



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

No. 218  
August 2019

- P & R 1642 Earned Sick Leave Law (M) (New)
- P 3159 Teaching Staff Member/School District Reporting Responsibilities (M) (Revised)
- P & R 3218 Use, Possession, or Distribution of Substances (M) (Revised)
- P & R 4218 Use, Possession, or Distribution of Substances (M) (Revised)
- P & R 6112 Reimbursement of Federal and Other Grant Expenditures (M) (Revised)
- P & R 7440 School District Security (M) (Revised)
- P 8600 Student Transportation (M) (Revised)
- P 8630 Bus Driver/Bus Aide Responsibility (M) (Revised)
- R 8630 Emergency School Bus Procedures (M) (Revised)
- P 8670 Transportation of Special Needs Students (M) (Revised)
- P 9210 Parent Organizations (Revised)
- P 9400 Media Relations (Revised)

This POLICY ALERT replaces and/or adds Policy and/or Regulation Guides in the following sections: 1000, 3000, 4000, 5000, 6000, 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.

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



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website, [www.straussesmay.com](http://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](http://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. Policy and Regulation guides enclosed in this mailing are double sided as a cost containment and paper conservation measure.

**P 1642 – Earned Sick Leave Law (M) (New)**

**R 1642 – Earned Sick Leave Law (M) (New)**

Strauss Esmay developed new Policy and Regulation Guides 1642 – Earned Sick Leave Law. An extensive Summary of the new earned sick leave law and the new Policy and Regulation Guides have been available for download on [www.straussesmay.com](http://www.straussesmay.com) since March 2019. Strauss Esmay also developed and made available for download “Sample” Policy and Regulation Guides 1642 designating the recommended options we believe are most advantageous to schools. The new Policy and Regulation Guides and the March 2019 Memorandum are included in this Policy Alert. These Guides are the same Guides that were available for download since March 2019. A Board that has previously downloaded and adopted these Guides does not need to re-adopt the Guides in this Policy Alert. Policy and Regulation Guides 1642 are mandated and must be adopted by the Board.

Policy and Regulation Guides 1642 are **MANDATED**

**P 3159 – Teaching Staff Member/School District Reporting Responsibilities (M) (Revised)**

Policy Guide 3159 has been revised to incorporate a new law, P.L. 2019, c. 46 (N.J.S.A. 18A:6-38.5), which indicates in the event a Board of Education determines a teaching staff member has failed to report an incident of child abuse, pursuant to a tenure charge finding or the teaching staff member’s conviction for a disorderly persons violation pursuant to N.J.S.A. 9:6-8.14, the Board is now required to submit a report outlining their findings to the State Board of Examiners. The report will be reviewed by the Board of Examiners to determine if the teaching staff member’s failure to report warrants the revocation or suspension of a certificate. Policy Guide 4159 - Support Staff Member/School District Reporting Responsibilities is not affected as the new law only applies to teaching staff members issued a certificate by the Board of Examiners. Policy Guide 3159 is mandated.

Policy Guide 3159 is **MANDATED**

**P 3218 – Use, Possession, or Distribution of Substances (M) (Revised)**

**R 3218 – Use, Possession, or Distribution of Substances (M) (Revised)**

**P 4218 – Use, Possession, or Distribution of Substances (M) (Revised)**

**R 4218 – Use, Possession, or Distribution of Substances (M) (Revised)**



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Two issues recently came up regarding a school district staff member suspected to be under the influence of a controlled dangerous substance or alcohol during work hours or at a school-sponsored function where the staff member had been assigned job responsibilities that have caused Strauss Esmay to revise the existing Policy and Regulation Guides 3218 and 4218.

A Board of Education, not using Strauss Esmay Policy Guides, recently requested the Commissioner of Education order a teacher to permit the release of blood test results that were ordered in relation to a claim the teacher was under the influence of alcohol during work hours. The Administrative Law Judge rejected the Board's request, holding the Board did not prove they would suffer irreparable harm if the results were not released and the Commissioner concurred. Strauss Esmay is unsure if this Commissioner decision would be upheld on review; however, Policy and Regulation Guides 3218 and 4218 have been revised to prevent this situation from occurring. These Guides now indicate in the event the results of a medical examination and substance test are not provided to the Superintendent, the Board will treat the test as a positive result for substances. Strauss Esmay believes this will avoid an issue in which a staff member blocks a laboratory from turning over test results legally ordered by the district because doing so will result in the presumption the staff member tested positive and was under the influence.

In addition, Strauss Esmay has noticed a pattern, upon reading and reporting tenure dismissal cases decided by arbitrators under TEACHNJ in the *New Jersey School Digest*, that arbitrators are requiring evidence of progressive discipline that provides clear notice to staff members their previous conduct was unacceptable. Arbitrators are more supportive of termination of staff members found to be under the influence when the tenured staff member has violated a Last Chance Agreement. A Last Chance Agreement provides an employee with a second chance to continue employment in the district while establishing the staff member is on notice that the next disciplinary issue could result in their termination. The Last Chance Agreement is entered into by the employee and the Board on a case-by-case basis.

Policy and Regulation Guides 3218 and 4218 have been revised giving the Board the option to offer a Last Chance Agreement to a staff member upon the recommendation of the Superintendent and upon approval of the Board. The option should be selected if a Board of Education wants language addressing a Last Chance Agreement included in Board Policy. However, a Board of Education may, in its sole discretion, offer a Last Chance Agreement if this option is not included in their Board Policy. There is no statute or code that addresses the process to be used when a staff member is suspected to be under the influence while working. However, the provisions in these Guides provide a comprehensive procedure with adequate due process for staff members suspected of being under the influence and may be revised to meet local needs.

These Policy and Regulation Guides are mandated based on the need for a Policy and Regulation Guide that addresses this important issue.

Policy and Regulation Guides 3218 are **MANDATED**  
Policy and Regulation Guides 4218 are **MANDATED**



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**P 6112 – Reimbursement of Federal and Other Grant Expenditures (M) (Revised)**  
**R 6112 – Reimbursement of Federal and Other Grant Expenditures (M) (Revised)**

The American Recovery and Reinvestment Act (ARRA) requires school districts to have a formal Board approved policy concerning requests for reimbursement by Federal grants to be submitted to the New Jersey Department of Education (NJDOE) for review. The NJDOE has published a revised policy and procedure guidance, New Jersey Department of Education Policies and Procedures for Reimbursement of Federal and Other Grant Expenditures, which necessitated revisions in Policy and Regulation Guides 6112. The revisions align the Policy and Regulation Guide with the NJDOE guidance and include changes such as: reimbursement requests may only be for expenditures that have already occurred or will occur within three business days of receipt of funds, no longer by the last calendar day of the month in which the request was made; and the \$50,000 threshold for submitting amendment applications has been removed leaving the only threshold as more than 10% of the total award. The current NJDOE policy and procedure guidance does not reference the Federal Uniform Grant Guidance, which replaced the United States Education Department General Administrative Regulations (EDGAR). These Guides have also been revised to reference the Federal Uniform Grant Guidance. Policy and Regulation Guides 6112 are mandated as the NJDOE requires a policy and regulation/procedure for ARRA monitoring.

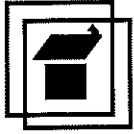
Policy and Regulation Guides 6112 are **MANDATED**

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

P.L. 2019, c. 33 known as “Alyssa’s Law” (N.J.S.A. 18A:41-10 through 13) was approved on February 6, 2019 and requires school districts to equip each public elementary and secondary school building with at least one “panic alarm” school security system effective September 1, 2019. The law mandates the “panic alarm” security system be directly linked to local law enforcement authorities, capable of transmitting a signal or message to the authorities, and not be audible within the school building. In addition, P.L. 2019, c. 106 (N.J.S.A. 18A:41-7.1) was approved on May 10, 2019 and was effective immediately. This new law requires the Board or Superintendent to provide local law enforcement copies of current blueprints and maps of all schools and school grounds in the district and to provide revised copies to law enforcement upon any changes. Policy and Regulation Guides 7440 have been revised to incorporate the requirements of these two new laws and to include several additional security provisions regarding new school construction and existing school buildings, N.J.S.A. 18A:7G-5.2. “Alyssa’s Law” requires the New Jersey School Development Authority (SDA) to develop administrative code to provide further guidance on the new law. This administrative code is not yet available; however, Strauss Esmay wanted to proactively provide districts with an updated Policy and Regulation Guide as soon as possible. Strauss Esmay Associates will update these Guides if new administrative code or SDA guidance requires Guide revisions. Policy and Regulation Guides 7440 are mandated.

Policy and Regulation Guides 7440 are **MANDATED**

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**P 8600 – Student Transportation (M) (Revised)**

Policy and Regulation Guides 8600 have been revised to address the following legislation P.L. 2018, c. 118 (N.J.S.A. 39:3B-10), P.L. 2018, c. 159 (N.J.S.A. 39:3B-27), and P.L. 2019 c. 43 (N.J.S.A. 39:3B-2 and 2.1). N.J.S.A. 39:3B-10 requires all buses manufactured 180 days after August 25, 2018 to be equipped with certain safety specifications. N.J.S.A. 39:3B-27 requires school districts to comply with various Federal regulations regarding school bus operations. N.J.S.A. 39:3B-2 requires every bus to display signs or legends which will inform other drivers of the law with respect to passing a bus while it is loading or unloading. N.J.S.A. 39:3B-2 also requires the Board to place signage on the rear of all school buses providing school district contact information to the public for reporting misconduct by the bus driver while he or she is operating the school bus to school district officials. The mandated contact information needs to be for the school district or nonpublic school for which the school bus provides transportation. N.J.S.A. 39:3B-2.1 requires the Commissioner of Education to develop regulations to implement N.J.S.A. 39:3B-2. The Commissioner of Education's regulations will clarify the following issues for school districts regarding bus driver misconduct complaints: the appropriate official to respond to any such complaints, the appropriate action for a school to take in response to any such complaint, and the time period a school has to respond to any such complaint. These regulations are not yet available, but as soon as they are Strauss Esmay will make the necessary revisions to Policy Guide 8600. Additionally, the Policy and Regulation Guides have been revised to incorporate by reference lengthy sections of the applicable transportation statutes and administrative code. These sections of the statute and code are too extensive to include in a Policy or Regulation Guide.

Policy Guide 8600 is **MANDATED**



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**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 to include a new statute, N.J.S.A. 18A:39-19.6. The new law requires that within one business day after the Commissioner of Education notifies a Board of Education that a school bus driver employed by the Board has had their bus driver's license suspended or revoked by the New Jersey Motor Vehicle Commission (NJMVC), the Board is required to provide a statement to the New Jersey Department of Education (NJDOE) that the school bus driver is no longer operating a school bus for the Board of Education. Policy Guide 8630 has been revised to reflect this requirement in the new law. In addition, the New Jersey Legislature recently passed N.J.S.A. 18A:39-19.1a that mirrors existing language in N.J.A.C. 6A:27-11.3 - School Bus Driver Training, with one additional section requiring a safety education program be administered twice per calendar year for school bus drivers and school bus aides. Previously, there was no legal requirement regarding the number of times the program needed to be administered each year. This new training requirement has been added to Section A.3. of Regulation Guide 8630.

Additionally, Policy Guide 8630 has been revised to address N.J.S.A. 39:3-10.1 and N.J.S.A. 39:3-10.1a which were recently passed by the New Jersey Legislature. These statutes mandate a school bus driver over a certain age must submit a medical examination and screening to a Board of Education before being permitted to begin or continue their employment. Policy and Regulation Guides 8630 are mandated.

Policy and Regulation Guides 8630 are **MANDATED**

**P 8670 – Transportation of Special Needs Students (M) (Revised)**

Policy Guide 8670 has been updated changing “disabled” to “special needs” when referring to a student with disabilities. The administrative code section, N.J.A.C. 6A:27-5.1, uses “special needs students” and “students with disabilities” and is used accordingly in this Policy. Additional details from the administrative code were added to this Policy Guide. This Policy Guide is mandated.

Policy Guide 8670 is **MANDATED**



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**P 9210 – Parent Organizations (Revised)**

Policy Guide 9210 has been updated and is intended to provide guidance to a Board of Education regarding parent organizations and their involvement in the school district. This Policy Guide has been revised to require Superintendent or designee approval, rather than Board approval, for parent organizations that organize students, sponsor activities, or solicit moneys in the name of the school district or a school in the district. A Board does not have to make this recommended revision if the Board's practice has been to receive and approve parent organization requests. The Policy Guide has also been revised to indicate a parent organization is independent from the Board of Education and Board of Education and/or district staff members are not responsible for the activities of a parent organization. The revised Policy Guide also indicates the representatives of a parent organization must comply with all applicable Board policies.

Policy Guide 9210 is **RECOMMENDED**

**P 9400 – Media Relations (Revised)**

Policy Guide 9400 provides guidelines governing cooperation between media and the school district. The Policy Guide establishes protocols for school district staff members communicating with the media regarding school business. Recently, a New Jersey Superior Court Judge ruling, in a matter between a Board of Education and an employee regarding several unrelated matters, suggested Policy Guide 9400 may be overbroad and could be interpreted to restrict a staff member from communicating with the media on their own behalf as a private citizen. The existing Policy Guide requires the Superintendent to designate a staff member to communicate with the media regarding school district related business as a representative of the Board. The existing Policy Guide was not intended to interfere with a staff member's First Amendment rights to speak on their own behalf as a private citizen. Policy Guide 9400 has been revised to clarify that a staff member is not required to receive prior authorization from the Superintendent or designee to communicate with the media regarding school business provided the staff member indicates they are communicating on their own behalf as a private citizen and not as a representative of the Board. The revised Policy Guide indicates a staff member should be cognizant of privacy and confidentiality provisions of the law in such communications. Policy Guide 9400 title has also been revised.

Policy Guide 9400 is **RECOMMENDED**

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[See POLICY ALERT No. 218]

## 1642 EARNED SICK LEAVE LAW

All persons holding any office, position, or employment in local school districts, regional school districts, or county vocational schools of the State who are steadily employed by the Board of Education or who are protected by tenure in their office, position, or employment under the provisions of N.J.S.A. 18A:30-2 or any other law, except persons in the classified service of the civil service under Title 11, Civil Service, of the Revised Statutes, shall be allowed sick leave with full pay for a minimum of ten school days in any school year in accordance with the provisions of N.J.S.A. 18A:30-2.

However, a Board of Education may determine some persons holding an office, position, or employment are not eligible for sick leave in accordance with N.J.S.A. 18A:30-2. These persons shall be covered under the provisions of the New Jersey Earned Sick Leave Law (Act), N.J.S.A. 34:11D-1 through 34:11D-11. Policy and Regulation 1642 outline the provisions of the Act for those persons the Board of Education determines are not eligible for sick leave in accordance with the provisions of N.J.S.A. 18A:30-2 or any rule or law of New Jersey other than the Act.

For the purposes of Policy and Regulation 1642, “employer” means a local school district, regional school district, county vocational school, or charter school of the State who does not provide sick leave with full pay to an employee pursuant to N.J.S.A. 18A:30-2 or any other law, rule, or regulation of New Jersey and is required to comply with the requirements of the Act.

For the purposes of Policy and Regulation 1642, “employee” means an individual engaged in service for compensation to a local school district, regional school district, county vocational school, or charter school of the State who is not provided sick leave with full pay pursuant to N.J.S.A. 18A:30-2 or any other law, rule, or regulation of New Jersey and is eligible to accrue earned sick leave in accordance with the requirements of the Act.

In accordance with the provisions of N.J.S.A. 34:11D-2, for every thirty hours worked, an employee eligible to accrue earned sick leave under the Act shall accrue one hour of earned sick leave commencing no later than October 29, 2018.





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The employer will not provide an employee with the full complement of earned sick leave for a benefit year as required under N.J.S.A. 34:11D-2 on the first day of each benefit year in accordance with the provisions of N.J.S.A. 34:11D-2.a.

The employer will not permit the employee to accrue or use in any benefit year, or carry forward from one benefit year to the next, more than forty hours of earned sick leave.

Unless the employee has accrued earned sick leave prior to October 29, 2018, the earned sick leave shall begin to accrue on October 29, 2018 for any employee who is hired and commences employment before October 29, 2018 and the employee shall be eligible to use the earned sick leave beginning February 26, 2019 after the employee commences employment.

If the employee's employment commences after October 29, 2018, the earned sick leave shall begin to accrue upon the date that employment commences. The employee shall be eligible to use the earned sick leave beginning on the 120<sup>th</sup> calendar day after the employee commences employment.

The employer shall be in compliance with N.J.S.A. 34:11D-2 if the employer offers paid time off to an employee, which is fully paid and shall include, but is not limited to personal days, vacation days, and sick days, and may be used for the purposes of N.J.S.A. 34:11D-3 in the manner provided by the Act, and is accrued at a rate equal to or greater than the rate described in N.J.S.A. 34:11D-2.

The employer shall pay the employee for earned sick leave at the same rate of pay with the same benefits as the employee normally earns, except that the pay rate shall not be less than the minimum wage required for the employee pursuant to N.J.S.A. 34:11-56a4.



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The employer shall permit an employee to use the earned sick leave accrued pursuant to the Act for any of the reasons outlined in N.J.S.A. 34:11D-3.a.

No employer shall take retaliatory personnel action or discriminate against an employee who accrues sick leave under the Act because the employee requests or uses earned sick leave either in accordance with the Act or the employer's own earned sick leave policy for employees covered under the Act. Any complaints alleging a violation of the Act shall be filed in accordance with the provisions of N.J.S.A. 34:11D-4.

In accordance with N.J.S.A. 34:11D-5, failure of the employer to comply with the provisions of the Act shall be regarded as a failure to meet the wage payment requirements of the "New Jersey State Wage and Hour Law."

The employer shall retain records documenting hours worked and earned sick leave taken by employees covered under the Act in accordance with the provisions of N.J.S.A. 34:11D-6.

The employer shall provide notification, in a form issued by the Commissioner of Labor and Workforce Development, to employees of their rights under the Act; post the notification; and provide a copy of the notification to employees eligible to accrue earned sick leave under the Act in accordance with the provisions of N.J.S.A. 34:11D-7.

N.J.S.A. 34:11D-1 through 34:11D-11

Adopted:



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## R 1642 EARNED SICK LEAVE LAW

### A. Definitions Relative to Policy and Regulation 1642 and the New Jersey Earned Sick Leave Law (Act)

“Act” means the New Jersey Earned Sick Leave Law – N.J.S.A. 34:11D-1, through 34:11D-11.

“Benefit year” means the period of twelve consecutive months, July 1 through June 30, as established by an employer in which an employee shall accrue and use earned sick leave as provided pursuant to N.J.S.A. 34:11D-2, provided that once the starting date of the benefit year is established by the employer it shall not be changed unless the employer notifies the Commissioner of Labor and Workforce Development of the change in accordance with regulations promulgated pursuant to the Act. The Commissioner shall impose a benefit year on any employer the Commissioner determines is changing the benefit year at times or in ways that prevent the accrual or use of earned sick leave by an employee.

“Certified Domestic Violence Specialist” means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.

“Child” means a biological, adopted, or foster child, stepchild or legal ward of an employee, child of a domestic partner or civil union partner of the employee.

“Civil union” means a civil union as defined in N.J.S.A. 37:1-29.

“Commissioner” means the Commissioner of Labor and Workforce Development.

“Department” means the Department of Labor and Workforce Development.



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“Designated domestic violence agency” means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.

“Domestic or sexual violence” means stalking, any sexually violent offense, as defined in N.J.S.A. 30:4-27.26, or domestic violence as defined in N.J.S.A. 2C:25-19, and N.J.S.A. 17:29B-16.

“Domestic partner” means a domestic partner as defined in N.J.S.A. 26:8A-3.

“Employee” means, for the purposes of Policy and Regulation 1642, an individual engaged in service for compensation to a local school district, regional school district, county vocational school, or charter school of the State who is not provided with sick leave with full pay pursuant to N.J.S.A. 18A:30-2 or any other law, rule, or regulation of New Jersey and is eligible to accrue earned sick leave in accordance with the requirements of the Act.

“Employer” means, for the purposes of Policy and Regulation 1642, a local school district, regional school district, county vocational school, or charter school of the State who does not provide sick leave with full pay to an employee pursuant to N.J.S.A. 18A:30-2 or any other law, rule, or regulation of New Jersey and is required to comply with the requirements of the Act.

“Family member” means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of an employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

“Health care professional” means any person licensed under Federal, State, or local law, or the laws of a foreign nation, to provide health care services, or any other person who has been authorized to provide health care by a licensed health care professional, including but not limited to doctors, nurses, and emergency room personnel.



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“Parent” means a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or of the employee’s spouse, domestic partner, or civil union partner, or a person who stood in loco parentis of the employee or the employee’s spouse, domestic partner, or civil union partner when the employee, spouse or partner was a minor child.

“Retaliatory personnel action” means denial of any right guaranteed under the Act and any threat, discharge, including a constructive discharge, suspension, demotion, unfavorable reassignment, refusal to promote, disciplinary action, sanction, reduction of work hours, reporting or threatening to report the actual or suspected immigrant status of an employee or the employee’s family, or any other adverse action against an employee.

“Sibling” means a biological, foster, or adopted sibling of an employee.

“Spouse” means a husband or wife.

## B. Provision of Earned Sick Leave – N.J.S.A. 34:11D-2

1. The employer shall provide earned sick leave in accordance with the Act for each employee working for the employer.
2. For every thirty hours worked, the employee shall accrue one hour of earned sick leave. The employer will not provide an employee their full complement of earned sick leave for a benefit year as required under N.J.S.A. 34:11D-2 on the first day of each benefit year in accordance with the Act.
3. The employer will not permit the employee to accrue or use in any benefit year, or carry forward from one benefit year to the next, more than forty hours of earned sick leave.
  - a. Unless the employee has accrued earned sick leave prior to October 29, 2018, the earned sick leave shall begin to accrue on October 29, 2018 for any employee who is hired and commences employment before October 29, 2018 and the employee shall be eligible to use the earned sick leave beginning on February 26, 2019 after the employee commences employment.



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- b. If the employee's employment commences after October 29, 2018, the earned sick leave shall begin to accrue upon the date that employment commences. The employee shall be eligible to use the earned sick leave beginning on the 120<sup>th</sup> calendar day after the employee commences employment.
4. The employer shall be in compliance with N.J.S.A. 34:11D-2 if the employer offers paid time off to an employee, which is fully paid and shall include, but is not limited to personal days, vacation days, and sick days, and may be used for the purposes of N.J.S.A. 34:11D-3 in the manner provided by the Act, and is accrued at a rate equal to or greater than the rate described in N.J.S.A. 34:11D-2.
5. The employer shall pay the employee for earned sick leave at the same rate of pay with the same benefits as the employee normally earns, except that the pay rate shall not be less than the minimum wage required for the employee pursuant to N.J.S.A. 34:11-56a4.
6. Upon the mutual consent of the employee and employer, an employee may voluntarily choose to work additional hours or shifts during the same or following pay period, in lieu of hours or shifts missed, but shall not be required to work additional hours or shifts or use accrued earned sick leave. The employer may not require, as a condition of an employee using earned sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned sick leave.



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7. If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, then the employee shall be entitled to all earned sick leave accrued at the prior division, entity, or location, and shall be entitled to use the accrued earned sick leave as provided in the Act.
  8. If an employee is terminated, laid off, furloughed, or otherwise separated from employment with the employer, any unused accrued earned sick leave shall be reinstated upon the re-hiring or reinstatement of the employee to that employment, within six months of termination, being laid off or furloughed, or separation, and prior employment with the employer shall be counted towards meeting the eligibility requirements set forth in N.J.S.A. 34:11D-2.
  9. The employer may choose the increments in which its employees may use earned sick leave, provided that the largest increment of earned sick leave an employee may be required to use for each shift for which earned sick leave is used shall be the number of hours the employee was scheduled to work during that shift.
- C. Permitted Usage of Earned Sick Leave – N.J.S.A. 34:11D-3
1. The employer shall permit an employee to use the earned sick leave accrued pursuant to the Act for any of the following:
    - a. Time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
    - b. Time needed for the employee to aid or care for a family member of an employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
    - c. Absence necessary due to circumstances resulting from the employee, or a family member of an employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from



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physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

- d. Time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of an employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or
  - e. Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.
2. If an employee's need to use earned sick leave is foreseeable, the employer will require advance notice, not to exceed seven calendar days prior to the date the leave is to begin, of the intention to use the leave and its expected duration, and shall make a reasonable effort to schedule the use of earned sick leave in a manner that does not unduly disrupt the operations of the employer. If the reason for the leave is not foreseeable, the employer will require an employee to give notice of the intention as soon as practicable, if the employer has notified the employee of this requirement.





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- a. The employer may prohibit employees from using foreseeable earned sick leave on certain dates provided reasonable notice of these dates is provided to employees and the employer will require reasonable documentation if sick leave that is not foreseeable is used during those dates.
- b. For earned sick leave of three or more consecutive days, the employer will require reasonable documentation that the leave is being taken for the purpose permitted under N.J.S.A. 34:11D-3.a. and C.1. above.
- c. If the leave is permitted under N.J.S.A. 34:11D-3.a.(1) and C.1.a. above or N.J.S.A. 34:11D-3.a.(2) and C.1.b. above, documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, number of days of leave, shall be considered reasonable documentation.
- d. If the leave is permitted under N.J.S.A. 34:11D-3.a.(3) and C.1.c. above because of domestic or sexual violence, any of the following shall be considered reasonable documentation of the domestic or sexual violence: medical documentation; a law enforcement agency record or report; a court order; documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.
- e. If the leave is permitted under N.J.S.A. 34:11D-3.a.(4) and C.1.d. above, a copy of the order of the public official or the determination by the health authority shall be considered reasonable documentation.



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- f. If the leave is permitted under N.J.S.A. 34:11D-3.a.(5) and C.1.e. above, tangible proof of the reasons outlined in N.J.S.A. 34:11D-3.a.(5) and C.1.e. above shall be considered reasonable documentation.
  3. Nothing in the Act shall be deemed to require the employer to provide earned sick leave for an employee's leave for purposes other than those identified in N.J.S.A. 34:11D-3, or prohibit the employer from taking disciplinary action against an employee who uses earned sick leave for purposes other than those identified in N.J.S.A. 34:11D-3.
  4. The employer will not pay an employee for unused earned sick leave at the end of the benefit year pursuant to N.J.S.A. 34:11D-3.c.
  5. Unless the employer's policy or a collective bargaining agreement provides for the payment of accrued earned sick leave upon termination, resignation, retirement, or other separation from employment, an employee shall not be entitled under N.J.S.A. 34:11D-3 to payment of unused earned sick leave upon the separation from employment.
  6. Any information the employer possesses regarding the health of an employee or any family member of the employee or domestic or sexual violence affecting an employee or employee's family member shall be treated as confidential and not disclosed except to the affected employee or with the written permission of the affected employee.
- D. Retaliation, Discrimination Prohibited – N.J.S.A. 34:11D-4
1. No employer shall take retaliatory personnel action or discriminate against an employee who accrues sick leave under the Act because the employee requests or uses earned sick leave either in accordance with the Act or the employer's own earned sick leave policy for employees covered under the Act. Any complaints alleging a violation of the Act shall be filed in accordance with the provisions of N.J.S.A. 34:11D-4.



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- a. The employer shall not count earned sick leave taken under the Act as an absence that may result in the employee being subject to discipline, discharge, demotion, suspension, a loss or reduction of pay, or any other adverse action.
2. There shall be a rebuttable presumption of an unlawful retaliatory personnel action under N.J.S.A. 34:11D-4 whenever the employer takes adverse action against an employee within ninety days of when that employee:
    - a. Files a complaint with the Department or a court alleging a violation of any provision of N.J.S.A. 34:11D-4;
    - b. Informs any person about the employer's alleged violation of N.J.S.A. 34:11D-4;
    - c. Cooperates with the Department or other persons in the investigation or prosecution of any alleged violation of N.J.S.A. 34:11D-4;
    - d. Opposes any policy, practice, or act that is unlawful under N.J.S.A. 34:11D-4; or
    - e. Informs any person of his or her rights under N.J.S.A. 34:11D-4.
  3. Protections of N.J.S.A. 34:11D-4 shall apply to any person who mistakenly but in good faith alleges violations of the Act.
  4. Any violator of the provisions of N.J.S.A. 34:11D-4 shall be subject to relevant penalties and remedies provided by the "New Jersey State Wage and Hour Law," N.J.S.A. 34:11-56a et seq., including the penalties and remedies provided by N.J.S.A. 34:11-56a24, and relevant penalties and remedies provided by N.J.S.A. 2C:40A-2, for discharge or other discrimination.
- E. Violations; Remedies, Penalties, Other Measures – N.J.S.A. 34:11D-5
1. Any failure of the employer to make available or pay earned sick leave as required by the Act, or any other violation of the Act, shall be regarded as a failure to meet the wage payment requirements of the "New Jersey State Wage and Hour Law," N.J.S.A. 34:11-56a et seq., or other violation of the New Jersey State Wage



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and Hour Law, as the case may be, and remedies, penalties, and other measures provided by the New Jersey State Wage and Hour Law, N.J.S.A. 34:11-58, and N.J.S.A. 2C:40A-2 for failure to pay wages or other violations of the New Jersey State Wage and Hour Law shall be applicable, including, but not limited to, penalties provided pursuant to N.J.S.A. 34:11-56a22 and 34:11-56a24, and civil actions by employees pursuant to N.J.S.A. 34:11-56a25, except that an award to an employee in a civil act shall include, in addition to the amount provided pursuant to N.J.S.A. 34:11-56a25, any actual damages suffered by the employee as the result of the violation plus an equal amount of liquidated damages.

## F. Retention of Records, Access – N.J.S.A. 34:11D-6

1. The employer shall retain records documenting hours worked by employees and earned sick leave accrued/advanced, used, paid, and paid out and carried over by/to employees, for a period of five years, and shall, upon demand, allow the Department access to those records to monitor compliance with the requirements of the Act.
  - a. If an employee makes a claim the employer has failed to provide earned sick leave required by the Act and the employer has not maintained or retained adequate records documenting hours worked by the employee and earned sick leave taken by the employee or does not allow the Department access to the records, it shall be presumed the employer has failed to provide the earned sick leave, absent clear and convincing evidence otherwise.
2. In addition, the penalties provided by the “New Jersey State Wage and Hour Law,” N.J.S.A. 34:11-56a et seq. for violations of the requirements of the New Jersey State Wage and Hour Law regarding the maintaining and disclosure of records shall apply to violations of the requirements of N.J.S.A. 34:11D-6.

## G. Notification to Employees – N.J.S.A. 34:11D-7

1. The employer shall provide notification, in a form issued by the Commissioner, to employees of their rights under the Act,



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including the amount of earned sick leave to which they are entitled and the terms of its use and remedies provided by the Act to employees if the employer fails to provide the required benefits or retaliates against employees exercising their rights under the Act.

- a. The employer shall conspicuously post the notification in a place or places accessible to all employees in each of the employer's workplaces.
- b. The employer shall also provide each employee with a written copy of the notification: not later than thirty days after the form of the notification is issued; at the time of the employee's hiring, if the employee is hired after the issuance; and at any time, when first requested by the employee.
- c. The Commissioner shall make the notifications available in English, Spanish, and any other language that the Commissioner determines is the first language of a significant number of workers in the State and the employer shall use the notification in English, Spanish, or any other language for which the Commissioner has provided notifications and which is the first language of a majority of the employer's workforce.

## H. Provisions Preemptive; Construction of Act – N.J.S.A. 34:11D-8

1. No provision of the Act, or any regulations promulgated to implement or enforce the Act, shall be construed as:
  - a. Requiring the employer to reduce, or justifying the employer in reducing, rights or benefits provided by the employer pursuant to the employer's policy or a collective bargaining agreement which are more favorable to employees than those required by the Act or which provide rights or benefits to employees not covered by the Act;
  - b. Preventing or prohibiting the employer from agreeing, through a collective bargaining agreement or employer policy, to provide rights or benefits which are more



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favorable to employees than those required by the Act or to provide rights or benefits to employees not covered by the Act;

- c. Prohibiting the employer from establishing a policy whereby an employee may donate unused accrued earned sick leave to another employee or other employees; or
- d. Superseding any law providing collective bargaining rights for employees, or in any way reducing, diminishing, or adversely affecting those collective bargaining rights, or in any way reducing, diminishing, or affecting the obligations of the employer under those laws.

- 2. Employees or employee representatives may waive the rights or benefits provided under the Act during the negotiation of a collective bargaining agreement.
- 3. With respect to employees covered by a collective bargaining agreement in effect on October 29, 2018, no provision of the Act shall apply until the stated expiration of the collective bargaining agreement.

## I. Severability – N.J.S.A. 34:11D-9

- 1. The provisions of the Act shall be deemed to be severable and if any section, subsection, paragraph, sentence or other part of the Act is declared to be unconstitutional, or the applicability thereof to any person is held invalid, the remainder of the Act shall not thereby be deemed to be unconstitutional or invalid.

Adopted:



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TEACHING STAFF MEMBERS

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Teaching Staff Member/School District

Reporting Responsibilities

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[See POLICY ALERT Nos. 186, 209 and 218]

## 3159 TEACHING STAFF MEMBER/SCHOOL DISTRICT REPORTING RESPONSIBILITIES

The Board of Education and Aall certificate holders shall adhere to the reporting requirements outlined in N.J.A.C. 6A:9B-4.3 and N.J.S.A. 18A:16-1.3. ~~their arrest or indictment for any crime or offense to the Superintendent of Schools within fourteen calendar days of the arrest or indictment in accordance with the provisions of N.J.A.C. 6A:9B-4.3.~~ For the purposes of this pPolicy, “certificate holders” shall include all individuals who hold certificates, credentials, certificates of eligibility (CEs), and certificates of eligibility with advance standing (CEASs) issued by the New Jersey State Board of Examiners. For purposes of this Policy, the term “certificate” shall include all standard, emergency and provisional certificates, all credentials, and all CE and CEASs issued by the New Jersey State Board of Examiners.

All certificate holders shall report an arrest or indictment for any crime or offense to the Superintendent within fourteen calendar days of their arrest or indictment in accordance with the provisions of N.J.A.C. 6A:9B-4.3. The report submitted to the Superintendent shall include the date of arrest or indictment and charge(s) lodged against the certificate holder. Such certificate holders shall also report to the Superintendent the disposition of any charge within seven calendar days of the disposition. Failure to comply with these reporting requirements may be deemed “just cause” for revocation or suspension of certification pursuant to N.J.A.C. 6A:9B-4.4. The school district shall make these reporting requirements known to all new employees upon initial employment and to all employees on an annual basis.

The Superintendent ~~of Schools~~ shall notify the New Jersey State Board of Examiners when:

1. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
2. Nontenured teaching staff members, including substitute teachers, who are accused of criminal offenses or unbecoming conduct resign, retire, or are removed from their positions;



# POLICY GUIDE

## TEACHING STAFF MEMBERS

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### Teaching Staff Member/School District Reporting Responsibilities

3. A certificate holder fails to maintain any license, certificate, or authorization that is mandated pursuant to N.J.A.C. 6A:9B for the holder to serve in a position;
4. The Superintendent of Schools becomes aware that a certificate holder has been convicted of a crime or criminal offense while in the district's employ; or
5. The Superintendent has received a report from the Department of Children and Families substantiating allegations of abuse or neglect, or establishing "concerns" regarding a certificated teaching staff member.

**The school district shall cooperate with the New Jersey State Board of Examiners in any proceeding arising from an order to show cause issued by the New Jersey State Board of Examiners and based on information about the certificate holder that the school district provided. In the event the New Jersey State Board of Examiners issues an order to show cause based on the information that the school district provided about the certificate holder, it shall be the responsibility of the school district to cooperate with the Board of Examiners in any proceeding arising from the order to show cause.**

The Superintendent of Schools shall also notify the New Jersey State Board of Examiners, in accordance with the provisions of N.J.S.A. 18A:16-1.3, whenever a nontenured, certificated employee is dismissed prior to the end of the school year for just cause as a result of misconduct in office. This notification requirement shall not apply in instances where the employee's contract is not renewed. The Superintendent of Schools will comply with the additional notice requirements to the New Jersey State Board of Examiners in the event it is subsequently determined by a disciplinary grievance arbitration, a court, or an administrative tribunal of competent jurisdiction that the basis for the dismissal did not constitute misconduct in office. In addition, whenever the Superintendent of Schools notifies the New Jersey State Board of Examiners of an employee's dismissal for reasons of misconduct in accordance with the provisions of N.J.S.A. 18A:16-1.3, the employee shall receive a simultaneous copy of the notifying correspondence.





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Teaching Staff Member/School District

Reporting Responsibilities

**In the event the Board of Education determines, pursuant to a tenure charge finding under N.J.S.A. 18A:6-10 or a disorderly person conviction under N.J.S.A. 9:6-8.14, that a teaching staff member has failed to report an allegation of child abuse in accordance with State law or regulations, the Board shall submit a report to the New Jersey State Board of Examiners that outlines its findings. The New Jersey State Board of Examiners shall review the certification of the teaching staff member to determine if the teaching staff member's failure to report warrants the revocation or suspension of his/her certificate. In accordance with N.J.S.A. 9:6-8.14, any person failing to report an act of child abuse, having reasonable cause to believe that an act of child abuse has been committed, may be deemed a disorderly person.**

N.J.S.A. 9:6-8.14; 18A:6-10; 18A:6-38.5; 18A:16-1.3

N.J.A.C. 6A:9B-4.3; 6A:9B-4.4

Adopted:



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TEACHING STAFF MEMBERS

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Use, Possession, or Distribution of Substances Abuse

Aug 19

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[See POLICY ALERT Nos. 125, 133, 205 and 218]

## 3218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES ABUSE

The Board of Education recognizes a teaching staff member who reports to work under the influence of a **substance** ~~drugs or alcohol~~ poses a significant threat to their health, safety, and welfare and the health, safety, and welfare of others, including students and other staff members. The Board strongly advises any teaching staff member that has a dependency on a substance as defined in this Policy to seek appropriate treatment. The Board has an obligation and the right to maintain a safe and healthy work environment and adopts this Policy as an important component toward maintaining a safe environment in the school district. ~~A teaching staff member is prohibited from possession, use, distribution, or being under the influence of any substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.~~

For the purposes of this Policy, “substance” or “substances” **as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)** means alcoholic beverages; any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2; ~~or~~ any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4; and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

~~Any teaching staff member who reports to work or attends a school-sponsored function where the teaching staff member has assigned job responsibilities under the influence of or in possession of any substance will be subject to appropriate discipline, which may include termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.~~

A teaching staff member shall be required to submit to an immediate medical examination to include a substance test if the Principal or designee has reasonable suspicion to believe a teaching staff member is under the influence of a substance during work hours or at a school-sponsored function where the teaching staff



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TEACHING STAFF MEMBERS

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## Use, Possession, or Distribution of Substances Abuse

member has been assigned job responsibilities. Refusal by of a teaching staff member to consent to the medical examination **including a** and substance test will be **deemed** determined to be a positive test result for substances. **In the event the results of the medical examination and substance test are not provided to the Superintendent, within twenty-four hours or as soon as the test results are available, it will be deemed a positive test result for substances and the teaching staff member shall be subject to appropriate discipline. Any required medical examination and testing shall be paid for by the Board.**

~~In the event a teaching staff member's medical examination and substance test results are negative for a substance, any documents or records pertaining to the requirement for the examination and test and results will not be maintained by the school district. Any required examination and testing shall be paid for by the Board. The teaching staff member will be afforded the opportunity to have any test results confirmed using acceptable test confirmation practices. This confirming test shall be paid for by the teaching staff member.~~

**In the event the Board physician determines the teaching staff member was under the influence of a substance, the determination shall be reported to the Superintendent and the teaching staff member will be subject to appropriate discipline. Appropriate discipline may include, but not be limited to, withholding an increment, terminating a non-tenured teaching staff member, and/or filing tenure charges for a tenured teaching staff member in accordance with law. The teaching staff member will be afforded the opportunity to have positive test results confirmed using acceptable confirmation test practices. This confirmation test shall be paid for by the teaching staff member.**

**In the event a teaching staff member's medical examination and substance test results are negative for a substance or if the Board physician determines the teaching staff member was not under the influence of a substance, the results or determination shall be reported to the Superintendent and the teaching staff member shall be returned to their position unless the Superintendent has a reason the teaching staff member should not be returned to their position.**



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## Use, Possession, or Distribution of Substances Abuse

In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any teaching staff member who, in the course of their employment, has reason to believe a school staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall report the matter as soon as possible to the Principal, or in the absence of the Principal, **the Principal's designee** ~~to the staff member~~ responsible at the time of the alleged violation. Either the Principal or **designee** ~~the staff member~~ shall notify the Superintendent of Schools who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the staff member involved.

In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)3, the Superintendent or designee shall not disclose the identity of a teaching staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the teaching staff member is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by a teaching staff member in response to questioning initiated by the Principal or designee or following the discovery by the Principal or designee of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

**A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids or drug paraphernalia, pursuant to N.J.A.C. 6A:16-6.3, shall be subject to appropriate discipline which may include, but not be limited to, termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.**

**A teaching staff member who has been determined by the Board physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities may be offered a Last Chance Agreement upon the**



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**Use, Possession, or Distribution of Substances Abuse**

**recommendation of the Superintendent and approval by the Board. A written Last Chance Agreement must be approved by the Board.]**

42 CFR Part 2

**N.J.S.A. 18A:16-3; 18A:40A-9**

**N.J.A.C. 6A:16-4.1; 6A:16-6.3; 6A:16-6.5 6A:32-6.3**

Adopted:



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TEACHING STAFF MEMBERS

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Use, Possession, or Distribution of Substances Abuse

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[See POLICY ALERT Nos. 125, 133, 205 and 218]

## R 3218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES ABUSE

### A. Definition

1. **“Board physician” means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and appointed by the Board of Education.**
24. “Principal or designee” means the teaching staff member’s Principal or a staff member designated by the Principal to be responsible at the time of the alleged violation or the teaching staff member’s supervisor or a staff member designated by the teaching staff member’s supervisor to be responsible at the time of the alleged violation.
32. “Substance” or “substances” **as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)** means alcoholic beverages;; any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2;; ~~or~~ any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4;; and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
43. “Substance test” means a test conducted by a **Board-approved** ~~State-licensed-clinical~~ laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument’s manufacturer.
54. “Under the influence” means the presence of a substance as defined in Policy 3218 and this Regulation as confirmed in a medical examination and substance test.



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Use, Possession, or Distribution of Substances Abuse

- B. Procedures to be Followed When a Teaching Staff Member has Unlawfully Possessed or has been Involved in the Distribution of a Controlled Dangerous Substance is Suspected to be Under the Influence of a Substance
1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of their employment, has reason to believe a staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall report the matter as soon as possible to the Principal or designee in accordance with the provisions of Policy 3218 and N.J.A.C. 6A:16-6.3(a).
    - a. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)1, upon receiving a report, the Principal or designee shall notify the Superintendent who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.
    - b. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)2, the Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter including the identity of the staff member involved.
    - c. A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall be subject to appropriate discipline, which may include, but not be limited to, termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.



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Use, Possession, or Distribution of Substances Abuse

## C. Procedures to be Followed When a Teaching Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a teaching staff member is suspected of being under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.
  - a. The Principal or designee, upon receiving a report or information a teaching staff member may be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities will:
    - (1) Immediately notify the Superintendent of Schools;
    - (2) Immediately meet with the teaching staff member;
      - (a) The Principal or designee may include another staff member in this meeting; and
      - (b) The teaching staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.
  - b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion the teaching staff member may be under the influence of a substance.
  - c. The teaching staff member shall be provided an opportunity to respond to the report or information presented by the Principal or designee.
  - d. In the event the Principal or designee believes the teaching staff member may be under the influence of a substance after meeting with the teaching staff member, the Principal or designee will arrange for an immediate medical examination by the Board physician. The medical examination shall include a substance test administered by the Board physician or a Board-approved laboratory.





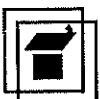
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- e. The teaching staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the Principal or designee.
  - f. The teaching staff member, prior to the medical examination and substance test, will be informed by the **Board** physician or the ~~physician's~~ designee on the type of testing to be completed and the substances that will be tested.
  - g. The teaching staff member may, prior to being examined ~~or~~ and tested, disclose to the **Board** physician ~~or designee~~ any prescription medicine, over-the-counter medicine or supplements, or any other reason why the teaching staff member's test results may be positive.
  - h. ~~Refusal by a~~ A teaching staff member's ~~refusal to consent to the medical examination which includes a substance test be examined or tested in accordance with the provisions of Policy 3218 and this Regulation will be~~ deemed as a positive **test result** test for substances.
2. The **results of the** medical examination and substance test shall be used by the **Board** physician to determine if the teaching staff member is under the influence of any substance as defined in Policy 3218 and this Regulation. The substance test procedures will provide for a **confirmation** ~~confirming~~ test using acceptable confirmation test procedures.
    - a. **Any specimen determined by the Board physician or Board-approved laboratory to have been adulterated by the teaching staff member will be deemed a positive test result for substances.**
  3. The ~~physician shall receive the~~ results of the substance test **shall be provided to the Superintendent and Board physician** within twenty-four hours of the test being administered ~~or~~ ~~— If the results of the substance test are not available within twenty-four hours, the~~



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~~physician shall report the results to the Superintendent and the teaching staff member as soon as the test results are available. The Superintendent shall provide the teaching staff member with these results.~~

- a. **In the event the results of the medical examination and substance test are not provided to the Superintendent, it will be deemed a positive test result for substances.**
4. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was not under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, ~~the physician will notify the Superintendent of such results and the teaching staff member shall return to their position in the school district unless the Superintendent has a reason the teaching staff member should not be returned to their position. Any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.~~
  5. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the **Board** physician will:
    - a. Discuss the results of the examination and substance test with the teaching staff member and provide the teaching staff member an opportunity to present any medical or other reasons for the **Board** physician's determination.
    - b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a ~~State-licensed clinical~~ laboratory selected by the **teaching** staff member and approved by the **Board** physician and **Superintendent**.



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- (1) The **Board** physician will schedule and coordinate the **confirmation** ~~confirming~~ test procedures, including the acceptable time period for the **confirmation** ~~confirming~~ test to be conducted based on the existing test results, and the time in which a **confirmation** ~~confirming~~ test result would be valid. **This confirmation test shall be paid for by the teaching staff member.**
  - (2) The **confirmation** ~~confirming~~-~~substance~~ test results must be provided to the **Board** physician and **Superintendent** within the time period required by the **Board** physician.
  - (3) Any **confirmation** ~~confirming~~ test results provided to the **Board** physician and **Superintendent** not within the time period required by the **Board** physician shall not be accepted and the teaching staff member shall be determined to have waived their right to a have **the results of a confirmation** ~~confirming~~-~~substance~~ test considered ~~by the~~ **physician.**
- c. After completing the requirements in 5. a. and b. above, the **Board** physician shall make a final determination whether the teaching staff member was under the influence of a substance during the work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities.
- (1) If the **Board** physician makes a final determination the teaching staff member was not under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the **Board** physician will report a **final determination** these results to the Superintendent and the teaching staff member shall return to their position in the school district **unless the Superintendent has a reason the teaching staff member should not be returned to their position.** and Any records or



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documentation regarding a negative medical examination or substance test related to the incident shall not be included in the teaching staff member's personnel file.

- (2) If the **Board** physician makes a final determination the teaching staff member was under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the **Board** physician will report a **final determination** these results to the Superintendent of Schools and the teaching staff member will be required to meet with the Superintendent.

### DC. Procedures to be Followed When a Teaching Staff Member is Determined to be Under the Influence of a Substance

1. Any teaching staff member who has been determined by the **Board** physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities shall be required to meet with the Superintendent.
  - a. The teaching staff member may include a staff member or a representative of their choice in this meeting.
2. The Superintendent will provide the teaching staff member an opportunity to respond to the **Board** physician's determination.
3. A teaching staff member who has been determined to be have been under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities will be subject to appropriate discipline which may include, **but not be limited to:**
  - a. **Withholding an increment;**
  - b. **Terminating termination of a non-tenured teaching staff member;; and/or**
  - c. **the Ffiling of tenure charges for a tenured teaching staff member.**

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[See POLICY ALERT Nos. 125, 133, 205 and 218]

## 4218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES ABUSE

The Board of Education recognizes a support staff member who reports to work under the influence of ~~a substance drugs or alcohol~~ poses a significant threat to their health, safety, and welfare and the health, safety, and welfare of others, including students and other staff members. The Board strongly advises any support staff member that has a dependency on a substance as defined in this Policy to seek appropriate treatment. The Board has an obligation and the right to maintain a safe and healthy work environment and adopts this Policy as an important component toward maintaining a safe environment in the school district. ~~A support staff member is prohibited from possession, use, distribution, or being under the influence of any substance during work hours.~~

For the purposes of this Policy, “substance” or “substances” **as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)** means alcoholic beverages; any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2; ~~or~~ any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4; and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

~~Any support staff member who reports to work under the influence of or in possession of any substance will be subject to appropriate discipline, which may include termination or the filing of tenure charges for a tenured support staff member in accordance with law.~~

A support staff member shall be required to submit to an immediate medical examination to include a substance test if the support staff member’s supervisor has reasonable suspicion to believe a support staff member is under the influence of a substance during work hours **or at a school-sponsored function where the support staff member has been assigned job responsibilities.** Refusal by of a support staff member to consent to the medical examination **including a** and substance test will be **deemed determined to be a positive result for substances.** **In the event the results of the medical examination and substance test are not**



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provided to the Superintendent, within twenty-four hours or as soon as the test results are available, it will be deemed a positive result for substances and the support staff member shall be subject to appropriate discipline. Any required medical examination and testing shall be paid for by the Board.

~~In the event a support staff member's medical examination and substance test results are negative for a substance, any documents or records pertaining to the requirement for the examination and test and results will not be maintained by the school district. Any required examination and testing shall be paid for by the Board. The support staff member will be afforded the opportunity to have any test results confirmed using acceptable test confirmation practices. This confirming test shall be paid for by the support staff member.~~

In the event the Board physician determines the support staff member was under the influence of a substance, the determination shall be reported to the Superintendent and the support staff member will be subject to appropriate discipline. Appropriate discipline may include, but not be limited to, withholding an increment, terminating a non-tenured support staff member, and/or filing tenure charges for a tenured support staff member in accordance with law. The support staff member will be afforded the opportunity to have positive test results confirmed using acceptable confirmation test practices. This confirmation test shall be paid for by the support staff member.

In the event a support staff member's medical examination and substance test results are negative for a substance or if the Board physician determines the support staff member was not under the influence of a substance, the results or determination shall be reported to the Superintendent and the support staff member shall be returned to their position unless the Superintendent has a reason the support staff member should not be returned to their position.

In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any support staff member who, in the course of their employment, has reason to believe a school staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or



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drug paraphernalia, shall report the matter as soon as possible to the Principal, or in the absence of the Principal, to the staff member's **supervisor** responsible at the time of the alleged violation. Either the Principal or the staff member's **supervisor responsible at the time of the alleged violation** shall notify the Superintendent of Schools who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the staff member involved.

In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)3, the Superintendent or designee shall not disclose the identity of a support staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the support staff member is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by a support staff member in response to questioning initiated by the Principal or Superintendent's designee or following the discovery by the Principal or Superintendent's designee of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

**A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids or drug paraphernalia, pursuant to N.J.A.C. 6A:16-6.3, shall be subject to appropriate discipline which may include, but not be limited to, termination of a non-tenured support staff member or the filing of tenure charges for a tenured support staff member in accordance with law.**

**A support staff member who has been determined by the Board physician to be under the influence of a substance during work hours or at a school-sponsored function where the support staff member has been assigned job responsibilities may be offered a Last Chance Agreement upon the recommendation of the Superintendent and approval by the Board. A written Last Chance Agreement must be approved by the Board.]**

42 CFR Part 2

N.J.S.A. 18A:16-3; 18A:40A-9

N.J.A.C. 6A:16-4.1; 6A:16-6.3; 6A:16-6.5 6A:32-6.3

Adopted:



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[See POLICY ALERT Nos. 125, 133, 205 and 218]

## R 4218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES ABUSE

### A. Definition

1. **“Board physician” means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and appointed by the Board of Education.**
24. **“Substance” or “substances” as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages; any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2; or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4; and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.**
32. **“Substance test” means a test conducted by a Board-approved State-licensed-clinical laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument’s manufacturer.**
43. **“Support staff member’s supervisor” or “supervisor” means the building or district administrative staff member who is responsible for supervising the support staff member. For the purposes of this Policy and Regulation, the support staff member’s supervisor shall be the support staff member’s Principal, School Business Administrator/Board Secretary, district Director or Supervisor, or any other administrative staff member responsible at the time of the alleged violation or as designated by the Superintendent.**
54. **“Under the influence” means the presence of a substance as defined in Policy 4218 and this Regulation as confirmed in a medical examination and substance test.**





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- B. **Procedures to be Followed When a Support Staff Member has Unlawfully Possessed or has been Involved in the Distribution of a Controlled Dangerous Substance is Suspected to be Under the Influence of a Substance**
1. **Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of their employment, has reason to believe a staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall report the matter as soon as possible to the staff member's supervisor in accordance with the provisions of Policy 4218 and N.J.A.C. 6A:16-6.3(a).**
    - a. **In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)1, upon receiving a report, the supervisor shall notify the Superintendent who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.**
    - b. **In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)2, the Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter including the identity of the staff member involved.**
    - c. **A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall be subject to appropriate discipline, which may include, but not be limited to, termination of a non-tenured support staff member or the filing of tenure charges for a tenured support staff member in accordance with law.**



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## C. Procedures to be Followed When a Support Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a support staff member is suspected of being under the influence of a substance during work hours **or at a school-sponsored function where the support staff member has been assigned job responsibilities.**
  - a. The support staff member's supervisor, upon receiving a report or information a support staff member may be under the influence of a substance during work hours **or at a school-sponsored function where the support staff member has been assigned job responsibilities** will:
    - (1) Immediately notify the Superintendent of Schools;
    - (2) Immediately meet with the support staff member;
      - (a) The support staff member's supervisor may include another staff member in this meeting; and
      - (b) The support staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.
  - b. The support staff member's supervisor shall present to the support staff member the report or information supporting the suspicion the support staff member may be under the influence of a substance.
  - c. The support staff member shall be provided an opportunity to respond to the report or information presented by the supervisor.
  - d. In the event the supervisor or designee believes the support staff member may be under the influence of a substance after meeting with the support staff member, the supervisor will arrange for an immediate medical examination **by the Board physician. The medical examination shall to include a substance test administered by the Board physician or a Board-approved laboratory.**



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## SUPPORT STAFF MEMBERS

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### Use, Possession, or Distribution of Substances Abuse

- e. The support staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the support staff member's supervisor or designee.
  - f. The support staff member, prior to the medical examination and substance test, will be informed by the **Board** physician or the physician's designee on the type of testing to be completed and the substances that will be tested.
  - g. The support staff member may, prior to being examined ~~or~~ and tested, disclose to the **Board** physician ~~or designee~~ any prescription medicine, over-the-counter medicine or supplements, or any other reason why the support staff member's test results may be positive.
  - h. ~~Refusal by a~~ **A support staff member's refusal to consent to the medical examination which includes a substance test be examined or tested in accordance with the provisions of Policy 4218 and this Regulation will be deemed as a positive result test for substances.**
2. The **results of the** medical examination and substance test shall be used by the **Board** physician to determine if the support staff member is under the influence of any substance as defined in Policy 4218 and this Regulation. The substance test procedures will provide for a **confirmation** ~~confirming~~ test using acceptable confirmation test procedures.
    - a. **Any specimen determined by the Board physician or Board-approved laboratory to have been adulterated by the support staff member will be deemed a positive result for substances.**
  3. ~~The physician shall receive the results of the substance test~~ **shall be provided to the Superintendent and Board physician** within twenty-four hours of the test being administered ~~or~~ ~~—If the results of the substance test are not available within twenty four hours, the physician shall report the results to the Superintendent and the support staff member as soon as the test results are available.~~ **The Superintendent shall provide the support staff member with these results.**



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- a. **In the event the results of the medical examination and substance test are not provided to the Superintendent, it will be deemed a positive result for substances.**
4. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the support staff member was not under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**, ~~the physician will notify the Superintendent of such results and the support staff member shall return to their position in the school district unless the Superintendent has a reason the support staff member should not be returned to their position. Any records or documentation related to the incident shall not be included in the support staff member's personnel file.~~
  5. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the support staff member was under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**, the **Board** physician will:
    - a. Discuss the results of the examination and substance test with the support staff member and provide the support staff member an opportunity to present any medical or other reasons for the **Board** physician's determination.
    - b. Provide the support staff member an opportunity to have the substance test results confirmed by a ~~State-licensed clinical~~ laboratory selected by the **support** staff member and approved by the **Board** physician **and Superintendent**.
      - (1) The **Board** physician will schedule and coordinate the **confirmation** ~~confirming~~ test procedures, including the acceptable time period for the **confirmation** ~~confirming~~ test to be conducted based on the existing test results, and the time in which a **confirmation** ~~confirming~~ test result would be valid. **This confirmation test shall be paid for by the support staff member.**



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- (2) The **confirmation** ~~confirming-substance~~ test results must be provided to the **Board physician and Superintendent** within the time period required by the **Board physician**.
  - (3) Any **confirmation** ~~confirming~~ test results provided to the **Board physician and Superintendent** not within the time period required by the **Board physician** shall not be accepted and the support staff member shall be determined to have waived their right to a have **the results of a confirmation** ~~confirming-substance~~ test considered ~~by the physician~~.
- c. After completing the requirements in 5. a. and b. above, the **Board physician** shall make a final determination whether the support staff member was under the influence of a substance during the work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**.
- (1) If the **Board physician** makes a final determination the support staff member was not under the influence during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**, the **Board physician** will report a **final determination** ~~these results~~ to the Superintendent and the support staff member shall return to their position in the school district **unless the Superintendent has a reason the support staff member should not be returned to their position.** and Any records or documentation **regarding a negative medical examination or substance test related to the incident** shall not be included in the support staff member's personnel file.



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## Use, Possession, or Distribution of Substances Abuse

- (2) If the **Board** physician makes a final determination the support staff member was under the influence during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**, the **Board** physician will report a **final determination** these results to the Superintendent of Schools and the support staff member will be required to meet with the Superintendent.

### DC. Procedures to be Followed When a Support Staff Member is Determined to be Under the Influence of a Substance

1. Any support staff member ~~who has been~~ determined by the **Board** physician to be under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities** shall be required to meet with the Superintendent.
  - a. The support staff member may include a staff member or a representative of their choice in this meeting.
2. The Superintendent will provide the support staff member an opportunity to respond to the **Board** physician's determination.
3. A support staff member ~~who has been~~ determined to ~~be have been~~ under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities** will be subject to appropriate discipline which may include, **but not be limited to:**
  - a. **Withholding an increment;**
  - b. **Terminating termination of a non-tenured support staff member; and/or**
  - c. **the Ffiling of tenure charges for a tenured support staff member.**

Issued:



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[See POLICY ALERT Nos. 190 and 218]

## 6112 REIMBURSEMENT OF FEDERAL AND OTHER GRANT EXPENDITURES

The Cash Management Improvement Act (CMIA) and related Federal regulations require a State to minimize the time elapsing between the transfer of funds from the United States Treasury and the expenditure of funds for program purposes. This requirement applies to grantees such as the State of New Jersey and their subgrantees, such as a school district. The State of New Jersey and school districts must assure funds have been, or will be, spent within a minimal amount of time after having been drawn from the Federal government.

In accordance with this requirement, the New Jersey Department of Education (NJDOE) has implemented a reimbursement request system of payment. The procedures as outlined in the New Jersey Department of Education Policies and Procedures for Reimbursement of Federal and Other Grant Expenditures shall be followed by school districts in submitting reimbursement requests. Reimbursement requests for entitlement grant awards under **the Every Student Succeeds Act (ESSA) Titles I, II A, II-D, III, III-Immigrant, IV and V of the No Child Left Behind Act (NCLB), the Individuals with Disabilities Education Act (IDEA), and the Carl D. Perkins Career and Technical Education Improvement Act of 2006, and any other program designated by the NJDOE** shall be made using the NJDOE's Electronic Web-Enabled Grant (EWEG) System.

Reimbursement requests by the School Business Administrator/Board Secretary or designee shall be made for individual titles and awards using the payment functionality of the EWEG system. ~~Reimbursement requests shall be made for individual titles and awards and~~ Only one reimbursement request per month may be submitted for an individual title, ~~or~~ award, **or subgrant**. Reimbursement requests may only be for expenditures that have already occurred or will occur **within three business days of receipt of funds** ~~by the last calendar day of the month in which the request is made.~~

The submission of a reimbursement request constitutes a certification by the School Business Administrator/Board Secretary that the school district has previously made the appropriate expenditures and/or will make the expenditures **within three business days of receipt of funds** ~~by the last calendar day of the~~



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~~month in which the request is made and that the expenditures are allowable and appropriate to the cost objective(s) of the subgrant. Reimbursement requests must be in accordance with approved grant applications.~~

The Superintendent of Schools or designee is responsible for submitting an amendment application to the NJDOE for approval if a new budget category for which no funds were previously budgeted or approved has been created. The Superintendent of Schools or designee is responsible for submitting an amendment application to the NJDOE for approval if cumulative transfers among expenditure categories exceed ten percent of the total award ~~or \$50,000 for IDEA, Perkins, and NCLB (per title); whichever is less.~~ **The Superintendent or designee is responsible for monitoring the cumulative ten percent level of fiscal change.**

**Reimbursement requests must be in accordance with approved grant applications.** A reimbursement request may be submitted at any time after the subgrant has received final NJDOE approval. Reimbursement requests submitted at least ten business days before the end of the month but no later than the fifteenth day of the month will be reviewed and, if approved, processed for payment the first business day of the following month. School districts will normally receive payment by the fifth business day of the month and will be able to track the grant's payment history in EWEG through the payments link of the grant application.

Reimbursement requests must contain a brief description of the expenditures for which reimbursement is being requested. Individual line items need not be detailed. Expenditures must be supported by documentation at the school district level but should not be submitted to the NJDOE with a reimbursement request. The Superintendent of Schools or designee is responsible to maintain supporting documentation for seven years and for making it available to the NJDOE, the United States Department of Education, and/or their authorized representatives upon request. Documentation for salary expenditures is subject to the requirements of the **Federal Uniform Grant Guidance** applicable Federal Office of Management and Budget Circular: ~~A-21, "Cost Principles for Educational Institutions;" A-87, "Cost Principles for State, Local, and Indian Tribal Governments;" A-122, "Cost Principles for Non-Profit Organizations;" and Education Department General Administrative Regulations (EDGAR).~~ Documentation for all other expenditures must include evidence that the expenditures are allowable costs and of the relationship of the expenditure to the subgrant's cost objectives.





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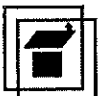
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The NJDOE staff will review reimbursement requests to determine **that** they meet the subgrant's criteria. When a reimbursement request is approved or denied, the school district will receive an email notification through the EWEG system. Approval of a reimbursement request by NJDOE does not imply approval of the expenditures as allowable or appropriate to the subgrant's cost objectives as the approval of expenditures will continue to be processed through the final report. The School Business Administrator/Board Secretary or designee assumes responsibility for assuring that all funds requested through the EWEG system either have already been expended, or will be expended **within three business days of receipt of funds** according to the requirements of the CMIA.

New Jersey Department of Education Policies and Procedures for Reimbursement of Federal and Other Grant Expenditures – **March 2014** ~~July 2008~~

Adopted:



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[See POLICY ALERT Nos. 190 and 218]

## R 6112 REIMBURSEMENT OF FEDERAL AND OTHER GRANT EXPENDITURES

The State of New Jersey and school districts must assure certain Federal and other grant funds have been, or will be, spent within a minimal amount of time after having been drawn from the Federal government. In accordance with this requirement, the New Jersey Department of Education (NJDOE) has implemented a reimbursement request system of payment **for grant awards**. The procedures outlined in this Regulation are to be followed by school districts in submitting reimbursement requests. Reimbursement requests for entitlement grant awards under **the Every Student Succeeds Act (ESSA) Titles I, II-A, II-D, III, III Immigrant, IV and V of the No Child Left Behind Act (NCLB), the Individuals with Disabilities Education Act (IDEA), and the Carl D. Perkins Career and Technical Education Improvement Act of 2006, and any other program designated by the NJDOE** shall be made using the NJDOE's Electronic Web-Enabled Grant (EWEG) System.

### A. Definitions

1. "Cost objective" means a function, organizational subdivision, contract, grant, or other activity for which cost data are needed and for which costs are incurred.
2. "Grant" means an award of financial assistance by the Federal government to the State of New Jersey, Department of Education or funds NJDOE receives from the State legislature to be awarded to eligible subgrantees.
3. "Grantee" means the State of New Jersey, Department of Education, to which a grant is awarded by the Federal government.
4. "Subgrant" means an award of financial assistance to an eligible subgrantee, in this case, awards by the State of New Jersey, Department of Education to local education agencies or other eligible entities.
5. "Subgrantee" means the local education agency, ~~school district~~, or other legal entity to which a subgrant is awarded and which is accountable to the State of New Jersey, Department of Education for the use of funds provided.



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## B. Procedures

### 1. Functionality

- a. The School Business Administrator/Board Secretary or designee will submit reimbursement requests using the payment functionality of the EWEG system.
- b. The payment functionality ~~is will be~~ enabled upon final NJDOE approval of the subgrant application through the EWEG system.

### 2. Submission of Reimbursement Requests

- a. The School Business Administrator/Board Secretary or designee will make reimbursement requests for individual titles and awards. Therefore, reimbursement requests for ~~ESSA NCLB~~ will be made for each individual title. Reimbursement requests for IDEA must be made separately for Basic and Preschool as well as for the Perkins Secondary and Perkins Post-Secondary grant funds. Only one reimbursement request per month may be submitted for an individual title, ~~or award, or subgrant~~.
- b. Reimbursement requests may only be for expenditures that have already occurred or will occur **within three business days of receipt of funds** ~~by the last calendar day of the month in which the request is made~~. The following examples are based upon the schedule in Section C. below.
  - (1) The school district has ordered and received supplies and has paid the vendor. The school district may request reimbursement.
  - (2) The school district has ordered and received equipment but has not yet paid the vendor. The school district expects payment to be made on the last day **seventh** of the **following** month, following the monthly Board meeting. The school district may request reimbursement **since the school district will make payment within three business days of receipt of funds**.



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- (3) The school district makes salary payments on the **first and fifteenth and last** day of each month. In a given month, the school district may request reimbursement for payroll expenditures actually made during the month and for the payroll scheduled for the **first last** day of the **following** month **because the school district will make payroll expenditure within three business days of receiving the funds.** The school district may not request reimbursement in anticipation of subsequent pay dates, **that is, those occurring more than three business days after receiving funds in the following month.**
- (4) The school district is responsible for payment of health benefits to its provider on a quarterly basis. The subgrantee may request reimbursement prospectively if payment to the provider will be made **within three business days of receipt of funds during the calendar month in which reimbursement is requested.** **If payment to the provider is made at the end of the month; however, the school district must request reimbursement during the month following payment.**
- (5) The school district is responsible for reimbursing the State of New Jersey for pension and social security payments made on behalf of employees paid with Federal funds. For members of the Teachers' Pension and Annuity Fund (TPAF), school districts shall reimburse the State no later than November. The request for reimbursement for pension and social security contributions for members of TPAF should be made at the time the school district will make payment to the State. For members of the Public Employees Retirement System or other State pension systems, the school



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### Reimbursement of Federal and Other Grant Expenditures

district should request reimbursement at the time payments are due to the State for pension contributions and to the Internal Revenue Service for Social Security contributions. The school district should not include fringe benefit calculations in their regular salary reimbursement requests.

- c. The submission of a reimbursement request constitutes a certification by the School Business Administrator/Board Secretary that the school district has previously made the appropriate expenditures and/or will make the expenditures **within three business days of receipt of funds** ~~by the last calendar day of the month in which the request is made.~~ The submission of a reimbursement request also constitutes a certification that the expenditures are allowable and appropriate to the cost objective(s) of the subgrant.
- d. Reimbursement requests must be in accordance with approved grant applications.
  - (1) The Superintendent ~~of Schools~~ or designee is responsible for submitting an amendment application to the NJDOE for approval if a new budget category for which no funds were previously budgeted or approved has been created.
  - (2) The Superintendent ~~of Schools~~ or designee is responsible for submitting an amendment application to the NJDOE for approval if cumulative transfers among expenditure categories exceed ten percent of the total award ~~or \$50,000 for IDEA, Perkins, and NCLB (per title), whichever is less.~~ The Superintendent ~~of Schools~~ or designee is responsible for monitoring the cumulative ten percent level of fiscal change.



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## C. Processing Timelines

1. Reimbursement requests may be submitted at any time after the subgrant has received final NJDOE approval. No more than one reimbursement request may be submitted per month for any one subgrant. ~~Reimbursement may be made for expenditures that have already occurred or will occur by the last calendar day of the month in which the request is submitted.~~
2. Reimbursement requests submitted at least ten business days before the end of the month but no later than the fifteenth day of the month will be reviewed and, if approved, processed for payment the first business day of the following month. School districts will normally receive payment by the fifth business day of the month and will be able to track the grant's payment history in EWEG through the payments link of the grant application.

## D. Content of Reimbursement Requests

1. Reimbursement requests must contain a brief description of the expenditures for which reimbursement is being requested. Individual line items need not be detailed.
  - a. Example - \$8,750 is being requested in the 100 function code. The description is "salaries and instructional supplies."
2. Expenditures must be supported by documentation at the school district level. This documentation should not be submitted to the NJDOE with a reimbursement request. The Superintendent of Schools or designee is responsible to maintain supporting documentation for seven years and for making it available to the NJDOE, the United States Department of Education, and/or their authorized representatives upon request.
3. Documentation for salary expenditures is subject to the requirements of the **Federal Uniform Grant Guidance** applicable ~~Federal Office of Management and Budget Circular: A-21, "Cost Principles for Educational Institutions;" A-87, "Cost Principles for~~



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~~State, Local, and Indian Tribal Governments;” A-122, “Cost Principles for Non-Profit Organizations;” and Education Department General Administrative Regulations (EDGAR).~~ Documentation for all other expenditures must include evidence that the expenditures are allowable costs and of the relationship of the expenditure to the subgrant’s cost objectives.

## E. Review and Approval of Reimbursement Requests

1. NJDOE staff will review reimbursement requests to determine that they meet the subgrant’s criteria, including but not limited to the following:
  - a. Adequate description of the expenditures is provided;
  - b. No new budget category has been created; and
  - c. The reimbursement request does not exceed the allowable threshold for an amendment as a result of cumulative transfers among expenditure categories.
2. When a reimbursement request is approved or denied, the school district will receive an email notification through the EWEG system.
3. Approval of a reimbursement request by NJDOE does not imply approval of the expenditures as allowable or appropriate to the subgrant’s cost objectives. Approval of expenditures will continue to be processed through the final report. The School Business Administrator/Board Secretary **or designee** assumes responsibility for assuring that all funds requested through the EWEG system either have already been expended, or will be expended **within three business days of receipt of funds** according to the requirements of the CMIA.

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[See POLICY ALERT Nos. 96, 214, 217 and 218]

## 7440 SCHOOL DISTRICT SECURITY

The Board of Education believes the buildings and facilities of the school district represent a substantial community investment. The Board directs the development and implementation of a plan for school district security to protect the school community's investment in the school buildings and facilities. **The Board will comply with the security measures required in N.J.S.A. 18A:7G-5.2 for new school construction and for existing school buildings.**

The school district security program will include: maintenance of facilities that are secure against unwelcome intrusion; protection against fire hazards and faulty equipment; and compliance with safe practices in the use of electrical, plumbing, heating, and other school building equipment.

**The Board shall provide to local law enforcement authorities a copy of the current blueprints and maps for all schools and school grounds within the school district or nonpublic school. In the case of a school building located in a municipality in which there is no municipal police department, a copy of the blueprints and maps shall be provided to an entity designated by the Superintendent of the New Jersey State Police. The Board shall provide revised copies to the applicable law enforcement authorities or designated entities any time that there is a change to the blueprints or maps.**

The Board directs close cooperation of district officials with law enforcement, fire officials, and other emergency agencies.

**Each public elementary and secondary school building shall be equipped with at least one panic alarm for use in a school security emergency pursuant to N.J.S.A. 18A:41-10 through 13.**





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The Superintendent of Schools shall designate a school administrator, or a school employee with expertise in school safety and security, 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.

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 improperly.

**In accordance with N.J.S.A. 18A:7G-5.2.b.(15), propping open doors to buildings on school grounds is strictly prohibited and students and staff shall not open a door for any individual. All persons seeking entry into the main building shall be directed to the main entrance.**

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

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 in situations in which special risks are involved.

N.J.S.A. 18A:7G-5.2; 18A:17-43.1; 18A:17-43.2; 18A:17-43.3;  
18A:41-7.1; 18A:41-10; 18A:41-11; 18A:41-12; 18A:41-13  
N.J.A.C. 6A:16-1.3; 6A:26-1.2

Adopted:



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[See POLICY ALERT Nos. 96, 214, 217 and 218]

## 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.

**“Panic alarm” means a silent security system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring a response from law enforcement.**

“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 school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. “School 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, all authorized school staff members, and visitors pursuant to Policy and Regulation 9150.



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2. Access to school buildings and grounds before and after the school day will be permitted to:
  - a. Members of the Board of Education;
  - 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 or 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.



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## 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.
    - (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.



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**D. School Building Panic Alarm or Emergency Mechanisms (N.J.S.A. 18A:41-10 through 13)**

1. Each public elementary and secondary school building shall be equipped with at least one panic alarm for use in a school security emergency including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation.
2. The alarm shall be directly linked to local law enforcement authorities or, in the case of a school building located in a municipality in which there is no municipal police department, a location designated by the Superintendent of the New Jersey State Police.
3. The alarm shall be capable of immediately transmitting a signal or message to such authorities outlined in D.2. above upon activation.
4. The alarm shall not be audible within the school building.
5. Each panic alarm required under N.J.S.A. 18A:41-11 and Policy and Regulation 7440 shall:
  - a. Adhere to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories; and
  - b. Be installed solely by a person licensed to engage in the alarm business in accordance with the provisions of N.J.S.A. 45:5A-27.
6. The school district may equip its elementary and secondary school buildings with an emergency mechanism that is an alternative to a panic alarm if the mechanism is approved by the New Jersey Department of Education.

**ED. 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.



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2. In the event a staff member observes a student has a valuable item in school, the staff member will report it to 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.
  - 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.



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## **FE.** School Safety Specialist

1. The Superintendent of Schools shall designate a school administrator, or a school employee with expertise in school safety and security, as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3.
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.

## **GF.** 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.



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2. ~~Anytime A call to~~ law enforcement agents **are summoned in accordance with G.1. above,** ~~will be reported to the Superintendent will be notified~~ as soon as possible, ~~along with the reason(s) for which the call was made and the outcome of the incident.~~

Issued:





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Student Transportation  
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[See POLICY ALERT Nos. 106, 109, 125, 140, 149, 156 and 218]

## 8600 STUDENT TRANSPORTATION

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

**Nonpublic school transportation or aid in lieu of transportation shall be provided for resident students in accordance with N.J.S.A. 18A:39-1 et seq. and N.J.A.C. 6A:27-2.1 et seq.**

**Charter or renaissance school transportation or aid in lieu of transportation shall be provided for resident students in accordance with N.J.S.A. 18A:39-1 et seq. and N.J.A.C. 6A:27-3.1 et seq.**

**Students with special needs shall be provided transportation in accordance with N.J.S.A. 18A:39-1 et seq., and with their Individualized Education Program (IEP) pursuant to N.J.A.C. 6A:27-5.1.**

Vehicles used to transport students to and from school or school related activities shall meet standards, registration, and inspection requirements of the New Jersey Departments of Education (NJDOE), and the New Jersey Motor Vehicle Commission (NJMVC), ~~Transportation and any applicable Federal regulations~~. The operation and fiscal management of the district's transportation system shall be conducted in strict accordance with rules of the New Jersey State Board of Education and the NJDOE ~~Department of Education Policy and Procedures Manual for Pupil Transportation~~.



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Student Transportation

In addition to the provisions of any State law, rule, or regulation containing more stringent requirements, provided that those requirements are compatible with Federal law, and notwithstanding the provisions of any State law, rule, or regulation to the contrary, school bus operations in the State shall comply with the requirements outlined in N.J.S.A. 39:3B-27.

N.J.S.A. 18A:18A-1 et seq.; 18A:39-1 et seq.; 18A:39-11.1 et seq.

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

N.J.S.A. 39:3B-1 et seq.; 39:3B-2.1; 39:3B-10; 39:3B-27

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

6A:27-4.1 et seq.; 6A:27-5.1; 6A:27-6.2 through 6.5;

6A:27-7.1 et seq.; 6A:27-9.1 et seq.; 6A:27-10.1 et seq.;

6A:27-11.1 et seq.; 6A:27-12.1 et seq.

Adopted:



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Bus Driver/Bus Aide Responsibility

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[See POLICY MEMO No. 67]

[See POLICY ALERT Nos. 164, 205, 209, 214 and 218]

## 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~~, N.J.A.C. 6A, 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) 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.

**In addition to the medical examination required of every holder of a special license issued for the transporting of children to and from schools pursuant to N.J.S.A. 39:3-10.1 et seq., any school bus driver who is seventy years of age or older shall annually furnish, to the employer for review by the NJMVC at the NJMVC’s biannual inspection, satisfactory evidence of continuing physical fitness in the form of a medical examination by a licensed medical doctor or licensed osteopathic physician. In addition, any school bus driver**



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Bus Driver/Bus Aide Responsibility

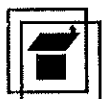
who is seventy-five years of age or older shall every six months furnish, to the employer for review by the NJMVC at the NJMVC's biannual inspection, satisfactory evidence of continuing physical fitness in the form of a medical examination by a licensed medical doctor or licensed osteopathic physician. In addition, any person applying for a special license and any person who is the holder of a special license for the transporting of children to and from schools, pursuant to N.J.S.A. 18A:39-1 et seq., shall comply with the provisions of Section 2 of N.J.S.A. 39:3-10.1a and Section 6 of N.J.S.A. 18A:39-19.1. The Chief Administrator of the NJMVC may suspend or revoke a license pursuant to N.J.S.A. 39:3-10.1.

All drivers of buses or other vehicles used by the Board for the transportation of students to and from school shall, in addition to any exam required by law, submit to a medical exam for the presence of alcohol, narcotics, or habit-producing drugs within the scope of the "New Jersey Controlled Dangerous Substances Act," (N.J.S.A. 24:21-1 et seq.).

All drivers of buses or other vehicles used by the Board for the transportation of students to and from school shall, in addition to any exam required by law, submit to a medical exam that includes hearing and visual acuity tests that are in accordance with the provisions of the "Motor Carrier Safety Improvement Act of 1999," 49 U.S.C. § 113.

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 their employer that the individual has completed the training program within five business days of its completion. The employer 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 **New Jersey Department of Education (NJDOE)** 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 **N.J.A.C. 6A:27-12.1(j)2**. 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.



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Bus Driver/Bus Aide Responsibility

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.

**Upon notification from the NJDOE that a school bus driver employed by the Board has had his or her bus driver's license suspended or revoked, the Board, within one business day of the notification, shall provide a statement to the NJDOE verifying that the school bus driver no longer operates a school bus for the Board in accordance with N.J.S.A. 18A:39-19.6.**

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).

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.



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Bus Driver/Bus Aide Responsibility

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 **pursuant to N.J.S.A. 39:3B-27.**

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:39-19.6; 18A:39-28**

**N.J.S.A. 39:3-10.1 et seq.**

N.J.S.A. 39:3B-25; **39:3B-27**

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

Adopted:



# REGULATION GUIDE

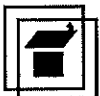
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Aug 19  
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[See POLICY ALERT Nos. 164, 205, 209, 214 and 218]

## R 8630 EMERGENCY SCHOOL BUS PROCEDURES

### A. Staff Training

1. The **employer shall** ~~Board of Education will~~ administer a safety education program for all permanent and substitute school bus drivers and **school** bus aides that it employs. 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 **employee's** ~~district's~~ responsibility to ensure the privacy of the student and his or her records, if applicable.
2. The **employer shall** ~~Board of Education will~~ administer a safety education program to school bus drivers that includes defensive driving techniques and railroad crossing procedures.
3. **The employer shall administer the safety education program, as set forth in A.1. and 2. above, twice per calendar year to all permanent and substitute school bus drivers and school bus aides it employs in accordance with N.J.S.A. 18A:39-19.1a.**
43. The employer shall be responsible to 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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Emergency School Bus Procedures

- 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 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 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:39-19.3.b., the employer shall require a school bus driver or school bus aide to file a certification with the 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 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 **New Jersey** Department of Education (**NJDOE**); 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 **within the 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 **required by Federal and State law or as deemed appropriate by the Board** 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 \_\_\_\_\_ **(Transportation Supervisor or Principal or designee).**



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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 **for whom a student information card has been completed by the parent.**
3. School bus drivers shall attend training workshops offered by the ~~NJDOE 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;
  - 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.
5. Each school bus driver shall:
  - a. Inspect his/her bus for possible hazards or safety concerns before driving the bus each day;



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Emergency School Bus Procedures

- 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 \_\_\_\_\_ (**Principal, Transportation Supervisor, Other**) any potential driving hazard on his/her route, such as construction, road work, etc.;
- f. Report promptly to the \_\_\_\_\_ (**Principal, Transportation Supervisor, Other**) 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. **Inspect the school vehicle for students left on board the bus at the end of a route** ~~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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Emergency School Bus Procedures

## 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.



# REGULATION GUIDE

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Emergency School Bus Procedures

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 \_\_\_\_\_  
**(Principal of the receiving school, Transportation Supervisor, School Business Administrator/Board Secretary, Other)** of the number and location of the bus and the circumstances of the disability. The \_\_\_\_\_ **(Principal of the receiving school, Transportation Supervisor, School Business Administrator/Board Secretary, Other)** 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.



# REGULATION GUIDE

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Emergency School Bus Procedures

- 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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Emergency School Bus Procedures

- 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 **NJDOE** 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.





# REGULATION GUIDE

OPERATIONS

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Emergency School Bus Procedures

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 \_\_\_\_\_ (**Principal of the receiving school, Transportation Supervisor, School Business Administrator/Board Secretary, Other**) 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.

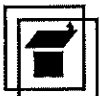


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Emergency School Bus Procedures

- 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:



# POLICY GUIDE

OPERATIONS

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Transportation of **Special Needs Students** ~~Disabled Students~~

Aug 19

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[See POLICY ALERT No. 147, 172 and 218]

## 8670 TRANSPORTATION OF SPECIAL NEEDS STUDENTS ~~DISABLED STUDENTS~~

The Board of Education shall provide transportation services for students with **special needs in accordance with N.J.S.A. 18A:39-1 et seq., N.J.A.C. 6A:27-5.1**, ~~disabilities as required by law and with their Individualized Education Program (IEP) dictated by the student's educational needs and physical welfare.~~ The Board will provide the transportation **in accordance with N.J.A.C. 6A:27-5.1** ~~specified as a related service in the program of special education approved for a disabled student with special needs pursuant to N.J.A.C. 6A:14-3.9(a)7.~~ Such transportation will conform to the student's ~~Individualized Education Program (IEP) and the transportation requirements described by the Child Study Team or prescribed by the school physician.~~ **Such transportation services may include, but are not limited to, special transportation equipment, transportation aides, and special arrangements for other assistance to and from school.**

**When an out-of-district placement for educational reasons is made,** ~~Transportation shall be provided consistent with to a placement outside this district will conform to the school calendar of the receiving school.~~ **A copy of the school calendar shall be submitted to the resident district by May 15 preceding the year in which transportation is required, or at the time of placement if it occurs after May 15.**

~~The transportation of a disabled student may include such special equipment, transportation aides, and special arrangements for other assistance to and from and in and around the school.~~ When necessary for the student's welfare, the **student's case manager shall** ~~will~~ provide the transportation coordinator or **responsible staff member** and the bus driver with specific information about the student **including safety concerns, mode of communication, and health and behavioral characteristics of a student for whom transportation services are to be provided.**

~~For S~~students with **special needs** disabilities below the age of five, **shall be transported in vehicles equipped with safety belts or other child restraint systems, in accordance with applicable Federal and State regulations** ~~will be used.~~



# POLICY GUIDE

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## Transportation of **Special Needs Students** ~~Disabled Students~~

The transportation of disabled students **with special needs** to special education programs approved by the Board and located outside the State will conform to guidelines established by the New Jersey State Department of Education pursuant to N.J.A.C. 6A:27-2.2(c)1. ~~Such transportation services will be dictated by the student's IEP and approved by the Child Study Team. The individual plan for a disabled student's out of State transportation will be submitted to the Office of the County Superintendent prior to its implementation. In general, transportation of out of State disabled students will be by the most economical and expeditious mode consistent with the student's special needs and will be limited to travel at the beginning and the ending of the school year.~~

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

N.J.S.A. 18A:39-1 et seq.; 18A:39-2.1; 18A:46-19.6; 18A:46-23  
N.J.A.C. 6A:14-3.9(a)7; 6A:27-2.2; 6A:27-5.1 et seq.

Adopted:



# POLICY GUIDE

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Parent Organizations  
Aug 19

[See POLICY ALERT No. 218]

## 9210 PARENT ORGANIZATIONS

The Board of Education will encourage and support **parent** organizations of ~~parent(s) or legal guardian(s)~~ whose objectives are to promote the educational interests of district students.

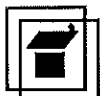
**Parent organizations are organizations independent from the Board of Education. Therefore, parent organizations shall not make any representations their organization or activities are sponsored or endorsed by the Board of Education without prior approval of the Board of Education. A parent organization shall submit a request for sponsorship or endorsement of a specific activity to the Board of Education.**

A ~~No~~ parent organization may **not** organize students, or sponsor school activities, or solicit moneys in the name of this school district or of any school in the district without the prior approval of the **Superintendent or designee** Board. Such approval must be sought by written application to the Superintendent **or designee**.

Representatives of recognized parent organizations shall be treated by district employees as interested friends of the schools and as supporters of public education in the school district. **Representatives of recognized parent organizations shall comply with all applicable Board policies.**

The Board relies upon parent organizations to operate in a manner consistent with public expectations for the schools and reserves the right to withdraw recognition from any parent organization, **at will**, whose actions are inimical to the interests of the **school district and the** students of this district.

Adopted:



# POLICY GUIDE

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News Media Relations  
Aug 19

[See POLICY ALERT No. 218]

## 9400 NEWS MEDIA RELATIONS

~~Representatives of the local newspapers and radio and television stations are an important link in the communications chain between the school district and the community it serves. The maintenance of a good working relationship with members of the media is essential to meeting the objectives of the school district's school and community relations program.~~

The Board of Education must give formal approval to all basic practices governing relations between ~~news~~ **the media** and the **school** district and reserves the right to negotiate, on terms most favorable to the **school** district, for the ~~radio~~ broadcasting, ~~televising~~, filming, or sound recording of any school event by an outside agency.

The \_\_\_\_\_ **Superintendent or designee** shall be the chief communications representative of the **school district Board**. ~~He/she~~ **The chief communications representative** shall be readily available to: ~~media representatives;~~ provide media representatives with all appropriate and necessary information;; suggest or supply feature articles or stories;; prepare **information to be released to the media**; ~~"press kits,"~~ assist school and parent organizations with **media press relations**;; meet periodically with media representatives;; ~~and~~ protect school personnel from any unnecessary demands on their time by ~~news~~ media representatives; **and provide additional information as appropriate.**

The \_\_\_\_\_ ~~(chief communications representative)~~ **Superintendent or designee** must ~~approve~~ **authorize** in advance interviews between staff members ~~or students~~ and media representatives **when the staff member is representing or speaking on behalf of the Board of Education or the school district.**

**A school district staff member not designated by the Superintendent or designee to assist in any of the media responsibilities outlined in this Policy, including speaking to a representative of the media, is not prohibited from doing so on their own behalf as a private citizen provided the staff member does not indicate or imply they represent or are speaking on behalf of the Board of Education or the school district and indicate they are speaking on their own behalf as a private citizen.**



# POLICY GUIDE

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News Media Relations

**A staff member who is acting on their own behalf as a private citizen should be cognizant of their obligations to protect the privacy and confidentiality of students and school operations in accordance with Federal and State laws.**

**The Board of Education reserves its right to regulate the exercise of school district staff members' First Amendment rights of the United States Constitution in such situations to the extent that such exercise may interfere with the safe and orderly operation of the schools and the learning environment.**

**The Superintendent or designee must and authorize the release of photographs, video or digital any images of district subjects, personnel, or students.**

**Any Photographs, video or digital images of a student with a disability of disabled children shall not be disseminated or used in print or media in any way if they are identified as a student with a disability disabled unless permission is granted by the parent(s) or legal guardian(s). Any Photographs, video or digital images of a child children placed in the district by DYFS the New Jersey Department of Children and Families, Division of Child Protection and Permanency shall not be published without permission of the Division Department case worker. Where the release of any a photograph, video or digital images may violate the privacy of a any student or staff member, the Superintendent or designee \_\_\_\_\_ (chief communications representative) must first secure the written permission of the staff member or the student's parent(s) or legal guardian(s).**

Adopted:

