during participation on a school athletic team or squad in the same manner such services are provided to students of this district.~~

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~~Nursing and health care services shall be provided by a professional registered nurse licensed in New Jersey who is an employee of this district, an employee of a third party contractor, or an independent contractor. The location of the services will be determined by the Board and will comply with the rules of the State Board.~~

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~~The Board may purchase equipment and supplies for the provision of services under this policy, within the allocation of funds, and may lend any such equipment to a nonpublic school without charge provided it is understood that such equipment remains the property of the Board.~~

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~~A nonpublic school student whose parent(s) or legal guardian(s) objects in writing to the receipt of nursing services shall not be compelled to receive such services; except for a physical examination to determine whether the student is ill or infected with a communicable disease.~~

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~~The Superintendent or designee will retain a written statement verifying the annual meeting was held with the nonpublic school. The Superintendent or designee will also retain a copy of the contract document; Board meeting minutes approving the contract that describes the methods by which nursing services to the nonpublic students will be provided for the ensuing school year; a rationale for the distribution of funds; and a description of the type and number of services which were provided during the previous year to nonpublic students will be recorded on a form provided by the Commissioner of Education as required in N.J.A.C. 6A:16-2.5.~~

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~~Records regarding individual students receiving services under this policy shall be kept in accordance with State Board rules and Policy No. 8330 on Student Records.~~

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~~The Board shall, file with the Commissioner a report on the number of nonpublic school students identified as eligible to receive services at a time and in a form required by the New Jersey Department of Education.~~

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~~N.J.S.A. 18A:40-23 et seq.; 18A:40A-17(c);
18A:46-19.1 et seq.; 18A:46A-1 et seq.;
18A:58-37.1 et seq.~~

~~N.J.A.C. 6A:14-1.1 et seq.; 6A:16-2.5 et seq.~~

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Adopted: 26 June 2017

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[See POLICY ALERT Nos. 111, 120, 142, 144, 147, 165 and 213]

2700 SERVICES TO NONPUBLIC SCHOOL STUDENTS

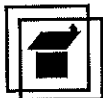
The Board of Education shall provide, in accordance with law and to the limit of State aid available for such purposes, services to students enrolled in nonpublic schools located within this school district in which a child may legally fulfill compulsory school attendance requirements and which complies with Title VI of the Civil Rights Act of 1964.

For the purpose of this Policy, "district of attendance" shall mean the school district in which the nonpublic school is located.

- A. Special Education and Related Services - N.J.S.A. 18A:46-19; N.J.S.A. 18A:46A-1; N.J.A.C. 6A:14-6

The Board of Education of the district of attendance, as required by Federal law and regulation under Part B of the Individuals with Disabilities Education Act (IDEA), shall provide a genuine opportunity for the equitable participation of students with disabilities who are enrolled in nonpublic schools or early childhood programs by their parents. The district of attendance shall make the final decisions with respect to the services to be provided to eligible students with disabilities enrolled in nonpublic schools or early childhood programs. Services shall be provided only upon the written consent of the parent and shall be provided in a location determined by the Board pursuant to N.J.S.A. 18A:46-19.5. The district of attendance shall spend an amount of money equal to a proportionate amount of Federal funds available under Part B of the IDEA for the provision of services to students with disabilities who are attending nonpublic schools.

The district of attendance, after timely and meaningful consultation with representatives of the nonpublic school, shall undertake a child find process in accordance with IDEA and its implementing regulations to determine the number of parentally placed children with disabilities attending nonpublic schools located within the district. As part of the child find process the district shall consult with private school representatives and representatives of parents of parentally placed nonpublic school children with disabilities in the design and development



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of special education and related services for such children in accordance with N.J.A.C. 6A:14-6.1(c)1. Furthermore, services may be provided by district personnel or through contracts with individuals, approved clinics, or agencies. In addition, services provided shall be secular, neutral, and non-ideological. Those procedural safeguards available to nonpublic school students with disabilities and their parents as specified by Federal law and rules under Part B of the IDEA shall apply in accordance with N.J.A.C. 6A:14-6.1(e).

If a nonpublic school student with a disability will receive special education or related services from the district, the district shall initiate and conduct meetings according to N.J.A.C. 6A:14-2.3(k) to develop, review, and revise a service plan for the student and ensure a representative of the nonpublic school or early childhood program attends each meeting pursuant to N.J.A.C. 6A:14-6.1(f)2.

The Board shall provide for the services of a certified speech-language specialist for each child attending a nonpublic school located in the school district and classified pursuant to N.J.S.A. 18A:46-8 as requiring the services of a certified speech-language specialist. Services for children enrolled in nonpublic schools shall be provided only upon the consent of the parent or guardian and shall be provided in a location determined by the Board pursuant to rules and regulations of the State Board of Education. The Board shall provide for such transportation and maintenance and the cost shall be paid from State aid received by the district in accordance with N.J.S.A. 18A:46-19.6. Contracts for speech correction services shall be in accordance with N.J.S.A. 18A:46-19.7. Costs and provisions for speech correction services shall be managed in accordance with N.J.S.A. 18A:46-19.7 and N.J.S.A. 18A:46-19.8.

The Board shall provide for the receipt of auxiliary services by children between the ages of five and twenty residing in the State and enrolled full-time in a nonpublic school located in the district in accordance with N.J.S.A. 18A:46A-3. Auxiliary services shall mean compensatory education services for the improvement of students' communication skills; supportive services acquiring communication proficiency in the English language for children of limited English-speaking ability; and home instruction services. Services for children enrolled in nonpublic schools shall be provided only upon the consent of the parent and in a location



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determined by the Board pursuant to rules and regulations of the State Board of Education. The cost of transportation for auxiliary services shall be managed in accordance with N.J.S.A. 18A:46A-6. Contracts for auxiliary services shall be managed in accordance with N.J.S.A. 18A:46A-7. Cost limitations for auxiliary services shall be managed in accordance with N.J.S.A. 18A:46A-8. Calculation of the costs by the Commissioner shall be managed in accordance with N.J.S.A. 18A:46A-9.

B. Health Services - N.J.S.A. 18A:40-23 through 31; N.J.A.C. 6A:16-2.5

The Board shall provide nursing services for students who are enrolled full-time in a nonpublic school located in their district pursuant to N.J.S.A. 18A:40-23. The services shall include assistance with medical examinations; including dental screening, conducting screening of hearing examinations, the maintenance of student health records, and notification of local or county health officials of any student who has not been properly immunized; and conducting examinations of students between the ages of ten and eighteen for the condition known as scoliosis. The Board shall adopt written policies and procedures extending the emergency care provided to public school students to those students who are enrolled full-time in the nonpublic school or are injured or become ill at school or during participation on a school team or squad in accordance with N.J.A.C. 6A:16-2.5(b).

Nursing services funded by the Board pursuant to N.J.S.A. 18A:40-23 et seq. shall be provided by a registered nurse licensed by the New Jersey State Board of Nursing who is an employee of the school district or a third-party contractor or is an independent contractor. The Board shall either employ a qualified independent contractor to provide nursing services or shall contract, pursuant to N.J.S.A. 18A:40-28, with other district Boards of Education or with a public or private agency approved by the Commissioner to provide nursing services, pursuant to N.J.A.C. 6A:14-5.2. Prior to any change in the provision of nursing services, the Board shall provide timely and meaningful consultation with appropriate nonpublic school representatives, including parents, pursuant to N.J.S.A. 18A:40-28.



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The nursing services provided to nonpublic school students shall not include instructional services in accordance with N.J.A.C. 6A:16-2.5(f). A nonpublic school may decline nursing services required or permitted by submitting to the district of attendance notification in accordance with N.J.A.C. 6A:16-2.5(g). A student who is enrolled in a nonpublic school and whose parent objects to the student receiving any service provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the service except for a physical or medical examination to determine whether the student is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.

The Board of Education shall provide health services based upon the following: the funding for services shall be based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year; a report provided to the New Jersey Department of Education (NJDOE) by the district of attendance or nonpublic school that includes the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year; and the funds expended by the district of attendance for administrative costs shall be limited to the actual costs or six percent of the funds allocated annually for each participating nonpublic school, whichever is less. Administrative costs shall include, but not be limited to, the costs related to the district of attendance annual consultation, bidding, program and contract management, and oversight and quality control.

The Superintendent or designee of the district of attendance in which a nonpublic school is located shall confer annually with the administrator of the nonpublic school for the following purposes: to advise the nonpublic school of the amount of funds allocated to it by the NJDOE for the provision of health services for full-time students enrolled in the nonpublic school; to agree on the basic health services that shall be provided; the additional medical services, equipment, or supplies that may be provided as set forth in N.J.S.A. 18A:40-23 et seq.; to discuss the criteria to be used in the selection of a nursing service provider by the district of attendance for the nonpublic school; and to ascertain the level of satisfaction of the nonpublic school with the current nursing service provider. If the Superintendent or designee and the nonpublic school administrator cannot reach agreement regarding the health services and additional medical services to be provided, the County Office of Education shall provide



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assistance; to assure that a description of the provision of nursing services is reflected in the nursing services plan of the district of attendance; and to ensure nonpublic school students in the district of attendance who are knowingly without medical coverage have access to the New Jersey FamilyCare program and to make information accessible regarding the program to the nonpublic school students, pursuant to N.J.S.A. 18A:40-34. The Superintendent or designee must submit a report to the Executive County Superintendent on or before October 1 annually in accordance with N.J.A.C. 6A:16-2.5(k).

- C. Textbook Aid to Public and Nonpublic Schools - N.J.S.A. 18A:58-37 et seq.; N.J.A.C. 6A:23A-20 et seq.

N.J.S.A. 18A:58-37.3 requires the Board in which a nonpublic school is located to purchase and to loan, without charge, upon individual requests, textbooks to students in the nonpublic school or schools located within the district of attendance when such students are residents of the State. The Board shall not be required to expend funds for the purchase and loan of textbooks in excess of the amounts provided in State aid. Students who are enrolled in a nonpublic school whose parents do not maintain a residence in this State are not eligible to receive such textbooks. Students who are enrolled in a nonpublic school whose tuition is paid by the district of attendance are not eligible to receive such textbooks. The Board shall distribute to all students on an equitable basis existing book stocks and newly purchased textbooks purchased pursuant to N.J.S.A. 18A:58-37.1 et seq. The Board shall not discriminate against students in either public or nonpublic schools.

An individual written request for the loan of textbooks shall be signed by the parent(s) of nonpublic school students and shall be submitted directly to the Board of the district of attendance or may be forwarded collectively by the nonpublic school. Requests must be received by the Board by March 1 preceding the school year. All individual requests must be made in accordance with N.J.A.C. 6A:23A-20.3.

In accordance with N.J.A.C. 6A:23A-20.4, all textbooks purchased under the provisions of N.J.S.A. 18A:58-37.1 et seq. shall remain the property of the district which shall indicate such ownership in each book by a label. The Board shall be responsible for the receipt of the textbooks from the



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vendor and inventory of such textbooks. The Board may require that the textbooks be returned to the district at the end of the school year or may enter into agreements with the nonpublic schools to store such books. In the event of such an agreement, the Board shall not pay storage charges of any kind to a nonpublic school for this service.

The Board's accounting entries in relation to expenditures for the purchase of textbooks shall be managed in accordance with N.J.A.C. 23A-20.5.

N.J.S.A. 18A:40-23 through 31; 18A:46-19; 18A:46A-1; 18A:58-37 et seq.
N.J.A.C. 6A:14-6; 6A:16-2.5; 6A:23A-20 et seq.

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[See POLICY ALERT Nos. 131, 133, 156, 159 and 213]

7100 LONG-RANGE FACILITIES PLANNING

The Board of Education recognizes that sound planning based on accurate information is essential to the provision of suitable educational facilities. In order to ensure that future district construction is planned on the basis of need, the Board, in accordance with N.J.S.A. 18A:7G-4 and N.J.A.C. 6A:26-2.1 et seq., will maintain and submit a Long-Range Facilities Plan (LRFP) to the New Jersey Department of Education. Except as provided in N.J.A.C. 6A:26-3.164, no school facilities project will be considered or approved unless the district's LRFP has been submitted to and approved by the Commissioner of Education.

Long-range facilities planning by the school district shall be in accordance with the provisions of N.J.A.C. 6A:26-2 et seq.

~~The district may submit an amendment to an approved LRFP for review and approval by the Commissioner of Education at any time whenever it seeks to undertake a capital project that is inconsistent with the approved LRFP then in effect.~~

Early Childhood Program Aid (ECPA) Districts Only

~~The district will amend their LRFP annually, immediately following approval of the district's ECPA plan, to ensure that it is consistent with the approved ECPA plan required pursuant to N.J.S.A. 18A:7F-16 and N.J.A.C. 6A:24-3 et seq. or N.J.A.C. 6:19-3.1.~~

~~The Board shall review all facilities annually to determine if any of them are substandard pursuant to 6A:26-8.1 et seq. All substandard facilities must be initially approved by the County Superintendent of Schools. Such approvals are given for a maximum of two consecutive years, unless inspected by the New Jersey Department of Education, Division of Finance. The Board shall not continue their use without the express written consent of the County Superintendent of Schools. No substandard educational facility will be approved unless inspected by the Division of Facilities and Transportation in the Department of Education to ensure:~~

- ~~1. The facilities meet health, safety and educational adequacy standards for temporary, substandard facilities, as specified in N.J.A.C. 6A:26;~~



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- ~~2. A plan has been developed by the district and approved by the County Superintendent of Schools to upgrade the facilities to standard, fully approved conditions.~~

~~The County Superintendent will annually monitor the district's plans to upgrade facilities to fully approved status. The district will provide funds in the next immediate annual budget to correct the deficiencies about which the district is notified by the County Superintendent on or before October 1 annually. Failure to budget for the correction of deficiencies and to implement the corrections by the next September 1 following the October 1 notice will result in the Division of Facilities and Transportation ordering that the substandard facility be abandoned immediately.~~

~~The factors as outlined in N.J.A.C. 6A:26-8.1(e) will be taken into account in making a determination upon any application for the use of emergency substandard facilities.~~

~~N.J.S.A. 18A:7G-1 et seq.; 18A:11-1; 18A:33-1 et seq.; 18A:46-13
N.J.A.C. 6:23-1.1 et seq.; 6A:26-2.1 et seq.; 6A:26-8.1 et seq.~~

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[See POLICY ALERT Nos. 156, 159 and 213]

R 7100 LONG-RANGE FACILITIES PLANNING

~~In order to plan for facilities needs and meet the requirements set forth in N.J.A.C. 6A:26-2.1 et seq., the Superintendent shall cause the completion of the Long Range Facilities Plan (LRFP). The LRFP will include the requirements as set forth in N.J.A.C. 6A:26-2.2 et seq. Except as provided in N.J.A.C. 6A:26-3.16, no school facilities project will be considered or approved unless the district's LRFP has been submitted to and approved by the Commissioner of Education.~~

~~The district may submit an amendment to an approved LRFP for review and approval by the Commissioner of Education at any time whenever it seeks to undertake a capital project that is inconsistent with the approved LRFP then in effect.~~

~~[Early Childhood Program Aid (ECPA) Districts Only~~

~~The district will amend their LRFP annually, immediately following approval of the district's ECPA plan, to ensure that it is consistent with the approved ECPA plan required pursuant to N.J.S.A. 18A:7F-16 and N.J.A.C. 6A:24-3 et seq. or N.J.A.C. 6:19-3.1.]~~

A. Responsibilities of the School District - N.J.A.C. 6A:26-2.1

1. The school district shall amend its Long Range Facilities Plan (LRFP) at least once every five years following the approval of the 2005 LRFP on software made available by the New Jersey Department of Education (NJDOE) and in accordance with the instructions for completing the software.
2. The LRFP shall detail the school district's school facilities, other facilities, temporary facilities, and the school district's plan for meeting school facilities needs during the ensuing five years.

B. Completion of Long Range Facilities Plans - N.J.A.C. 6A:26-2.2

1. Each LRFP shall include:
 - a. Enrollment projections for the school district for the five years covered by the plan in accordance with the requirements of N.J.A.C. 6A:26-2.2(a)1;



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- b. **The functional capacity of every school facility in the school district in accordance with N.J.A.C. 6A:26-2.2(a)2;**
- c. **An inventory of every school facility, other facility, and temporary facility in the school district in accordance with N.J.A.C. 6A:26-2.2(a)3;**
- d. **An inventory of all school district-owned land in accordance with N.J.A.C. 6A:26-2.2(a)4;**
- e. **A listing of the approximate size and nature of any new sites that may be needed for school facilities projects set forth in the LRFP in accordance with N.J.A.C. 6A:26-2.2(a)5;**
- f. **An inventory of all building systems within each facility in accordance with N.J.A.C. 6A:26-2.2(a)6;**
- g. **A determination of the life expectancy of all building systems;**
- h. **A determination of any building system deficiencies in each school facility and the required remediation;**
- i. **The school district's proposed school facilities projects, other capital projects, and preliminary scopes of work in accordance with N.J.A.C. 6A:26-2.2(a)9 and N.J.S.A. 18A:7G-5(m);**
- j. **The school district's proposed programmatic models for school facility types and capacities the school district intends to operate in the ensuing five years;**
- k. **A comparison of the school district's proposed programmatic models with the facilities efficiency standards and identification of all types of spaces, sizes of spaces, and number of spaces inconsistent with those standards in accordance with N.J.A.C. 6A:26-2.2(a)11;**
- 1. **A comparison of the school district's programmatic models with the existing inventory and how the school district proposes to convert the existing inventory to programmatic models;**



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- m. **The school district's proposed plans for new construction and renovation of other facilities in the five years ensuing in accordance with N.J.A.C. 6A:26-2.2(a)13;**
 - n. **For each school facility set forth in the LRFP for which the school district is seeking approval of additional space or waiver of a facility efficiency standard to be approved as part of the LRFP, the school district shall submit documentation supporting the request in accordance with N.J.A.C. 6A:26-2.3(c);**
 - o. **For each school facility to be replaced, a preliminary comparison of the cost of replacement of the school facility verses the cost to rehabilitate the school facility;**
 - p. **Preliminary data to support each proposed new school facility or addition, renovation to an existing school facility, and the removal from the school district's inventory of school facilities for each school facility to be sold, converted to non-school facility use, or razed;**
 - q. **A preliminary estimate of the cost of every school facilities project set forth in the LRFP; and**
 - r. **The Board resolution approving submission of the LRFP.**
- 2. **Each LRFP shall include a determination by the school district of the number of unhoused students for the ensuing five-year period calculated in accordance with N.J.A.C. 6A:26-2.2(b)1.**
 - 3. **Approved area for unhoused students shall be determined according to the formula as outlined in N.J.A.C. 6A:26-2.2(c).**
 - 4. **Superintendents in Early Childhood Program Aid (ECPA) districts are strongly encouraged to meet and collaborate with community childhood education providers to meet the needs of unhoused students in the LRFP in accordance with N.J.A.C. 6A:26-2.2(d).**



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5. The school district shall incorporate the facilities efficiency standards in the LRFP and seek any necessary waiver or special Commissioner approval in accordance with N.J.A.C. 6A:26-2.2(e)1 and 2.

C. LRFP Submission Procedure - N.J.A.C. 6A:26-2.1

1. Except as provided in N.J.A.C. 6A:26-3.14, no school facilities project shall be considered or approved unless the school district's LRFP has been submitted to the NJDOE and approved by the Commissioner.
2. The school district shall submit its LRFP to the planning board(s) of the municipality(ies) in which the school district is situated, no later than the date the school district submits the LRFP to the Commissioner. No LRFP shall be considered complete until comments have been received from the planning board(s) or until forty-five days have passed from the planning boards' receipt of the LRFP in accordance with N.J.A.C. 6A:26-2.1(c).
3. In accordance with the provisions of N.J.A.C. 6A:26-2.1(d), a school district sending students to another school district pursuant to N.J.S.A. 18A:38-8 et seq. shall expeditiously provide all information necessary for the receiving school district to complete its LRFP, including but not limited to, demographic information necessary to prepare enrollment projections. Both sending and receiving school districts must submit a LRFP. If a send-receive relationship is terminated pursuant to N.J.S.A. 18A:38-21, both the sending and receiving school districts shall promptly submit an amended LRFP.
4. An amended LRFP must be submitted to the NJDOE, in accordance with the provisions of N.J.A.C. 6A:26-2.1(e), if one or more school districts withdraw from a regional school district or a regional school district dissolves.
5. At any time, a school district may submit an amendment to an approved LRFP for review and approval by the Commissioner.



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6. A school district's approved LRFP shall remain in effect until an amended LRFP is approved.
- D. Review and Approval of Long-Range Facilities Plan - N.J.A.C. 6A:26-2.3
1. Within ninety days of receipt of a LRFP from a school district that has not previously submitted a LRFP, the Division of Administration and Finance (Division) shall determine where the plan is fully and accurately complete and whether all information necessary to review the plan has been filed by the school district.
 - a. When a LRFP is determined to be complete, the Division shall notify the school district in writing that the plan is deemed complete.
 - b. When a LRFP is determined to be incomplete, the Division shall notify the school district in writing and require the submission of additional information as detailed in the notification. Only after the Division determines all requested information has been submitted and the information is accurate shall it determine a plan to be complete.
 2. Within sixty days of the date of notification that the plan is complete, the Commissioner shall notify the school district of the final determination of the LRFP. A final determination shall set forth information as outlined in N.J.A.C. 6A:26-2.3(b).
 3. A school district shall amend its approved LRFP whenever it seeks to undertake a capital project that is inconsistent with the approved LRFP in effect. The amendment request shall be accompanied by a Board of Education resolution approving the submission of the LRFP amendment and shall be in accordance with the requirements of N.J.A.C. 6A:26-2.3(c)1 through 4.



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4. **The Commissioner may extend the deadline for reviewing each LRFP if at any time the number of LRFPs pending before the Commissioner for review exceeds twenty percent of the total number of operating school districts in the State pursuant to N.J.A.C. 6A:26-2.3(d).**
5. **A school district that has an approved LRFP may begin undertaking feasibility studies for new construction identified in accordance with N.J.A.C. 6A:26-2.3(b)6. For school districts required to use the New Jersey Schools Development Authority (Development Authority), the activities also shall be undertaken under the auspices of the Development Authority and in accordance with N.J.S.A. 18A:7G-5 and N.J.A.C. 6A:26-2 et seq.**

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[See POLICY ALERT Nos. 131, 159 and 213]

7101 EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

Capital projects that affect any of the criteria for educational adequacy ~~will~~ **shall** be reviewed and approved by the Division of ~~Facilities and Transportation Administration and Finance (Division)~~ **in accordance with N.J.A.C. 6A:26-5 et seq.** The criteria are the number, configuration, size, location, or use of educational spaces within a school facility. The review for educational adequacy ~~will~~ **shall** take into consideration the suitability of the number, configuration, size, location, and use of educational spaces; built-in furniture and equipment; and provisions for the disabled.

Projects requiring approval for educational adequacy, as defined in N.J.A.C. 6A:26-5.1 are: new school facilities including pre-fabricated facilities; additions to existing school facilities; alterations to the total number, dimension in volume and/or area, configuration or location of educational spaces or the number of any one kind of educational space; ~~change of use that requires certain alterations, or that requires mechanical or electrical changes pursuant to N.J.A.C. 5:23 or these regulations; and~~ installation of temporary facilities ; ~~and any site or school facility change or alteration for the purpose of making the site and school barrier free and accessible to disabled persons pursuant to N.J.A.C. 5:23 and Section 504 of the Federal Rehabilitation Act of 1973, 29 U.S.C. §794 and the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.~~

New Jersey Economic Schools Development Authority (**Development Authority**), and ~~non-authority Regular Operating District (ROD)~~ school facilities ~~projects~~, along with other capital projects, are subject to educational adequacy reviews pursuant to N.J.A.C. 6A:26-5.1(b). ~~The district will submit any plan to change of use of instructional space that is not a capital project to the County Superintendent of Schools for approval.~~ **The Executive County Superintendent shall approve any change of use of instructional space that is not a capital project.**

Educational specifications for educational adequacy reviews ~~will~~ **shall** be prepared and submitted in accordance with N.J.A.C. 6A:26-5.2. Educational specifications ~~will~~ **shall** be prepared in writing describing in detail the educational program activities and requirements for each space proposed in the capital project, and ~~will~~ **shall** refer to the ~~Core Curriculum Content Standards~~ **New Jersey Student Learning Standards** wherever appropriate. The educational specifications ~~will~~ **shall** include an itemized list of furniture, equipment, and



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support spaces required to conduct the educational program specified for each space ~~will be included~~, together with their ~~estimated net~~ areas in square feet, as well as ~~the an estimate net~~ of the total room area required for each space. The educational specifications ~~will~~ **shall** also include specific technical and environmental criteria, adjacencies and other requirements for the educational program ~~will be noted~~ and a building-space program that indicates the number and ~~net~~ area in square feet of each instructional, specialized instructional, administrative, and support space in each existing or proposed building included in the capital project **and/or temporary facility**.

Schematic plans and other related project documents will be prepared and submitted in accordance with N.J.A.C. 6A:26-5.3.

A project cost estimate on a form provided by the Commissioner of Education, a project schedule, a copy of the dated transmittal letter ~~indicating project document submission to the County Superintendent~~ **to the Executive County Superintendent indicating project document submission to the Division**, and a copy of the transmittal letter indicating the date of plan submission to the local planning board **shall be submitted in accordance with N.J.A.C. 6A:26-5.3(b)4** (whenever the building footprint, volume, pedestrian or vehicular access are altered by the project) must be submitted to the Division of Facilities and Transportation.

~~The Director of the Office of Bilingual Education and Equity Issues must receive a completed OEEO questionnaire, in accordance with Title 6 of the Civil Rights Act of 1964 (42 U.S.C. § 2000a et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and Title 2 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), from the district and must make a positive recommendation in writing to the Division before schematic plans can be approved for any project that affects the capacity of individual buildings or their sending areas in the district.~~

In the case of an **Development** Authority school facilities project, upon completion of detailed plans and specifications, the **Development** Authority on behalf of the district ~~will~~ **shall** apply, **upon completion of detailed plans and specifications**, for final approval of the **project's** educational adequacy of the project in accordance with N.J.A.C. 6A:26-5.4(a). In the case of an ~~non-authority~~ **ROD** school facilities project or another capital project, **the school district shall apply** upon the completion of final plans and specifications, ~~the district will apply~~



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for final approval of the educational adequacy of the project in accordance with N.J.A.C. 6A:26-5.4(b). **In the case of a temporary facility, the school district or the Development Authority on behalf of the school district for Development Authority school facilities projects, shall apply upon the completion of detailed plans and educational specifications for approval of the temporary facility's adequacy in accordance with N.J.A.C. 6A:26-5.4(c).**

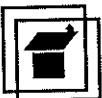
The Division of Facilities and Transportation ~~will~~ **shall** collect fees for its reviews according to N.J.A.C. 6A:26-5.5.

For a Development Authority school facilities project not subject to educational adequacy review, the Division shall issue a preliminary project report and shall forward the report to the Department of Community Affairs in accordance with N.J.A.C. 6A:26-5.6(a). The review shall require the documentation required by the Uniform Construction Code (UCC) in accordance with N.J.A.C. 5:23-2.15.

For a ROD school facilities project or other capital project, not subject to educational-adequacy review, the Division shall make a determination of the project's final eligible costs and shall forward their determination to the Department of Community Affairs in accordance with N.J.A.C. 6A:26-5.6(b). The review shall include the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15.

N.J.A.C. 6A:26-5.1 et seq.; N.J.A.C. 5:23-2.15

Adopted:



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[See POLICY ALERT Nos. 159 and 213]

R 7101 EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

Capital projects that affect any of the following criteria for educational adequacy **shall** ~~must~~ be reviewed and approved by the Division of **Administration and Finance (Division) Facilities and Transportation**. The criteria are the number, configuration, size, location, or use of educational spaces within a school facility. The review for educational adequacy ~~will~~ **shall** take into consideration the suitability of the number, configuration, size, location, and use of educational spaces; built-in furniture and equipment; and provisions for the disabled.

- A. Projects Requiring Approval for Educational Adequacy – N.J.A.C. 6A:26-5.1
1. Capital projects that involve the following types of building construction work **shall be approved** ~~require approval~~ for educational adequacy:
 - a. New school facilities including pre-fabricated facilities;
 - b. Additions to existing school facilities;
 - c. Alterations to the total number, dimension in volume and/or area, configuration or location of educational spaces or the number of any one kind of educational space; **and**
 - d. ~~Change of use that requires alterations per A.1.e. above, or that requires mechanical or electrical changes pursuant to N.J.A.C. 5:23 or these regulations;~~
 - de. Installation of temporary facilities; ~~and.~~
 - f. ~~Any site or school facility change or alteration for the purpose of making the site and school barrier free and accessible to disabled persons pursuant to N.J.A.C. 5:23 and §504 of the Federal Rehabilitation Act of 1973, 29 U.S.C. §794 and the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.~~



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- B. **New Jersey Economic Schools Development Authority (Development Authority), Regular Operating District (ROD), and Other Non-Authority Capital Projects – N.J.A.C. 6A:26-5.1(b)**
1. ~~New Jersey Economic Development Authority and non-authority school facilities projects, along with other capital projects, are subject to educational adequacy reviews as follows:~~ **Both Development Authority and ROD school facilities projects, along with other capital projects, shall be subject to educational adequacy reviews. The review process and types of documents subject to review will differ depending on whether the project is a school facilities project or other capital project, and if a school facilities project, on whether it is a Development Authority project or a ROD project.**
 - a. ~~Authority School Facilities Projects—The district will apply for the review and approval for educational adequacy in conjunction with the application for approval of a school facilities project pursuant to N.J.A.C. 6A:26-3.1 et seq., and prior to the review and approval of capital projects for compliance with the Uniform Construction Code, N.J.A.C. 5:23, by the Division of Codes and Standards in the Department of Community Affairs, and prior to local share authorization. The educational adequacy review will cover three and in certain circumstances, see N.J.A.C. 6A:26-5.4, four types of project documents: educational specifications, schematic plans and related documents, detailed plans and specifications, and final plans and specifications. The educational specifications and schematic plans and related documents will be submitted by the district at the time of project application; the detailed plans and specifications, and final plans and specifications are forwarded by the authority to the Division after project approval, but prior to UCC approval. For a Development Authority school facilities project, the Development Authority on behalf of the school district shall apply for the review and approval for educational adequacy in conjunction with the application for approval of a school facilities project pursuant to N.J.A.C. 6A:26-3.~~



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The application shall be made prior to the review and approval of capital projects for compliance with the Uniform Construction Code (UCC), N.J.A.C. 5:23, by the Division of Codes and Standards in the Department of Community Affairs, and prior to local share authorization. The educational adequacy review shall cover the following types of project documents: educational specifications; schematic plans and related documents; detailed plans and specifications; and final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the Development Authority on behalf of the school district at the time of project application. Detailed and final plans and specifications shall be forwarded to the Division by the Development Authority after project approval, but prior to the Division determination of final eligible costs and Department of Community Affairs review for UCC compliance.

- b. ~~Non-authority School Facilities Projects~~—The district will apply for the review and approval for education adequacy as in subparagraph B.1.a. above. The educational adequacy review will cover three types of documents: educational specifications, schematic plans and related documents, and final plans and specifications. Educational specifications and schematic plans and related documents will be submitted to the Division by the district at the time of the project application. Final plans and specifications will be submitted to the Division by the district after project approval, but prior to UCC approval and local share or total costs of the school facilities project for a debt service aid authorization. For a ROD school facilities project, school districts shall apply for the review and approval for education adequacy in conjunction with the application for approval of a school facilities project. The educational adequacy review shall cover the following types of documents: educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications,



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schematic plans, and related documents shall be submitted by the school district at the time of project application. Final plans and specifications shall be submitted by the school district after project approval, but prior to the UCC-compliance review.

- c. ~~Other Capital Projects—The district will apply for the review and approval for educational adequacy prior to the division review for consistency of the other capital project with the district's approved LRFP. The educational adequacy review will cover educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications and schematic plans and related documents will be submitted by the district at the time the project is reviewed for consistency with the district's approved LRFP. Final plans and specifications will be submitted to the Division by the district after the consistency review, but prior to UCC approval and local funding authorization.~~ For any other capital project, school districts shall apply for the review and approval for educational adequacy in conjunction with the application for the Division review for consistency with the school district's approved LRFP. The educational adequacy review shall cover educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the school district at the time the project is reviewed for consistency with the school district's approved LRFP. Final plans and specifications shall be submitted by the school district after the consistency review, but prior to the UCC-compliance review.

C. Change of Use of Instructional Space, Non-Capital Project – N.J.A.C. 6A:26-5.1(c)

1. ~~The district will submit any plan for change of use of instructional space to the County Superintendent of Schools for approval. The Executive County Superintendent shall approve any change of use of instructional space that is not a capital project.~~



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D. Educational Specifications – (N.J.A.C. 6A:26-5.2)

1. Submissions of educational specifications for educational adequacy reviews ~~will~~ **shall** include the following:

- a. ~~Educational specifications will be prepared in writing describing in detail the educational program activities and requirements for each space proposed in the capital project, and will refer to the Core Curriculum Content Standards wherever appropriate~~ **Details of the educational program activities and requirements for each space proposed in the capital project, and shall refer to the New Jersey Student Learning Standards wherever appropriate;**
- b. An itemized list of furniture, equipment, and support spaces required to conduct the educational program specified for each space ~~will be included~~, together with their ~~estimated net~~ areas in square feet, as well as ~~the an estimate net~~ of the total room area required for each space;
- c. Specific technical and environmental criteria, adjacencies, and other requirements for the educational program ~~will be noted~~; and
- d. ~~Educational specifications must contain a~~ **A** building-space program that indicates the number and **net** area in square feet of each instructional, specialized instructional, administrative, and support space in each existing or proposed building included in the capital project **and/or the temporary facility.**

E. Schematic Plans and Other Related Project Documents – (N.J.A.C. 6A:26-5.3)

1. Submissions of schematic plans for educational adequacy reviews ~~will~~ **shall** include the following:

- a. ~~Three~~ **Four** sets of schematic plans showing the entire existing and proposed building drawn to a scale of not less than 1/16 inch per foot ~~will be submitted~~. The approved use of each space, and the proposed number of occupants, **and the net square feet area will shall** be clearly labeled **on all existing and proposed spaces;**



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- b. ~~Schematic plans will be reviewed for conformance with the educational specifications and will include~~ Layouts of the built-in and moveable furniture and equipment for examples of all occupied spaces drawn to a scale of not less than 1/8 inch per foot;
- c. Information required to demonstrate compliance with the Facility Planning Standards of N.J.A.C. 6A:26-6.1 ~~et seq.~~ will be indicated on the schematic plans, including dimensions, clearances, ceiling heights, and required equipment;
- d. Paths of travel for disabled persons will be clearly indicated;
- e. ~~Whenever site work is required, a completed plot plan will be submitted and on it will be shown the intended location of the school and a layout of the locations of all other structures, play and recreation areas, athletic fields, walkways, roadways, access roads, buffer and set back zones, and parking areas~~ **A completed plot plan when work site is required, including the intended location of the school and a layout of the locations of all other structures, multi-purpose physical education fields, playgrounds, walkways, roadways, access roads, buffer and set back zones, parking areas, deed restrictions, easements, protective covenants, right of ways, and environmentally sensitive areas. If the land for the site is being acquired, an application also shall be submitted for approval under N.J.A.C. 6A:26-7.1; and**
- f. ~~Schematic plans will be signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the Board and Superintendent. The signature and seal of a New Jersey licensed architect or professional engineer, if there is an architect or engineer engaged for the project, and signatures of the President of the Board of Education and the Superintendent. In the case of Development Authority school facilities projects, schematic plans shall also be signed by the Development Authority, pursuant to N.J.S.A. 59:4-6.~~



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2. Other project documents to be submitted with the schematic plans ~~will~~ **shall** include:
 - a. A project cost estimate on a form provided by the Commissioner of Education;
 - b. A project schedule;
 - c. A copy of the dated transmittal letter **to the Executive County Superintendent** indicating project document submission to the ~~County Superintendent Division~~; **and**
 - d. ~~A copy of the transmittal letter indicating the date of plan submission to the local planning board, whenever the building footprint, volume, pedestrian or vehicular access are altered by the project;~~ **A copy of the transmittal letter indicating the date of plan submission to the local planning board, where required by N.J.S.A. 40:55D-31 and N.J.S.A. 18A:18A-16, including, but not limited to, whenever the project consists of a new building, the conversion of an existing building to school use, or the building footprint, volume, pedestrian, or vehicular access are altered by the project and.**
 - e. ~~The Director of the Office of Bilingual Education and Equity Issues must receive a completed OEEO questionnaire, in accordance with Title 6 of the Civil Rights Act of 1964 (42 U.S.C. § 2000a et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and Title 2 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), from the district and must make a positive recommendation in writing to the Division before schematic plans can be approved for any project that affects the capacity of individual buildings or their sending areas in the district.~~



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F. Detailed Plans and Specifications and Final Plans and Specifications –
(N.J.A.C. 6A:26-5.4)

1. ~~In the case of an authority school facilities project, upon completion of detailed plans and specifications, the authority on behalf of the district will apply for final approval of the educational adequacy of the project. Detailed plans and specifications will be considered adequate for calculations of final eligible costs if the plans and specifications are sixty percent or more complete. Such application will include~~ **In the case of a Development Authority school facilities project, the Development Authority on behalf of the school district shall apply upon completion of detailed plans and specifications for final approval of the project's educational adequacy. Detailed plans and specifications shall be considered adequate for calculations of final eligible costs if the plans and specifications are at least sixty percent complete. Final approval of the educational adequacy of the project shall occur prior to the calculation of the final eligible costs of the school facilities project pursuant to N.J.A.C. 6A:26-3.5. The application for final approval shall include:**

- a. ~~Two sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the Board and Superintendent, and specifications, to sufficiently demonstrate that the school facilities project conforms to schematic plans approved by the Division~~ **Four individually packaged sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey licensed architect or professional engineer and signed by the President of the Board of Education, Superintendent, and the Development Authority, and specifications to sufficiently demonstrate the school facilities project conforms to schematic plans approved by the Division. To demonstrate such conformance, the submission shall include architectural floor plans, an architectural site plan, as applicable, and architectural drawings that will allow verification of ceiling heights and other applicable**



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standards in N.J.A.C. 6A:26-6.3. If the Division determines the documents are not sufficient to demonstrate conformity with the schematic plans, it may request additional drawings and/or technical specifications;

- b. The fee calculated according to the fee schedule ~~unless exempted pursuant to N.J.A.C. 6A:26-5.5;~~ and
- c. In the event there is a change affecting the number, configuration, size, location, or use of educational spaces as set forth in the detailed plans and specifications submitted to the **New Jersey Department of Education, the Development Authority will shall** submit such application to the Division **the application** with two sets of final plans and specifications, as set forth in subparagraph 2.a. below. ~~And No~~ additional fee will be imposed.

- 2. ~~In the case of a non-authority school facilities project or another capital project, upon the completion of final plans and specifications, the district will apply for final approval of the educational adequacy of the project. Such application will include~~ **In the case of a ROD school facilities project or another capital project, the school district shall apply upon the completion of final plans and specifications for final approval of the educational adequacy of the project. The application shall include:**

- a. ~~Two sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the local Board and Superintendent, and specifications, to sufficiently demonstrate that the capital project conforms to schematic plans approved by the Division~~ **Four individually packaged sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey licensed architect or professional engineer and signed by the President of the Board of Education and Superintendent, and**



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specifications to sufficiently demonstrate the capital project conforms to schematic plans approved by the Division as described in F.1.a. above;

- b. ~~A properly executed copy of a "Release Form for School Construction Plans"~~ **"Request for Local Release of School Construction Plans"** for a district ~~which~~ **that** chooses to have a municipal code enforcing agency review of its plans for ~~conformance with the UCC~~ **conformance**. ~~The district's Superintendent and municipal code enforcing agency chief must sign this form. This form may be obtained from the Division;~~ **The review shall include the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate. The Superintendent and municipal code enforcing agency chief shall sign the form, which may be obtained from the Division; and**
- e. ~~Copies of letters of approval from all other State agencies having jurisdiction over the project; and~~
- dc. A check, payable to the "Treasurer, State of New Jersey," for the fee calculated according to the fee schedule ~~unless exempted pursuant to N.J.A.C. 6A:26-5.5.~~
3. **In the case of a temporary facility, the school district or the Development Authority on behalf of the school district for Development Authority school facilities projects, shall apply to the Division upon the completion of detailed plans and educational specifications for approval of the temporary facility's adequacy. Detailed plans and educational specifications shall be considered adequate for calculations of eligible costs if the plans and educational specifications are at least sixty percent complete unless otherwise provided in N.J.A.C. 6A:26-5.4. The application shall include items in accordance with N.J.A.C. 6A:26-5.4(c) as outlined below:**



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- a. **Four sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the Board of Education and Superintendent, as well as the Development Authority in the case of a temporary facility that is part of a Development Authority school facilities project, and educational specifications to sufficiently demonstrate the educational adequacy of the temporary facility and compliance with the temporary facility standards at N.J.A.C. 6A:26-8;**
- b. **A completed plot plan whenever site work is required for the temporary facility. On it shall be shown the intended location of the temporary facility and a layout of all other structures, play and recreation areas, athletic fields, walkways, roadways, access roads, buffer and set-back zones, and parking areas. It also clearly shall indicate the impact that placement of the temporary facility will have on the site of the permanent school facility;**
- c. **A copy of the dated transmittal letter to the Executive County Superintendent indicating plan submission to the Division;**
- d. **A copy of the transmittal letter indicating the date of plan submission to the local planning board, whenever required by N.J.S.A. 40:55D-31 and N.J.S.A. 18A:18A-16;**
- e. **A temporary facility schedule addressing the relationship to the school facilities project schedule, in the event that the temporary facility is part of a school facilities project;**
- f. **The fee calculated according to the fee schedule pursuant to N.J.A.C. 6A:26-5.5. If the temporary facility is not part of a Development Authority school facilities project, payment shall be in the form of a check, payable to the "Treasurer, State of New Jersey";**



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- (1) If the fee for the temporary facility is submitted to the Division prior to the submission of the fee for the final educational adequacy review for the school facilities project, the amount paid for the temporary facility will be credited toward the fee for the school facilities project;
- g. If the temporary facility is not part of a Development Authority school facilities project, a properly executed copy of a Request for Local Release of School Construction Plans for a school district that chooses to have a municipal code enforcing agency review its plans for conformance with the UCC. Such review shall require the documentation required by the UCC, N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate. The Superintendent and municipal code enforcing agency chief shall sign the form, which may be obtained from the Division; and
- h. If the temporary facility was previously used for school purposes and a certificate of occupancy for Group E is in effect and no change of use is required, a floor plan with proposed occupancy in lieu of signed and sealed plans shall be submitted to the Division to meet the requirements of N.J.A.C. 6A:26-5.4.
- G. Fee Schedule and exemption – N.J.A.C. 6A:26-5.5

The Division of Facilities and Transportation will collect fees for its reviews of detailed/final plans and specifications for educational adequacy in the case of Development Authority school facilities projects and for its reviews of final plans and specifications for educational adequacy in ROD school facilities projects and other capital projects according to in accordance with the fee schedule outlined in N.J.A.C. 6A:26-5.5.



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H. Capital Projects Not Subject to Educational Adequacy Review – N.J.A.C. 6A:26-5.6

1. For a Development Authority school facilities project not subject to educational adequacy review, the Division shall issue a preliminary project report and shall forward to the Department of Community Affairs for review the report along with drawings or narrative sufficient to delineate the scope of work, so the Department of Community Affairs may review construction documents for UCC conformance. The review shall require the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate.
2. For a ROD school facilities project or other capital project not subject to educational adequacy review, the Division shall make a determination of the project's final eligible costs and shall forward to the Department of Community Affairs for review the determination along with drawings or narrative sufficient to delineate the scope of work, so the Department of Community Affairs may review construction documents for UCC conformance. The review shall include the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15, for the requirements for a construction-permit or plan-review application, as appropriate. If the school district has submitted to the Division a properly executed copy of a "Request for Local Release of School Construction Plans," pursuant to N.J.A.C. 6A:26-5.4(b)2, the Division shall forward the release form to the Department of Community Affairs for its action.

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[See POLICY ALERT Nos. 131, 159 and 213]

7102 SITE SELECTION AND ACQUISITION

The Board of Education may need to select and acquire new sites for school district facilities. Site acquisition for school purposes and every acquisition of land will be made pursuant to N.J.A.C. 6A:26-3.12 and N.J.A.C. 6A:26-7.1 through 7.3.

Every acquisition of land, whether by purchase, condemnation, or by gift or grant, to be used as a school site shall comply with the requirements of N.J.A.C. 6A:26-7.1 et seq. The school district, or the New Jersey Schools Development Authority (Development Authority) on behalf of the district, shall submit information to the Division of Administration and Finance (Division) to obtain approval for land in connection with a school facilities project in accordance with the provisions of N.J.A.C. 6A:7.1(b).

In the event the school district intends to acquire land not in connection with a school facilities project, the district shall submit all of the information required under N.J.A.C. 6A:26-7.1(b) except N.J.A.C. 6A:26-7.1(b)1.ii and N.J.A.C. 6A:26-7.1(b)1.iii, and shall further be excepted from the requirements of N.J.A.C. 6A:26-7.1(d) and N.J.A.C. 6A:26-7.1(e). If the school district later intends to change the use of the land and use as a school site, the school district shall be required to submit all of the information required under N.J.A.C. 6A:26-7.1 and the exceptions outlined above shall no longer apply.

In accordance with the provisions of N.J.A.C. 6A:26-7.1(d), school site sizes shall be directly related to the acreage required for the structures and activities to be situated thereon. Except where specifically noted for multiple or shared use, the acreage shall be considered for single use.

All school sites shall have sufficient acreage for the placement of the school facility; expansion of the building to its maximum potential enrollment; the placement of all other structures such as greenhouses, storage buildings, school bus maintenance buildings or garages, and any other above or below ground structure, which is to be placed thereon; multi-purpose physical education fields and, for preschool through grade five school facilities, a playground required to support the achievement of the New Jersey Student Learning Standards as defined by the number of physical education teaching stations applicable to the school



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facility pursuant to the facilities efficiency standards and the approved programmatic model; disabled-accessible pedestrian walkways, roadways, and parking areas on which people and vehicles access the building; public and service access roads onto the site including, where warranted, a one-way school bus road of thirty foot width and a two-way road of thirty-six foot width; a school bus drop-off area; and eighteen foot wide posted fire lanes for fire apparatus; and a thirty-foot wide access around the entire building.

Land owned by the Board of Education that does not meet the standards of N.J.A.C. 6A:26-7.1 may be supplemented pursuant to the requirements of N.J.A.C. 6A:26-7.1(f).

Pursuant to N.J.A.C. 6A:26-7.1(g), the Division's approval shall remain effective for three years, after which time Division approval shall again be required to be obtained prior to acquiring land.

The Development Authority may acquire land on behalf of a school district eligible for one hundred percent State support of final eligible costs for school facilities projects that are consistent with the school district's approved Long Range Facilities Plan (LRFP). For such school districts, the New Jersey Department of Education shall require submission of all information set forth in N.J.A.C. 6A:26-7.1(b) to demonstrate compliance with N.J.A.C. 6A:26-7. The Development Authority may submit the required information on behalf of such school districts.

In accordance with N.J.A.C. 6A:7.3, the Board of Education may acquire an existing facility through purchase, gift, lease, or otherwise provided the Board complies with all procedures and rules pertaining to the appropriation and use of capital funds as required by N.J.S.A. 18A:20-4 and 4.2 and the Board has the facility approved in accordance with N.J.A.C. 6A:26-3, which applies to the acquisition of a school site and for the construction of a new facility. Facilities to be procured for temporary use shall comply with N.J.A.C. 6A:26-8 if subject to educational-adequacy review pursuant to N.J.A.C. 6A:26-5.4(c) because the facilities will house students.

N.J.A.C. 6A:26-3.12; 6A:26-7.1; 6A:26-7.2; 6A:26-7.3

Adopted:



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[See POLICY ALERT No. 213]

R 7102 SITE SELECTION AND ACQUISITION

The school district may need to select and acquire new sites for school district facilities. Site acquisition for school purposes and every acquisition of land will be made pursuant to N.J.A.C. 6A:26-3.12 and N.J.A.C. 6A:26-7.1 through 7.3.

A. Acquisition of Land by School Districts - N.J.A.C. 6A:26-3.12

Every acquisition of land, whether by purchase, condemnation, or by gift or grant, to be used as a school site shall comply with N.J.A.C. 6A:26-7 and receive approval.

B. Approval of the Acquisition of Land - N.J.A.C. 6A:26-7.1

1. Voter Approval - N.J.A.C. 6A:26-7.1(a)

The school district may obtain voter approval for funding of land acquisition prior to the Division of Administration and Finance (Division) approval of the land acquisition. The school district shall not take any action to acquire the land prior to obtaining Division approval.

2. Submission to the Division of Administration and Finance - N.J.A.C. 6A:26-7.1(b)

The school district, or the New Jersey Schools Development Authority (Development Authority) on behalf of the district, shall submit to the Division the following information to obtain approval under B.1. above for land in connection with a school facilities project. The following requirements do not address requirements of other State agencies having approval or permitting jurisdiction over land acquisition:

- a. The following information shall be provided by the school district:



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- (1) A written request that shall include a statement, signed by the Board President and the Superintendent, indicating the immediate and ultimate proposed uses of the site, in terms of building use, grade organization, and potential maximum enrollment, and whether the land is, or will be, part of a school facilities project indicated in the district's LRFP;
- (2) A map of the school district showing the location of the land, the location of existing schools in the school district, the attendance area to be served by the school, and the number of students who reside within the attendance area;
- (3) Data regarding the impact of the acquisition upon racial balance within the school district's public schools;
- (4) A full, detailed appraisal of the market value of the property prepared by a licensed professional;
- (5) A title report on the property produced by any reputable title insurer licensed in the State of New Jersey evidencing that title is good and marketable;
- (6) A feasibility study evidencing that school district-owned land within the attendance area to be served by the school is not available, suitable, or sufficient to be used for school purposes, but only if the school district is required to use the Development Authority and seeking approval for a new acquisition of land and not merely a new use for already school district-owned land; and
- (7) For a school district required to use the Development Authority and seeking approval for the acquisition of land, evidence that the school district has not indemnified the seller of the land for



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the costs arising from the environmental remediation required for the property to be used for school purposes; acquired the land in its "as is" condition; or acquired the land under terms and conditions that would invalidate the statutory immunity of the school district from liability for the remediation costs associated with pre-existing contamination, whether discovered pre-closing or post-acquisition, under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

- b. The following information shall generally be provided by a licensed architect, professional engineer, or professional planner in accordance with N.J.A.C. 6A:26-7.1(b)(2):
- (1) A statement from the licensed architect, professional engineer, or professional planner indicating whether the land is subject to regulation under the Coastal Wetlands Act - N.J.S.A. 13:9A-1 et seq.; the Freshwater Wetlands Act - N.J.S.A. 13:9B-1 et seq.; the Pinelands Protection Act - N.J.S.A. 13:18A-1 et seq.; the Waterfront Development Act - N.J.S.A. 12:5-3; the Green Acres Acts - N.J.S.A. 13:8A-1 et seq., N.J.S.A. 13:8A-19 et seq., N.J.S.A. 13:8A-35 et seq., and N.J.S.A. 13:8C-1 et seq.; or other statutes, regulations or executive orders administered by agencies of State or Federal government;
 - (a) If so subject, the statement shall address the steps necessary to obtain approval from the agencies, and include adequate documentation to demonstrate to the Division the approvals will be obtained and not affect the educational adequacy of the site, as set forth in B.4. and B.5. below.



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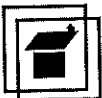
- (2) A statement from a New Jersey licensed architect, professional engineer, or professional planner indicating whether the proposed use of the land to be acquired is consistent with the goals and strategies of the New Jersey State Development and Redevelopment Plan (State Plan). If inconsistent with such goals and strategies, the statement shall include adequate documentation to demonstrate to the Division there are no alternative suitable sites available in the school district that are consistent with the State Plan's goals and strategies;
- (3) A statement from a New Jersey licensed architect, professional engineer, or professional planner indicating the land to be acquired is suitable for the proposed use;
- (4) A completed, signed, and sealed plot plan of the land to be acquired showing topographical and contour lines; adjacent properties indicating current land uses; access roads; deed restrictions; easements; protective covenants; right of ways; and environmentally sensitive areas such as waterways and wetlands. The acreage and dimensions of the tract proposed for acquisition shall be included as per the application of the standards for minimum acceptable school site sizes in B.4. below;
- (5) If existing buildings or structures are located on the land to be acquired, the intended use, and/or disposition of these buildings. Any building to be acquired and used shall comply with the requirements of the Uniform Construction Code (UCC) for educational occupancy and N.J.A.C. 6A:26-5 that apply to the construction of a new building;
- (6) Adequate documentation to demonstrate to the Division that soil conditions for structural integrity and drainage have been examined by the New Jersey licensed architect or professional engineer; and



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- (7) Adequate documentation to demonstrate to the Division that soil and groundwater conditions have been examined by a New Jersey licensed architect or professional engineer for suitability for septic systems, if applicable.
- c. The following shall be submitted by the school district in accordance with N.J.A.C. 6A:26-7.1(b)3:
- (1) A statement from a local or regional water purveyor or alternatively, a statement from a geologist or professional engineer if the source of water is groundwater, certifying that:
 - (a) The land can be adequately provided with the necessary water for the proposed maximum enrollment, and if the source of water is groundwater, that there will be sufficient groundwater available for the proposed maximum enrollment; and
 - (b) Potable water infrastructure is, or is not, in place to service the site.
 - (2) A statement from a local or county sewerage agency certifying that:
 - (a) The land can be adequately provided with the necessary and acceptable sewage disposal system for the proposed maximum enrollment, as evidenced, for example, by consistency with the locally approved wastewater management plan; and
 - (b) Sewer infrastructure is, or is not, in place to service the site. If such infrastructure is not in place, adequate documentation from a professional engineer or licensed geologist to demonstrate that soil and groundwater conditions are suitable for a septic system or discharge to groundwater.



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- (3) Recommendations from the New Jersey Department of Environmental Protection (NJDEP) that there are no substantial reasons why the land acquisition should not proceed within forty-five days of its receipt of an environmental site report submitted by the school district or the Development Authority on behalf of the school district addressing the items below, or evidence that forty-five days have passed since the NJDEP's receipt of the environmental site report, whichever is earlier:
 - (a) A sewer service consistency determination;
 - (b) Potable water supply;
 - (c) Coastal and freshwater wetlands;
 - (d) Green Acres land;
 - (e) Stream encroachment;
 - (f) Historical or archeological resources;
 - (g) Endangered plant species;
 - (h) Threatened or endangered animal species; and
 - (i) An environmental site assessment to determine whether there is potential contamination on the land, submitted on a form provided by the New Jersey Department of Education (NJDOE).
- d. The following shall be submitted by the school district in accordance with N.J.A.C. 6A:26-7.1(b)4:
 - (1) Recommendations of the planning board or the municipality in which the land is situated, and that has an approved master plan as required by N.J.S.A. 40:55D-31 and N.J.S.A. 18A:18A-16, or evidence that the applicable forty-five days or fifty-five days



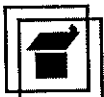
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have passed, whichever is earlier, from the planning board's receipt of the land acquisition application. The recommendations shall be sent to the Division of Administration and Finance, Office of School Facilities, PO Box 500, Trenton, NJ 08625-0500, and forwarded promptly to the Division at the above address if received by the school district or its architect;

- (2) The recommendation of the Executive County Superintendent based on the requirements specified in N.J.A.C. 6A:26-7; and
 - (3) Prior approvals of other agencies, such as the New Jersey Department of Agriculture, NJDEP, and the Pinelands Commission, where such approval is reasonably obtainable prior to acquisition.
3. Land Acquisition for Non-School Facility Project - N.J.A.C. 6A:26-7.1(c)
 - a. A school district that intends to acquire land not in connection with a school facilities project shall submit all of the information required under N.J.A.C. 6A:26-7.1(b) except N.J.A.C. 6A:26-7.1(b)1.ii and N.J.A.C. 6A:26-7.1(b)1.iii, and shall further be excepted from the requirements of N.J.A.C. 6A:26-7.1(d) and N.J.A.C. 6A:26-7.1(e). If the school district later intends to change the use of the land and use as a school site, the school district shall be required to submit all of the information required under N.J.A.C. 6A:26-7.1 and the aforementioned exceptions shall no longer apply.
4. School Site Size - N.J.A.C. 6A:26-7.1(d)

School site sizes shall be directly related to the acreage required for the structures and activities to be situated thereon. Except where specifically noted for multiple or shared use, the acreage shall be considered for single use.



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5. School Site Size Requirements - N.J.A.C. 6A:26-7.1(e)

All school sites require sufficient acreage for the following:

- a. The placement of the school facility;
- b. Expansion of the building to its maximum potential enrollment;
- c. The placement of all other structures such as greenhouses, storage buildings, school bus maintenance buildings or garages, and any other above or below ground structure, which is to be placed thereon;
- d. Multi-purpose physical education and, for preschool through grade five school facilities, a playground required to support the achievement of the New Jersey Student Learning Standards as defined by the number of physical education teaching stations applicable to the school facility pursuant to the facilities efficiency standards and the approved programmatic model;
- e. Disabled-accessible pedestrian walkways, roadways, and parking areas on which people and vehicles access the building;
- f. Public and service access roads onto the site including, where warranted, a one-way school bus road of thirty foot width and a two-way road of thirty-six foot width; a school bus drop-off area; and eighteen foot wide posted fire lanes for fire apparatus; and
- g. A thirty-foot wide access around the entire building.

6. Land owned by the Board of Education that does not meet the standards of N.J.A.C. 6A:26-7.1 may be supplemented by adjacent municipally owned land if it is formally leased on a long-term basis to the Board for exclusive use during school hours and there are no deed restrictions that prohibit school district use.



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7. The Division's approval shall remain effective for three years, after which time Division approval shall again be required to be obtained prior to acquiring land.
- C. Approval of the Acquisition of Land in Certain School Districts Under the Development Authority's Auspices - N.J.A.C. 6A:26-7.2
1. The Development Authority may acquire land on behalf of a school district eligible for one hundred percent State support of final eligible costs for school facilities projects that are consistent with the school district's approved LRFP. For such school districts, the NJDOE shall require submission of all information set forth in N.J.A.C. 6A:26-7.1(b) to demonstrate compliance with N.J.A.C. 6A:26-7.1. The Development Authority may submit the required information on behalf of such school districts.
- D. Approval for the Acquisition of Existing Facilities - N.J.A.C. 6A:26-7.3
1. The Board planning to acquire an existing facility through purchase, gift, lease, or otherwise shall comply with all procedures and rules pertaining to the appropriation and use of capital funds as required by N.J.S.A. 18A:20-4 and 4.2. The school district shall also have the facility approved in accordance with N.J.A.C. 6A:26-3, which applies to the acquisition of a school site and for the construction of a new facility.
 2. Facilities to be procured for temporary use shall comply with N.J.A.C. 6A:26-8 if subject to educational-adequacy review pursuant to N.J.A.C. 6A:26-5.4(c) because the facilities will house students.

Issued:



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[See POLICY ALERT Nos. 159 and 213]

7130 SCHOOL CLOSING

The Board of Education recognizes its responsibility to provide a thorough and efficient program of free public education and appropriate facilities to house that program. The Board further recognizes that declining enrollments, diminished resources, district reorganization, **and/or** other good cause may require the use of one or more district facilities for educational purposes be abandoned.

~~The Board will not commit itself to the closing of any school facility without first having collected and considered appropriate information regarding student enrollments, the educational adequacy of school facilities, relevant safety and traffic factors, district revenues, and alternative district organizational plans. The Board will invite citizen participation in the analysis of that information and the formulation of recommendations. Information on any proposed district reorganization will be disseminated to the public, and public response will be invited by all appropriate means.~~

~~The Board must receive a letter of approval from the Department of Education before making a final determination to close a school. To receive the letter of approval from the Department of Education, the Board must provide the Division of Facilities and Transportation and the County Superintendent of Schools assurances as required in N.J.A.C. 6A:26-7.5.~~

To receive approval for the closing of a school The proposed closing the Board shall provide the Division of Administration and Finance (Division) and the Executive County Superintendent with the following assurances:

1. **The proposed closing is must be consistent with the district's approved LRFPP because:**
 - a. **The school district has demonstrated demonstrating that sufficient school building capacity exists to house district students for the five years following such the closing; or**
 - b. **The school district has demonstrated through a feasibility study for the succeeding five years that the benefits of undertaking new construction outweigh those of rehabilitating the school proposed for closure.**



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School Closing

2. The use of **temporary facilities** ~~substandard spaces~~ in the remaining schools ~~within the district must~~ **does** not result or increase from an overall facilities shortage caused by the school closing; **and**
3. The re-assignment of students to other schools in the district does not produce, sustain nor contribute to unlawful segregation, separation, or isolation of student populations on the basis of race or national origin.

A request for approval from the Division for the school closing shall include the recommendation of the Executive County Superintendent. A letter of approval from the Division based on the information in N.J.A.C. 6A:26-7.5(a) and as listed above shall be required before the school's closing.

The Division shall notify the school district in writing of its determination with respect to the requested school closing, with a copy provided to the Executive County Superintendent.

N.J.S.A. ~~18A:11-1~~; 18A:20-36; 18A:33-1
N.J.A.C. 6A:26-7.5 ~~et seq.~~

Adopted:



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[See POLICY ALERT Nos. 154, 159 and 213]

7300 DISPOSITION OF PROPERTY

The Board of Education believes the efficient administration of the district requires the disposition of property and goods no longer necessary for school purposes. The Board directs the periodic review of all district property and authorizes the disposition by sale, donation, or discard of any property no longer required for the maintenance of the educational program or the efficient management of the school district. The disposition of any school property will be in accordance with this Policy and applicable laws.

Real estate property will be disposed of by sale or otherwise, in accordance with N.J.S.A. 18A:20-5 **through 18A:20-7** and N.J.A.C. 6A:26-7.4. If an approved site, **or interest therein**, is to be altered or disposed of through sale, transfer or exchange of all or part of the total acreage, including facilities, if applicable, a written request for approval of the disposal will be made to the ~~Department of Education~~ **Division of Administration and Finance (Division)** in accordance with the requirements of N.J.A.C. 6A:26-7.4 et seq. The ~~Division~~ ~~Department of Education~~ will notify the district of its approval or disapproval.

The Board may, by resolution and by sealed bid or public auction, authorize the sale of its personal property not needed for school purposes, **and disposal of any property declared scrap or waste**. If the estimated fair value of the property to be sold exceeds fifteen percent of the bid threshold in any one sale and it is neither livestock nor perishable goods, it shall be sold at public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in an official newspaper. By resolution of the Board, the purchasing agent may include the sale of personal property no longer needed for school purposes as part of specifications to offset the price of a new purchase. **In the event no bids are received for personal property or the personal property is not sold at private sale pursuant to, N.J.S.A. 18A:18A-45, the Board may declare the personal property as scrap or waste and dispose of it locally.**

Personal property may be sold to the United States, the State of New Jersey, or to any body politic in the State of New Jersey, or any foreign nation which has diplomatic relations with these United States by private sale without advertising for bids.



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Disposition of Property

Notwithstanding anything to the contrary in this Policy, property acquired with Federal funds for use in a Federally funded program will be disposed of in accordance with applicable law and guidelines.

The Superintendent shall develop regulations for the disposition of district property that provide for the review of the continued usefulness of all property in conjunction with the periodic inventory of property; the recommendation for Board designation of property for sale, donation, or discard; and the disposition of property in a fair and open manner consistent with the public interest and applicable laws.

N.J.S.A. 18A:18A-5; 18A:18A-45; 18A:20-56; **through 18A:20-7 et-seq.**
N.J.A.C. 6A:26-7.4

Adopted:



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Disposition of Instructional Property
Jul 17

[See POLICY ALERT Nos. 96 and 213]

ABOLISHED

R-7300.1 DISPOSITION OF INSTRUCTIONAL PROPERTY

A. ~~Definition~~

~~“Instructional property” means textbooks as defined in Policy No. 2510 and resource materials as defined in Policy No. 2530, excluding textbooks and resource materials purchased with Federal funds.~~

B. ~~Review~~

- ~~1. The _____ shall appoint committees comprised of teachers, administrators, and librarians, as appropriate to the grade level and subject matter to assess periodically the continuing usefulness of instructional property in the school or program.~~
- ~~2. The committees will recommend for removal or replacement instructional property that:
 - ~~a. Is so worn and/or damaged as to preclude effective use and economical repair or restoration;~~
 - ~~b. Is so outdated as to no longer serve as worthy instructional tools;~~
 - ~~c. Violates Federal, State, or district affirmative action standards for nondiscriminatory materials, pursuant to Policy No. 2260, or~~
 - ~~d. Although still useful, has been superseded by superior replacement materials.~~~~
- ~~3. The _____ will receive and review the committee's recommendations. A list of textbooks and materials approved for disposal will be sent to the Superintendent.~~



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Disposition of Instructional Property

4. ~~Approval by the Board of Education is required for disposing of instructional property. Any such recommendation must comply with Policy Nos. 2530 and 9130, which require that the reason for disposal accompany the recommendation. No material may be removed and disposed of solely because it presents ideas that may be unpopular or offensive to some.~~

C. ~~Disposal~~

1. ~~Instructional property approved for disposal will be offered at no cost to any educational institution, public or private, willing to accept the property and pay the costs of packing and delivery.~~
2. ~~Any remaining instructional property will be offered for sale to students, parent(s) or legal guardian(s), and community residents. Prices will reflect the reduced value of the property to the district by covering only the cost to the district of conducting the sale.~~
3. ~~Any property remaining after offer of sale has been made will be donated to the parent teacher organization or other community organization for sale in a book fair.~~
4. ~~Any property remaining after offer of sale and donation has been made will be sold for scrap or, if unsalable, offered for recycle.~~

Issued:



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Disposition of ~~Land Real Property~~
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[See POLICY ALERT Nos. 159 and 213]

R 7300.2 DISPOSITION OF LAND REAL PROPERTY

A. — Definition

~~“Real property” means land and the structures upon the land and all immovable equipment and fixtures attached to the land or its structures, excluding property purchased with Federal funds.~~

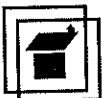
B. — Review

The Board of Education by a recorded roll call majority vote of its full membership may dispose, by sale or otherwise, of any lands or any rights or interest therein, owned by it, which cease to be suitable or convenient for the use for which they were acquired or which are no longer needed for school purposes, whether acquired through purchase or through condemnation proceedings and the purchaser shall acquire title free from any use of purpose for which it may have been acquired by the Board ~~The decision to dispose of the real property of the district that is no longer suitable or convenient for the use for which it was acquired or is no longer needed for school purpose will be made by the Board of Education in accordance with N.J.S.A. 18A:20-5 through 18A:20-7 et seq., N.J.A.C. 6A:26-7.4, and Policy No. 7100.~~

CA. ~~Department of Education Review and Approval~~ Written Request for Approval for Disposal – N.J.A.C. 6A:26-7.4(a)

The district shall make to the Division of Administration and Finance (Division) a written request for school district-owned land to be altered or disposed of through sale, transfer, or exchange of all or part of the total acreage, including rights or interest therein and/or improvements thereon, such as facilities, if applicable.

1. ~~If the Board desires to have an approved site altered or disposed of through sale, transfer or exchange of all or part of the total acreage, including facilities, if applicable, a written request for approval of the disposal will be made to the Division of Facilities and Transportation, Department of Education.~~ 2. The district will send a copy of the request to the Executive County Superintendent of Schools who will **shall** make recommendations to the Division. The Executive County Superintendent will **shall** provide a copy of the recommendations to the Board of Education.



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Disposition of ~~Land Real Property~~

32. The request ~~will~~ **shall** indicate whether the district intends to convey the site, **rights, or interest therein, and/or improvements thereon**, under an exception to the public sale requirements of N.J.S.A. 18A:20-96.
3. **The request shall indicate whether the school district intends to convey the site, rights, or interest therein, and/or improvements thereon that had been conveyed to the school district from the New Jersey Schools Development Authority (Development Authority) or funded in whole or in part by the State share under Educational Facilities Construction and Financing Act (EFCFA).**
4. ~~The Division will determine whether the disposal is consistent with the district's approved Long Range Facility Plan, or whether it has a negative impact on the educational adequacy of an individual site.~~ **If the land, rights, or interest therein, and/or improvements thereon have been conveyed to the school district from the Development Authority, the request shall provide evidence acceptable to the New Jersey Department of Education that the property has not reverted to the Development Authority as authorized under N.J.A.C. 19:34-3.6.**
5. ~~The Department of Education will notify the district of its approval or disapproval.~~ **If a school district seeks to dispose of land, rights, or interest therein, and/or improvements thereon funded in part with debt service aid pursuant to N.J.S.A. 18A:7G-9 or 10, and the land and/or improvements are either not needed or not being used for the purposes for which the bonds were issued, any proceeds from the disposal shall be used by the school district first to reduce the outstanding principal amount at the earliest call date or to annually reduce the debt service principal payments. The Board may request approval from the Commissioner to apply the proceeds over the term of the outstanding debt or by some other distribution mechanism if, for example, it is beneficial to stabilizing the school district's debt service tax levy.**



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Disposition of Land Real Property

DB. Disposal – N.J.A.C. 6A:26-7.4(b)

- ~~1. If the Department of Education approves the Board's request, the Board by the affirmative votes of a majority of its full number of members, may alter or dispose of through sale, transfer or exchange of all or part of the total acreage of an approved school site, including facilities if applicable. The Division shall determine whether the disposal is consistent with the district's approved Long-Range Facilities Plan (LRFP) or has a negative impact on the educational adequacy of an individual site.~~

C. Notification of Approval – N.J.A.C. 6A:26-7.4(c)

The Division shall notify the school district of its approval or disapproval and send a copy to the Executive County Superintendent. If the disposal includes a site, rights, or interest therein and/or improvements thereon conveyed to the school district from the Development Authority, is funded in whole or in part by State share under EFCFA, or is in a school district that is required to use the Development Authority, the Division shall also notify the Development Authority.

D. Sale at Public Sale; Exceptions – N.J.S.A. 18A:20-6

Any lands, rights, or interests therein sold by the Board, except lands conveyed as part of a lease purchase agreement pursuant to N.J.S.A. 18A:20-4.2(f), shall be sold at public sale, to the highest bidder, after advertisement of the sale in a newspaper published in the district, or if none is published therein, then in a newspaper circulating in the district, in which the same is situated, at least once a week for two weeks prior to the sale, unless:

1. The same are sold to the State, or a political division thereof, in which case they may be sold at private sale without advertisement; or
2. The sale or other disposition thereof in some other manner is provided for in N.J.S.A. 18A. ~~Any such real property will be sold at public sale, in accordance with N.J.S.A. 18A:20-5 et seq., unless it is sold at private sale without advertisement to the State of New Jersey or a political subdivision of the State or otherwise conveyed or transferred as provided by statute.~~



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Disposition of **Land Real Property**

3. ~~The public sale will be advertised at least once a week for two weeks prior to the sale in the newspapers in which official announcements of this district are made.~~

E. Sales at Fixed Minimum Prices – N.J.S.A. 18A:20-7

4. ~~After advertisement, the property will be sold to the highest bidder, except that:~~

a1. **In the case of public sales** ~~The Board may by resolution fix a minimum price with or without the reservation of the right, upon the completion of the said public sale, to accept or reject the highest bid made which reservation, a statement whereof shall be included in the advertisement of sale of the lands and given as public notice at the time of the sale, or~~ b. The Board may by resolution provide without fixing a minimum price, that upon the completion of the public sale, the Board may accept or reject the highest bid received. If the Board fails to accept or reject the highest bid by the second regular Board meeting following the sale, the bid will be deemed to have been rejected.

52. If no bid is received or if the bids that are received are rejected by the Board in the public interest, the Board may enter into negotiations with any interested party or parties for the sale or other disposal of the property, but shall offer a bidder a hearing upon the bidder's request before entering into such negotiations.

63. The acceptance or rejection of a negotiated price shall be by the affirmative votes of a majority of the full number of Board members at a regularly scheduled meeting.

F. Sewer Lines - N.J.A.C. 6A:26-7.4(d)

The district may convey and transfer, without consideration, its right, title, and interest in and to any trunk or other sewer lines to a municipality, without requiring approval from the Division.

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[See POLICY ALERT Nos. 154 and 213]

R 7300.3 DISPOSITION OF PERSONAL PROPERTY

A. Definitions

1. "Personal property" means all **Board of Education** property other than real property; as defined in Regulation No. 7300.2; ~~instructional property, as defined in Regulation No. 7300.1; and~~ federal property; as defined in Regulation No. 7300.4.
2. "Excess property" means personal property that is ~~still usable but is no longer needed in a school building or instructional program or administrative office~~ and is not required as a trade-in on a replacement purchase.
3. ~~"Estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any excess property.~~

B. Review Master List of Excess Property

1. Upon request of the School Business Administrator/Board Secretary or designee, a The _____ Principal or other administrator will compile a list of excess property in his/her a school district building or program at the close of a school year.
2. The _____ School Business Administrator/Board Secretary will receive lists prepared in accordance with paragraph B.1. and will maintain a master, district-wide list of excess property.
3. ~~The master list of excess property will be periodically distributed to all school facilities.~~
43. A Principal or other administrator Any school or office may request transfer of excess property on the proper form, submitted by submitting a request to the School Business Administrator/Board Secretary _____. Requests will be granted in the order in which they are received.



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Disposition of Personal Property

54. An item transferred to another **location in the school district** or office will be removed from the district-wide list of excess property.

65. An item of personal property that has remained on the district-wide master list of excess property ~~for thirty working days or more will be considered to be unusable and will~~ **may** be disposed of in accordance with Policy No. 7300 and this Regulation.

C. Disposal at Public Sale – N.J.S.A. 18A:18A-45

The Board may, by resolution and by sealed bid or public auction, authorize the sale of its personal property not needed for school purposes.

1. If the estimated fair value of the property to be sold exceeds fifteen percent of the bid threshold in any one sale and it is neither livestock nor perishable goods, it shall be sold at public sale to the highest bidder.

2. Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in the official newspaper.

Such sale shall be held not less than seven nor more than fourteen days after the publication of the notice thereof.

3. Personal property may be sold to the United States, the State of New Jersey, another Board of Education, any body politic, any foreign nation which has diplomatic relations with the United States, or any governmental unit in these United States by private sale without advertising for bids.

4. If no bids are received the property may then be sold at private sale without further publication or notice thereof, but in no event at less than the estimated fair value; or the Board may if it so elects, to reoffer the property at public sale.

As used herein, "estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any personal property not needed for school purposes to be sold pursuant to N.J.S.A. 18A:18A-45 this section.



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5. The Board may reject all bids if it determines such rejection to be in the public interest.
 - a. In any case in which the Board has rejected all bids, it may readvertise such personal property for a subsequent public sale.
 - b. If it elects to reject all bids at a second public sale, pursuant to **N.J.S.A. 18A:18A-45** ~~this section~~, it may then sell such personal property without further publication or notice thereof at private sale, provided that in no event shall the negotiated price at private sale be less than the highest price of any bid rejected at the preceding two public sales and provided further that in no event shall the terms or conditions of sale be changed or amended.
 - 6.e. If the estimated fair value of the property to be sold does not exceed the applicable bid threshold established pursuant to section C.1. above in any one sale or is either livestock or perishable goods, it may be sold at private sale without advertising for bids.
 - 7.6. Notwithstanding the provisions of **N.J.S.A. 18A:18A-45** and this Regulation, by resolution of the Board, the purchasing agent may include the sale of personal property no longer needed for school purposes as part of specifications to offset the price of a new purchase.
- D. Discarding of Textbooks – N.J.S.A. 18A:34-3**
1. Prior to discarding textbooks, the School Business Administrator/Board Secretary or designee shall notify the New Jersey Department of Education (NJDOE) of any textbooks the school district intends to discard.
 2. In accordance with the provisions of **N.J.S.A. 18A:34-3**, the NJDOE shall within fourteen days of receiving notification from the school district of the intent to dispose of textbooks, list the textbooks in a textbook database.



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3. **The School Business Administrator/Board Secretary or designee shall retain the textbooks to be discarded for a period of one hundred and twenty days after the district has notified the NJDOE.**

E. Scrap and Waste Property

1. **In the event no bids are received for personal property or the personal property is not sold at public or private sales pursuant to N.J.S.A. 18A:18A-45, the Board may declare the personal property as scrap or waste and dispose of it locally.**
2. **Personal property declared scrap or waste with no recyclable or usable value may be discarded.**
3. **Personal property declared scrap or waste may not be given or sold to employees, private citizens, local governments, non-profit organizations, etc.**

F. Board of Education Approval

1. **The Board of Education will approve, by resolution of the Board, the negotiated price of personal property offered at private sale and any personal property declared scrap or waste.**

Issued:



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[See POLICY ALERT Nos. 154 and 213]

R 7300.4 DISPOSITION OF FEDERAL PROPERTY

A. Definitions

1. **“Awarding agency” means with respect to this Regulation and a Federal grant, the Federal agency awarding the grant.**
2. **“Uniform Grant Guidance” means a set of Federal grant regulations that combines several previous Federal cost principles, administrative requirements, and audit requirement circulars into a single, comprehensive document.**
3. **“Federal property” means all equipment, supplies, or real property, ~~real or personal or otherwise,~~ purchased with Federal grant funds, ~~including instructional materials.~~**
2. ~~“Excess property” means personal property that is still usable but is no longer needed in a school building or instructional program or administrative office and is not required as a trade in on a replacement purchase.~~
3. ~~“Estimated fair value” means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any excess property.~~
4. **“Equipment” means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000, as defined in the Uniform Grant Guidance – 2 CFR Part 200.**
5. **“Real property” means land, including land improvements structures and appurtenances thereto, but excludes moveable machinery and equipment, as defined in the Uniform Grant Guidance – 2 CFR Part 200.**



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6. **“Supplies” means all tangible personal property other than those described in “Equipment”, as defined in the Uniform Grant Guidance – 2 CFR Part 200.**
7. **“Federal property no longer needed” for the purposes of this Regulation means property acquired under a Federal award that is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions.**

B. Periodic Review

1. **The School Business Administrator/Board Secretary _____ will compile a list of physical inventory of excess Federal property in the district at the close of each school year. This physical inventory must be taken and the results reconciled with the property records at least once every two years.**
2. **A The list of excess Ffederal property no longer needed will be periodically distributed to all school facilities in the district.**
3. **Any school may request the _____ to transfer excess Ffederal property to a currently or previously funded Ffederal project or arrange a shared-time use with other such projects. Requests will be granted in the order in which they are received.**
4. **Property transferred to another school or office will be removed from the district-wide list of excess property.**
45. **Federal pProperty no longer needed in the school district will be considered for disposition that has remained on the list of excess federal property for thirty working days or more will be considered to be unusable and will either be traded in or reported to the State Department of Education with a request for disposal.**



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Disposition of Federal Property

C. ~~Trade-in~~

~~Federal property no longer usable may be traded in or sold and the proceeds are to be used to offset the cost of replacement equipment with the approval of the New Jersey Department of Education. The additional cost to acquire a replacement shall be charged directly to the federal program, if the program budget permits, and provided the Board of Education has approved the transaction by resolution.~~

CD. Disposal Disposition of Federal Property - Equipment

1. **The School Business Administrator/Board Secretary will request disposition instructions from the awarding agency for Federal equipment no longer needed.**
 - a1. **If the awarding agency fails to provide requested disposition instructions within one hundred and twenty days, items of Federal eEquipment no longer needed with a current per-unit fair-market value in excess of \$5,000 may be retained or sold by the school district or more may be retained for other uses provided compensation is made to the United States Department of Education. If the equipment is sold by the school district, the awarding agency is entitled to proceeds in accordance with 2 CFR 200.313(e)(2). The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the equipment. Payments shall be made to Treasurer, State of New Jersey New Jersey Department of Education.**
2. ~~The _____ will request disposition instructions from the Secretary of the United States Department of Education for equipment no longer wanted by the school district.~~

~~If so instructed or if the disposition instructions are not issued in one hundred twenty calendar days after the request is received by the Secretary, the equipment will be sold in accordance with No. 3 below.~~



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- b3. **Federal e**Equipment no longer needed and/or wanted with a **current per-unit fair-market value of less than \$5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.** and more than fifteen percent of the bid threshold, as per N.J.S.A. 18A:18A-45a, shall be disposed of with no further obligation of the school district and as follows:
- a. ~~Notice of the date, time, and place of public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in a legal newspaper. (N.J.S.A. 18A:18A-45b)~~
 - b. ~~A sale shall be held not less than seven nor more than fourteen days after publication of the newspaper notice. (N.J.S.A. 18A:18A-45b)~~
 - c. ~~If no bids are received, the Board may readvertise the public sale or sell the property at private sale without public notice. Any such property sold at private sale cannot be sold for less than the estimated fair value of the property. (N.J.S.A. 18A:18A-45d)~~
 - d. ~~The Board may reject all bids if it determines that such rejection is in the public interest. If all bids are rejected, the Board may readvertise the property for a second public sale. (N.J.S.A. 18A:18A-45e)~~
 - e. ~~If the Board rejects all bids at the second public sale, the Board may sell the property at private sale without public notice, provided the selling price at private sale is at least as high as the highest bid received at the two preceding public sales, and the terms and conditions announced at the public sales are unchanged. (N.J.S.A. 18A:18A-45e)~~
4. ~~Federal property with a unit value of less than fifteen percent of the bid threshold, as per N.J.S.A. 18A:18A-45a, may be disposed of at private sale with no further obligation of the school district and as follows:~~



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- a. ~~The _____ shall establish the sale price and make reasonable efforts to find private buyers. The price charged shall be fair in value, but in no case can it be less than the costs incurred by the Board in arranging the sale and maintaining and delivering the property.~~
 - b. ~~Property that remains unsold after thirty working days shall be given without cost to another school district or a charitable organization or institute within the school district.~~
 - c. ~~Property that has not been claimed after thirty working days shall be offered for scrap or, if that is not feasible, discarded.~~
5. ~~If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the Federal project or program, the school district shall retain the supplies for use on non-Federal activities or sell them, but shall, in either case, compensate the Federal government for its share. The amount of compensation shall be computed in the same manner as for equipment.~~

~~The supplies acquired with Federal funds may not be used to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute.~~

2. **If the awarding agency fails to provide disposition instructions, the sale of Federal equipment no longer needed will be sold and/or disposed of in accordance with the provisions of N.J.S.A. 18A:18A-45 and Regulation 7300.3.**

D. Disposal of Federal Property – Supplies

1. **Title to supplies will vest in the school district upon acquisition.**



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2. **If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program, and the supplies are not needed for any other Federal award, the school district shall retain the supplies for use on other activities or sell them, but must in either case, compensate the awarding agency for its share. The amount of compensation shall be computed in the same manner as for Federal equipment in accordance with 2 CFR 200.313(e)(2).**

E. Disposal of Federal Property – Real Property

1. **The School Business Administrator/Board Secretary or designee shall request disposition instructions from the United States Department of Education for real property equipment no longer needed for the original purpose.**
2. **The instructions must provide for one of the following alternatives: retain title after compensating the awarding agency; sell the property and compensate the awarding agency; transfer title to the awarding agency; or third party designated/approved by the awarding agency.**

~~34 CFR Subtitle A Section 74.34, 74.35 and 80.32~~

Issued:





**NEW JERSEY
POLICY ALERT**
Policy Alert and Support System

No. 214
December 2017

- P 0169.02 Board Member Use of Social Networks (New)
- P 3437 Military Leave (Revised)
- P 4437 Military Leave (Revised)
- R 5460.1 High School Transcripts (M) (Revised)
- P 5516.01 Student Tracking Devices (New)
- R 7101 Educational Adequacy of Capital Projects (Revised)
- P 7425 Lead Testing of Water in Schools (New)
- P & R 7440 School District Security (M) (Revised)
- P & R 7441 Electronic Surveillance in School Buildings and on School Grounds (M)
(Revised)
- P 8507 Breakfast Offer Versus Serve (OVS) (M) (Revised)
- P 8630 Bus Driver/Bus Aide Responsibility (M) (Revised)
- R 8630 Emergency School Bus Procedures (M) (Revised)
- P 9242 Use of Electronic Signatures (New)

This POLICY ALERT replaces and/or adds Policy and/or Regulation Guides in the following sections:
0000, 3000, 4000, 5000, 7000, 8000 and 9000.

Please note the comments below are organized as follows:

0000 NAME OF POLICY

This paragraph describes a development at the State or Federal level.

This paragraph describes the effect of the development on local Board policy. Local policy is **MANDATED** by law or monitoring standards, (these policies will be designated with a "M" in the upper right hand corner), **RECOMMENDED** by sound management practices, or merely **SUGGESTED** as may be appropriate to meet your district needs.



**NEW JERSEY
POLICY ALERT**
Policy Alert and Support System

These Policy and Regulation Guides should be used to update the Policy and Regulation Manuals of the school district. If your district manual(s) contain any of the policies or regulations contained in this Policy Alert, they must be updated for your district manual(s) to remain current and in compliance with law. It does not matter whether or not the policy or regulation is MANDATED, all policies and regulations in district manuals contained in this Alert should be updated.

Subscribers to Strauss Esmay's Policy Alert & Support System (PASS) receive new and/or revised policies and regulations in paper copy and electronically either through email or download from Strauss Esmay's website, www.straussesmay.com. For your convenience, the revised policies and regulations have changes indicated by ~~strike throughs~~ to denote required text deletions and **bolded text** to indicate new material. The **Policy Alerts** tab on our website, www.straussesmay.com contains two different folders: one titled "Alert in one Word document" with ~~strike throughs~~ and **bolded text**; and the second titled "Alert in one Word document - NO BOLDS OR STRIKETHROUGHS" with ~~strike throughs~~ and **bolded text** removed for a clean document. The File Maker Pro download requires File Maker Pro software installed on your computer and will run on IBM, Apple Macintosh, or compatibles. On the electronic download versions, the text should be changed to regular print in 12 font Courier, Courier (WL), or Times New Roman for DistrictOnline clients and ~~strike throughs~~ should be deleted when the policy or regulation is prepared for your print manual. Policy and regulation guides enclosed in this mailing are double sided as a cost containment and paper conservation measure.

P 0169.02 Board Member Use of Social Networks (New)

School districts have requested policy guidance for a Board member's personal use of social networks. Bylaw Guide 0169.02 has been developed to provide policy guidance to Board members that is consistent with School Ethics Commission decisions and Advisory Opinions. In addition, the proposed Bylaw also aligns with some of the provisions of Policy Guides 3282 and 4282 – Use of Social Networking Sites for Teaching Staff Members and Support Staff Members. However, a Board member's conduct, including conduct on social networks, could result in a violation of the School Ethics Act resulting in sanctions to the Board member and consequences to the Board of Education. Bylaw 0169.02 for Board members, similar to Policy Guides 3282 and 4282 for school staff, does not infringe on any 1st Amendment Rights regarding the personal use of a Board member's personal computer as the Bylaw does not prohibit such activity, but provides guidance regarding certain personal activity on social networks. A Board is not required to have a Bylaw on this issue and a Board may revise this Bylaw accordingly.

Bylaw Guide 0169.02 is **SUGGESTED**



**NEW JERSEY
POLICY ALERT**
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P 3437 **Military Leave (Revised)**
P 4437 **Military Leave (Revised)**

Recent clarification regarding the Board's payment of an employee's salary while the employee is serving "active duty" in a branch of the Federal or State military requires revisions in Policy Guides 3437 and 4437. Paragraphs 2 and 3 in the current Guides indicate "A permanent or full-time temporary officer or employee who has served less than one year in the district, shall receive this leave without pay, but without loss of time." The replacement sentence in each paragraph has been revised to indicate "A permanent full-time temporary officer or employee who has served **under such temporary appointment** for less than one year in the district, shall receive this leave without pay, but without loss of time." Striking-out the word "permanent" from these sentences means only a full-time temporary officer or employee who has served the district less than one year does not have to be paid for military service while a permanent officer or employee is required to be paid. In addition, some language has been added to these Guides to align with applicable statutes and codes. The Policy Guide has an option that permits a Board to provide additional military leave with pay.

Policy Guide 3437 is **RECOMMENDED**
Policy Guide 4437 is **RECOMMENDED**

R 5460.1 **High School Transcripts (M) (Revised)**

Regulation Guide 5460.1 provides the information that shall be maintained as a part of a ninth grade through graduation transcript. Regulation Guide 5460.1 has been revised to include the list of updated transcript information outlined in N.J.A.C. 6A:8-4.2. In addition, a common question from school districts is whether a high school should include a student's disciplinary records as part of a student's transcript and records sent to colleges and universities in the college application process. Upon surveying many school districts over the years, high schools do not routinely send disciplinary records with college application material. Although discipline records must be sent to other public and private schools when a student transfers from one school to another in accordance with N.J.S.A. 18A:36-19a, N.J.A.C. 6A:16-7.8, and Policy and Regulation Guides 5600 and 8330, there is no statute or code requiring disciplinary records be included on a student's transcript or other records sent by a high school in the college application process. Therefore, the revised Regulation Guide indicates discipline records may only be forwarded by the high school to a college or university with the consent of the parent or adult student.

Regulation Guide 5460.1 is **MANDATED**



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P 5516.01 Student Tracking Devices (New)

Several school districts have requested policy guidance when parents request their child be permitted to have a global positioning system (GPS) device in use while their child is in school. Many electronic devices including cellular telephones have tracking capability. A student possessing a device that enables a third party to track the student or device while the student is in school, at a school-sponsored event, or on a school bus is not governed by any Federal or State law or administrative code. However, a device on school grounds that enables recording and/or transmitting of audio and/or video communications that is either taped or provides one-way or two-way audio and/or video communications would be a violation of student privacy rights governed by Family Educational Rights and Privacy Act (FERPA) and New Jersey Administrative Code. Many GPS tracking devices have the ability to have a third person “listen in” or enables one-way and two-way communication between the student and a third person. Policy Guide 5516.01 has been developed permitting a student to have a tracking device, but prohibits the recording or transmission of audio or video. The Policy Guide indicates a violation of this Policy is a violation of the Student Code of Conduct and the student will be subject to appropriate discipline. School districts receiving requests from parents for their child to wear a tracking device to school or district concerns that students may be using a device for “listening-in” or for one-way or two-way communications may want to adopt this Policy Guide. A district may revise this Guide to meet local needs.

Policy Guide 5516.01 is **SUGGESTED**

R 7101 Educational Adequacy of Capital Projects (Revised)

Regulation Guide 7101 has two minor revisions in section F.3.h. The words “District Factor” should be removed from “District Factor Group E” and the administrative code cite should be N.J.A.C. 6A:26-5.4 not 6A:25-5.4. “Group E” stands for educational buildings as determined by the Commissioner of the Department of Community Affairs. Only the page with the revised section of the Regulation Guide is included in the enclosed documents.

Regulation Guide 7101 is **RECOMMENDED**

P 7425 Lead Testing of Water in Schools (New)

N.J.A.C. 6A:26-12.4 – Safe Drinking Water requires lead testing of water in schools. New Jersey school districts, charter schools, renaissance schools, educational services commissions, and approved private schools for students with disabilities were required to have the water in schools tested for lead by July 13, 2017. Policy Guide 7425 has been developed and provides the lead testing requirements after July 13, 2017. Testing of water in schools is mandated by statute, but a Policy is not mandated. However, based on the importance of this issue, this Policy Guide is highly recommended.

Policy Guide 7425 is **RECOMMENDED**



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P 7440 **School District Security (M) (Revised)**
R 7440 **School District Security (M) (Revised)**

Public Law 2017, Chapter 162, was approved and requires the Superintendent of Schools to designate a school administrator as the School Safety Specialist for the school district with supervision and oversight responsibilities for all school safety and security personnel and school safety policies/procedures in the school district. The School Safety Specialist shall also serve as the school district liaison with law enforcement. The new law requires the New Jersey Department of Education (NJDOE) to establish a School Safety Academy with specific tasks, including the development and implementation of a School Safety Specialist Certification Program. The School Safety Specialist will be required to obtain this certification. The law takes effect 180 days after July 21, 2017. School districts should appoint a School Safety Specialist before the end of January 2018 and wait for guidance from the NJDOE regarding the School Safety Academy's training and certification program. In addition, Regulation Guide 7440 has been updated to incorporate the new School Safety Specialist requirements and the school district's use of key control systems for access to school buildings. School districts may revise this Regulation Guide accordingly to reflect current district practices, except Section E. – School Safety Specialist should remain unchanged. The Regulation Guide has many revisions and should replace a district's existing Regulation 7440. The new requirements make the Policy and Regulation Guides mandated.

Policy Guide 7440 is **MANDATED**
Regulation Guide 7440 is **MANDATED**

P 7441 **Electronic Surveillance in School Buildings and on School Grounds (M) (Revised)**
R 7441 **Electronic Surveillance in School Buildings and on School Grounds (M) (Revised)**

Public Law 2017, Chapter 119, was approved and requires a school district with at least one school building that is equipped with video surveillance equipment capable of streaming live video wirelessly to a remote location to enter into a Memorandum of Understanding (MOU) with local law enforcement providing the authorities the capacity to activate equipment and view the live streaming video. The new law, N.J.S.A. 18A:41-9, lists the minimum requirements of the MOU and states the County Prosecutor shall make a final determination should the district and law enforcement not be able to reach an agreement regarding any provision of the MOU. Districts that do not have equipment capable of streaming live video are not required to install such equipment. Policy and Regulation Guides 7441 have been revised to incorporate the requirements of this new law. It is our understanding at least one County Prosecutor's Office has already communicated to school districts in their County regarding provisions they suggest should be included in the MOU. The revised Regulation Guide lists the minimum statutory provisions that must be included in the MOU. However, nothing in the law prevents a County Prosecutor from requiring the MOU to include additional provisions as the law gives the County Prosecutor the final authority should the district and law enforcement be unable to reach an agreement regarding the MOU. The MOU, for those school districts that have at least one school with equipment capable of streaming live video wirelessly to a remote location, shall be effective 180 days from July 21, 2017. This new requirement makes the Policy and Regulation Guides mandated.

Policy Guide 7441 is **MANDATED**
Regulation Guide 7441 is **MANDATED**



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P 8507 Breakfast Offer Versus Serve (OVS) (M) (Revised)

A recent New Jersey Department of Agriculture (NJDOA) Administrative Review in a school district resulted in the NJDOA recommending additional language in Policy Guide 8507 for school districts that operate a “Breakfast Offer Versus Serve” program. The NJDOA wanted additional details on what food items a student must select in order for the meal to be eligible for a Federal reimbursement. Policy Guide 8507 has been revised to incorporate this additional language. This Policy Guide is only mandated for a school district that operates “Breakfast Offer Versus Serve” programs.

Policy Guide 8507 is **MANDATED**

P 8630 Bus Driver/Bus Aide Responsibility (M) (Revised)
R 8630 Emergency School Bus Procedures (M) (Revised)

Policy and Regulation Guides 8630 have been revised. N.J.S.A. 18A:39-19.3 – Administration of Training Program; Certification requires the “employer” to provide training for school bus drivers and aides. N.J.S.A. 18A:39-19.3.c. defines “employer” to mean a “Board of Education or a contractor that provides pupil transportation services under contract with a Board of Education.” Therefore, the training requirements outlined in N.J.S.A. 18A:39-19.3 for a district-employed school bus driver and bus aide and a contractor’s school bus driver and bus aide are the same. Policy Guide 8630 has been revised to define “employer” and Regulation Guide Section A. – Staff Training has been revised to have “employer” replace “Board of Education” as both the Board and a bus contractor have the same responsibilities in the training required in N.J.S.A. 18A:39-19.3.

Policy Guide 8630 is **MANDATED**
Regulation Guide 8630 is **MANDATED**

P 9242 Use of Electronic Signatures (New)

School districts have requested policy guidance regarding the use of electronic forms, filings, and signatures in school district-parent communications. The use of electronic forms, filings, and signatures may result in improved efficiency and cost-savings over the transfer of paper forms, filings, and signatures back and forth between school and home. New Jersey’s Uniform Electronic Transactions Act (UETA), N.J.S.A. 12A:12-1 et seq., provides the statutory authority for electronic records and signatures relating to the routine transactions or communications between school and home. Policy Guide 9242 has been developed to incorporate the requirements of the UETA relating to the school district’s use of electronic forms, filings, and signatures. This Policy Guide is recommended for a school district using or considering the use of electronic forms, filings, and signatures.

Policy Guide 9242 is **RECOMMENDED**

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POLICY GUIDE

BYLAWS
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Board Member Use of Social Networks
Dec 17

[See POLICY ALERT No. 214]

0169.02 BOARD MEMBER USE OF SOCIAL NETWORKS

In accordance with the School Ethics Act - N.J.S.A. 18A:12-21 et seq., Board of Education members must avoid conduct which is in violation of the public trust or which creates a justifiable impression among the public that such trust is being violated. To avoid conduct that may be in violation or perceived to be in violation of the School Ethics Act, the Board of Education adopts this Policy to provide guidance to Board members in their use of social networks.

For the purposes of this Policy, “social network(s)” shall include, but not be limited to: Internet blogs, electronic bulletin boards, emails, social networking websites, text messages, or any other online platform where people may post or communicate interests, opinions, or any other information that may be viewed by others with or without permission from the person making such post or re-publishing such post. “Social networks” also means an Internet-based service that allows individuals to: construct a public or semi-public profile within a bounded system created by the service; create a list of other users with whom they share a connection within the system; and view and navigate their list of connections and those made by others within the system.

For the purposes of this Policy, “use of a social network” shall include, but not be limited to: posting to a social network, reposting another person’s post to a social network, messaging, or any other publication of material on a social network.

Nothing in this Policy prevents a Board of Education member from using a social network. However, a Board member must avoid conduct on a social network that would violate the School Ethics Act – N.J.S.A. 18A:12-21 et seq., which includes the Code of Ethics for Board Members. Board members should be advised communications, publications, photographs, and any other information posted by the Board member or reposted by the Board member on a social network could violate the School Ethics Act and be cause for sanctions in accordance with the law.

BYLAWS



POLICY GUIDE

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Board Member Use of Social Networks

While this Policy respects the right of Board members to use social networks, Board members shall recognize they are held to a higher standard than the general public with regard to standards of conduct and ethics. A Board member's use of social networks shall not damage the reputation of the school district, employees, students, or their families. Board members who use social networks shall ensure their conduct is appropriate for a Board of Education member. Board members should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding what is private in the digital world often has the possibility of becoming public, even without their knowledge or consent.

Board members should carefully review the privacy settings on social networks they use and exercise care and good judgment when posting content and information. When using social networks, Board members are advised to:

1. Not post anything that would violate any of the district's policies for Board members;
2. Uphold the district's value of respect for any individual(s) and avoid making defamatory statements about the Board of Education, the school district, employees, students, or their families;
3. Not disclose any confidential information about the school district or confidential information obtained as a result of being a Board member, about any individual(s) or organization, including students and/or their families;
4. Not use or refer to their Board of Education title or position when soliciting for a business organization that he or she or any immediate family member has an interest in, as well as posting or referencing any confidential information regarding the Board of Education or the school district obtained through their Board membership, unless authorized by law;
5. Refrain from having communications through social networks with other Board members regarding any Board of Education business to avoid any potential violation of the New Jersey Open Public Meetings Act;

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Board Member Use of Social Networks

6. Not respond to any postings regarding Board of Education or school district business or respond to any question or inquiry posted to the Board member or posted on any social network regarding Board of Education or school district business and shall refer any such questions or inquiries to the Superintendent of Schools to address, as appropriate; or
7. Not post any information on a social network determined by the New Jersey School Ethics Commission to be a violation of the New Jersey School Ethics Act.

A Board member shall comply with all Board policies regarding acceptable use of computers and computer networks whenever a Board member is using a Board of Education electronic device.

If the Board or Superintendent believes a Board member's activity on any social network may violate the Board's policies or the New Jersey School Ethics Act, the Board or Superintendent may request the Board member cease such activity.

This Policy has been developed and adopted by this Board to provide guidance and direction to a Board member to avoid actual and/or a perceived appearance of inappropriate conduct or conduct prohibited by the School Ethics Act while using social networks.

N.J.S.A. 18A:12-21 et seq.

N.J.S.A. 10:4-6 et seq.

Adopted:



POLICY GUIDE

TEACHING STAFF MEMBERS
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[See POLICY ALERT Nos. 164 and 214]

3437 MILITARY LEAVE

The Board of Education recognizes that military service rendered by any district employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is a service benefiting all citizens. A Any permanent or full-time **temporary** officer and/or employee of the district will be provided military leave and related benefits pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq., P.L. 2001 Chapter 351 amending N.J.S.A. 38:23-1, N.J.S.A. 38A:1-1 and N.J.S.A. 38A:4-4., and any other applicable Federal and State laws.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized militia of New Jersey (New Jersey National Guard, New Jersey Naval Militia Joint Command) shall be entitled, in addition to pay received, if any, as a **member of the organized militia**, to a leave of absence **from his or her respective duties** without loss of pay or time on all days **during** in which ~~he/she~~ **he or she shall be** is engaged in any period of State or Federal active duty; **provided, however, that** ~~t~~The leave of absence for Federal active duty or active duty for training shall not exceed ninety work days in the aggregate in any calendar year. **Any leave of absence for such duty in excess of ninety work days shall be without pay, but without loss of time. Such leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee.** A ~~permanent or~~ full-time temporary officer or employee who has served **under such temporary appointment** for less than one year in the district shall receive this leave without pay, but without loss of time. ~~This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee.~~ ~~Any leave of absence for such duty in excess of ninety workdays shall be without pay, but without loss of time.~~

A permanent or full-time temporary officer or employee of the school district who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve, or United States Marine Corps Reserve, or other organization affiliated therewith, including the National Guard of other states, shall be entitled, in addition to pay received, if any, as a **member of a reserve component of the Armed Forces of the United States**, to a leave of absence **from his or her respective duty** without loss of pay or time on



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TEACHING STAFF MEMBERS
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all work days ~~he/she~~ on which he or she shall be engaged in any period of **Federal active duty**, provided, **however, that such leave of absence shall not exceed thirty work days in any calendar year. Such leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty work days shall be without pay, but without loss of time.** A permanent ~~or~~ full-time temporary officer or employee who has served **under such temporary appointment** for less than one year in the district shall receive this leave without pay, but without loss of time. ~~This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty workdays shall be without pay, but without loss of time.~~

Military leave with pay is not authorized for Inactive Duty Training (IDT) as defined in N.J.A.C. 5A:2-2.1.

The district will provide benefits and rights for staff on military leave as required by Federal and State laws.

[Optional

The military leave requirements in this Policy are the minimum requirements of applicable Federal and State laws. The district, at its option, may provide additional military leave with pay and related benefits.]

Pursuant to N.J.S.A. 52:13H-2.1, in accordance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application by the district to the State Treasury and approval of the application by the Director of the Division of Budget and Accounting, reimbursement shall be made by the State of New Jersey for any costs incurred as a result of the provisions of P.L. 2001, Chapter 351.

N.J.S.A. 18A:6-33; 18A:28-11.1; 18A:29-11; 18A:66-8.1
N.J.S.A. 38:23-1 et seq.; 38A:1-1; 38A:4-4; 52:13H-2.1;
N.J.A.C. 5A:2-2.1

Uniformed Services Employment and ~~R~~eemployment Rights Act
(USERRA), 38 U.S.C. Section 4301 et seq.

Adopted:



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SUPPORT STAFF MEMBERS

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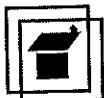
[See POLICY ALERT Nos. 164 and 214]

4437 MILITARY LEAVE

The Board of Education recognizes that military service rendered by any district employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is a service benefiting all citizens. A ~~Any~~ permanent or full-time **temporary** officer and/or employee of the district will be provided military leave and related benefits pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq., P.L. 2001 Chapter 351 amending N.J.S.A. 38:23-1, N.J.S.A. 38A:1-1 and N.J.S.A. 38A:4-4., and any other applicable Federal and State laws.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized militia of New Jersey (New Jersey National Guard, New Jersey Naval Militia Joint Command) shall be entitled, in addition to pay received, if any, **as a member of the organized militia**, to a leave of absence **from his or her respective duties** without loss of pay or time on all days **during** in which ~~he/she~~ **he or she shall be** is engaged in any period of State or Federal active duty; **provided, however, that** ~~t~~The leave of absence for Federal active duty or active duty for training shall not exceed ninety work days in the aggregate in any calendar year. **Any leave of absence for such duty in excess of ninety work days shall be without pay, but without loss of time. Such leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee.** A ~~permanent or~~ full-time temporary officer or employee who has served **under such temporary appointment** for less than one year in the district shall receive this leave without pay, but without loss of time. ~~This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee.~~ **Any leave of absence for such duty in excess of ninety work days shall be without pay, but without loss of time.**

A permanent or full-time temporary officer or employee of the school district who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve, or United States Marine Corps Reserve, or other organization affiliated therewith, including the National Guard of other States, shall be entitled, in addition to pay received, if any, **as a member of a reserve component of the Armed Forces of the United States**, to a leave of absence **from his or her respective duty** without loss of pay or time on



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all work days he/she on which he or she shall be engaged in any period of **Federal** active duty, provided, **however, that** such leave of absence shall not exceed thirty work days in any calendar year. **Such leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty work days shall be without pay, but without loss of time.** A permanent or full-time temporary officer or employee who has served **under such temporary appointment** for less than one year in the district shall receive this leave without pay, but without loss of time. ~~This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty workdays shall be without pay, but without loss of time.~~

Military leave with pay is not authorized for Inactive Duty Training (IDT) as defined in N.J.A.C. 5A:2-2.1.

The district will provide benefits and rights for staff on military leave as required by Federal and State laws.

Pursuant to N.J.S.A. 52:13H-2.1, in accordance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application by the district to the State Treasury and approval of the application by the Director of the Division of Budget and Accounting, reimbursement shall be made by the State of New Jersey for any costs incurred as a result of the provisions of P.L. 2001, Chapter 351.

N.J.S.A. 18A:6-33; 18A:29-11

N.J.S.A. 38:23-1 et seq.; 38A:1-1; 38A:4-4; 52:13H-2.1;

N.J.A.C. 5A:2-2.1

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq.

Adopted:



POLICY GUIDE

STUDENTS
5516.01/page 1 of 1
Student Tracking Devices
Dec 17

[See POLICY ALERT No. 214]

5516.01 STUDENT TRACKING DEVICES

The Board of Education recognizes students may have in their possession while in school, at a school-sponsored activity, or on a school bus an electronic tracking device that uses a global positioning system (GPS) or any other similar system. A tracking unit is a device, normally carried by a moving vehicle or person, that uses a GPS or similar system to determine and track its precise location, and hence that of its carrier, at intervals. The recorded location data can be stored within the tracking unit or it may be transmitted to another location, including, but not limited to, a central location database or an Internet-connected computer, using a cellular, radio, or satellite modem embedded in the unit. This allows the tracking unit's location to be displayed against a map backdrop either in real time or when analyzing the tracking path later, using tracking software. A tracking unit may be a device designed just for tracking or may be an application installed on any other electronic device.

A tracking unit may also have the ability to transmit in real time or through taping electronic communications to another location. These electronic communications may be one-way or two-way audio or video communications between the student and a person with a device at another location or an audio and/or video feature that enables a person remote from the student, with or without the permission of the student, to listen-in or have voice communications with the student and/or access video through the unit either in real time or by taping such communications.

The Board of Education permits the use of a tracking unit or an application on an electronic device that can track the location of the student while in school, at a school-sponsored event, or on a school bus. However, to protect the privacy rights of all students and to maintain the school district's legal obligation to maintain confidential student information in accordance with Federal and State law and regulations, the use of a tracking device or an application on an electronic device that enables any type of one-way or two-way audio and/or video communications or taping is not permitted.

A violation of the provisions of this Policy will result in a violation of the Student Code of Conduct Policy and appropriate discipline will be imposed.

Adopted:



POLICY GUIDE

PROPERTY
7425/page 1 of 2
Lead Testing of Water in Schools
Dec 17

[See POLICY ALERT No. 214]

7425 LEAD TESTING OF WATER IN SCHOOLS

The health, safety, and welfare of the children in the school district are of utmost importance to the Board of Education. The potential exposure to lead-contaminated drinking water poses serious health problems, particularly for children, as well as for teachers and school personnel, since the risk of lead contamination can come from pipe and plumbing fixtures in school facilities or on school grounds. The Board shall assure the availability of potable drinking water through sanitary means in school facilities or on school grounds. The Board of Education shall provide, in accordance with N.J.A.C. 6A:26-12.4, testing for lead in all district sources of drinking water.

The Board shall conduct lead sampling and analysis in all drinking water outlets to which a student or staff member has or may have access in each school facility, other facility, or temporary facility, as soon as practicable, but no later than July 13, 2017, unless the district qualifies for an exemption in accordance with N.J.A.C. 6A:26-12.4(d)(h)(i). This testing shall be conducted with a lead sampling plan in accordance with N.J.A.C. 6A:26-12.4(d)1, 2, and 3, and shall be in accordance with the Safe Drinking Water Act, N.J.S.A. 58:12A-1.

Within twenty-four hours after the Board or designee has completed a review of final laboratory results in accordance with the provisions of N.J.A.C. 6A:26-12.4(e), the test results shall be made publicly available at the school facility and on the Board of Education's website. If any results exceed the permissible lead action level, the Board shall provide written notification to the parents of all students attending the facility, facility staff, and the New Jersey Department of Education. This notification shall include: a description of the measures taken by the Board or designee to immediately end the use of each drinking water outlet where the water quality exceeded the permissible lead action level; the measures taken to ensure that alternate drinking water has been made available to all students and staff members; and information regarding the health effects of lead in accordance with N.J.A.C. 6A:26-12.4(e)1 and 2. After the initial screening, the Board will conduct these lead screenings every six years and shall sample for lead after the replacement of any drinking water outlet or any other alteration to plumbing or service lines that may impact lead levels at the outlet, in accordance with N.J.A.C. 6A:26-12.4(f)1 and 2.



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Lead Testing of Water in Schools

The Board shall submit to the New Jersey Department of Education by June 30 of each year a statement of assurance, that the school district completed lead testing in accordance with N.J.A.C. 6A:26-12.4; that notifications were provided consistent with N.J.A.C. 6A:26-12.4; and that alternative drinking water continues to be made available to all students and staff, if necessary, pursuant to N.J.A.C. 6A:26-12.4(g).

The Board may apply for reimbursement for the costs of any water supply testing and analysis conducted, in accordance with N.J.A.C. 6A:26-12.4(j).

N.J.S.A. 58:12A-1 et seq.
N.J.A.C. 6A:26-12.4

Adopted:



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[See POLICY ALERT Nos. 96 and 214]

7440 SCHOOL DISTRICT SECURITY OF SCHOOL PREMISES

The Board of Education believes that the buildings and facilities of this ~~the school~~ district represent a substantial community investment. The Board directs the development and implementation of a plan for school district security to protect that ~~the school community's investment in the school buildings and facilities.~~

The school district security program will include: the maintenance of facilities ~~that are~~ secure against unwelcome intrusion; protection against fire hazards and faulty equipment; and ~~compliance the observation with~~ of safe practices in the use of electrical, plumbing, and heating, and other school building equipment. The Board directs close cooperation of district officials with local law enforcement, ~~officers, fire fighters, the sheriff's office, and insurance company inspectors~~ fire officials, and other emergency agencies.

The Superintendent of Schools shall designate a school administrator as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist certification in accordance with the provisions of N.J.S.A. 18A:17-43.2. The School Safety Specialist shall also serve as the school district's liaison with local law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

~~Personal~~ Access to school buildings and grounds outside the hours school is in session shall be limited to personnel whose employment requires their presence in the facility. An adequate key control system will be established to limit building access to authorized personnel and guard against the potential of intrusion by unauthorized persons who have obtained access keys improperly.

Building records and funds shall be kept in a safe place and ~~secured under lock and key~~ as appropriate and necessary.

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Protective devices designed to be used as safeguards against illegal entry and vandalism may be installed when appropriate. The Board may approve the employment of **school resource officers, school security officers, and/or law enforcement officers** guards in situations in which special risks are involved.

N.J.S.A. 18A:17-43.1; 18A:17-43.2; 18A:17-43.3

Adopted:

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[See POLICY ALERT Nos. 96 and 214]

R 7440 SCHOOL DISTRICT SECURITY

A. Definitions

“Access” means authorized access to a school building or school grounds through the use of a Board-approved key control system.

“Key control system” means the use of a key, card, code, or any other means to disengage a locking mechanism to provide entry to a school building or school grounds.

“School buildings” and “school grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the district or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. “School buildings” and “school grounds” also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; night field lights, greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. “School buildings” and “school grounds” also includes other facilities such as playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land in accordance with N.J.A.C. 6A:16-1.3 and 6A:26-1.2.

B. Access to School Buildings and School Grounds

1. Access to school buildings and grounds during the school day will be permitted to all students enrolled in the school and all authorized school staff members, and visitors pursuant to Policy and Regulation 9150.
2. Access to school buildings and grounds before and after the school day will be permitted to:
 - a. Members of the Board of Education;



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- b. Administrative and supervisory staff members, teaching staff members, and support staff members assigned to a school building or grounds in the performance of their duties;
 - c. Other school staff members in the performance of their professional responsibilities;
 - d. Students involved in interscholastic athletics, co-curricular, extra-curricular activities, and authorized spectators;
 - e. Members of organizations granted the use of school premises pursuant to Policy and Regulation 7510;
 - f. Police officers, fire fighters, health inspectors, and other agents of Federal, State, and local government in the performance of their official duties;
 - g. Members of the public present to attend a public Board of Education or public school-related function; and
 - h. Others authorized by the Superintendent or designee and/or by Board Policy.
3. All visitors to a school building during a school day will be required to register their presence in the school and comply with the provisions of Policy and Regulation 9150. The school's registration and sign-in procedures may include the use of a school visitor management system requiring the visitor to present acceptable identification to access the school building.
 4. Signs will be conspicuously posted to inform visitors of the requirement to register their presence into the building.
- C. Key Control System for Access to School Buildings and Facilities
1. School staff members will be provided access to a school building using the school's key control system as follows:
 - a. Teaching staff members and support staff members will be provided access using the school's key control system to the school building and to other facilities on school grounds to which they require access for the performance of their professional duties.



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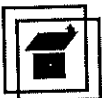
- (1) The Building Principal will determine the school staff members who shall be provided access to facilities within the school building and on school grounds.
 - (2) The Superintendent or designee will determine the district administrators, supervisors, and other staff members who shall be provided access to facilities within the school building and on school grounds.
 2. School staff members provided access to a school building or other facilities on school grounds shall be responsible for ensuring their key control system authorization is not shared with another individual without prior approval of the Principal or designee for school staff members, or the Superintendent or designee for district staff members. Staff members are prohibited from permitting their key control system authorization to be used by another person unless prior approval is obtained from the Principal or designee at the building level and Superintendent or designee at the district level or in the event of an emergency.
 3. A staff member's loss of a key, card, or any other device authorizing the staff member access to a school building or a facility on school grounds must be immediately reported to the Principal or Superintendent or designee. The staff member who loses a key, card, or any such access device may be responsible for the replacement cost.
- D. Staff Member Responsibilities
1. Staff members should not bring to school valuable personal items that cannot be in the staff member's personal possession at all times. The Board of Education is not responsible for a staff member's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed.
 2. In the event a staff member observes a student has a valuable item in school, the staff member will report it the Principal or designee. A valuable item may include, but is not limited to, an unusually large amount of money, expensive jewelry or electronic equipment, or any item that is determined by the Principal or designee to be valuable to a student based on the student's age.



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- a. The Principal or designee may contact the student's parent and request the parent come to school to retrieve the valuable item;
 - b. The Principal or designee may secure the valuable item and return it to the student at the end of the school day and inform the student and the parent not to bring the valuable item to school in the future; or
 - c. The Principal or designee will permit the student to maintain the valuable item and inform the student and the parent not to bring the valuable item to school in the future.
 - d. The Board of Education is not responsible for a student's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed when in the possession of the student.
3. Teaching staff members shall close classroom windows and shut and lock classroom doors when leaving at the end of the school day; shut and lock classroom doors during the school day when the room is not going to be in use after their assignment, and report immediately to the Principal or designee any evidence of tampering or theft.
 4. Custodians shall, at the end of the work day, conduct a security check of the building to make certain that all windows are closed and all office, classroom, and building doors are shut and locked, except as such doors may be required to be open for persons with access.
 5. Office personnel shall take all reasonable precautions to ensure the security of all school and district records and documents against unauthorized access, deterioration, and destruction.
- E. School Safety Specialist
1. The Superintendent of Schools shall designate a school administrator as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3.



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2. The School Safety Specialist shall:
 - a. Be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district;
 - b. Ensure that these policies and procedures are in compliance with State law and regulations; and
 - c. Provide the necessary training and resources to school district staff in matters relating to school safety and security.
3. The School Safety Specialist shall also serve as the school district's liaison with law enforcement and national, State, and community agencies and organizations in matters of school safety and security.
4. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist Certification in accordance with the provisions of N.J.S.A. 18A:17-43.2.

F. Summoning Law Enforcement Authorities

1. Law enforcement authorities will be summoned promptly whenever evidence is discovered that indicates: a crime has been committed on school premises or in the course of staff or student transportation to or from school; a break and entry may have occurred on school grounds; a deadly weapon is on school premises; a breach of the peace has occurred on school premises; for any reason required in the Memorandum of Understanding between the Board of Education and Law Enforcement and in accordance with Policy and Regulation 9320; or for any other reason there is concern about the health, safety and welfare of persons on school grounds or school property.
2. A call to law enforcement agents will be reported to the Superintendent as soon as possible, along with the reason(s) for which the call was made and the outcome of the incident.

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[See POLICY ALERT Nos. 177 and 214]

7441 ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS

The Board of Education authorizes the use of electronic surveillance systems in school buildings and on school grounds to enhance the safety and security for school district staff, students, community members, and other building occupants and to protect the school district's buildings and grounds.

The content produced by the surveillance system under certain circumstances may be considered a student record, **and if so in which** it will be subject to the Board of Education policy and regulations regarding confidential student records. If the content of the surveillance system becomes the subject of a disciplinary proceeding, it shall be treated like other evidence in the proceeding, ~~and the district declares such use to be a legitimate educational interest.~~

In accordance with the provisions of N.J.S.A. 18A:41-9, if at least one school building of the school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board of Education shall enter into a Memorandum of Understanding (MOU) with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video. The MOU shall include the provisions of N.J.S.A. 18A:41-9 and any additional information required by law enforcement officials. In the event the parties to the MOU are unable to reach an agreement regarding any provision required to be included in the MOU as per N.J.S.A. 18A:41-9a, the County Prosecutor shall make the final determination regarding that provision. Nothing in N.J.S.A. 18A:41-9 shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site from a school building that does not have the ability to have live streaming video.

The Board of Education shall post signage ~~following statement shall be posted in~~ a prominent, public place in buildings and on school grounds where electronic surveillance equipment may be used.



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~~The Board of Education authorizes the use of electronic surveillance monitoring devices in school buildings and on school grounds. Therefore, all school buildings and school grounds within this school district may be monitored using such devices in accordance with Board Policy.~~

In addition to posting, the district shall notify school staff members, parent(s) or legal guardian(s), and students that electronic surveillance may be used in school buildings and on school grounds through publication in student and staff handbooks, school calendars, notice sent home with students, or any other effective means to publish the district's use of electronic surveillance equipment in school buildings and on school grounds.

N.J.S.A. 18A:41-9

Adopted:



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[See POLICY ALERT Nos. 177 and 214]

R 7441 ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS

In order to enhance a safe and secure environment, the Board authorizes electronic surveillance devices to be used on **in school** district **buildings property** and on school grounds.

A. Recording and Notice

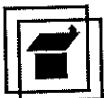
1. Surveillance devices may include, but are not limited to, sound/video cameras, audio recording devices, and other appropriate devices.
2. Recordings may be used to monitor and observe the conduct of school district staff, students, community members, and other person(s) in school buildings or on school grounds.
3. **Signage** ~~Notice regarding the use of surveillance devices~~ will be posted in a **prominent public place** in school buildings and on school grounds where **electronic surveillance equipment** devices may be used.

B. Student Records and Notice

School district personnel will comply with the provisions of applicable law regarding student record requirements including the Family Educational **Rights** and Privacy Act (**FERPA**) and the Individual with Disabilities Education Improvement Act (**IDEA**). Recordings considered for retention, as a part of a student's behavioral record, will be maintained in accordance with established student record procedures governing access, review, and release of student records.

C. Staff Records and Notice

1. Recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations, applicable law, and any labor agreements governing access, review, and release of employee personnel records.



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2. The district will provide notice to students, parent(s) ~~or legal guardian(s)~~, and school staff members that surveillance devices may be used in school buildings and on school grounds.

D. Storage/Security

1. All recordings will be stored by the Superintendent or designee, and secured to ensure confidentiality.
2. Recordings will be **retained in accordance with the New Jersey Department of the Treasury – Records Management Services Records Retention Schedules** and stored for _____ calendar days ~~after initial recording, whereupon such recordings will be erased or discarded, unless there is a legitimate reason for retaining such recording for review, upon receiving prior authorization from Records Management Services.~~

E. Use

1. The determination of the location of surveillance devices shall be made by the **Superintendent or designee** _____.
2. Tampering with or otherwise interfering with surveillance equipment is prohibited. Any individual found tampering with equipment shall be subject to discipline.

F. Viewing or Listening

1. Initial viewing or listening to recordings will be done by the **Building Principal or designee**.
2. Requests for viewing or listening will be limited to persons with a direct interest in any proceedings, disciplinary or otherwise, resulting from the recordings, as deemed appropriate by the **Building Principal or designee**.



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3. Only the portion of the recording concerning a specific incident will be made available for viewing.
 4. Viewing or listening to the recording will be permitted on school property or as otherwise required by law.
 5. All viewing will be in the presence of the **Building Principal or designee**.
 6. A written log will be maintained by the _____ **Building Principal or designee** of those viewing video recordings including date of viewing, reason for viewing, the date the recording was made, and the signature of the viewer.
 7. Video recordings remain the property of the **school** district and may be reproduced only in accordance with law, including applicable district student records policy and procedures and district personnel records policy, procedures and applicable labor agreements.
- G. **Law Enforcement Memorandum of Understanding (MOU) (N.J.S.A. 18A:41-9)**
1. **In accordance with the provisions of N.J.S.A. 18A:41-9, if at least one school building of the school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board of Education shall enter into a MOU with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video. The MOU shall include, but need not be limited to, the following:**
 - a. **The designation of individuals who shall be authorized to view live streaming video;**



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- b. **The circumstances under which the designated individuals would view live streaming video; and**
 - c. **A detailed plan for preventing and detecting unauthorized access to live streaming video.**
 2. **In the case of a school building that is located in a municipality in which there is no municipal police department, the Board shall enter into a MOU with an entity designated by the Superintendent of the State Police.**
 3. **In the event the district and law enforcement authority are unable to reach an agreement regarding any provision required to be included pursuant to G.1.a.-c. above, the County Prosecutor shall make the final determination.**
 4. **Nothing in N.J.S.A. 18A:41-9 shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site from a school building that is not equipped with such equipment.**
- HG. **Purchase, Maintenance, Replacement of Equipment/Supplies**
 1. The _____ ~~(Building Principal or designee, Superintendent of Schools or designee, School Business Administrator, Other-Specify)~~ **School Business Administrator/Board Secretary or designee** will be responsible for the purchase, maintenance, and replacement of all electronic surveillance devices.

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[See POLICY MEMO No. 67]

[See POLICY ALERT Nos. 164, 205, 209 and 214]

8630 BUS DRIVER/BUS AIDE RESPONSIBILITY

The Board of Education requires all school bus drivers and bus aides employed by the district or employed by a contracted school bus company to be reliable persons of good moral character who possess the qualifications 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 20 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.

“Employer” for the purposes of this Policy and Regulation means a Board of Education or a contractor that provides student transportation services under contract with the Board of Education. In the event the school district employs school bus drivers and bus aides and/or uses a contractor for transportation services, the “employer” for school district employed school bus drivers and bus aides shall be the Board of Education and the “employer” for contracted school bus drivers and bus aides shall be the contractor that provides student transportation under contract with the Board of Education.

School bus drivers and bus aides shall meet criminal history background check requirements pursuant to N.J.S.A. 18A:6-7.1(c) ~~et seq.~~ and tuberculin testing requirements pursuant to applicable State statutes and administrative codes. School bus drivers and bus aides shall 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 shall be administered **by the employer** 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 their employer Board of Education~~ that the individual has completed the training program within



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five business days of its completion. The **employer Board** shall retain a copy of the certificate for the duration of the individual's employment and shall 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 shall 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 shall be trained for the functions of their positions and in a safety education program as outlined in N.J.A.C. **6A:27-11.1 et seq.** ~~6A:27-11.2(b) and (e).~~

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 shall be in full charge of the school bus at all times and shall 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 Principal or designee of the school in which the student attends.

The 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 shall provide for the student's transportation to and from school during the time of exclusion.

In the event of an emergency, school bus drivers shall follow procedures established by this Board. School administrators shall 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 shall receive school bus evacuation instruction at least once per year. School bus drivers and bus aides shall participate in the emergency exit drills, which shall be conducted on school property and shall be supervised by the Principal or person assigned to act in a supervisory capacity. Drills shall 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).



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In accordance with the provisions of N.J.S.A. 18A:39-19.4, a Commissioner-developed student information card shall 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 shall 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 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 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, shall 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 shall rigorously observe all motor vehicle laws and regulations and State Board of Education rules in the operation of their school bus.

N.J.S.A. 18A:6-7.1 et seq.; 18A:25-2; 18A:39-17; 18A:39-18;
18A:39-19.1; 18A:39-19.2; 18A:39-19.3; 18A:39-19.4;
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:



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[See POLICY ALERT Nos. 164, 205, 209 and 214]

R 8630 EMERGENCY SCHOOL BUS PROCEDURES

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 shall 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~~ **employer shall be responsible to** 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 **and 18A:39-19.3** for all school bus drivers and school bus aides:



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- 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~~ **employer** shall 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~~ **employer** shall 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~~ **employer** shall require a school bus driver or school bus aide ~~employed by the Board~~ to file a certification with the ~~Board~~ **employer** 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~~ **employer** shall retain a copy of the certification for the duration of the individual's employment, and shall forward a copy of the certification to the Department of Education; and/or
- d. Contractors that provide student transportation services under a contract with the Board of Education shall comply with the requirements of N.J.S.A. 18A:39-19.2 and 19.3 **and N.J.A.C. 6A:27-11.1 et seq.**

B. Emergency Bus Evacuation Drills

1. The Principal **or designee** of each school shall 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 shall receive school bus evacuation instruction at least once within the school year.
2. School bus drivers and bus aides shall participate in the emergency exit drills.



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3. Bus exit drills will be conducted on school property and shall be supervised by the Principal or by a person assigned to act in a supervisory capacity. The drills 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 need not to be performed by every student and may be demonstrated by others.
5. The school bus driver or supervisor of the drill shall:
 - a. Describe and demonstrate the use of kick-out windows and split-sash windows;
 - b. Describe the location and use of flares, flags, 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;



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- 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 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 shall be documented in the minutes of the Board at the first meeting following completion of the emergency exit drill. The minutes shall 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 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 shall be approved by the **Director of Buildings and Grounds**.



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2. In accordance with the provisions of N.J.S.A. 18A:39-19.4, the Commissioner of Education shall 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) shall 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 shall 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 shall attend training workshops offered by the New Jersey Department of Education and this school district and shall be trained in first aid.
4. Each school bus shall be equipped with:
 - a. A list of the students assigned to that bus;
 - b. A **basic** first aid kit ~~approved by the school nurse and inspected regularly by the school 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 administration.



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5. Each school bus driver shall:
- 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 **Director of Buildings and Grounds** any potential driving hazard on his/her route, such as construction, road work, etc.;
 - f. Report promptly to the **Director of Buildings and Grounds** 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 shall 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.



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D. General Emergency Rules

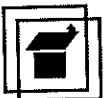
1. School bus drivers are responsible for the safety of the students on their bus. In the event of an emergency, school bus drivers must exercise responsible leadership. The safety and well-being of students must be the drivers' paramount consideration. School bus drivers shall stay with their students until another school staff member, law enforcement officer, or a first responder can assume responsibility for the safety of the students.
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.



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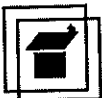
4. When a school bus is evacuated, students shall leave the bus by the exit(s) and in the manner that affords maximum safety in the circumstances.
 5. Students who have been evacuated from a school bus shall be moved to a safe place and distance from the bus and remain there until the driver or, if the 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 shall be allowed to request a ride with a passerby or proceed to walk home or leave the scene without the specific approval of the bus driver, a police officer, or other person in authority.
 7. 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 **Director of Buildings and Grounds** of the number and location of the bus and the circumstances of the disability. The **Director of Buildings and Grounds** 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 shall, in person or through a responsible designee, summon the police and emergency medical services, if necessary, and notify the Principal of the receiving school and the School Business Administrator/**Board Secretary** or designee, of the district providing the transportation.



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- 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 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.
 - (2) If the accident occurred on the way home from school, the nurse will examine any student 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.



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- e. If another vehicle(s) is involved, the bus driver will obtain the following information from the driver(s) of that vehicle(s) or from law enforcement officers at the accident scene: driver's name, driver's license number, vehicle owner's name and address, vehicle registration number, owner's insurance company and policy number, and a description of the vehicle (color, make, year, body type).
- f. The following notifications must be provided:
- (1) The school bus driver must report immediately to the Principal of the receiving school and the School Business Administrator/**Board Secretary** or designee of the district providing the transportation, any accident that involves an injury, death, or property damage. In addition, the bus driver must complete and file the Preliminary School Bus Accident Report prescribed by the Commissioner of Education.
 - (2) The Principal of the receiving school shall retain a copy of the Report and forward other copies of the Report as prescribed by the New Jersey Department of Education.
 - (3) In addition, a school bus driver involved in an accident resulting in injury or death of any person, or damage to property of any one person in excess of \$500 shall complete and file within ten days after such accident a Motor Vehicle Accident Report in accordance with N.J.S.A. 39:4-130.
 - (4) The parent of students involved in a school bus accident shall be notified as quickly as possible commensurate with the severity of the accident and injuries, if any, and hospital placement of their child if transported to a hospital by ambulance or by other emergency personnel.



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2. In the event the school bus driver is incapacitated, the following procedures will be implemented:
 - a. A school bus driver is incapacitated when he/she is unable to operate the school bus safely or when his/her driving ability is significantly impaired by the driver's physical or mental condition.
 - b. If there is a bus aide on the bus, the bus aide will take steps necessary to have the bus pulled off the road to a safe location and shall contact school officials or emergency services for assistance. If a bus aide is not on the bus, the bus driver shall pull the bus off the road to a safe location and contact school officials or emergency services for assistance.
 - c. The bus shall be stopped, with due consideration for the safety of its passengers, the motor turned off, the ignition key removed, and safely secure the bus.
 - d. The **Director of Buildings and Grounds** shall 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.



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- 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;
 - (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 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; or
 - (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.
- e. The school bus driver will immediately report the incident and any injuries to the Principal or designee of the school in which the student is enrolled.

Issued:



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Use of Electronic Signatures
Dec 17

[See POLICY ALERT No. 214]

9242 USE OF ELECTRONIC SIGNATURES

The New Jersey Uniform Electronic Transactions Act (UETA) authorizes a Board of Education to use electronic forms, filings, and signatures to conduct official business with the public. The use of electronic forms, filings, and signatures may save school district resources and will provide a convenient and cost-efficient option for parents to receive, review, and acknowledge receipt of information from the school district. Therefore, the Board of Education authorizes the use of electronic forms, filings, and signatures in communications between the school district and parents pursuant to the UETA.

For the purposes of this Policy, “electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

For the purposes of this Policy, “electronic record” means a record created, generated, sent, communicated, received, or stored by electronic means.

For the purposes of this Policy, “electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

For the purposes of this Policy, “information processing system” means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

The school district may electronically send documents to parents of students enrolled in the school district. These documents may include, but are not limited to: informational notices; school or school related events or activities; periodic updates on a student’s progress; school district forms; requests for information; and any other communications between the school district and home. Some documents electronically sent to parents may require the parent to: acknowledge receipt of a document; provide parental consent for such matters as student compliance with the district’s acceptable use of school district computers and administration of surveys; and/or acknowledge receipt and acceptance of terms of a Board of Education policy, regulation, or practice. Any document sent to parents of students enrolled in the school district must be capable of retention by the recipient. To be capable of retention, the recipient at the time of receipt, must



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Use of Electronic Signatures

be able to retain and accurately reproduce the document for later reference by all persons who are entitled to retain the record. A record is not capable of retention by the recipient if the sender of its information processing system inhibits the ability of the recipient to print or store the electronic record.

The Board of Education authorizes documents may be electronically sent to parents of students enrolled in the school district only with the approval of the Superintendent of Schools. The Superintendent shall establish an information processing system to include a process for parents to electronically send, sign, and return documents to the school district. The school district shall make accommodations for a parent who is unable or unwilling to conduct business electronically. In addition, a parent may refuse to conduct business electronically for any reason and at any time. In this event, the school district shall make available a hard copy of the document(s) to the parent to review, maintain, and any document(s) requiring signatures to be returned to the district. The Superintendent will only implement an information processing system in accordance with the provisions of the UETA.

Documents that are electronically signed and returned to the school district may be maintained by the school district in electronic or non-electronic form. Documents returned to the district that are not electronically signed shall be maintained by the district in non-electronic form. However, nothing shall prevent the school district from converting a non-electronic document to an electronic document and for such document to be stored in electronic form. All electronic or non-electronic documents returned to the school district shall be maintained by the school district in accordance with the New Jersey Department of the Treasury - Records Management Services - Records Retention Schedules and in accordance with N.J.S.A. 12A:12-12.

N.J.S.A. 12A:12-1 et seq.

Adopted:



R 2431.4 PREVENTION AND TREATMENT OF SPORTS-RELATED
CONCUSSIONS AND HEAD INJURIES (M)

M

Concussion Guidelines and Management Plan

The following procedures have been developed to aid in insuring that concussed athletes are identified, treated and referred appropriately, receive appropriate follow-up medical care and are fully recovered prior to returning to activity.

The athletic department, high school nurse and athletic trainer shall review this protocol annually. Any changes or modifications will be reviewed and given to athletic department staff, including coaches and other appropriate school personnel in writing.

All athletic coaches shall attend a yearly in-service meeting in which procedures for managing sports-related concussion are discussed.

Legislation (P.L. 2010, Chapter 94) (N.J.S.A. 18A:40-41.3) enacted on December 7th, 2010 requires each school district, charter, and non-public school that participates in interscholastic athletics to adopt by September 1, 2011, a policy concerning the prevention and treatment of sports-related concussions and other head injuries among student-athletes. The Center for Disease Control estimates that 300,000 concussions are sustained during sports-related activity in the United States. A concussion is a traumatic brain injury (TBI) caused by a direct or indirect blow to the head or body. In order to ensure the safety of student-athletes, it is imperative that athletes, coaches, and parents/guardians are educated about the nature and treatment of sports-related concussions and head injuries. Allowing a student-athlete to return to play before recovering from a concussion increases the chance of a more serious brain injury that can result in severe disability and/or death.

Management of Sports-Related Concussions

Medical management of sports-related concussion continues to evolve. Recently, there has been a significant amount of new research regarding sports-related concussions in high school athletes. Rutherford Board of Education has established this protocol to provide education about concussion for coaches, school personnel, parents, and athletes. This protocol outlines procedures for staff to follow in managing concussions, and outlines school policy as it pertains to return to play issues following a concussion.



PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

Rutherford Board of Education seeks to provide a safe return to activity for all athletes following any injury, but particularly after a concussion. In order to effectively and consistently manage these injuries, procedures have been developed to aid in insuring that concussed athletes are identified, treated and referred appropriately, receive appropriate follow-up medical care and are fully recovered prior to returning to activity.

The athletic director, high school nurse, and athletic trainer shall review this protocol annually. Any changes or modifications will be reviewed and given to athletic department staff, including coaches and other appropriate school personnel in writing.

All athletic coaches shall attend a yearly in-service meeting in which procedures for managing sports-related concussion are discussed.

Recognition of Concussion

A concussion is a brain injury and all brain injuries are serious. They may be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. They can range from mild to severe and can disrupt the way the brain normally works. Even though most concussions are mild, all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly. In other words, even a "ding" or a bump on the head can be serious. Concussions cannot be seen and most sports concussions occur without loss of consciousness. Signs and symptoms of concussion may show up right after the injury or can take hours or days to fully appear. If a child/player reports any symptoms of concussion, or if the parent notices the symptoms or signs of concussion, seek medical attention right away.

Symptoms may include one or more of the following:

1. Headache.
2. Nausea/vomiting.
3. Balance problems or dizziness.
4. Double vision or changes in vision.
5. Sensitivity to light or sound/noise.
6. Feeling of sluggishness or foginess.
7. Difficulty with concentration, short-term memory, and/or confusion.
8. Irritability or agitation.
9. Depression or anxiety.
10. Sleep disturbance.



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PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS
AND HEAD INJURIES (M)

Signs observed by teammates, parents and coaches include:

1. Appears dazed, stunned, or disoriented.
2. Forgets plays or demonstrates short-term memory difficulties (e.g. is unsure of the game, score, or opponent).
3. Exhibits difficulties with balance or coordination.
4. Answers questions slowly or inaccurately.
5. Loses consciousness.
6. Demonstrates behavior or personality changes.
7. Is unable to recall events prior to or after the hit.

Management and Referral Guidelines for All Staff

The following situations indicate a medical emergency and require activation of the Emergency Medical System:

1. Any athlete with a witnessed loss of consciousness (LOC) of any duration should be spine boarded and transported immediately to nearest emergency department via emergency vehicle.
2. Any athlete who has symptoms of a concussion, and who is not stable (i.e., condition is worsening), is to be transported immediately to the nearest emergency department via emergency vehicle.
3. An athlete who exhibits any of the following symptoms should be transported immediately to the nearest emergency department, via emergency vehicle.
4. Deterioration of neurological function.
5. Decreasing level of consciousness.
6. Decrease or irregularity in respirations.
7. Any signs or symptoms of associated injuries, spine or skull fracture, or bleeding.
8. Mental status changes: lethargy, difficulty maintaining an alert state of consciousness, confusion or agitation.



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PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

9. Seizure activity.

An athlete, who is symptomatic but stable, may be transported by his or her parents. The parents should be advised to contact the athlete's primary care provider, or seek care at the nearest emergency department, on the day of the injury.

Concussion Recognition

1. All coaches should become familiar with the signs and symptoms of concussion that are described above.
2. Annual in-service with coaching staff will occur in which procedures for managing sports-related concussion are discussed.
3. All coaches, school nurses, team physicians and athletic trainers must complete an interscholastic Head Injury Training Program. The above named shall complete the online "Concussion in Sports" training program or an equivalent education course. Additional programs may be utilized by the above named and may be completed by professionals of different medical knowledge and training.
4. Prior to participation, all parents and students shall sign acknowledgment of the signs and symptoms of concussions.

Remove from Activity

Any athlete who exhibits signs, symptoms, or behaviors consistent with a concussion shall be immediately removed from the contest and shall not return to play until cleared by an appropriate health care professional. When possible, a neurological post-test shall be given within seventy-two hours of post-injury and prior to return to play.

Medical Evaluation Referral

The athletic trainer is responsible for notifying the athlete's parents of the injury. In the event the athletic trainer is unavailable, the coach will notify the parent.

1. Contact the parents to inform them of the injury. Depending on the injury, either an emergency vehicle will transport or parents will pick the athlete up at the event for transport.



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PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS
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2. A medical evaluation is required to begin the process of "Return to Play".

Follow-Up Care of the Student-Athlete

Responsibilities of the school nurse after notification of student's concussion:

The athlete will be instructed to report to the school nurse upon his or her return to school. At that point, the school nurse will:

1. Notify the student's guidance counselor and teachers of the injury immediately.
2. Notify the student's Physical Education teacher immediately that the athlete is restricted from all physical activity until cleared by his or her treating physician.

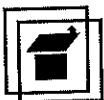
Return to Play (RTP) Procedures After Concussion

Return to activity and play is a medical decision. The athlete must meet all of the following criteria in order to progress to activity:

1. A physician must clear an athlete diagnosed with a concussion for return to activity. Written clearance must come from an athlete's primary care provider or a physician trained in the evaluation and management of concussions. An emergency room physician cannot clear the athlete to return to activity.
2. An athlete diagnosed with a concussion must be asymptomatic at rest (including mental exertion in school) ~~for one week~~ with no re-emergence of any signs or symptoms.

Once the above criteria are met, the athlete will be progressed back to full activity following the step-wise protocol detailed below. (The return to play protocol must be closely supervised by the Certified Athletic Trainer).

Progression is individualized, and will be determined on a case-by-case basis. Factors that may affect the rate of progression include: previous history of concussion, duration and type of symptoms, age of the athlete, and sport/activity in which the athlete participates. An athlete with a prior history of concussion, one who has had an extended



PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

duration of symptoms, or one who is participating in a collision or contact sport may be progressed more slowly.

Steps of Functional Protocol for Return-to-Play following a Concussion

1. No activity, complete physical and cognitive rest to achieve become symptom free. The objective of this step is recovery. (~~7 days symptom free minimum~~) If no symptoms, next day advance to:
2. Light aerobic exercise, which includes walking, swimming or stationary cycling, keep the intensity < 70% maximum percentage heart rate; no resistance training. The objective of this step is increased heart rate. (~~Day 8 minimum~~) If no symptoms, next day advance to:
3. Sport-specific exercise including skating, and/or running drills, no head impact activities. The objective of this step is to add movement. (~~Day 9 minimum~~) If no symptoms, next day advance to:
4. Non-contact training drills involving progression to more complex training drills (e.g. passing drills). The student-athlete may initiate progressive resistive training. (~~Day 10 minimum~~) If no symptoms, next day advance to:
5. Following medical clearance, participation in normal training activities. The objective of this step is to restore confidence and assess functional skills by the coaching staff. (~~Day 11 minimum~~) If no symptoms, next day advance to:
6. Return to Play involving normal exertion or game activity. (~~Day 12 minimum~~)

The athlete should spend a minimum of one day at each step (2. – 5. above) before advancing to the next step. If post-concussion symptoms occur at any step, the athlete must stop the activity and the treating physician must be contacted. Depending upon the specific type and severity of the symptoms, the athlete may be told to rest for twenty-four hours and then resume activity at a level one step below where he or she was when the symptoms occurred. If the athlete exhibits a re-emergence of any concussion signs or symptoms once they return to physical activity, he/she will be removed from activities and must return to their primary care physician or a physician trained in the evaluation and management of concussions.



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Note:

- Continued post-concussive symptoms, prior concussion history, and any diagnostic testing results along with neurocognitive testing and physical exam, will be utilized by the team physician in establishing a timeline for an athlete's return to activity.
- It is important to note that this timeline could last over a period of days to weeks or months, or result in potential long-term medical disqualification from athletic participation.

Adopted: 26 June 2017



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BOARD OF EDUCATION

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ATTENDANCE (M)

R 5200 ATTENDANCE (M)

M

A. Definitions

1. For the purposes of school attendance, a "day in session" shall be a day on which the school is open and students are under the guidance and direction of a teacher or teachers engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers' institutes, and inclement weather shall not be considered as days in session.
2. A "school day" shall consist of not less than four hours, except that one continuous session of two and one-half hours may be considered a full day of Kindergarten.
3. "A day of attendance" shall be one in which the student is present for a full day under the guidance and direction of a teacher while school is in session.
 - a. Whenever over-crowded conditions make it necessary to hold two separate sessions with a different group of students in each session, a student attending for all of either session shall be regarded as having attended for the full day. An excused absence for any reason shall not be counted as a day of attendance in the school register.
4. A "half-day class" shall be considered the equivalent of a full day's attendance only if in session for four hours or more, exclusive of recess periods or lunch periods.

B. Attendance Recording

1. A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions issued by the Commissioner of Education.
2. No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.



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3. A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.
4. A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.
5. The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.
6. The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with N.J.A.C. 6A:32-8.3. In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.
7. A student not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.

C. Unexcused Absences That Count Toward Truancy/Excused Absences

1. "An unexcused absence that counts toward truancy" is a student's absence from school for a full or a portion of a day for any reason that is not an "excused absence" as defined below.
2. "An excused absence" is a student's absence from school for a full day or a portion of a day for the observance of a religious holiday pursuant to N.J.S.A. 18A:36-14 through 16, or any absence for the reasons listed below:



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- The student's illness supported by a written letter from the parent upon student's return to school;
 - The student's required attendance in court;
 - Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans;
 - The student's suspension from school;
 - Family illness or death supported by a written letter from the parent upon the student's return to school;
 - Visits to post-secondary educational institutions;
 - Interviews with a prospective employer or with an admissions officer of an institution of higher education;
 - Examination for a driver's license;
 - Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;
 - An absence considered excused by a New Jersey Department of Education rule;
 - An absence for a reason not listed above, but deemed excused by the Principal upon a written request by the student's parent stating the reason for the absence and requesting permission for the absence to be an excused absence.
3. "Truancy" means ten or more cumulative unexcused absences that count toward truancy of a student between the ages of six and sixteen as determined by the Board's Attendance Policy and Regulation pursuant to N.J.A.C. 6A:16-7.6(a)4.iii. and the definition of school day pursuant to N.J.A.C. 6A:32-8.3. Any absence not listed in C.2. above shall be an unexcused absence counted toward truancy.



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4. "Unexcused tardiness" may constitute an unexcused absence that counts toward truancy in accordance with Policy 5240.

D. Notice to School of a Student's Absence

1. The parent or adult student is requested to call the school office before the start of the student's school day.
2. The parent of the student or an adult student who will attend the morning session, but will not attend the afternoon session should call or provide notice to the school office before the start of the afternoon session.
3. The parent or adult student who anticipates a future absence or anticipates that an absence will be prolonged should notify the school office to arrange make-up work.

E. School District Response To Unexcused Absences During the School Year That Count Toward Truancy

1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:
 - a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;
 - b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent;
 - c. Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
 - d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potentially missing or abused child situation is detected; and
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.



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2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:
 - a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;
 - b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent;
 - c. Evaluate the appropriateness of action taken pursuant to N.J.A.C. 6A:16-7.6(a)4.i.(3) and H.1.c. above;
 - d. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:
 - (1) Refer or consult with the building's Response to Intervention Team, pursuant to N.J.A.C. 6A:16-8;
 - (2) Conduct testing, assessments, or evaluations of the student's academic, behavioral, and health needs;
 - (3) Consider an alternate educational placement;
 - (4) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
 - (5) Refer to a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;
 - (6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potential missing or abused child situation is detected; and
 - (7) Engage the student's family.
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.



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3. For ten or more cumulative unexcused absences that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:
 - a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;
 - b. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
 - c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
 - d. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.
4. A court referral may be made as follows:
 - a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of Education's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court.
 - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or
 - b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part.
 - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.
5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with



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the student's IEP, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§794 and 705(20); and individualized health care plan and individualized emergency healthcare plan pursuant to N.J.A.C. 6A:16-2.3(b)5.xii.

6. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with N.J.A.C. 6A:16-7.6(a)4.i. and H.1. above for each student with up to four cumulative unexcused absences that count toward truancy.
 - a. For each student attending a receiving school with five or more cumulative unexcused absences that count toward truancy, the absences shall be reported to the sending school district.
 - (1) The sending school district shall proceed in accordance with the Board of Education's policies and procedures pursuant to N.J.A.C. 6A:16-7.6(a) and H.5. above and the provisions of N.J.A.C. 6A:16-7.6(a)4.ii. through iv. and H.2. through H.5. above, as appropriate.

F. Appeal

1. Students may be subject to appropriate discipline for their school attendance record.
2. A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.
3. A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
 - a. The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.



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- b. The Principal or designee will respond in writing no later than seven school days after receiving the student's appeal.
- c. If the student is not satisfied, he/she may submit a written request to the Principal for consideration by an Attendance Review Committee.
- d. On a student's request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the student's appeal. The student's parent and teacher(s) may attend the meeting.
- e. The Attendance Review Committee shall decide the appeal and inform the student in writing within seven school days of the meeting.
- f. The student may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education in accordance with Policy 5710, Student Grievance and N.J.S.A. 18A. An appeal to the Attendance Review Committee shall be considered to have exhausted the first two steps of the grievance procedure outlined in Policy 5710.

G. Attendance Records

1. Attendance records for the school district and each school will be maintained and attendance rates will be calculated as required by the New Jersey Department of Education. The school district will comply with all attendance requirements and any improvement plans as required by the Department of Education.

H. Student Attendance – **Middle School/High School**

Absence from school restricts and inhibits the ability of the student to successfully complete the prescribed curriculum requirements. It also violates New Jersey State Law (N.J.S.A. 18A:38-25-6) requiring students to regularly attend school.

Every parent, guardian or other persons having custody and control of a child between the ages of six and sixteen years shall cause such child regularly to attend



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the public schools of the district or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive instruction elsewhere than at school.

In keeping with the prevailing laws of the State, the Rutherford Board of Education recognizes and accepts its responsibility to provide a thorough and efficient education for all students within the district. Since diplomas awarded by the Rutherford Board of Education are based upon verification of student growth and development by course and by competency, it is the paramount obligation of parents and students to accept student responsibility to attend school as scheduled.

The Rutherford Board of Education will neither condone nor permit student absences from school for any reason not specified in the law, nor will the Board issue credit if maximum attendance for each student is not achieved.

Only those students who have successfully completed the requirements for graduation as approved by the Rutherford Board of Education and have met the attendance requirements shall be eligible for the Diploma and be permitted to participate in the graduation ceremony.

1. Absenteeism

Statistical evidence indicates that normal absenteeism for legitimate illness ranges between five and eight percent of the student body on a daily basis. The school curriculum is designed to adequately compensate for this level of absenteeism by providing all students the opportunity to make up the missed instruction.

All students and parents will be notified upon the student's entrance to the Rutherford School District of the attendance policy and will be urged to guardedly conserve the allowable number of absences for such unforeseen necessities as accidents or sudden illnesses. Special provisions are made for certified hospital stays and other illnesses requiring long recuperations. Written medical verification will be required and must be submitted immediately upon the student's return to school. Homebound instruction is also available and periods of time under homebound instruction are not considered absences for the purposes of this policy.

a. Loss of Course Credit Due to Excessive Absenteeism



Students missing over eighteen school days will not qualify for receipt of assigned credit.

It is the intention of this policy that eighteen absences per year will provide for normal illnesses. Those students who use their quota for other reasons will not be able to claim relief on the basis that they did not expect to become ill after using the absences for other purposes.

b. Absence Verification

School attendance is a basic responsibility of students and their parents. Students who shirk responsibility for learning by absenting themselves from school/class are clearly impeding and complicating the learning process.

Parents/guardians are responsible for notifying the school early in the day when a child will be absent and for informing the school of the reason for the absence. The Superintendent shall develop procedures for the attendance of students which:

- (1) Ensure a school session which is in conformity with requirements of the rules of the State Board of Education;
- (2) Identify potentially missing and/or abused students;
- (3) Govern the keeping of attendance records in accordance with rules of the State Board of Education at N.J.A.C. 6A:6-1.1 et seq. including students serving in- or out-of-school suspensions, or excluded for health and cleanliness reasons.

When students are absent for any time whatever, they must, upon return to school, present a written explanation signed by one parent to the Attendance Office or homeroom teacher. At times some illnesses are treated by a doctor and it may become necessary to substantiate these absences during an appeals hearing if it is invoked against a student. Therefore medical excuses must be submitted immediately upon return to school, where they will become a part of the student's permanent attendance record. The



school will not honor retroactive medical excuses from doctors. According to the Age of Majority Law effective January 1, 1973, students eighteen years of age or older may sign their own absence excuses. This excuse should state the reason for and date(s) of absence. If there is any question regarding the written explanation, the teacher may refer the matter to the Assistant Principal.

c. Incomplete School Day

- (1) Students must arrive no later than 9:30 a.m. and leave no earlier than 1:30 p.m. to be counted present for a full day of school and three academic periods to be counted present for a half day of school.
- (2) Students with an abbreviated schedule (fifth year students) must be present for seventy-seven percent of their schedule to be counted present for a full day of school and for thirty-three percent of their schedule to be counted present for a half day of school.
- (3) Students leaving school prior to completion of their regularly scheduled day, except as provided under Section 2. below, will have their excuses reviewed by the administration.

d. Potentially Missing Children

- (1) If daily attendance records indicate a child is absent, and the parent/guardian has not called, a designated person shall attempt to contact them.
- (2) If no telephone contact can be made, the attendance officer shall investigate.
- (3) If the attendance officer cannot locate the child, he/she shall inform the Principal, who shall inform the appropriate local authorities.
- (4) If a child who was present in the morning is absent after lunch, the same procedure shall be followed.



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e. Marking Missing Child's School Record

Whenever the Superintendent receives notice from the Missing Persons Unit that a child has been reported missing, he/she shall mark the child's records in such a way that whenever a copy of or information regarding the record is requested, district personnel will be aware that the record is that of a missing child. If a copy of a marked school record is requested, the Superintendent shall supply the record to the requester without alerting him/her to the fact that the record has been marked, according to provisions in code and statute on accessing student records (see Policy 8330 Student Records). After the Superintendent has complied with the request for copies of records or information, he/she shall immediately report the inquiry or any knowledge as to the whereabouts of the missing child to the Missing Persons Unit.

f. Removal from School Roll

(1) Students missing four consecutive school days, who do not appear on home instruction, are not medically certified as incapacitated, and/or whose parents or guardians have not been accessible to contact from the school will be issued written notification to report back to school within five school days. Failure to do so could result in the removal of erring students from school rolls.

(a) Parents of students under the compulsory age shall be served a formal written notice to cause their children to attend school. Failure to comply with the provisions of the law may cause a parent to be deemed a disorderly person and be subjected to a fine. (N.J.S.A. 18:38-31)

(b) Students above the compulsory age, having been dropped from the rolls for not complying with the notice to return to school, may present a written petition to the Attendance Committee for readmittance. Each case will be reviewed separately



and each decision will be based upon the merits of the petition.

- (2) Students over sixteen years of age who miss more than thirty days of school, even though these days are non-consecutive, will be notified and dropped from the rolls. Notification will take the form of a personal conference with the parents(s), student, and Assistant Principal. Parents of those students under sixteen years of age shall be notified by the Attendance Office that credit for the course has been denied and the course must be audited for the remainder of the school year. Due process will be exercised to the fullest.

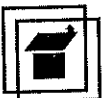
g. Unexcused Absences

Students who absent themselves from school without the knowledge of parents or guardians will be considered "truant" and may be suspended from school until a conference is held with the student, a parent, and the Assistant Principal.

The Board will report to appropriate authorities infractions of the law regarding the attendance of students below the age of sixteen. Repeated infractions by enrolled students over the age of sixteen may result in the suspension or expulsion of the student.

When a student fails to report to class or school accumulating up to four unexcused absences, the district shall:

- (1) Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence the day of the unexcused absence;
- (2) Attempt to contact the parents/guardians by telephone, email and/or cellular phone to determine the cause of the unexcused absence.
- (3) Develop an action plan to assist the student to return to school and maintain regular attendance.



If contact through these means is unsuccessful the district may follow-up with another attempt to contact the parents/guardians or send a letter reporting the unexcused absence and requesting the parent/guardian to contact the school.

If at any time it is suspected that there is a potential of abuse, neglect and/or a student is potentially missing the district shall implement all procedures required by law including reporting protocols, notification of parents/guardians and cooperation with law enforcement and other authorities and agencies, as appropriate.

h. Persistent Absences

If the pattern of unexcused absences continues and five to nine unexcused absences are accumulated the district shall:

- (1) Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence the day of the unexcused absence;
- (2) Attempt to contact the parents/guardians by telephone, email and/or cellular phone to determine the cause of the unexcused absence;
- (3) Conduct a follow-up investigation by contacting the student's parents/guardians in writing to determine the cause of each unexcused absence;
- (4) The Principal or his or her designee shall schedule a meeting with the parent/guardian and the student.

The purpose of this meeting shall be to evaluate the appropriateness of the action plan to assist the student to return to school and maintain regular attendance. The plan shall be reviewed and revised in coordination with the parent/guardian and may include the participation of the classroom teacher, school nurse, guidance counselor, Principal or other appropriate staff. The plan shall establish



outcomes based upon the student's needs and specify the interventions for achieving the outcomes and supporting the student's return to school and regular attendance. That plan may include any or all of the following:

- (a) Referral or consultation with the building's Response to Intervention (RTI) team;
- (b) Testing, assessments or evaluations of the student's academic, behavioral and health needs;
- (c) The consideration of an alternate educational placement;
- (d) Referral to a community-based social and health provider agency or other community resource;
- (e) Referral to the court program designated by the New Jersey Administrative Office of the Courts;
- (f) The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate.

i. Religious Observance

In accordance with statute, no student absent for religious observances of a day recognized by the Commissioner of Education or this Board of Education shall be charged with an absence, deprived of an award or eligibility/opportunity to compete for an award, or of the right to take an alternate to a test or examination missed through such absence.

2. Late Arrival and Early Dismissal

The Board recognizes that from time to time compelling circumstances will require that a student be late to school or dismissed before the end of the school day.



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As agent responsible for the education of the children of this district, the Board shall require that the school be notified in advance of such absences by written request of the student's parent/guardian, which shall state the reason for the tardiness or early dismissal. Justifiable reasons may include:

- a. Illnesses which manifested themselves after the student reported to school;
- b. Medical or dental appointments which cannot be scheduled outside of school hours;
- c. Driver's tests with verification of appointments;
- d. Emergencies sanctioned at the Principal's discretion;
- e. Interview for college entrance or employment.

3. Home Instruction

Home instruction may be initiated upon request by parents if the student is absent for ten consecutive days. A statement by a medical examiner giving a prognosis for the length of time a student will be absent and the nature of the illness must be filed in the Superintendent's office before home instruction may commence. Students on home instruction are considered present for attendance purposes.

4. Make-up Work

Although students are provided an opportunity to complete assignments missed due to absences, it would be unwise to suppose that they could compensate for the group interaction they missed in the learning activity of a total class meeting.

- (a) The rule of thumb for time allowed to make up work missed due to absence is equal to the total absences, except that the make-up period is not to exceed five days without the permission of the Principal or his/her delegate. Students have a responsibility to make up work missed.



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- (b) Students choosing to be absent from classes without excuse (cut) or otherwise found to be truant may not make up work missed during these infractions and may be subject to suspension.
- (c) Students may complete assignments for time missed from school due to actions initiated by the authorities of the school (suspension, exclusion, etc.)

5. Course Credit

Students who have accrued more than eighteen absences but less than thirty absences are considered to be in a Non-Credit Status. The school maintains a consistent obligation requiring all students to be present in school in order that they may be taught. The Non-Credit Status is a condition predicated upon attendance and performance. Students in this category may participate in all school related activities.

(a) Requirements for Completion of Courses

Students in Non-Credit Status who remain in class throughout the regular school year may complete a course's requirements in a summer school if they do not exceed the maximum number of allowable absences thirty, and if said course is offered. (Summer school class sessions total sixty hours of instruction, thereby properly permitting the make-up of the lost time.) A student may take only two courses during any one summer session.

(b) Withdrawal from Course

Students in a Non-Credit Status who subsequently withdraw from school will have a Withdrawal Passing (WP) or Withdrawal Failure (WF) on their permanent records. Subjects from which students have withdrawn cannot be made up in a remedial summer school program.

6. Attendance Policy for Shared Time School

Due to unique circumstances which are relative to students who attend the shared-time vocational school known as Shared Time School, a special attendance policy will apply to the time spent at Shared Time School.



Any student who attends the Shared Time School in the a.m. or p.m. session and who accrues more than eighteen absences from the said program will be withdrawn from that program and thereby receive no credit or Shared Time School. When a student accrues the nineteen absences and is withdrawn from the program, said student will be permitted to attend his or her remaining classes at Rutherford High School. Said student may not return to the vocational school during that school year.

Those students who are dropped from Shared Time School prior to the completion of the first semester at Rutherford High School, may have their second semester schedules adjusted in order to begin second semester courses at Rutherford High School thereby ensuring a full day of classes.

Those students who are dropped from Shared Time School after the beginning of the second semester at Rutherford High School will attend Rutherford High School on a part-time basis and will not be able to avail themselves of courses or credits for the other half of the school day.

7. Appeals

The Board is cognizant of possible unforeseen factors which may create hardships relating to the operation of the attendance policy.

- (a) Appeals may be made for relief from any measure related to this policy.
- (b) Petition for a hearing must be presented to the Principal by a parent or guardian within five days of the receipt of any notice regarding student attendance and/or any action being taken thereon.
- (c) Petition will be heard by the Attendance Committee, which may excuse one or more absences for reasons of illness, hardship, or other extenuating circumstances. Academic standing, general behavior, and course standings will be weighted by the committee.
- (d) All Attendance Committee decisions will be based on a simple majority vote.



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- (1) The committee will be appointed by the Superintendent of Schools.
 - (2) The committee shall consist of the school Principal, Assistant Principal, one department chairperson, one guidance counselor, and one teacher.
 - (e) Decisions of the Attendance Committee may be appealed to the Superintendent of Schools. Such appeals must be made in writing within seven days of receipt of the decision of the Attendance Committee.
 - (f) Decisions of the Superintendent may be appealed to the Board of Education. Such appeals must be made in writing within ten days of receipt of the decision of the Superintendent.
 - g. Decisions of the Board of Education may be appealed to the Commissioner of Education.
8. Record Keeping
- a. Reporting student absences is a primary responsibility of the school and shall be accomplished in the following manner:
 - (1) Absences from school will be recorded in an appropriate manner in the student information system. Attendance recorded on report cards is an unofficial record of student absences.
 - (2) The Attendance Office will mail a letter of notification to parents or guardians alerting them of the danger of the student's noncompliance with the attendance requirements. Letters will be mailed on the tenth and fifteenth absence. These letters are in addition to normal office procedures of random telephone calls checking on absences, reporting absences on report cards, and the use of progress reports.
 - (3) Notification will be mailed to parents or guardians informing them of a student's Non-Credit Status. Copies will be



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forwarded to the student's guidance counselor and subject teachers.

- (4) Homeroom teachers will record the daily class attendance for each session as directed by the Attendance Office.
- (5) Every teacher will record the daily class attendance for each student in his or her grade book.

b. Other Procedures

- (1) Transfers from **Union Middle School or Rutherford High School** to other districts during the school year will include notification of grades earned, promotion status, and an explanation of the policy regarding absences and grades.
- (2) Students who enter **Union Middle School or Rutherford High School** after the opening of school shall have the number of absences prorated.

I. Student Attendance – Elementary School

Absence from school restricts and inhibits the ability of the student to successfully complete the prescribed curriculum requirements. It also violates New Jersey State Law (N.J.S.A. 18A:38-25-26) requiring students to regularly attend school.

Every parent, guardian or other persons having custody and control of a child between the ages of six and sixteen years shall cause such child regularly to attend the public schools of the district or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive instruction elsewhere than at school.

In keeping with the prevailing laws of the State, the Rutherford Board of Education recognizes and accepts its responsibility to provide a thorough and efficient education for all students within the district. Since diplomas awarded by the Rutherford Board of Education are based upon verification of student growth and development by course and by competency, it is the paramount obligation of parents and students to accept student responsibility to attend school as scheduled.



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The Rutherford Board of Education will neither condone nor permit student absences from school for any reason not specified in the law, nor will the Board issue credit if maximum attendance for each student is not achieved.

Only those students who have successfully completed the requirements for graduation as approved by the Rutherford Board of Education and have met the attendance requirements shall be eligible for the diploma and be permitted to participate in the graduation ceremony.

1. Absenteeism

Statistical evidence indicates that normal absenteeism for legitimate illness ranges between five and eight percent of the student body on a daily basis. The school curriculum is designed to adequately compensate for this level of absenteeism by providing all students the opportunity to make up the missed instruction.

All students and parents will be notified upon the student's entrance to the Rutherford School District of the attendance policy and will be urged to guardedly conserve the allowable number of absences for such unforeseen necessities as accidents or sudden illnesses. Special provisions are made for certified hospital stays and other illnesses requiring long recuperations. Written medical verification will be required and must be submitted immediately upon the student's return to school. Homebound instruction is also available and periods of time under homebound instruction are not considered absences for the purposes of this policy.

a. Loss of Course Credit Due to Excessive Absenteeism

Students missing over eighteen school days will not qualify for promotion.

It is the intention of this policy that eighteen absences per year will provide for normal illnesses. Those students who use their quota for other reasons will not be able to claim relief on the basis that they did not expect to become ill after using the absences for other purposes.

b. Absence Verification



School attendance is a basic responsibility of students and their parents. Students who shirk responsibility for learning by absenting themselves from school/class are clearly impeding and complicating the learning process.

Parents/guardians are responsible for notifying the school early in the day when a child will be absent and for informing the school of the reason for the absence. The Superintendent shall develop procedures for the attendance of students which:

- (1) Ensure a school session which is in conformity with requirements of the rules of the State Board of Education;
- (2) Identify potentially missing and/or abused students;
- (3) Govern the keeping of attendance records in accordance with rules of the State Board of Education at N.J.A.C. 6A:6-1.1 et seq. including students serving in- or out-of-school suspensions, or excluded for health and cleanliness reasons.

When students are absent for any time whatever, they must, upon return to school, present a written explanation signed by one parent to the homeroom teacher. If the student has been treated by a physician, the parent may submit a note from the physician to support the student's absence. Students may be sent home for written verification if they fail to present a note from their parent.

c. Incomplete School Day

- (1) Students must complete one hour per session to be counted present for that session.
- (2) Students leaving school prior to completion of their regularly scheduled day, except as provided under Section B. below, will have their excuses reviewed by the administration.

d. Potentially Missing Children



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- (1) If daily attendance records indicate a child is absent, and the parent/guardian has not called, a designated person shall attempt to contact them.
- (2) If no telephone contact can be made, the attendance officer shall investigate.
- (3) If the attendance officer cannot locate the child, he/she shall inform the Principal, who shall inform the appropriate local authorities.
- (4) If a child who was present in the morning is absent after lunch, the same procedure shall be followed.

e. Marking Missing Child's School Record

Whenever the Superintendent receives notice from the Missing Persons Unit that a child has been reported missing, he/she shall mark the child's records in such a way that whenever a copy of or information regarding the record is requested, district personnel will be aware that the record is that of a missing child. If a copy of a marked school record is requested, the Superintendent shall supply the record to the requestor without alerting him/her to the fact that the record has been marked, according to provisions in code and statute on accessing student records (see Policy 8330 Student Records). After the Superintendent has complied with the request for copies of records or information, he/she shall immediately report the inquiry or any knowledge as to the whereabouts of the missing child to the Missing Persons Unit.

f. Removal from School Roll

- (1) Students missing four consecutive school days, who do not appear on home instruction, are not medically certified as incapacitated, and/or whose parents or guardians have not been accessible to contact from the school will be issued written notification to report back to school within five school days. Failure to do so could result in the removal of erring students from school rolls.



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- (a) Parents of students under the compulsory age shall be served a formal written notice to cause their children to attend school. Failure to comply with the provisions of the law may cause a parent to be deemed a disorderly person and be subjected to a fine. (N.J.S.A. 18:38-31)
 - (b) Students above the compulsory age, having been dropped from the rolls for not complying with the notice to return to school, may present a written petition to the Attendance Committee for re-admittance. Each case will be reviewed separately and each decision will be based upon the merits of the petition.
- (2) Students over sixteen years of age who miss more than thirty days of school, even though these days are non-consecutive, will be notified and dropped from the rolls. Notification will take the form of a personal conference with the parents(s), student, and Assistant Principal. Parents of those students under sixteen years of age shall be notified by the Attendance Office that credit for the course has been denied and the course must be audited for the remainder of the school year. Due process will be exercised to the fullest.
- g. Unexcused Absences

Students who absent themselves from school without the knowledge of parents or guardians will be considered "truant" and may be suspended from school until a conference is held with the student, a parent, and the Assistant Principal.

The Board will report to appropriate authorities infractions of the law regarding the attendance of students below the age of sixteen. Repeated infractions by enrolled students over the age of sixteen may result in the suspension or expulsion of the student.

When a student fails to report to class or school accumulating up to four unexcused absences, the district shall:



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- (1) Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence the day of the unexcused absence;
- (2) Attempt to contact the parents/guardians by telephone, email and/or cellular phone to determine the cause of the unexcused absence;
- (3) Develop an action plan to assist the student to return to school and maintain regular attendance.

If contact through these means is unsuccessful the district may follow-up with another attempt to contact the parents/guardians or send a letter reporting the unexcused absence and requesting the parent/guardian to contact the school.

If at any time it is suspected that there is a potential of abuse, neglect and/or a student is potentially missing the district shall implement all procedures required by law including reporting protocols, notification of parents/guardians and cooperation with law enforcement and other authorities and agencies, as appropriate.

h. Persistent Absences

If the pattern of unexcused absences continues and five to nine unexcused absences are accumulated the district shall:

- (1) Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence the day of the unexcused absence;
- (2) Attempt to contact the parents/guardians by telephone, email and/or cellular phone to determine the cause of the unexcused absence;
- (3) Conduct a follow-up investigation by contacting the student's parents/guardians in writing to determine the cause of each unexcused absence;



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- (4) The Principal or his or her designee shall schedule a meeting with the parent/guardian and the student.

The purpose of this meeting shall be to evaluate the appropriateness of the action plan to assist the student to return to school and maintain regular attendance. The plan shall be reviewed and revised in coordination with the parent/guardian and may include the participation of the classroom teacher, school nurse, guidance counselor, Principal or other appropriate staff. The plan shall establish outcomes based upon the student's needs and specify the interventions for achieving the outcomes and supporting the student's return to school and regular attendance. That plan may include any or all of the following:

- (a) Referral or consultation with the building's Response to Intervention (RTI) team;
- (b) Testing, assessments or evaluations of the student's academic, behavioral and health needs;
- (c) The consideration of an alternate educational placement;
- (d) Referral to a community-based social and health provider agency or other community resource;
- (e) Referral to the court program designated by the New Jersey Administrative Office of the Courts;
- (f) The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate.

i. Religious Observance

In accordance with statute, no student absent for religious observances of a day recognized by the Commissioner of Education or this Board of Education shall be charged with an absence,



deprived of an award or eligibility/opportunity to compete for an award, or of the right to take an alternate to a test or examination missed through such absence.

2. Late Arrival and Early Dismissal

The Board recognizes that from time to time compelling circumstances will require that a student be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this district, the Board shall require that the school be notified in advance of such absences by written request of the student's parent/guardian, which shall state the reason for the tardiness or early dismissal. Justifiable reasons may include:

- a. Illnesses which manifested themselves after the student reported to school;
- b. Medical or dental appointments which cannot be scheduled outside of school hours;
- c. Driver's tests with verification of appointments;
- d. Emergencies sanctioned at the Principal's discretion;
- e. Interview for college entrance or employment.

3. Home Instruction

Home instruction may be initiated upon request by parents if the student is absent for ten consecutive days. A statement by a medical examiner giving a prognosis for the length of time a student will be absent and the nature of the illness must be filed in the Superintendent's office before home instruction may commence. Students on home instruction are considered present for attendance purposes.

4. Make-up Work

Although students are provided an opportunity to complete assignments missed due to absences, it would be unwise to suppose that they could



compensate for the group interaction they missed in the learning activity of a total class meeting.

- a. The rule of thumb for time allowed to make up work missed due to absence is equal to the total absences, except that the make-up period is not to exceed five days without the permission of the Principal or his/her delegate. Students have a responsibility to make up work missed.
- b. Students choosing to be absent from classes without excuse (cut) or otherwise found to be truant may not make up work missed during these infractions and may be subject to suspension.
- c. Students may complete assignments for time missed from school due to actions initiated by the authorities of the school (suspension, exclusion, etc.)

5. Appeals

The Board is cognizant of possible unforeseen factors which may create hardships relating to the operation of the attendance policy.

- a. Appeals may be made for relief from any measure related to this policy.
- b. Petition for a hearing must be presented to the Principal by a parent or guardian within five days of the receipt of any notice regarding student attendance and/or any action being taken thereon.
- c. Petition will be heard by the Attendance Committee, which may excuse one or more absences for reasons of illness, hardship, or other extenuating circumstances. Academic standing, general behavior, and course standings will be weighed by the committee.
- d. All Attendance Committee decisions will be based on a simple majority vote.
 - (1) The committee will be appointed by the Superintendent of Schools.



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- (2) The committee shall consist of the school Principal or Assistant Principal, one guidance counselor, one school nurse, and two teachers.
 - e. Decisions of the Attendance Committee may be appealed to the Superintendent of Schools. Such appeals must be made in writing within seven days of receipt of the decision of the Attendance Committee.
 - f. Decisions of the Superintendent may be appealed to the Board of Education. Such appeals must be made in writing within ten days of receipt of the decision of the Superintendent.
 - g. Decisions of the Board of Education may be appealed to the Commissioner of Education.
6. Record Keeping
- a. Reporting student absences is a primary responsibility of the school and shall be accomplished in the following manner:
 - (1) Absences from school will be recorded in an appropriate manner on report cards issued every marking period. Attendance recorded on report cards is an unofficial record of student absences.
 - (2) The Attendance Office will mail a letter of notification to parents or guardian alerting them of the danger of the student's noncompliance with the attendance requirements. Letters will be mailed on the tenth and fifteenth absence. These letters are in addition to normal office procedures of random telephone calls checking on absences, reporting absences on report cards, and the use of progress reports.
 - (3) Homeroom teachers will record the daily attendance for each session as directed by the Attendance Office.
 - (4) Homeroom teachers will record the daily class attendance for each session as directed by the Attendance Office.



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- (5) Every teacher will record the daily class attendance for each student in his or her grade book.
- b. Other Procedures
- (1) Transfers from Rutherford Elementary Schools to other districts during the school year will include notification of grades earned, promotion status, and an explanation of the policy regarding absences and grades.
 - (2) Students who enter Rutherford Elementary Schools after the opening of school shall have the number of absences prorated.

Adopted: 26 June 2017



POLICY GUIDE

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Tax Exempt Debt Issues – Post-Issuance Compliance
May 14

[See POLICY ALERT No.]

6751 TAX EXEMPT DEBT ISSUES – POST-ISSUANCE COMPLIANCE

Tax-advantaged bonds (tax-exempt, tax credit, and direct pay) are bonds that receive preferential tax treatment. These bonds, issued by or on behalf of State and local governments, including New Jersey Boards of Education, are subject to applicable Federal tax requirements both at the time of issuance and for so long as the bonds remain outstanding. An issuer or other party's failure to comply with any applicable Federal tax requirement with respect to tax-advantaged bonds jeopardizes the preferential tax status of those bonds.

Compliance with certain applicable Federal tax requirements normally occurs at the closing of the bond transaction, while other Federal tax requirements require on-going monitoring after the issuance of the bonds. Issuance related requirements include filing a Form 8038 series information return (8038, 8038-G, 8038-GC, 8038-B, or 8038-TC) and the issuer having reasonable expectations of on-going post-issuance compliance. Additional issuance related requirements might include volume cap allocation limits and public approval of the bond issue.

Post-issuance Federal tax requirements generally fall into two categories: (1) qualified use of proceeds and financed property; and (2) arbitrage yield restriction and rebate. Qualified use requirements require monitoring of the various direct and indirect uses of bond-financed property over the life of the bonds and calculations of the percentage of nonqualified uses. Arbitrage requirements also require monitoring over the life of the bonds to determine whether both the yield on investments acquired with bond proceeds are properly restricted and whether the issuer must file Form 8038-T to pay a yield reduction payment and/or rebate payment.

Some Federal tax requirements that are generally issuance related might require some level of post-issuance due diligence monitoring. For example, adjustments to the determination of issue price for Federal tax purposes can affect compliance with volume cap allocation, arbitrage yield restriction, and other Federal tax requirements. Similarly, some level of post-issuance monitoring may be required to determine compliance with the issuance costs limitations applicable to qualified private activity bonds.



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Tax Exempt Debt Issues – Post-Issuance Compliance

The on-going nature of post-issuance compliance requirements applicable to tax-advantaged bonds requires issuers to actively monitor compliance throughout the entire period their bonds remain outstanding. This due diligence will significantly improve the issuer's ability to identify noncompliance and prevent violations from occurring, or timely correct identified violations (when prevention is not possible), to ensure the continued tax-advantaged status of the bonds.

The Board of Education adopts this Policy that is applicable to all bond issues, which go beyond reliance on tax certificates included in bond documents provided at closing.

Arbitrage

The School Business Administrator/Board Secretary shall obtain and retain a copy of IRS Form 8038-G or 8038-GC and the Non-Arbitrage Certificate. The School Business Administrator/Board Secretary, in consultation with appropriate financial advisors, shall determine whether an exception to arbitrage has been met based on the following criteria: small issuer; six-month spending exception; eighteen-month spending exception; and/or two-year construction exception.

If an exception to arbitrage has not been met, the School Business Administrator/Board Secretary, in consultation with appropriate financial advisors, shall determine the following:

1. Was a bond year chosen in the non-arbitrage certificate? If not, then discuss with the financial advisor and/or auditor the most advantageous period to choose.
2. Should an arbitrage calculation be prepared annually, or upon the fifth anniversary of the bond year?
 - a. Consideration should be given to the fact that positive arbitrage must be rebated to the IRS sixty days after the end of each fifth bond year, or sixty days after all proceeds are expended;
 - b. Prepare, or contract with a qualified professional to have prepared, the arbitrage calculation;



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- c. Rebate any positive arbitrage to the IRS (if unspent proceeds still exist, then only ninety percent of the liability must be rebated).

The School Business Administrator/Board Secretary shall be responsible for monitoring compliance with the IRS rules and this Policy, as well as maintaining receipt (including investment earnings) and disbursement records in sufficient detail, such that compliance can be met.

Non-Qualified Issue Monitoring

The School Business Administrator/Board Secretary shall determine if the issue, or a portion of the issue, was used to finance local government/school district facilities. No future monitoring is required if the issue or a portion of the issue was not used to finance local government/school district facilities. If the issue or a portion of the issue was not used to finance local government/school district facilities, the following tasks must be performed until the issue is fully paid:

1. Monitor the facility that was constructed or renovated with the proceeds of the issue to determine whether any of the following conditions were met:
 - a. Sale of the facility;
 - b. Lease of the facility;
 - c. Non-qualified management contract;
 - d. Non-qualified research contract;
 - e. Special legal entitlement;

If none of the conditions outlined in 1.a. through e. above were met, then no further action is required.

2. If any of the conditions outlined in 1.a. through e. above were met, then the following issues must be addressed:



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- a. Did any of the events outlined in 1.a. through 1.e. above, either individually or collectively, represent greater than five percent of the use of the facility?

If no event outlined in 1.a. through 1.e. above, either individually or collectively, represent greater than five percent of the use of the facility, then nothing further is required. If one or more events outlined in 1.a. through 1.e. above, either individually or collectively, represent greater than five percent of the use of the facility, then remedial action (an action that causes the issue to meet the private activity test, i.e. less than five percent) must be taken.

The School Business Administrator/Board Secretary, in conjunction with the appropriate financial advisors shall be responsible for monitoring the compliance with this Policy and to monitor Internal Revenue Service arbitrage and non-qualified issuer requirements.

Adopted:



UNMANNED AIRCRAFT SYSTEMS (UAS also known as DRONES)

7481 UNMANNED AIRCRAFT SYSTEMS (UAS also known as DRONES)

The Board of Education is concerned for the safety of all staff members, students, parents, community members, and visitors while on school grounds. The Board of Education recognizes the operation of an unmanned aircraft system (UAS) on school grounds or flying an unmanned aircraft on or over school grounds presents a public safety issue as school grounds are populated many hours of the day by students, staff members, parents, and community members.

An unmanned aircraft system is the unmanned aircraft and all the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc. necessary to operate the unmanned aircraft. The unmanned aircraft is the flying portion of the system by a pilot via a ground control system, or autonomously through the use of an on-board computer, communication links and any additional equipment that is necessary for the unmanned aircraft to operate safely. A model aircraft is considered an unmanned aircraft.

The Board of Education prohibits the operation of an unmanned aircraft system on school grounds, the launching or landing of an unmanned aircraft on school grounds, or the flying of an unmanned aircraft over school grounds at all times.

However, the Board of Education may authorize the use of an unmanned aircraft system on school grounds for an approved school district purpose.

The use of an unmanned aircraft system on school grounds **or at an approved school activity off school grounds** for school district purposes that is owned and operated by a contractor must be approved by the Board of Education. Such request must include documentation (to include: the pilot's certificate, medical certification, aircraft registration, etc.) supporting the contractor's compliance with all applicable Federal Aviation Administration regulations and any State and local laws for the operation of an unmanned aircraft system and proof of insurance coverage for the specific use as required by the Board of Education. The minimum insurance coverage shall be determined by the Board after consultation with the Board's insurance company and Board Attorney.

The use of an unmanned aircraft system on school grounds for school district purposes that is owned and operated by the Board of Education ~~or owned and operated by a student and~~ used in an approved school district program must be operated under the supervision of a school district staff member(s). The unmanned aircraft system shall only be operated on school grounds and the unmanned aircraft shall only be launched or landed on school grounds or flown over school grounds. The Superintendent or designee shall approve the specific activity(ies) or event(s) in which an unmanned aircraft system may be used. The



UNMANNED AIRCRAFT SYSTEMS (UAS also known as DRONES)

Superintendent or designee shall ensure the use of a school district-owned ~~or student-owned~~ unmanned aircraft system is in compliance with all applicable Federal Aviation Administration regulations and State and local laws for the operation of an unmanned aircraft system. In addition, the Superintendent or designee shall ensure the Board of Education has insurance coverage for the use or operation of an unmanned aircraft system. The insurance coverage shall be determined by the Board after consultation with the Board's insurance company and Board Attorney.

The Board of Education may post signage on school grounds indicating the operation of an unmanned aircraft system or flying an unmanned aircraft over school grounds without Board of Education approval is prohibited at all times.

The Board of Education will take appropriate action in accordance with Federal Aviation Administration regulations and/or any State and local laws against any violations of the provisions of this Policy.

Adopted: 26 June 2017

