

**THE PUBLIC SCHOOLS  
Montclair, New Jersey**

**APPROVAL OF THE FIRST READING OF THE FOLLOWING POLICIES**

**BE IT RESOLVED** that upon the recommendation of the Superintendent, the Montclair Board of Education approves the first reading of the following Policies;

- A. P 2415.05 – Student Surveys, Analysis, Evaluations, Examinations, Testing, or Treatment (M)
- B. P 2422 – Comprehensive Health and Physical Education (M)
- C. P 2431.4 – Prevention and Treatment of Sports-Related Concussions and Head Injuries (M)
- D. P 2451 – Adult High School (M)
- E. P 2622 – Student Assessment (M)
- F. P 3233 – Political Activities
- G. P 5111 – Eligibility of Resident/Nonresident Students
- H. P 5751 – Sexual Harassment of Students (M)
- I. P 6311 – Contracts for Goods or Services Funded by Federal Grants (M)
- J. P 7432 – Eye Protection (M)
- K. P 8465 – Bias Crimes and Bias-Related Acts (M)
- L. P 9560 – Administration of School Surveys (M)

**Adopted by Action of the  
Montclair Board of Education**

**September 19, 2022**

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Student Surveys, Analysis, and/or Evaluations,  
Examinations, Testing, or Treatment

Jan 22

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[See POLICY ALERT Nos. 222 and 226]

## 2415.05 STUDENT SURVEYS, ANALYSIS, AND/OR EVALUATIONS, EXAMINATIONS, TESTING, OR TREATMENT

The Protection of Pupil Rights Amendment (PPRA) (20 USC §1232h; 34 CFR Part 98) applies to school districts that receive funding from the United States Department of Education (USDOE). The PPRA requires written consent from parents or the emancipated student the opportunity to opt out of participation in a survey, analysis, evaluation, examination, testing, or treatment funded in whole or in part by a program of the United States Department of Education that concerns one or more of the areas outlined in this Policy.

### A. Definitions

“Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments. 20 USC §1232h(c)(6)(A).

“Invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening. 20 USC §1232h(c)(6)(B).

“Prior consent” means prior consent of the student, if the student is an adult or emancipated minor or prior written consent of the parent, if the student is an unemancipated minor. 34 CFR §98.4(b).

“Psychiatric or psychological examination or test” means a method of obtaining information, including a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs, or feelings. 34 CFR §98.4(c)(1).



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“Psychiatric or psychological treatment” means an activity involving the planned, systematic use of methods or techniques that are not directly related to academic instruction and that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group. 34 CFR §98.4(c)(2).

“Research or experimentation program or project” means any program or project in any program that is funded in whole or in part by the Federal Government and is designed to explore or develop new or unproven teaching methods or techniques. 34 CFR §98.3(b).

B. Parents’ or Emancipated Students’ Right to Inspection of Materials -  
34 CFR §98.3 and 20 USC §1232(c)

1. All instructional material, including teachers’ manuals, films, tapes, or other supplementary instructional material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program or any research or experimentation program or project shall be available for inspection by the parents of the children engaged in such program or project in accordance with 20 USC §1232h(a) and 34 CFR §98.3(a).

a. The district shall provide reasonable access to instructional material within a reasonable period of time after the request is received in accordance with 20 USC §1232h(c)(1)(C)(ii).

2. The parent shall have the right, upon request, to inspect a survey created by a third party before the survey is administered or distributed to their student pursuant to 20 USC §1232h(c)(1)(A)(i).

a. The district shall provide reasonable access to such survey within a reasonable period of time after the request is received in accordance with 20 USC §1232h(c)(1)(A)(ii).



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3. The parent shall have the right, upon request, to inspect any instrument used in the collection of personal information from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), before the instrument is administered or distributed to their student pursuant to 20 USC §1232h(c)(1)(F)(i).
  - a. The district shall provide reasonable access to such instrument within a reasonable period of time after the request is received in accordance with 20 USC §1232h(c)(1)(F)(ii).
- C. Protection of Students' Privacy in Examination, Testing, or Treatment with Prior Consent - 34 CFR §98.4
  1. In accordance with 34 CFR §98.4(a) no student shall be required, as part of any program funded in whole or in part by a program of the USDOE, to submit without prior consent to psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to reveal information concerning one or more of the following:
    - a. Political affiliations;
    - b. Mental and psychological problems potentially embarrassing to the student or the student's family;
    - c. Sex behavior and attitudes;
    - d. Illegal, anti-social, self-incriminating, and demeaning behavior;
    - e. Critical appraisals of other individuals with whom the student has close family relationships;
    - f. Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or



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- g. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program.
- D. Protections of Students' Rights for Surveys, Analysis, or Evaluation - 20 USC §1232h
- 1. In accordance with 20 USC §1232h(b) no student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation, without prior consent, that reveals information concerning:
    - a. Political affiliations or beliefs of the student or the student's parent;
    - b. Mental and psychological problems of the student or the student's family;
    - c. Sex behavior or attitudes;
    - d. Illegal, anti-social, self-incriminating, or demeaning behavior;
    - e. Critical appraisals of other individuals with whom the student has close family relationships;
    - f. Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;
    - g. Religious practices, affiliations, or beliefs of the student or student's parent; or
    - h. Income, (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program).
  - 2. Parents' or Emancipated Students' Right to Opt Out - 20 USC §1232h(c)(2)



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- a. The district shall provide notice and offer an opportunity for parents to opt their student out or for emancipated students to opt out of participation in the following activities:
    - (1) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
    - (2) The administration of any survey containing one or more of the items listed in D.1. above.
    - (3) Any nonemergency, invasive physical examination or screening that is:
      - (a) Required as a condition of attendance;
      - (b) Administered by the school and scheduled by the school in advance; and
      - (c) Not necessary to protect the immediate health and safety of the student, or of other students.
  - b. The district shall directly notify parents at least annually at the beginning of the school year of the specific or approximate dates during the school year when activities described in D.2.a. above are scheduled or expected to be scheduled in accordance with 20 USC §1232h(c)(2)(B).
3. Exceptions – 20 USC §1232h(c)(4)
- a. The provisions of 20 USC §1232h do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:



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- (1) College or other postsecondary education recruitment, or military recruitment in accordance with Policy 9713;
  - (2) Book clubs, magazines, and programs providing access to low-cost literary products;
  - (3) Curriculum and instructional materials used by schools in the district;
  - (4) Tests and assessments used by schools in the district to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
  - (5) The sale by students of products or services to raise funds for school-related or education-related activities; and
  - (6) Student recognition programs.
- b. The provisions of this Policy:
- (1) Shall not be construed to preempt applicable provisions of New Jersey law that require parental notification; and
  - (2) Do not apply to any physical examination or screening that is permitted or required by an applicable New Jersey law, including physical examinations or screenings permitted without parental notification.



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4. Policy Adoption or Revision – 20 USC §1232h(c)(2)(A)(i)

The district shall provide this Policy to parents and students at least annually at the beginning of the school year, and provide notice within a reasonable period of time after any substantive change is made to this Policy.

E. Student Privacy – 20 USC §1232h and 34 CFR §98

The district shall ensure a student's privacy is protected regarding any information collected in accordance with this Policy.

F. Violations of the PPRA – 20 USC §1232h and 34 CFR §98

Parents or students who believe their rights under PPRA may have been violated may file a complaint with the USDOE.

In addition to the provisions of 20 USC §1232h, 34 CFR §98, and this Policy, the Superintendent or designee shall ensure compliance with the provisions of N.J.S.A. 18A:36-34 and Policy 9560 – Administration of School Surveys before students are required to participate in any academic or nonacademic survey, assessment, analysis, or evaluation.

The Protection of Pupil Rights Amendment (PPRA)

20 USC §1232h

34 CFR Part 98

Elementary and Secondary Education Act of 1965 (20 USC 2701 et seq.) as amended by the Every Student Succeeds Act

N.J.S.A 18A:36-34

Adopted:





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Comprehensive Health and Physical Education  
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[See POLICY ALERT Nos. 208, 217, 219, and 224]

## 2422 COMPREHENSIVE HEALTH AND PHYSICAL EDUCATION

The Board of Education requires all students to participate in a comprehensive, sequential, health and physical education program aligned with the New Jersey Student Learning Standards (NJSLS) that emphasizes the natural interdisciplinary connection between wellness and health and physical education. The primary focus of the NJSLS is the development of knowledge and skills that influence healthy behaviors within the context of self, family, school, and the local and global community.

**The curriculum requirements listed below address the need for students to gain knowledge and skill in caring for themselves, interacting effectively with others, and analyzing the impact of choices and consequences. The primary focus of the curriculum listed below is to help students develop concepts and skills that promote and influence healthy behaviors.**

The NJSLS incorporate New Jersey statutes related to health and well-being of students in New Jersey schools. The following statutes incorporated into the NJSLS include, but are not limited to, the following requirements:

1. Accident and Fire Prevention (N.J.S.A. 18A:6-2) requires instruction in accident and fire prevention. Regular courses of instruction in accident prevention and fire prevention shall be given in every public and private school in New Jersey. Instruction shall be adapted to the understanding of students at different grade levels.
2. Breast Self-Examination (N.J.S.A. 18A:35-5.4) requires instruction on breast self-examination. The Board of Education shall operate an educational program for students in grades seven through twelve with instruction in breast self-examination. The instruction shall take place as part of the district's implementation of the NJSLS in Comprehensive Health and Physical Education and the comprehensive health and physical education curriculum



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framework shall provide school districts with sample activities that may be used to support implementation of the instructional requirement.

3. Bullying Prevention Programs (N.J.S.A. 18A:37-17) requires the establishment of bullying prevention programs. The school district is encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members. To the extent funds are appropriated for these purposes, the school district shall: (1) provide training on the school district's Harassment, Intimidation, or Bullying Policy to school employees and volunteers who have significant contact with students; and (2) develop a process for discussing the district's Harassment, Intimidation, or Bullying Policy with students. Information regarding the school district Policy against harassment, intimidation, or bullying shall be incorporated into the school's employee training program.
4. Cancer Awareness (N.J.S.A. 18A:40-33) requires the development of a school program on cancer awareness. The Commissioner of Education, in consultation with the State school Boards, shall develop a cancer awareness program appropriate for school-aged children.
5. Dating Violence Education (N.J.S.A. 18A:35-4.23a) requires instruction regarding dating violence in grades seven through twelve. The school district shall incorporate dating violence education that is age appropriate into the health education curriculum as part of the district's implementation of the NJSLs in Comprehensive Health and Physical Education for students in grades seven through twelve. The dating violence education shall include, but not be limited to, information on the definition of dating violence, recognizing dating violence warning signs, and the characteristics of healthy relationships.
6. Domestic Violence Education (N.J.S.A. 18A:35-4.23) allows instruction on problems related to domestic violence and child abuse. The Board of Education may include instruction on the problems of domestic violence and child abuse in an appropriate place in the curriculum of elementary school, middle school, and high school students. The instruction shall enable students to understand the psychology and



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dynamics of family violence, dating violence, and child abuse; the relationship of alcohol and drug use to such violence and abuse; the relationship of animal cruelty to such violence and abuse; and to learn methods of nonviolent problem-solving.

7. Gang Violence Prevention (N.J.S.A. 18A:35-4.26) requires instruction in gang violence prevention for elementary school students. A Board of Education that operates an educational program for elementary school students shall offer instruction in gang violence prevention and in ways to avoid membership in gangs. The instruction shall take place as part of the district's implementation of the NJSLs in Comprehensive Health and Physical Education and the comprehensive health and physical education curriculum framework shall provide the school district with sample materials that may be used to support implementation of the instructional requirement.
8. Health, Safety, and Physical Education (N.J.S.A. 18A:35) requires that all students in grades one through twelve participate in at least two and one-half hours of health, safety, and physical education each school week. Every student, except Kindergarten students, attending the public schools, insofar as he or she is physically fit and capable of doing so, as determined by the medical inspector, shall take such courses, which shall be a part of the curriculum prescribed for the several grades. The conduct and attainment of the students shall be marked as in other courses or subjects, and the standing of the student in connection therewith shall form a part of the requirements for promotion or graduation. The time devoted to such courses shall aggregate at least two and one-half hours each school week, or proportionately less when holidays fall within the week.
9. Drugs, Alcohol, Tobacco, Controlled Dangerous Substances, and Anabolic Steroids (N.J.S.A. 18A:40A-1) requires instructional programs on drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances and the development of curriculum guidelines. Instructional programs on the nature of drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances, as defined in Section 2 of P.L.1970, c.226 (C.24:21-2), and their physiological, psychological, sociological, and legal effects



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on the individual, the family, and society shall be taught in the public school and in each grade from Kindergarten through grade twelve in a manner adapted to the age and understanding of the students. The programs shall be based upon the curriculum guidelines established by the Commissioner of Education and shall be included in the curriculum for each grade in such a manner as to provide a thorough and comprehensive treatment of the subject.

10. Lyme Disease Prevention (N.J.S.A. 18A:35-5.1) requires the development of Lyme disease curriculum guidelines. The guidelines shall emphasize disease prevention and sensitivity for victims of the disease. The Commissioner of Education shall periodically review and update the guidelines to insure that the curriculum reflects the most current information available.
11. Organ Donation (N.J.S.A. 18A:7F-4.3) requires information relative to organ donation to be given to students in grades nine through twelve. The goals of the instruction shall be to:
  - a. Emphasize the benefits of organ and tissue donation to the health and well-being of society generally and to individuals whose lives are saved by organ and tissue donations, so that students will be motivated to make an affirmative decision to register as donors when they become adults.
  - b. Fully address myths and misunderstandings regarding organ and tissue donation.
  - c. Explain the options available to adults, including the option of designating a decision-maker to make the donation decision on one's behalf.
  - d. Instill an understanding of the consequences when an individual does not make a decision to become an organ donor and does not register or otherwise record a designated decision-maker.

The instruction shall inform students that, beginning five years from the date of enactment of P.L.2008, c.48 (C.26:6-66 et al.), the New Jersey Motor Vehicle Commission will not issue or renew a New Jersey driver's license or personal identification card unless a prospective or renewing licensee or card holder makes an acknowledgement regarding the donor decision pursuant to Section 8 of



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P.L.2008, c.48 (C.39:3-12.4). The Commissioner of Education, through the non-public school liaison in the Department of Education, shall make any related instructional materials available to private schools educating students in grades nine through twelve, or any combination thereof. Such schools are encouraged to use the instructional materials at the school; however, nothing in N.J.S.A. 18A:7F-4.3 shall be construed to require such schools to use the materials.

12. Sexual Assault Prevention (N.J.S.A. 18A:35-4.3) requires the development of a sexual assault prevention education program. The Department of Education in consultation with the advisory committee shall develop and establish guidelines for the teaching of sexual assault prevention techniques for utilization by local school districts in the establishment of a sexual assault prevention education program. Such program shall be adapted to the age and understanding of the students and shall be emphasized in appropriate places of the curriculum sufficiently for a full and adequate treatment of the subject.
13. Stress Abstinence (N.J.S.A. 18A:35-4.19 through N.J.S.A. 18A:35-4.22), also known as the "AIDS Prevention Act of 1999," requires sex education programs to stress abstinence. Any sex education that is given as part of any planned course, curriculum, or other instructional program and that is intended to impart information or promote discussion or understanding in regard to human sexual behavior, sexual feelings and sexual values, human sexuality and reproduction, pregnancy avoidance or termination, HIV infection or sexually transmitted diseases, regardless of whether such instruction is described as, or incorporated into, a description of "sex education," "family life education," "family health education," "health education," "family living," "health," "self-esteem," or any other course, curriculum program, or goal of education, and any materials including, but not limited, to handouts, speakers, notes, or audiovisuals presented on school property concerning methods for the prevention of acquired immune deficiency syndrome (HIV/AIDS), other sexually transmitted diseases, and of avoiding pregnancy, shall stress that abstinence from sexual activity is the only completely reliable means of eliminating the sexual transmission of HIV/AIDS and other sexually transmitted diseases and of avoiding pregnancy.
14. Suicide Prevention (N.J.S.A. 18A:6-111) requires instruction in suicide prevention in public schools. Instruction in suicide



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prevention shall be provided as part of any continuing education that public school teaching staff members must complete to maintain their certification; and inclusion of suicide prevention awareness shall be included in the NJSLS in Comprehensive Health and Physical Education.

15. **Cardiopulmonary Resuscitation (N.J.S.A. 18A:35-4.28 and 18A:35-4.29)** requires instruction in the use of automated external defibrillator for students. Instruction shall be provided in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student in a public school that includes grades nine through twelve prior to graduation as part of the district's implementation of the NJSLS in Comprehensive Health and Physical Education. The instruction provided shall be modeled from an instructional program established by the American Heart Association, American Red Cross, or other nationally recognized association and shall include a hands-on learning component.
16. **Sexually Explicit Images through Electronic Means (N.J.S.A. 18A:35-4.32 and 4.33)** requires instruction, once during middle school, on the social, emotional, and legal consequences of distributing and soliciting sexually explicit images through electronic means.
17. **History of Disabled and LGBT Persons (N.J.S.A. 18A:35-4.35 and 4.36)** requires instruction on the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people for middle and high school students.
18. **Financial Literacy (N.J.S.A. 18A:35-4.34)** requires instruction with basic financial literacy necessary for sound financial decision-making in each of the grades six through eight.
19. **Sexual Abuse and Assault Awareness and Prevention Education (N.J.S.A. 18A:35-4.5a)** requires age-appropriate sexual abuse and assault awareness and prevention education in grades preschool through twelve.
20. **Curriculum to Include Instruction on Diversity and Inclusion (N.J.S.A. 18A:35-4.36a)** requires instruction



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on diversity and inclusion in an appropriate place in the curriculum for students in grades Kindergarten through twelve.

21. **Incorporation of Age-Appropriate Instruction Relative to Consent for Physical Contact and Sexual Activity (N.J.S.A. 18A:35-4.38)** requires age-appropriate instruction in grades six through twelve on the law and meaning of consent for physical contact and sexual activity.
22. **Health Curriculum to Include Instruction on Mental Health (N.J.S.A. 18A:35-4.39)** requires health education programs to include instruction on mental health and the relation of physical and mental health for students in grades Kindergarten through twelve.
23. **Information About “New Jersey Safe Haven Infant Protection Act” Included in Public School Curriculum (N.J.S.A. 18A:35-4.40)** information on the provisions of the “New Jersey Safe Haven Infant Protection Act” shall be included in curriculum for public school students in grades nine through twelve.
24. **Infusion of African American Accomplishments into School Curricula (N.J.S.A. 18A:35-4.43)** requires in the curriculum for all elementary and secondary students instruction that infuses into all courses on the United States the centuries of accomplishments by African Americans in the building and development of America.
- 25-16. **Other Statutory or Administrative Codes.** The Board will incorporate into its health and physical education curriculum any other requirements of the NJSLS in Comprehensive Health and Physical Education.

In accordance with the provisions of N.J.S.A. 18A:35-4.7, any student whose parent presents to the Principal a signed statement that any part of the instruction in health, family life education, or sex education is in conflict with his/her conscience or sincerely held moral or religious beliefs shall be excused from that portion of the course where such instruction is being given and no penalties as to credit or graduation shall result.



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The Board of Education must provide two and one-half hours of health, safety, and physical education courses in each school week, or proportionately less when holidays fall within the week. Recess period(s) shall not be used to meet the requirements of N.J.S.A. 18A:35-5, 7, and 8.

In accordance with N.J.S.A. 18A:35-4.31, the Board of Education shall provide a daily recess period of at least twenty minutes for students in grades Kindergarten through five. A recess period is not required on a school day in which the day is substantially shortened due to a delayed opening or early dismissal. The recess period shall be outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the school district's Code of Student Conduct, including a harassment, intimidation, or bullying (HIB) investigation pursuant to N.J.S.A. 18A:37-13 et seq. Students may not be denied recess more than twice per week for a violation of the Code of Student Conduct or HIB investigation and these students shall be provided restorative justice activities during the recess period.

Restorative justice activities are defined as activities designed to improve the socioemotional and behavioral responses of students through the use of more appropriate and less punitive interventions thereby establishing a more supportive and inclusive school culture. The student's recess period should be scheduled in a manner that does not interfere with the implementation of a student's Individualized Education Program (IEP). School staff may deny recess for a student on the advice of a medical professional, school nurse, or the provisions of a student's IEP and/or 504 Plan.

A copy of the NJSLS for Comprehensive Health and Physical Education and all related curriculum/course guides and instructional material shall be available for public inspection in each school.

~~N.J.S.A. 18A:35-4.31~~

Adopted:





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Prevention and Treatment of Sports-Related  
Concussions and Head Injuries

Jan 22

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[See POLICY ALERT Nos. 190, 194, 197, and 226]

## 2431.4 PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES

A concussion is a traumatic brain injury caused by a blow or motion to the head or body that disrupts the normal functioning of the brain and can cause significant and sustained neuropsychological impairments including, but not limited to, problem solving, planning, memory, and behavioral problems. In order to ensure safety, it is imperative that students participating in athletic competition, coaches, and parents are educated about the nature and treatment of sports-related concussions and other head injuries. Allowing a student to return to athletic competition before recovering from a concussion increases the chance of a more serious brain injury.

For the purpose of this Policy and Regulation 2431.4, programs of athletic competition shall include high school interscholastic athletic programs, middle school interscholastic athletic programs where school teams or squads play teams or squads from other school districts, intramural athletic programs within a school or among schools in the district, and any cheerleading program or activity in the school district.

The school district shall adopt an athletic head injury safety training program. The program shall be completed by the school physician, any individual who coaches in an athletic competition, an athletic trainer involved in any athletic competition, and the school nurse. The training program shall be in accordance with guidance provided by the New Jersey Department of Education (NJDOE) and the requirements of N.J.S.A. 18A:40-41.2.

The school district shall annually distribute the NJDOE-developed educational fact sheet regarding sports-related concussions and other head injuries to all parents of students participating in any athletic competition or practice and shall obtain a signed acknowledgement of the receipt of the fact sheet by the student and their parent in accordance with N.J.S.A. 18A:40-41.2(c).



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Prevention and Treatment of Sports-Related  
Concussions and Head Injuries

A student who participates in an athletic competition or practice and who sustains or is suspected of sustaining a concussion or other head injury shall be immediately removed from athletic competition or practice. A student removed from athletic competition or practice shall not participate in further athletic competition or practice until they are evaluated by a physician or other licensed healthcare provider trained in the evaluation and management of concussions and receives written clearance from a physician trained in the evaluation and management of concussions to return to athletic competition or practice; and the student returns to regular school activities and is no longer experiencing symptoms of the injury when conducting those activities in accordance with N.J.S.A. 18A:40-41.4.

The return of a student to athletic competition or practice shall also be in accordance with the graduated, six-step "Return to Play Progression" recommendations and any subsequent changes or other updates to these recommendations as developed by the Centers for Disease Control and Prevention (CDC). The Board shall revise this Policy and Regulation 2431.4 whenever the CDC changes or otherwise updates the "Return to Play Progression" recommendations.

The school district shall provide a copy of this Policy and Regulation 2431.4 to all youth sports team organizations that operate on school grounds. In accordance with the provisions of N.J.S.A. 18A:40-41.5, the school district shall not be liable for the injury or death of a person due to the action or inaction of persons employed by, or under contract with, a youth sports team organization that operates on school grounds, if the youth sports team organization provides the school district proof of an insurance policy of an amount of not less than \$50,000 per person, per occurrence insuring the youth sports team organization against liability for any bodily injury suffered by a person and a statement of compliance with this Policy and Regulation 2431.4.

Pursuant to N.J.S.A. 18A:40-41.5 and for the purpose of this Policy, a "youth sports team organization" means one or more sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a league organized by or affiliated with a county or municipal recreation department.



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Prevention and Treatment of Sports-Related  
Concussions and Head Injuries

This Policy and Regulation 2431.4 shall be reviewed and approved by the school physician annually and updated as necessary to ensure it reflects the most current information available on the prevention, risk, and treatment of sports-related concussions and other head injuries in accordance with N.J.S.A. 18A:40-41.3.

N.J.S.A. 18A:40-41.1; 18A:40-41.2; 18A:40-41.3; 18A:40-41.4; 18A:40-41.5

Adopted:



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Adult High School  
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[See POLICY ALERT Nos. 221 and 226]

## 2451 ADULT HIGH SCHOOL

The Board of Education may determine a need exists in the community for the provision of educational services that will enable out-of-school adults to qualify for a State-endorsed high school diploma issued by the Board. The purpose of this program is to provide comprehensive life-long learning opportunities for adults. Accordingly, the Board may establish and implement a State-approved adult high school ~~in accordance with rules of the State Board of Education.~~

The Board of Education may open and operate an adult high school, which shall offer ~~students~~ adults opportunity, accessibility, and flexibility while maintaining high standards inherent in the awarding of a high school diploma pursuant to N.J.S.A. ~~18A:49-1 et seq.~~, 18A:50-1 et seq., and N.J.A.C. ~~6A:20-2.1~~ ~~18A:50A-1~~ et seq. Courses shall be sufficiently varied to ~~for meet~~ meeting the educational needs of ~~students~~ adults and shall be designed to challenge ~~students~~ participants to achieve their highest level of educational ability.

An educational plan shall be developed for each student in the district's adult high school program reflecting the student's past academic record, an analysis of past experiences for which credit may be awarded pursuant to N.J.A.C. 6A:20-2.6, graduation requirements, and a proposed schedule of courses for the current school year leading to completion of graduation requirements.

### A. Eligibility for Enrollment – N.J.A.C. 6A:20-2.2

1. To qualify for enrollment in the adult high school, a person shall:
  - a. Be a New Jersey resident at least sixteen years of age;
2. ~~Meet the age and out-of-school requirement at N.J.A.C. 6A:20-1.3;~~



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(1)a. A ~~student person~~ enrolled in secondary school with senior standing who lacks an opportunity to take at ~~their his or her~~ secondary school courses that are available in an adult high school shall be **eligible to take courses at the adult high school exempt from the out-of-school requirement provisions of N.J.A.C. 6A:20-1.3**, provided the Superintendents of both the sending and receiving school districts approve in a written joint agreement the participation of **the student** ~~such a person~~ on a space-available basis in ~~the an~~ adult high school. The written approval shall explicitly state the course(s) to be taken, **the credits offered for each subject**, and the time frame covered by the agreement. Tuition established by the receiving school district on a cost-recovery basis may be charged to the sending school district for **students** ~~persons~~ enrolled under this exception, **if applicable**;

b3. Have not earned a ~~locally issued~~, State-endorsed or **State-issued** high school diploma;

(1)a. Persons holding **State-endorsed** ~~locally issued~~ high school diplomas may enroll in an adult high school on a space-available basis for the express purpose of supplementing their high school record. Tuition established by the host school district on a cost-recovery basis may be charged to persons enrolling under this exception; and

c4. Complete and sign a **locally created** ~~an~~ application for enrollment, including a statement of responsibilities.

B. **English Language Learners Adults with Special Needs** – N.J.A.C. 6A:20-2.3

1. **English language learners (ELLs)** ~~Limited English proficient~~ adults shall be required to demonstrate language **proficiency fluency** on a State-approved English proficiency assessment at a score level determined by the **New Jersey State Board of Education** ~~in accordance to N.J.A.C. 6A:20-2.3(a)~~.



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a. **ELLs shall be referred to appropriate classes in the adult high school to attain English language proficiency.**

(1) **If the language improvement needs of the individual cannot be met by the adult high school, then the Principal shall refer the person to a New Jersey Department of Labor and Workforce Development Career Connections website.**

## C. **Individuals with Disabilities – N.J.A.C. 6A:20-2.4**

1. For an **individual adult** with a previous **Individualized Education Program (IEP) experience in a special education program** now seeking similar services at an adult high school, the Principal of the adult high school shall request, with **the written consent of the individual** ~~the concurrence of the adult~~, the most recent evaluation and ~~individualized educational plan (IEP)~~ for the **individual adult** from the high school of last attendance, provided the evaluation was made within the last three years ~~pursuant to N.J.A.C. 6A:20-2.3(b)~~.

a. The Principal shall review the IEP to determine the services required by the plan and ~~also~~ the availability of such services at the adult high school.

(1)a. If the IEP can be carried out, it shall serve as the instructional guide for the **individual adult**.

(2)b. If the Principal determines the IEP cannot be carried out, the Principal shall promptly refer the **individual adult** to the nearest adult high school with staff available to offer the special services required in the IEP or to **the** appropriate county or State agencies or institutions with resources and personnel able to serve the **individual's special needs of the adult**.



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- b2. If the evaluation was made more than three years prior to application to the adult high school, the IEP may not serve as a guide for the **individual's adult's** instructional program at the adult high school. **The individual shall be referred to the IEP team for a reevaluation in accordance with N.J.A.C. 6A:14 - Special Education.**
2. **For an individual who previously had a 504 Plan, the Principal of the adult high school shall request, with the written consent of the individual, the most recent 504 Plan for the individual from the high school of last attendance, provided the evaluation was made within the last year. The school district shall determine if the 504 Plan needs to continue, be discontinued, and/or updated. The Principal of an adult high school may request a doctor's note with a rationale and treatment plan to verify the continued need for the 504 Plan.**
3. **An individual with a disability who does not qualify for special education and related services, pursuant to N.J.A.C. 6A:14, N.J.A.C. 6A:20-2.4(a), and C.1. above, and who does not have a previous 504 Plan shall be counseled regarding educational options that would lead to a high school diploma.**

~~Disabled adults without previous experience in a special education program or individuals with IEPs that have been issued more than three years prior to their application to the adult high school shall be counseled regarding educational options that would lead to high school graduation and shall be served to the maximum extent appropriate to the needs of the disabled adult within the capability of the program to provide such services in accordance to N.J.A.C. 6A:2.3(e).~~

**D. Graduation Requirements – N.J.A.C. 6A:20-2.54**

1. **Adult high school students must pass the Statewide assessment test for graduation pursuant to N.J.A.C. 6A:8-5.1.**



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- a. **Students who are enrolled in the adult high school and are ~~When an adult is~~ unable to pass the Statewide assessment for graduation test, pursuant to N.J.A.C. 6A:8-5.1, ~~there shall receive~~ be further evaluation through the **portfolio appeal process, Alternative High School Assessment** pursuant to N.J.A.C. 6A:8-5.1; ~~Standards and Assessments.~~**
  - b. **ELLs who are enrolled in the adult high school and ~~When limited English proficient adults~~ are unable to pass the Statewide assessment for graduation test, required at N.J.A.C. 6A:8-5.1, ~~they shall receive~~ be further evaluation ~~evaluated through the Alternative High School Assessment~~ pursuant to N.J.A.C. 6A:8-5.1(h), and shall demonstrate English language fluency on a **New Jersey Department of Education State-approved English proficiency assessment as a requirement for graduation. The portfolio appeals process shall be undertaken in the ELL's native language, when available.****
2. When operating an adult high school, the Board shall **ensure that students** meet the requirements for high school graduation pursuant to N.J.A.C. 6A:8-5 and ~~Policy 5460.~~
  3. The staff of the adult high school shall distribute to each entering **student adult** a copy of all State and local adult high school graduation requirements. At the beginning of each course, all **students adults** shall receive a list of proficiencies required for the successful completion of the course.
  4. Successful completion of the requirements **set forth as outlined** in N.J.A.C. 6A:20-2.54(a) and (b), **D.1. and D.2. above, and the requirements** ~~these~~ established by the Board, ~~of Education~~ shall be required as conditions for awarding a locally issued, State-endorsed diploma.
  5. The Board shall not issue a **State-endorsed an adult high school diploma** without State approval of the adult high school program ~~and without signed verifications for all credit awarded for experience and an official transcript(s) being on file.~~





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**6. The Board shall not issue a State-endorsed high school diploma without signed verifications for all credit awarded for experience and an official transcript(s) being on file.**

**E. Award of Credit – N.J.A.C. 6A:20-2.65**

A Board of Education operating an adult high school shall annually adopt, at a public meeting, policies that provide for the awarding of credit, subject to the provisions outlined in N.J.A.C. 6A:20-2.65(a)1. through 6A:20-2.65(a)12.

**F. Awarding of Credit for Foreign Studies Students – N.J.A.C. 6A:20-2.76**

Credit for the equivalent of American secondary school studies experienced in a foreign country shall be reviewed by **the school district operating the adult high school. If the school district cannot review the secondary studies experienced in a foreign country, the secondary studies shall be reviewed by** a recognized foreign credential evaluation expert or service ~~following an evaluation of transcript(s) presented by the adult.~~ The cost of **the foreign credential evaluation expert or service such review** shall be borne by the adult student.

**G. Maintaining Student Records – N.J.A.C. 6A:20-2.87**

The adult high school ~~program~~ shall have the responsibility to compile, maintain, and retain student records, including daily attendance records, and to regulate access to and security of such records.

~~Attendance records will be compiled and maintained in accordance with Board Policy No. 9330 and State Board of Education rules governing student records and with law and State Board of Education rules governing financial records.~~

**H. Staffing – N.J.A.C. 6A:20-2.98**

**1. Pursuant to N.J.A.C. 6A:20-2.8, T**he adult high school shall have an adequate number of professional staff, properly certified for their respective assignments; however, persons involved in adult advisement shall be certified as either a Principal, supervisor, counselor, or teacher.



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2. The Board of Education shall assign to professional staff members only position titles recognized in N.J.A.C. 6A:9B -, State Board of Examiners and Certification.

## I. Special Conditions – N.J.A.C. 6A:20-2.109

The rules set forth elsewhere in N.J.A.C. 6A governing the operation of a high school within the a school district shall govern the operation of an adult high school, unless otherwise explicitly stated in N.J.A.C. 6A:20-2 and this Policy pursuant to N.J.A.C. 6A:20-2.

### ~~Monitoring – N.J.A.C. 6A:20-2.10~~

~~Staff of the New Jersey Department of Education's Adult Education Unit shall monitor the adult high school program pursuant to the monitoring process outlined in N.J.A.C. 6A:20-1.6. The indicators of program quality with associated measures of performance as outlined in N.J.A.C. 6A:20-2.10(b) shall be used by the monitoring teams in carrying out the monitoring process in adult high schools.~~

N.J.S.A. 18A:7C-8; 18A:38-16; 18A:48-1; 18A:50-1 et seq.  
N.J.A.C. 6A:20-2.1 et seq.

Adopted:



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[See POLICY ALERT Nos. 197, 205, 209, 211, 220, and 226]

## 2622 STUDENT ASSESSMENT

State assessments provide parents with important information about their child's progress; detailed diagnostic information about each individual student's performance that educators, parents, and students can utilize to enhance foundational knowledge and student achievement; and include item analysis which will clarify a student's level of knowledge and understanding of a particular subject or area of a subject. The data derived from State assessments are utilized by teachers and administrators to pinpoint areas of difficulty and customize instruction accordingly. Such data can be accessed and utilized as a student progresses to successive school levels.

The Commissioner of Education, in accordance with N.J.S.A. 18A:7C-1 et seq. and 18A:7E-2 and 3, may implement assessments of student achievement in any grade(s) and by such assessments as the Commissioner deems appropriate. The system and related schedule of Statewide assessments shall be approved by the New Jersey State Board of Education. The school district shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments pursuant to N.J.A.C. 6A:8-4.1(c) and (d).

Pursuant to N.J.A.C. 6A:8-4.1(c), all students at grade levels three through twelve, and at any other grade(s) designated by the Commissioner pursuant to N.J.A.C. 6A:8-4.1(a), shall take all appropriate Statewide assessments as scheduled. The school district will provide accommodations or modifications to the Statewide assessment system in accordance with the provisions of N.J.A.C. 6A:8-4.1(d).

Students with disabilities as defined in N.J.A.C. 6A:14-1.3 shall participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10. The school district shall administer the alternative State assessment for students with disabilities in accordance with the provisions of N.J.A.C. 6A:8-4.1(d)3.

The school district shall implement alternative ways for students to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(a)6, (f), (g), (h), or (i), as applicable.



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Student Assessment

The school district shall maintain an accurate record of each student's performance on Statewide assessments and maintain for every student a ninth grade through graduation transcript in accordance with the provisions of N.J.A.C. 6A:8-4.2(d). The Superintendent shall report assessment results to the public and provide educators, parents, and students with assessment results in accordance with the provisions of N.J.A.C. 6A:8-4.3.

N.J.S.A. 18A:7C-1 et seq.; 18A:7E-2; 18A:7E-3  
N.J.A.C. 6A:8-4.1 et seq.; 6A:8-5.1; 6A:14-1.1 et seq.; 6A:14-3.7; 6A:14-4.10

Adopted:



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TEACHING STAFF MEMBERS

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Political Activities

Jan 22

[See POLICY ALERT No. 226]

## 3233 POLITICAL ACTIVITIES

The Board of Education recognizes and encourages the right of all citizens, including teaching staff members, to engage in political activity. **However,** ~~t~~The Board prohibits the use of school **grounds premises** and school time, ~~however,~~ for partisan political purposes.

The Board establishes the following guidelines to govern teaching staff members in their political activities:

1. A teaching staff member shall not engage in political activity on school **grounds premises** unless permitted in accordance with Board Policy No. 7510 - Use of School Facilities and/or applicable Federal and State laws;
2. A teaching staff member shall not post political circulars or petitions on school **grounds premises** nor distribute such circulars or petitions to students nor solicit campaign funds or campaign workers on school **grounds premises**;
3. A teaching staff member shall not display any material that would tend to promote any candidate for office on an election day **on in a** school **grounds facility** that **are** is used as a polling place;
4. A teaching staff member shall not engage in any activity in the presence of students while on school **grounds property**, which **activity** is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

**In accordance with N.J.S.A. 18A:6-8.1.,** a ~~A teaching eertificated~~ staff member employed by this district who is a member of the Senate or General Assembly of the State of New Jersey shall be entitled to time off from school district duties, without loss of pay, during the periods of **the teaching staff member's his/her** attendance at regular or special sessions of the legislature and hearings or meetings of any legislative committee or commission.



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**In accordance with N.J.S.A. 18A:6-8.2., a ~~A teaching certified~~ staff member employed by this district who is a member of the Board of **County Commissioners Chosen Freeholders** of any county of New Jersey shall be entitled to time off from **the teaching staff member's his/her** duties, without pay, during the periods of **the teaching staff member's his/her** attendance at regular or special meetings of the Board of **County Commissioners** and of any committee thereof and at such other times as **the teaching staff member he/she** shall be engaged in performing the necessary functions and duties of **the teaching staff member's his/her** office as a member of the Board of **County Commissioners**.**

No other teaching staff member who holds elective or appointive office is ~~so~~ entitled to time off, except as such time off may be provided for by Board policy or negotiated agreement.

The provisions of this ~~P~~policy do not apply to the discussion and study of politics and political issues appropriate to the curriculum, the conduct of student elections, or the conduct of employee representative elections.

Nothing in this Policy shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a **teaching** staff member or a student.

~~N.J.S.A. 11:17-2~~

N.J.S.A. 18A:6-8.1.; 18A:6-8.2.; 18A:6-8.4.; 18A:42-4

N.J.S.A. 19:34-42

Green Township v. Rowe, Superior Court of New Jersey - Appellate Division  
A-2528-98T5

Adopted:



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Eligibility of Resident/Nonresident Students

Aug 21

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[See POLICY ALERT Nos. 189, 208, 217, 220, and 224]

## 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The Board of Education shall admit to its schools, free of charge, persons over five and under twenty years of age, pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education.

### Eligibility to Attend School

The Board shall admit students eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1.

A child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in a time of war or national emergency shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were ~~his or her~~ **their** own child in accordance with N.J.A.C. 6A:22-3.2. A student is only eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 if the student's parent or guardian files, together with documentation to support its validity, a sworn statement that ~~he or she is~~ **they are** not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student must file, if so required by the Board of Education, a sworn statement that ~~he or she~~ **they:** **is are** domiciled within the school district; is supporting the child without remuneration and intends to do so for a time longer than the school term; will assume all personal obligations for the student relative to school requirements; and provides



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## Eligibility of Resident/Nonresident Students

a copy of ~~his or her~~ **their** lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner. Pursuant to N.J.S.A. 18A:38-1.c., any person who fraudulently allows a child of another person to use ~~his or her~~ **their** residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of ~~his or her~~ **their** child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.b. if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year during which the parent or guardian returns from active military duty.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.d. if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of a student attending the school district of temporary residence. When one of a student's parents or guardians temporarily resides in the school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with the criteria of N.J.A.C. 6A:22-3.1(a)1.i.

A student is eligible to attend this school district free of charge:

1. If the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2 - Education of Homeless Children;
2. If the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2;
3. If the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service





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## Eligibility of Resident/Nonresident Students

in time of war or national emergency, resulting in the relocation of the student out of the school district, pursuant to N.J.S.A. 18A:38-3.b. The school district shall not be obligated for transportation costs; and

4. If the student resides on Federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year in accordance with the provisions of N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h). If the student remains enrolled in the school district for the remainder of the school year, the school district shall provide transportation services to the student, provided the student lives remote from school, and the State shall reimburse the school district for the cost of the transportation services. Nothing in N.J.S.A. 18A:38-1.1 shall be construed to affect the rights of homeless students pursuant to N.J.S.A. 18A:7B-12, N.J.S.A. 18A:7B-12.1, or any other applicable State or Federal law.

**If the district of residence cannot be determined according to the criteria contained in N.J.S.A. 18A:7B-12; if the criteria contained in N.J.S.A. 18A:7B-12 identify a district of residence out of the State; or if the child has resided in a domestic violence shelter, homeless shelter, or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child in accordance with N.J.S.A. 18A:7B-12.d.**

A student's eligibility to attend this school shall not be affected by the physical condition of an applicant's housing or ~~his or her~~ their compliance with local housing ordinances or terms of lease.

Except as set forth in N.J.A.C. 6A:22-3.3(b)1., immigration/visa status shall not affect eligibility to attend school and the school district shall not condition enrollment in the school district on immigration status. A student's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111.

### Proof of Eligibility

The Board of Education shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the



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## Eligibility of Resident/Nonresident Students

school district in accordance with the provisions of N.J.A.C. 6A:22-3.4. The Board of Education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.

The Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school as outlined in N.J.A.C. 6A:22-3.4(d). The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) or pertinent parts thereof if voluntarily disclosed by the applicant. The Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

In the case of a dispute between the school district and the parent of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.S.A. 18A:38-1.3. The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.

### Registration Forms and Procedures for Initial Assessment

Registration and initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1. The Board of Education shall use Commissioner-provided registration forms or locally developed forms that are consistent with the forms provided by the Commissioner. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.

Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects



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Eligibility of Resident/Nonresident Students

in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.

When a student appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for the purposes of ensuring compliance with compulsory education law, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

Enrollment or attendance at the school shall not be conditioned on advance payment of tuition when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2, Education of Homeless Children. Enrollment or attendance in the school district shall not be denied based upon the absence of the certified copy of the student's birth certificate or other proof of a student's identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.



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## Eligibility of Resident/Nonresident Students

Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.

Registration and/or enrollment for the current school year shall not occur/be allowed during the last 15 days of the school year, for students.

When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.

### Notice of Ineligibility

When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4 et seq. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside. Notices of ineligibility shall include information as outlined in N.J.A.C. 6A:22-4.2.

### Removal of Currently Enrolled Students

Nothing in N.J.A.C. 6A:22 et seq. and this Policy shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.

When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal in accordance with the provisions of N.J.A.C. 6A:22-4.3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student" (as defined in N.J.A.C. 6A:22-1.2) has been informed of his or her entitlement to a hearing before the Board of Education. Once the hearing is held, or if the parent, guardian, adult student or resident keeping an "affidavit



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Eligibility of Resident/Nonresident Students

student”, does not respond within the designated time frame to the Superintendent’s notice or appear for the hearing, the Board of Education shall make a prompt determination of the student’s eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2 Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board or a Board Committee, at the discretion of the full Board. If the hearing(s) is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. No student may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

## Appeal to the Commissioner

An applicant may appeal to the Commissioner of Education the school district’s determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of “affidavit student” eligibility determinations shall be filed by the resident keeping the student.

## Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of an ineligibility determination, the Board of Education may assess tuition, for up to one year of a student’s ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 et seq. If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.

If an appeal to the Commissioner is filed and the petitioner does not sustain the burden of demonstrating the student’s right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition in accordance with the provisions of N.J.A.C. 6A:22-6.2(a). Upon the Commissioner’s finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2.



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Eligibility of Resident/Nonresident Students

## Nonresident Students

The admission of a nonresident student to school free of charge must be approved by the Board. No student otherwise eligible shall be denied admission on the basis of the student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship and discipline.

## Children Who Anticipate Moving to or from the District

A nonresident student otherwise eligible for attendance whose parent or guardian anticipates school district residency and has entered a contract to buy, build, or rent a residence in this school district may be enrolled with or payment of tuition for a period of time not greater than 6 weeks prior to the anticipated date of residency. If any such student does not become a resident of the school district within 6 weeks after admission to school, tuition will be charged for attendance commencing the beginning of the 7<sup>th</sup> week and until such time as the student becomes a resident or withdraws from school.

Students whose parent or guardian have moved away from the school district on or after May 1<sup>st</sup> and twelfth grade students whose parent or guardian have moved away from the school district on or after the start of the second semester will be permitted to finish the school year in this school district without payment of tuition.

## Children of District Employees

Children of Board of Education employees in their 1<sup>st</sup>-3<sup>rd</sup>/full year of employment who do not reside in this school district may be admitted to school in this district with payment of tuition, provided that the educational program of such children can be provided within school district facilities.

Children of Board of Education employees with four or more full years of employment in the district, who do not reside in this school district may be admitted to school in this district without payment of tuition, provided that the educational program of such children can be provided within school district facilities, with Superintendent and Board approvals.



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## Eligibility of Resident/Nonresident Students

Students whose parent or guardian are no longer employed by the district, are ineligible to continue enrollment in the district, either with/without tuition cost. Students whose parent or guardian is no longer employed in the district on or after the start of the second semester will be permitted to finish the school year in this district under their current conditions.

### Other Nonresident Students

Other nonresident students, otherwise ineligible for attendance may be admitted to this school district with payment of tuition and Board approval, upon availability of space after inspection of the student's records and legal contractual arrangement for special education services.

### F-1 Visa Students

The school district is not required to, but may permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. A F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with supporting documentation as determined by the Superintendent or designee. A student with a F-1 Visa must be approved by the

Board for attendance in the school district. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.

### J-1 Visa Students

The school district is not required to, but may permit the attendance of J-1 Visa students into the school district. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with supporting documentation as determined by the Superintendent or designee. A student with a J-1 Visa must be approved by the Board for attendance in the school district and shall not pay tuition. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.



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Eligibility of Resident/Nonresident Students

The Superintendent shall develop procedures for the enrollment of non-domiciled children that:

- Allow admission of such children only on the proper application of parent/guardian;
- Verify claims of domicile and submission of affidavits of guardianship;
- Deny admission where the educational program maintained for the children of this district is inadequate to meet the needs of the applicant;
- Provide for acceptance and school assignment on the basis of space availability and racial balance;
- Do not exclude any child, otherwise eligible, on the basis of such child's race, color, creed, national origin, affectional or sexual orientation, atypical hereditary cellular or blood trait of any individual or ancestry; and
- Make continued enrollment of any non-domiciled student contingent upon timely payment of tuition and the maintenance by the student of good standards of citizenship and discipline.

Montclair School District is not a district of choice under the N.J. Choice School District program; therefore, non-resident students in general are ineligible to be enrolled.

N.J.S.A. 18A:38-1 ~~et seq.~~; **18A:38-1.1**; 18A:38-1.3; 18A:38-3;  
18A:38-3.1; **18A:7B-12**

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 ~~et seq.~~  
8 CFR 214.3

Adopted:





# POLICY GUIDE

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Sexual Harassment of Students  
Oct 21  
M

[See **POLICY ALERT No. 225**]

## 5751 SEXUAL HARASSMENT OF STUDENTS

The Board of Education will not tolerate sexual harassment of students by school employees, other students, or third parties. Sexual harassment of students is a form of prohibited sex discrimination. In accordance with Title IX of the Education Amendments of 1972 and the Code of Federal Regulations (CFR), 34 CFR §106, the school district adopts this Policy and implement practices to investigate and resolve allegations of sexual harassment of students engaged in by school employees, other students, or third parties pursuant to 34 CFR §106.3(c). In addition, reports of sexual harassment shall also be investigated in accordance with the requirements of New Jersey's Anti-Bullying Bill of Rights Act and Policy 5512.

For the purposes of Policy 5751 and in accordance with 34 CFR §106:

1. "Sexual harassment" (34 CFR §106.30(a)) means conduct on the basis of sex that satisfies one or more of the following:
  - a. An employee of the school district conditioning the provision of an aid, benefit, or service of the school district on a student's participation in unwelcome sexual conduct;
  - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the school district's education program or activity; or
  - c. "Sexual assault" as defined in 20 U.S.C. §1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. §12291(a)(10), "domestic violence" as defined in 34 U.S.C. §12291(a)(8), or "stalking" as defined in 34 U.S.C. §12291(a)(30).

Sexual harassment may take place electronically or on an online platform used by the school, including, but not limited to, computer and internet networks; digital platforms; and computer hardware or software owned or operated by, or used in the operations of the school.

In accordance with 34 CFR §106.8(a), any person may report sex discrimination, including sexual harassment using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.



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## Sexual Harassment of Students

A school district with “actual knowledge” of sexual harassment in the educational program or activity of the school district against a student, must respond promptly in a manner that is not “deliberately indifferent”.

Any school employee who receives a complaint of sexual harassment or is aware of behavior that could constitute sexual harassment is required to report that information to the Title IX Coordinator in accordance with the provisions of 34 CFR §106.8(a) and B.1. of Regulation 5751. The district must report any potential child abuse in accordance with N.J.S.A. 18A:36-24; N.J.S.A. 18A:36-25; N.J.A.C. 6A:16-11.1; and Policy and Regulation 8462.

The Title IX Coordinator shall notify persons entitled to a notification pursuant to 34 CFR §106.8(a)(1) that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX and Policy and Regulation 5751 not to discriminate in such a manner in accordance with 34 CFR §106.8(b)(1).

The Title IX Coordinator shall prominently display the contact information required to be listed for the Title IX Coordinator pursuant to 34 CFR §106.8(b)(2)(i) on the school district’s website and in each handbook or catalog the school district makes available to persons entitled to a notification in accordance with 34 CFR §106.8(a). Policy and Regulation 5751 shall be prominently displayed on the district’s website and accessible to anyone.

Supportive measures shall be available to the Complainant, Respondent, and as appropriate, witnesses or other impacted individuals.

The school district shall use the grievance process outlined in 34 CFR §106.45 and Regulation 5751 to address formal complaints of sexual harassment. The school district shall offer both parties an appeal process as outlined in 34 CFR §106.45 and Regulation 5751 from a determination regarding responsibility for sexual harassment and from the Title IX Coordinator’s dismissal of a formal complaint or any allegations of sexual harassment.

The Title IX Coordinator shall be responsible for effective implementation of any remedies in accordance with 34 CFR §106.45(b)(7)(iv). The appropriate school official designated by the Superintendent, after consultation with the Title IX Coordinator, will determine sanctions imposed and remedies provided, if any.



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## Sexual Harassment of Students

Consistent with the laws of New Jersey a student's parent must be permitted to exercise the rights granted to their child under this Policy, whether such rights involve requesting supportive measures, filing a formal complaint, or participating in a grievance process.

The Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, appeal officer, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR §106.45(b)(1)(iii).

The school district or any employee of the school district shall not intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or Policy 5751, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, in accordance with 34 CFR §106.71(a).

For each school district response to sexual harassment required under 34 CFR §106.44, the school district shall create and maintain for a period of seven years, records in accordance with 34 CFR §106.45(b)(10).

The Superintendent or designee shall consult with the Board Attorney to ensure the school district's response to allegations of sexual harassment and the school district's grievance process are in accordance with 34 CFR §106.44 and 34 CFR §106.45.

Any time a report is made to the Title IX Coordinator or formal complaint is filed pursuant to this Policy and in accordance with 34 CFR §106, the Title IX Coordinator shall forward the report or complaint to the Principal of the school building attended by the alleged victim for the Principal to follow the requirements of New Jersey's Anti-Bullying Bill of Rights Act and Policy 5512.

34 CFR §106

United States Department of Education, Office for Civil Rights – Questions and Answers on the Title IX Regulations on Sexual Harassment (July 20, 2021)

Adopted:



# POLICY GUIDE

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Federal Grants

Aug 21

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[See POLICY ALERT Nos. 192, 221 and 224]

## 6311 CONTRACTS FOR GOODS OR SERVICES FUNDED BY FEDERAL GRANTS

Any vendor providing goods or services to the school district to be funded by a Federal grant must be cleared for contract in accordance with the provisions of the **Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.213 – Suspension and Debarment Federal Acquisition Regulations (FAR) Subpart 9.4 – Debarment, Suspension, and Ineligibility.**

The School Business Administrator/Board Secretary shall be responsible to check the web-based **System for Award Management (SAM) Excluded Parties Lists System (EPLS)** maintained by **the United States government - the General Services Administration (GSA)**. The purpose of the **SAM EPLS** is to provide a single comprehensive list of individuals and firms excluded by Federal government agencies from receiving Federal contracts or Federally approved contracts or Federally approved subcontracts and from certain types of Federal financial and nonfinancial assistance and benefits.

The School Business Administrator/Board Secretary, upon opening of bids or upon receipt of proposals for goods or services to be funded by a Federal grant shall **access review** the **SAM EPLS** to determine if the vendor has been disbarred, suspended, or proposed for disbarment. The School Business Administrator/Board Secretary shall also **access review** the **SAM EPLS** list immediately prior to the award of a bid or contract to ensure that no award is made to a vendor on the list.

In the event a vendor under consideration to be awarded a bid or contract for goods or services to be funded by a Federal grant is on the **SAM EPLS** list or proposed for disbarment, the School Business Administrator/Board Secretary shall comply with the contracting restrictions as outlined in **2 CFR §200 FAR Subpart 9.405**.



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Contracts for Goods or Services Funded by  
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Continuation of current contracts and restrictions on subcontracting with vendors who are on the SAM EPLS list or proposed for disbarment shall be in accordance with the limitations as outlined in **2 CFR §200 FAR Subparts 9.405.1 and 9.405.2.**

Any rejection of a bid or disqualification of a vendor who has been disbarred, suspended, or proposed for disbarment shall be consistent with the requirements as outlined in N.J.S.A. 18A:18A – Public School Contracts Law and all applicable State laws.

~~Federal Acquisition Regulations (FAR) Subpart 9.4-2 CFR §200~~

Adopted:



# POLICY GUIDE

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Eye Protection  
Aug 21  
M

[See POLICY ALERT Nos. 168 and 224]

## 7432 EYE PROTECTION

The Board of Education **requires each student, staff member, and school visitor, including individuals present for evening adult-school programs, to wear appropriate eye protective devices while participating in educational activities and programs as defined in N.J.A.C. 6A:7-1.3. Appropriate eye protective devices must be worn by anyone engaged in a process or activity where exposure to which might have a tendency to cause damage to the eyes pursuant to N.J.A.C. 6A:26-12.5(a) and N.J.S.A. 18A:40-12.1** ~~directs the rigorous implementation and enforcement of eye safety practices for students, staff members, and visitors exposed to conditions potentially hazardous to the eyes in the instructional program of this district.~~

The term “appropriate eye protective device” shall include plain or prescription lenses provided the lenses and other portions of the device meet or exceed the prescribed specifications for the device. Specifications for appropriate eye protection for various activities shall meet or exceed standards described in the American National Standard Practice for Occupational and Educational Eye and Face Protection, ANSI Z87.1-1989; American National Standard Practice for the Safe Use of Lasers, ANSI Z136.1-1986, and eye protective procedures recommended by the manufacturer of the laser device.

### **Optional**

~~[including the adult evening school program.]~~

The Superintendent or **designee** shall be responsible for the continual monitoring of the school program, including, but not limited to, all vocational education, industrial arts education, science education, technology education and arts education, for conditions under which students, staff members, or visitors are exposed to a process or activity that might have a tendency to cause damage to the eyes.



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Eye Protection

~~Each student, staff member, and visitor, exposed to a condition identified as hazardous to the eyes must wear an eye protective device appropriate to the activity and certified to meet the standards established by the State Board of Education, the American National Standard Practice for Occupational and Educational Eye and Face Protection, ANSI Z87.1-1979, and American National Standard Practice for the Safe Use of Lasers, ANSI Z136.1-1986 and the New Jersey Administrative Code.~~ The **appropriate** eye protective device shall be supplied by the Board, except that the student, staff member, or visitor, **including individuals present for evening adult-school programs**, may wear personal eye wear that is appropriate to the activity and certified, in writing, by a licensed optician or other qualified licensed eye professional to meet or exceed those standards. District-owned **appropriate** eye protective devices shall be inspected regularly by the appropriate staff member, and defective or poorly fitting devices shall be returned to the Principal for repair or discard. Any shared **appropriate** eye protective devices shall be disinfected between uses by the method prescribed by the school medical inspector.

Each classroom, shop, laboratory, and other area of the school in which students or staff members are exposed to caustic materials that can cause damage to the eyes shall be equipped with an emergency eye wash fountain in accordance with standards established by the **New Jersey** Department of Education.

The Building Principal **or designee** shall ensure that each area in the school identified as housing an activity hazardous to the eyes shall be posted with conspicuous signs that warn participants that an appropriate eye protective device must be worn during the activity. Staff members of such activities are responsible for instructing students in appropriate eye safety practices and for serving as exemplary models in the implementation of such practices.

The Board authorizes each staff member responsible for an activity or process hazardous to the eyes to compile and maintain, for the duration of the course of study, a list of students in the course who wear contact lenses.

A student who refuses or persistently neglects to wear an eye protective device when required to do so or fails to observe established eye safety practices shall be dismissed from the day's class by their teacher. Any such dismissal from class will be considered to be an absence from class, in accordance with Board policy on student attendance, and an accumulation of such absences may result in loss of course credit.



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Eye Protection

A staff member who refuses or persistently neglects to wear an eye protective device when required to do so or fails to observe established eye safety practices may be disciplined for insubordination for failing to obey the rules established by this Board. The proper implementation of eye protection practices shall be a criterion in the evaluation of every staff member required to observe such practices.

A visitor to the schools who refuses or persistently neglects to wear an eye protective device when required to do so or fails to observe established eye safety practices may be requested to leave the school premises.

~~The school district Superintendent shall promulgate regulations to implement this policy that conform to rules of the State Board of Education and shall provide annual in-service training and appropriate supplies and equipment to all school personnel responsible for implementing the eye-safety policies and program. The training shall cover all aspects of eye protection in schools as described in N.J.A.C. 6A:26-12.5(a) through (f). staff members whose instructional duties include activities hazardous to the eyes. The Superintendent shall report annually to the Board on the implementation of the eye protection program and the eye injuries, if any, occurring in the course of the instructional program.~~

N.J.S.A. 18A:40-12.1; 18A:40-12.2

**N.J.A.C. 6A:7-1.3**

N.J.A.C. 6A:26-12.5

**N.J.A.C. 6:53-5.1 [vocational districts]**

Adopted:





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**Bias Hate Crimes and Bias-Related Acts**

Jan 22

M

[See POLICY ALERT No. 226]

## 8465 BIAS HATE CRIMES AND BIAS-RELATED ACTS

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

### Definitions

A "**bias hate crime**" **means** is any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race;; color;; **religion; gender; disability;; religion;** sexual orientation;; **gender identity or expression; national origin;** or ethnicity.

A "bias-related act" **means** is an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial;; gender;; disability;; religion; or sexual orientation;; **gender identity or expression; national origin;** or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense.

All **bias hate** crimes are also bias-related acts, but not all bias-related acts will constitute a **bias hate** crime.

### Required Actions

**School employees shall immediately notify the Principal and the Superintendent or designee when in the** ~~Whenever any school employee in the~~ course of ~~their his/her~~ employment **they** develops reason to believe ~~that (1) a bias hate crime or bias-related act has been committed or is about to be committed in accordance with N.J.A.C. 6A:16-6.3(e). on school property, or has been or is about to be committed by any student, whether on or off school property, and whether or not such offense was or is about to be committed during operating~~



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## Bias Hate Crimes and Bias-Related Acts

~~school hours, or (2) a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on or off school property or during operating school hours, the school employee shall immediately notify the Building Principal and Superintendent, who in turn,~~

**The Superintendent or designee shall promptly notify the \_\_\_\_\_ local pPolice dDepartment and the bBias iInvestigation oOfficer for the county prosecutor's office when a bias crime or bias-related act has been committed or is about to be committed in accordance with N.J.A.C. 6A:16-6.3(e)1.**

**The ~~Principal and the~~ Superintendent or designee shall immediately notify the \_\_\_\_\_ local pPolice dDepartment and the bias investigation officer for the county prosecutor's office immediately where if there is reason to believe that a bias hate crime or bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe that a life has been or will be threatened in accordance with N.J.A.C. 6A:16-6.3(e)2.**

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

~~In deciding whether to refer the matter of a bias related act to the \_\_\_\_\_ Police Department or the county prosecutor's office, the Building Principal and the Superintendent, should consider the nature and seriousness of the conduct and the risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public. The Building Principal and Superintendent should also consider the possibility that the suspected bias related act could escalate or result in some form of retaliation which might occur within or outside school property.~~



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**Bias Hate Crimes and Bias-Related Acts**

It is understood a referral to the \_\_\_\_\_ **local pPolice dDepartment** or county prosecutor's office **pursuant to the Memorandum of Agreement between Education and Law Enforcement Officials** is only a transmittal of information that might be pertinent to a law enforcement investigation and is not an accusation or formal charge.

Unless the \_\_\_\_\_ **local pPolice dDepartment** or the county prosecutor's office request otherwise, the school district may continue to investigate a suspected **bias hate crime** or bias-related act occurring on school **grounds pproperty** and may take such actions as necessary and appropriate to redress and remediate any such acts.

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

N.J.S.A. 2C:16-1

N.J.A.C. 6A:16-6.1 et-seq.; **6A:16-6.2**; 6A:16-6.3(e)

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

Adopted:



# POLICY GUIDE

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Administration of School Surveys  
Jan 22  
M

[See POLICY ALERT No. 226]

## 9560 ADMINISTRATION OF SCHOOL SURVEYS

The Board of Education believes the administration of school surveys may be necessary and valuable to the educational program in the school district. The Board recognizes certain student information is personal and some students or parents may not want this information shared with the school district. Therefore, the Board shall ensure school surveys are administered in accordance with N.J.S.A. 18A:36-34 and 18A:36-34.1 and this Policy.

- A. School Surveys, Certain, Parental Consent Required Before Administration – N.J.S.A. 18A:36-34
1. Unless the school district receives prior written informed consent from a student's parent and provides for a copy of the document to be available for viewing at convenient locations and time periods, the school district shall not administer to a student any academic or nonacademic survey, assessment, analysis, or evaluation which reveals information concerning:
    - a. Political affiliations;
    - b. Mental and psychological problems potentially embarrassing to the student or the student's family;
    - c. Sexual behavior and attitudes;
    - d. Illegal, anti-social, self-incriminating, and demeaning behavior;
    - e. Critical appraisals of other individuals with whom a respondent has a close family relationship;
    - f. Legally recognized privileged or analogous relationships, such as lawyers, physicians, and ministers;





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Administration of School Surveys

2. Written notification provided by the school district to the parent of the student shall be delivered to the parent by regular mail, electronic mail, or a written acknowledgement form to be delivered by the student at least two weeks prior to administration of the survey, assessment, analysis, or evaluation. Written notification shall contain, at minimum, the following information:
  - a. A description of the survey, assessment, analysis, or evaluation;
  - b. The purpose for which the survey, assessment, analysis, or evaluation is needed;
  - c. The entities and persons that will have access to the information generated by the survey, assessment, analysis, or evaluation;
  - d. Specific instruction as to when and where the survey, assessment, analysis, or evaluation will be available for parental review prior to its administration;
  - e. The method by which the parent can deny permission to administer the survey, assessment, analysis, or evaluation to the student; a form specifically providing for such denial shall be included with this notice;
  - f. The names and contact information of persons to whom questions can be directed; and
  - g. A statement advising that failure to respond indicates approval of participation in the survey, assessment, analysis, or evaluation.
3. Information obtained through a survey, assessment, analysis, or evaluation administered to a student in accordance with N.J.S.A. 18A:36-34.1 and B. above, shall be submitted to the New Jersey Department of Education and the New Jersey Department of Health. Information may be used to develop public health initiatives and prevention programs. Information shall not be used for marketing or other commercial purposes that are not related to student health.



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Administration of School Surveys

C. Violations – N.J.S.A. 18A:36-34.d.

A violation by the school district of N.J.S.A. 18A:36-34; 18A:36-34.1, and this Policy shall be subject to such monetary penalties as determined by the New Jersey Commissioner of Education.

D. Compliance with Federal Law

In addition to compliance with the provisions of N.J.S.A. 18A:36-34, 18A:36-34.1, and this Policy, the Superintendent or designee shall ensure compliance with the provisions of Policy 2415.05 – Student Surveys, Analysis, Evaluations, Examinations, Testing, or Treatment before students are required to participate in a survey, analysis, evaluation, examination, testing, or treatment funded in whole or part by a program of the United States Department of Education that concerns one or more of the areas outlined in Policy 2415.05.

N.J.S.A. 18A:36-34; 18A:36-34.1

Adopted:



**THE PUBLIC SCHOOLS  
Montclair, New Jersey**

**APPROVAL OF THE FIRST READING OF THE FOLLOWING REGULATION**

**BE IT RESOLVED** that upon the recommendation of the Superintendent, the Montclair Board of Education approves the first reading of the following Regulation;

A. R 0263.1 – Educational Equity and Anti-Racism

**Adopted by Action of the  
Montclair Board of Education**

**September 19, 2022**



# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

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EDUCATIONAL EQUITY AND ANTI-RACISM  
NEW

## R 0263.1 EDUCATIONAL EQUITY AND ANTI-RACISM

These regulations are designed to dismantle the individual, institutional, and structural racism in the Montclair Public School District. The Board directs the following action:

### A. Definitions

1. “Board of Education” means the Board of Education of the Montclair Public Schools (MPS).
2. “Complaint” means an unresolved problem concerning the interpretation or application by an officer or employee of the school district relating to compliance with law, regulations, or policies regarding equal educational opportunities.
3. “Complainant” means a student, parent/legal guardian of a student, or staff member who alleges a complaint.
4. “Day” means a working or calendar day as identified.
5. “Student” means an individual enrolled in any formal educational program provided by MPS.

### **Policy Communication**

1. The Superintendent or designee shall establish a diverse committee of students in the District to promote equity and diversity and serve as leaders and spokespeople within their schools and the District.
2. This student committee shall be required to make a yearly presentation to the board regarding their activities and findings.
3. This policy shall be translated into other languages and be made available for families.

### **Leadership and Administration**

The Board shall address systemic racism as follows:

# REGULATION

## EDUCATIONAL EQUITY AND ANTI-RACISM

1. Develop and conduct a systemic Equity Needs Assessment for the District to identify processes and practices that cause or contribute to inequitable outcomes. Following the assessment, strategies will be developed and implemented to address the identified issues.
2. To address disparities in course participation (including AP/honors participation):
  - School counselors shall be responsible for educating students and families as equitable partners in the selection process and course sequencing.
  - Middle and high schools will offer opportunities for supplemental instruction, such as bridge programs or tutoring during or after school, to students interested in moving to higher-level courses.
3. The Board shall implement alternative discipline processes, such as restorative justice, to reduce racial disparities in discipline and suspension.
  - To ensure consistency in student discipline, each school shall collect and, at least annually, report data on all disciplinary actions. The data shall include the student's race/ethnicity, gender, socio-economic status, special education, English Language Learner status, and a written explanation of the behavior leading to discipline and the specific corrective action taken.
4. If there is an allegation of racial discrimination, the following steps shall take place:
  - The complainant shall discuss his/her/their complaint with the staff member most closely involved in an attempt to resolve the matter.
  - If the matter is not resolved to the complainant's satisfaction within seven school days, the complainant may submit a written complaint to the Building Principal. The complaint will include:
    - a. The complainant's name,
    - b. The school employee, if any, responsible for the alleged discriminatory act,
    - c. The results of discussions conducted following No. 1 above, and
    - d. The reasons why those results are not satisfactory.
  - The Building Principal shall investigate the matter and respond to the complainant in writing no later than seven school days after receiving the written complaint. A

# REGULATION

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## EDUCATIONAL EQUITY AND ANTI-RACISM

copy of the complaint and the response will be forwarded to the Assistant Superintendent for Equity, Curriculum, & Instruction (E, C, and I).

- The response of the Building Principal may be appealed to the Assistant Superintendent for ECI in writing within five school days after the complainant has received it. The appeal shall include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
- On his/her/their timely request (that is, submitted before the expiration of the time within which the Assistant Superintendent for ECI must render a decision), the complainant shall be given a hearing before the Assistant Superintendent for E, C, and I, at a time and place convenient to the parties, but no later than seven school days after the request for a hearing has been submitted. The Assistant Superintendent for E, C, and I may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the alleged act.
- The Assistant Superintendent for E, C, and I shall make a written decision no later than ten working days after the appeal was filed or the hearing was held, whichever occurred later. The investigation results shall be reported to the Superintendent within two school days of the completion of the investigation, and per regulations promulgated by the State Board of Education under the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.). Copies of the decision will be given to all parties and the Superintendent.
- The complainant may appeal the Assistant Superintendent's decision to the Superintendent by filing a written appeal with the Superintendent's Executive Assistant no later than five school days after receipt of the Assistant Superintendent's decision. The appeal will include:
  - a. The original complaint,
  - b. The response to the complaint,
  - c. The Assistant Superintendent's decision,
  - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and

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## EDUCATIONAL EQUITY AND ANTI-RACISM

- e. The complainant's reason for believing the Assistant Superintendent's decision should be changed.
- A copy of the appeal to the Superintendent shall be given to the staff member, if any, charged with a discriminatory act.
  - The Superintendent shall review all submitted papers and may decide based on the proceedings below. If the complainant so requests, the Superintendent may convene a hearing. All parties may be represented by counsel and present and examine witnesses, who will testify under oath.
  - The Superintendent shall render a written decision no later than 45 school days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
  - The complainant shall be informed of his/her/their right to appeal the Superintendent's decision to the Board of Education and the Commissioner of Education or to the New Jersey Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

Montclair Public Schools shall take complaints that include, but are not limited to, the following offenses:

1. Using racial slurs (when in literature, staff should follow the protocol set by content area directors when using material with racially charged language).
2. Using language that historically has been used to ostracize Black, Indigenous, People of Color (BIPOC) (Ex. "you people," "those kids," "Title I kids," etc.).
3. Providing privileges for white students that are not offered to Black, Indigenous, People of Color (BIPOC)
4. Black, Indigenous, People of Color (BIPOC) access to MPS services, programs, assistance, support, and other MPS resources.
5. Black, Indigenous, People of Color (BIPOC) for offenses and not penalizing white students for the same offenses.

# REGULATION

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## EDUCATIONAL EQUITY AND ANTI-RACISM

6. Not providing opportunities to improve grades through assignments, tests, or other work for Black, Indigenous, and People of Color (BIPOC) when those same opportunities have been given to other students.
7. Refusing to implement the MPS Equity initiatives in the District.
8. Reinforcing stereotypes with language and visual representation.
9. Using culturally offensive language to describe and identify the hair (texture, appearance, style, length, etc.), facial features (skin color, size of lips, the shape of the nose, etc.), and body structure.
10. Using culturally offensive language toward clothing.

### **Curriculum and Instruction**

1. Curriculum and Instructional materials for all grades shall reflect cultural and racial diversity and include a range of perspectives and experiences through the application of an integrated curricular approach to teaching and learning about race and race relations. These resources would provide Montclair Public Schools with a framework that enables all students to study policies and practices that identify elements of racism; its systemic perpetuation of inequities, discrimination, disproportionality and disparities both in the past and present context.

### **Training**

1. All Board Members and District staff shall be trained in the anti-racism policy.
2. All teachers and administrators shall be trained in cultural awareness and/or culturally responsive teaching practices. Culturally responsive teaching practices shall be incorporated into the Board-approved evaluation process, including the teacher and administrator evaluations.
3. All District staff shall be trained about racism and about how racism produces inequitable practices and outcomes.

### **Policy Enforcement**

1. Staff shall collect, review, and provide an annual report to the School Board on data regarding racial disparities in areas including, but not limited to, student achievement,

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## EDUCATIONAL EQUITY AND ANTI-RACISM

enrollment, suspension/discipline, graduation rates, and gifted identification. The report shall also include evidence of growth in each area outlined by the anti-racism policy.

2. The assistant superintendent for Equity, Curriculum, and Instruction shall be responsible for the implementation and evaluation of District strategies for implementation. Adequate resources shall be appropriated.
  
3. The District shall ensure there are various, including anonymous, means for students and staff to report racism and other forms of discrimination.

This multipronged approach will enable administrators and staff, in the Montclair Public Schools to present a comprehensive approach that will educate students about racism utilizing a fair and balanced prospective regarding our historical, social, and political “truths” surrounding race.

Adopted:

**THE PUBLIC SCHOOLS  
Montclair, New Jersey**

**APPROVAL OF THE SECOND READING OF THE FOLLOWING BYLAW**

**BE IT RESOLVED** that upon the recommendation of the Superintendent, the Montclair Board of Education approves the second reading of the following Bylaw;

- A. P 0155 – Board Committees
- B. P (TBD) – Board Resolution Development

**Adopted by Action of the  
Montclair Board of Education  
September 19, 2022**

## 0155 BOARD COMMITTEES

The Board of Education authorizes the creation of committees of Board members charged to conduct studies, make recommendations to the Board, and act in an advisory capacity. Committees are not authorized to take action on behalf of the Board.

A committee's specific role is to work with the Superintendent on issues/topics/initiatives related to specific Board goals. A committee is empowered to do fact finding about specific issues/topics/initiatives but prohibited from acting independently without majority Board approval for its actions.

To support this work, a committee may request information that will extend their understanding of an issue/topic/initiative from the Superintendent. In addition, when necessary, they may ask to meet with others that are considered experts in a particular area and have been recognized by the Board as an approved contractor or school employee within the district to assist in their fact-finding mission and provide aide for the committee to carry out their assigned role, as described above. This request must be presented to the Superintendent and is subject to his/her discursion.

Each committee shall be organized through a committee chair who is assigned by the Board President. The committee chair person is required to make monthly reports in writing and articulate committee actions at each monthly Board of Education workshop meeting in order to apprise the full board of their activities; provide background information to assist the full Board in decision making; or make recommendations for the full Boards consideration and action.

~~The President shall appoint Board members to serve a one year term on the Board standing committees as designated by the Board President.~~

~~An ad hoc committee may be created and charged at any time by the President or a majority of the Board members present and voting. The President shall appoint members to any committee so created and charged; members shall serve until the committee is discharged.~~

~~Committees shall consist of no more than three Board members. A member may request or refuse appointment to a committee; a member's refusal to serve on any one committee shall not prejudice his/her appointment to another committee.~~

~~The Board may operate as a Committee of the Whole on specific topics as determined by the Board. The Board reserves the right to meet and work as a Committee of the Whole~~





# POLICY

## MONTCLAIR BOARD OF EDUCATION

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BOARD COMMITTEES

~~in informational, discussion, and exploratory sessions. No official action shall be taken at these meetings, unless so advertised.~~

~~A chairperson shall be appointed by the President.~~

~~Committee meetings may be called at any time by the committee chairperson or when a meeting is requested by a majority of the members of the committee.~~

~~Committee meetings shall not be open to the public, except that a majority of the committee or the chairperson may open the meeting to the public or invite persons whose knowledge or expertise may be useful to the committee.~~

Adopted: ~~12 December 2016~~



## BOARD RESOLUTION DEVELOPMENT

### 0 BOARD RESOLUTION DEVELOPMENT

A resolution is a formal document that is used to define the Montclair Board of Education's stance on particular issues that relate to our mission and goals. A resolution may be developed to create a belief statement that reinforces ideals that the Board wants to promulgate as a form of support or declaration of intent. Resolutions exist to make a collective statement about particular issues and guide the culture of the organization.

We believe that resolutions are important for the district, as they aid the process of making decisions and demonstrating solidarity of thought as a governing body within the community. However, it should be noted that board resolutions are not required by law and are less powerful than bylaws, which take precedence if any conflict occurs between the two. In the event of non-compliance, in relation to the issue it embodies, the resolution acts as the official record to prove that the issue was discussed.

Any individual member or committee of the Montclair Board of Education has the right to propose a resolution for Board consideration. Although a proposal is non-binding, it is a clear indication of the member's sentiment. Resolutions, however, represent the thinking of the Board as a whole and therefore a meaningful discussion and eventual resolution development, involving the full board must occur before final approval for adoption by the Board can occur.

A Board resolution is drafted when a board member, Board committee or the full Board wants a formal record of an issue they deem very important. In each instance the idea should be presented during the "new business" portion of the Board agenda. After the idea is presented and discussed by the full Board, a motion to create a resolution must be presented and voted upon. A majority of the Board must agree to support the idea before it can proceed to the drafting stage, providing the issue proves to meet the criteria for resolution development set forth above in paragraph 1. The Board President will assign a Board member(s) or a Board Committee to draft the new resolution that is clear in its language so as to reduce the chances of misunderstandings among the public and future members of the Board.

When a resolution involves any legal technicalities, the proposed draft must then be sent by the President of the Board to legal counsel for review. Unless Counsel advises of some illegality or impropriety in the resolution as drafted the proposed resolution draft will then be placed on a Board agenda by the Superintendent for a final vote of adoption.

Once a resolution is approved it is sent for its intended purpose or filed to become part of the public record as a declaration of the Boards intentions.



# POLICY

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BOARD OF EDUCATION

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BOARD RESOLUTION DEVELOPMENT

ADOPTED:



**THE PUBLIC SCHOOLS  
Montclair, New Jersey**

**APPROVAL OF THE SECOND READING OF THE FOLLOWING POLICIES**

**BE IT RESOLVED** that upon the recommendation of the Superintendent, the Montclair Board of Education approves the second reading of the following Policies;

- A. P 1648.11 – The Road Forward COVID-19 – Health and Safety (M) NEW
- B. P 1648.13 – School Employee Vaccination Requirements (M)
- C. P 2425 – Emergency Virtual or Remote Instruction Program (M)
- D. P 5541 – Anti-Hazing (M) NEW
- E. P 6115.01 – Federal Awards/Funds Internal Controls-Allowability of Costs (M)
- F. P 6115.02 - Federal Awards/Funds Internal Controls-Mandatory Disclosures (M)
- G. P 6115.03 - Federal Awards/Funds Internal Controls-Conflict of Interest (M)
- H. P 6471 – School District Travel (M)
- I. P 7540 – Joint Use of Facilities
- J. P 8600 – Student Transportation (M)

**Adopted by Action of the  
Montclair Board of Education  
September 19, 2022**

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The Road Forward COVID-19 – Health and Safety

Aug 21

M

[See POLICY ALERT No. 224]

NEW

## 1648.11 THE ROAD FORWARD COVID-19 – HEALTH AND SAFETY

The Board of Education plans to provide full-day, full-time, in-person instruction and operations. In June 2021, the New Jersey Department of Health (NJDOH) and the New Jersey Department of Education (NJDOE) worked collaboratively to develop guidance, The Road Forward – Health and Safety Guidance went into effect, beginning with the 2021-2022 School Year (The Road Forward).

The Road Forward replaces the mandatory anticipated minimum standards outlined in the NJDOE’s “The Road Back – Restart and Recovery Plan for Education” (June 2020) and provides a range of recommendations rather than mandatory standards. These recommendations are meant to assist school districts in implementing protocols to reduce risks to students and staff from COVID-19 while still allowing for full-time learning.

The Board considered many factors as they prepared the plan, including the level of COVID-19 transmission in the community at large and in the school community, as well as vaccination coverage rates in both the community at large and the school community.

For the purpose of this Policy, “Order” shall mean any Governor of New Jersey Executive Order, New Jersey State Agency mandate, Centers for Disease Control and Prevention (CDC) guidance, New Jersey statute, or administrative code requiring compliance by the school district.

The Board considered the recommendations outlined in The Road Forward to develop health and safety protocols. The Board will consider all recommended Orders and comply with all mandatory Orders when developing health and safety protocols and reviewing them periodically.

The Board considered the recommendations outlined in The Road Forward to develop the school district’s COVID-19 protocols in the following areas and included in corresponding Appendices:



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The Road Forward COVID-19 – Health and Safety

- A. General Health and Safety Concerns of Students, Staff Members, and Visitors
  - 1. Vaccination – See Appendix A.;
  - 2. Communication with the Local Health Department – See Appendix B.;
  - 3. Mask Wearing Protocol – See Appendix C.;
  - 4. Physical Distancing and Cohorting Protocols – See Appendix D.;
  - 5. Hand Hygiene and Respiratory Etiquette Protocols – See Appendix E.;
  - 6. Provision of Meals – See Appendix F.; and
  - 7. Transportation Protocols – See Appendix G.
- B. Cleaning, Disinfection, and Airflow – See Appendix H.
- C. Screening, Exclusion, and Response to Symptomatic Students and Staff Members – See Appendix I.
- D. Contact Tracing – See Appendix J.
- E. Testing – See Appendix K.
- F. Student and Staff Member Travel – See Appendix L.

The absence of one or more of the recommendations outlined in The Road Forward and/or in the school district’s health and safety protocols will not prevent the reopening of the school(s) in the district for full-day in-person operation with all enrolled students and staff members present.



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The Road Forward COVID-19 –Health and Safety

Pursuant to N.J.S.A. 18A:7F-9, schools must be in session for 180 days to receive State Aid. The statute requires that school facilities be provided for at least 180 days during the school year. N.J.S.A. 18A:7F-9(b) indicates when a school district is required to close the schools of the district for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive and/or recommendation by the appropriate health agency or officer to institute a public health-related closure, days of virtual or remote instruction commensurate with in-person instruction will count toward the school district's 180-day requirement.

The school district may be confronted with the incidence of COVID-19 positive cases among staff and/or students. If the school district is required to exclude a student, group of students, a class, or multiple classes as a result of possible exposure to COVID-19, while the school itself remains open for in-person instruction, the school district may offer virtual or remote instruction to those students in a manner commensurate with in-person instruction to the extent possible. In circumstances when the school facilities remain open and in-person instruction continues in those classrooms that are not required to quarantine, those days in session will also count toward the school district's 180-day requirement in accordance with N.J.S.A. 18A:7F-9.

The school district anticipates updates to The Road Forward and as such this Policy is subject to review by the Superintendent to ensure compliance with Orders that may arise after Board adoption of this Policy. All revisions to Orders affecting this Policy and corresponding Appendices shall be reviewed by the Superintendent with the Board Attorney, School Physician, and Board of Education, if appropriate. The Superintendent may revise the health and safety protocols included in any Appendix as necessary and appropriate. All students, parents, and staff members will be notified of any changes to school district-developed protocols implemented as a result of this Policy, as appropriate.

Adopted:



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School Employee Vaccination Requirements  
Aug 21  
M

[See POLICY ALERT No. 225]

## 1648.13 SCHOOL EMPLOYEE VACCINATION REQUIREMENTS

Schools are an important part of the infrastructure of communities. Their main objective is to provide safe and supportive environments for students that will support critical areas of development, provide essential services, and improve life outcomes. They also employ people, and enable parents, guardians, and caregivers to work. The Montclair Board of Education recognizes that COVID-19 vaccination among all eligible individuals is the most critical strategy to help schools resume and maintain full operation, as well as, take steps to protect our most vulnerable population, the students.

In accordance with Executive Order No. 253 signed by the Governor of New Jersey on August 23, 2021, the Board shall adopt and maintain a policy that requires all covered workers to either provide adequate proof that they have been fully vaccinated or submit to COVID-19 testing at a minimum of one to two times each week.

This requirement shall take effect on October 18, 2021, at which time any covered workers that have not provided adequate proof to the school district that they are fully vaccinated must submit to COVID-19 testing at a minimum of one to two times each week on an ongoing basis until fully vaccinated.

For purposes of Executive Order 253 and this Policy, “covered workers” shall include all individuals employed by the Board of Education, both full and part-time, including, but not limited to, administrators; teachers; educational support professionals; individuals providing food, custodial, and administrative support services; substitute teachers, whether employed directly by the Board of Education or otherwise contracted; contractors; providers; and any other individuals performing work in the school district whose job duties require them to make regular visits to the school district, including volunteers. Covered workers do not include individuals who visit the school district only to provide one-time or limited duration repairs, services, or construction.

A covered worker shall be considered “fully vaccinated” for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine. Individuals will only be considered fully vaccinated after they have received a COVID-19





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## School Employee Vaccination Requirements

vaccine that is currently authorized for Emergency Use Authorization (EUA) by the United States Food and Drug Administration (FDA) or the World Health Organization (WHO), or that are approved for use by the same.

Workers who are not fully vaccinated, or for whom vaccination status is unknown, or who have not provided sufficient proof of documentation, shall be considered unvaccinated in accordance with the provisions of Executive Order 253.

Covered workers shall demonstrate proof of full vaccination status by presenting any of the following documents if they list COVID-19 vaccines currently authorized for EUA by the FDA or the WHO, or that are approved for use by the same, along with an administration date for each dose:

1. The Centers for Disease Control and Prevention (CDC) COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same;
2. Official record from the New Jersey Immunization Information System (NJIS) or other State immunization registry;
3. A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse, or pharmacist;
4. A military immunization or health record from the United States Armed Forces; or
5. Docket mobile phone application record or any State specific application that produces a digital health record.

The Board of Education's collection of vaccination information from covered workers shall comport with all Federal and State laws, including, but not limited to, the Americans with Disabilities Act, that regulate the collection and storage of that information.

To satisfy the testing requirement of Executive Order 253 and this Policy, an unvaccinated covered worker must undergo screening testing at a minimum of one to two times each week, to be determined by the Superintendent of Schools.

An unvaccinated covered worker is required to submit proof of a COVID-19 test.



# POLICY GUIDE

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## School Employee Vaccination Requirements

The unvaccinated covered worker may choose either antigen or molecular tests that have EUA by the FDA or are operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.

Where a Board of Education provides the unvaccinated covered worker with on-site COVID-19 test(s), the school district may similarly elect to administer or provide access to either an antigen or molecular test.

If the covered worker is not working on-site in the school district during a week when testing would otherwise be required, the Superintendent or designee may not require the worker to submit to testing for that week. This requirement shall not supplant any requirement imposed by the Board of Education regarding diagnostic testing of symptomatic workers or screening testing of vaccinated workers.

The Board of Education shall track test results required by Executive Order 253 and must report those results to the local public health department.

Nothing in Executive Order 253 and this Policy shall prevent a Board of Education from revising this Policy to include additional or stricter requirements, as long as such revisions comport with the minimum requirements of Executive Order 253.

Executive Order 253 authorizes the Commissioner of the Department of Health (DOH) to issue a directive supplementing the requirements outlined in Executive Order 253, which may include, but not be limited to, any requirements for reporting vaccination and testing data to the DOH. Actions taken by the Commissioner of the DOH pursuant to Executive Order 253 shall not be subject to the requirements of the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.

This Policy shall be supplemented by Policy 1648.11 – Appendix A, which shall include the school district’s protocols implementing the provisions of this Policy.

The Superintendent is authorized to implement revisions to provisions in this Policy based on any subsequent Executive Orders or any additional mandates that affect any provisions of this Policy. Any such revisions in this Policy shall be submitted by the Superintendent to the Board of Education for ratification if the Board cannot approve such revisions before the effective date.

Executive Order 253 – August 23, 2021



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Emergency Virtual or Remote  
Instruction Program  
Oct 21  
M

[See POLICY ALERT No. 225]

## 2425 EMERGENCY VIRTUAL OR REMOTE INSTRUCTION PROGRAM

The Board of Education is committed to providing a high quality educational program, virtually or remotely, in the event a school or the schools of the district are required to close for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure. The district's virtual or remote program of instruction shall be in accordance with N.J.S.A. 18A:7F-9.

In the event the school district is required to close a school or the schools of the district for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Commissioner of Education shall allow the district to apply to the 180-day requirement established pursuant to N.J.S.A. 18A:7F-9, one or more days of virtual or remote instruction provided to students on the day or days the schools of the district were closed if the program of virtual or remote instruction meets such criteria as may be established by the Commissioner Education.

The Superintendent of Schools shall submit, with Board approval, the school district's program of virtual or remote instruction to the Commissioner of Education by no later than October 29, 2021 and annually thereafter.

A day of virtual or remote instruction, if instituted under the district's Commissioner of Education's approved program of virtual or remote instruction, shall be considered the equivalent of a full day of school attendance for the purposes of meeting State and local graduation requirements, the awarding of course credit, and other such matters as determined by the Commissioner of Education.

Any district program of virtual or remote instruction implemented for the general education students shall provide the same educational opportunities to students with disabilities. Special education and related services, including speech language services, counseling services, physical therapy, occupational therapy,



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Emergency Virtual or Remote  
Instruction Program

and behavioral services, may be delivered to students with disabilities through the use of electronic communication or a virtual or online platform and as required by the student's Individualized Education Program (IEP), to the greatest extent practicable.

In the event the State or local health department determines it is advisable to close or mandates closure of the schools of the district due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Superintendent shall have the authority to implement the school district's program of virtual or remote instruction. The Superintendent shall consult with the Board prior to such decision, if practicable. The Superintendent shall ensure that students, parents, staff, and the Board are informed promptly of the Superintendent's decision.

Nothing in N.J.S.A. 18A:7F-9 and this Policy shall be construed to limit, supersede or preempt rights, privileges, compensation, remedies, and procedures afforded to public employees or a collective bargaining unit under Federal or State law or any provision of a collective bargaining agreement entered into by the school district.

In the event of the closure of a school or the schools of the district due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure for a period longer than three consecutive school days:

1. District employees shall be entitled to compensation, benefits, and emoluments pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(1) and (2).
2. The district shall continue to make payments of benefits, compensation, and emoluments pursuant to the terms of a contract with a contracted service provider in effect on the date of the closure as if the services for such benefits, compensation, and emoluments had been provided, and as if the school facilities had remained open pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(3).



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3. The district shall be obligated to make payments for benefits, compensation, and emoluments and all payments required pursuant to N.J.S.A. 18A:6-51 et seq., to an educational services commission, county special services school district, and a jointure commission, and under any shared services agreement and cooperative contract entered into with any other public entity pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(4).
4. An educational services commission, county special services school district, and a jointure commission shall continue to make payments of benefits, compensation, and emoluments pursuant to the terms of a contract with a contracted service provider or a shared services agreement in effect on the date of the closure as if the services for such benefits, compensation, and emoluments had been provided, and as if the school facilities had remained open pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(4).

The provisions of N.J.S.A. 18A:7F-9.e.(1) through (4) shall not apply to any employee whose weekly hours of work are reduced, and to whom unemployment benefits are provided, pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq. A contracted service provider, educational services commission, county special services school district, or jointure commission shall notify the district with which it has entered into a contract to provide services of its intent to reduce the hours of work of its employees pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq.

1. Notwithstanding the provisions of N.J.S.A. 18A:7F-9.e.(3), if a contracted service provider reduces the amount that it pays to its employees providing services to a school district, and that reduction is the result of a reduction of workhours of those employees made pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq., then the amount paid by the district to the contracted service provider shall be reduced by the same amount.



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2. Notwithstanding the provisions of N.J.S.A. 18A:7F-9.e.(4), if an educational services commission, county special services school district, or jointure commission reduces the amount that it pays to its employees providing services to a school district, and that reduction is the result of a reduction of workhours of those employees made pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq., then the amount paid by the district to the educational services commission, county special services school district, or jointure commission shall be reduced by the same amount.

This Policy may be revised as necessary by the Superintendent in accordance with N.J.S.A. 18A:7F-9. The school district's emergency virtual or remote instruction program shall be available on the school district's website.

N.J.S.A. 18A:7F-9

Adopted:



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[See POLICY ALERT No. 226]

NEW

**[MANDATED FOR SCHOOL DISTRICTS WITH A MIDDLE SCHOOL AND/OR HIGH SCHOOL AND OPTIONAL FOR SCHOOL DISTRICTS WITH ONLY AN ELEMENTARY SCHOOL(S)]**

## 5541 ANTI-HAZING

A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Hazing is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. The Board of Education prohibits acts of hazing and adopts this Policy against hazing in accordance with N.J.S.A. 18A:37-32.2. The provisions of this Policy apply to high school(s); middle school(s); and/or elementary school(s) in the school district.

"Hazing" in a school setting includes, but is not limited to, conduct by an individual(s) who is a member and/or representative of a school-sponsored student organization, club, or athletic team where such individual(s) conditions a student's acceptance as a member into such group on whether the student engages in activities that are humiliating, demeaning, intimidating, and exhausting to the student.

N.J.S.A. 2C:40-3.a. indicates hazing may also include, but is not limited to, the conduct outlined below:

1. An individual(s) causes, coerces, or otherwise induces a student to commit an act that violates Federal or State criminal law;
2. An individual(s) causes, coerces, or otherwise induces a student to consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm or is otherwise deleterious to the student's health;
3. An individual(s) subjects a student to abuse, mistreatment, harassment, or degradation of a physical nature, including, but not limited to, whipping, beating, branding, excessive calisthenics, or exposure to the elements;



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4. An individual(s) subjects a student to abuse, mistreatment, harassment, or degradation of a mental or emotional nature, including, but not limited to, activity adversely affecting the mental or emotional health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment;
5. An individual(s) subjects a student to abuse, mistreatment, harassment, or degradation of a sexual nature; or
6. An individual(s) subjects a student to any other activity that creates a reasonable likelihood of bodily injury to the student.

Board of Education members, school employees, and contracted service providers are required to report an alleged incident of hazing that may take place or has taken place on or off school grounds to the Principal or designee on the same day when the individual witnessed or received reliable information regarding such an incident. Students, parents, volunteers, or visitors are encouraged to report an alleged incident of hazing that may take place or has taken place on or off school grounds to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident.

Any report of an alleged incident of hazing shall be immediately investigated by the Principal or designee in accordance with procedures used to investigate alleged violations of the Student Discipline/Code of Conduct and Policy and Regulation 5600. A Principal or designee who receives a report of an alleged incident of hazing and fails to initiate or conduct an investigation and fails to minimize or eliminate the hazing may be subject to disciplinary action.

The Principal or designee may identify behavior when investigating an alleged incident of hazing indicating harassment, intimidation, or bullying (HIB) pursuant to N.J.S.A. 18A:37-14 et seq. – the New Jersey Anti-Bullying Bill of Rights Act (ABR). If the Principal or designee identifies behavior indicating HIB, the Principal or designee shall ensure a separate investigation is conducted in accordance with the ABR and Policy 5512.





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The Superintendent or designee shall report to local law enforcement any hazing incident that rises to the level of mandatory reporting under the “Uniform Memorandum of Agreement Between Education Officials and Law Enforcement Officials” or any other agreement between local law enforcement and the school district pursuant to N.J.A.C. 6A:16-5.1(b).

Hazing that involves the participation of a coach, teacher, or other adult may constitute child abuse and shall be addressed in accordance with N.J.S.A. 18A:36-25 and Policy and Regulation 8462.

The Board shall enforce any penalty for violation of this Policy in accordance with the student code of conduct and Policy and Regulation 5600, or any other applicable Board Policy or Regulation. In accordance with N.J.S.A. 18A:37-32.3 appropriate penalties for a violation of this Policy may include, but are not limited to:

1. Withholding of diplomas or transcripts pending compliance with the rules;
2. Rescission of permission for the organization or group whose student member(s) are being penalized under this Policy, to operate on school property or to otherwise operate under the sanction or recognition of the school district; and
3. The imposition of probation, suspension, dismissal, or expulsion of a student member(s).

Any discipline instituted in response to a violation of this Policy may be in addition to discipline for a violation of Policy 5512, Policy and Regulation 5600, and any other applicable Board Policy and Regulation.

The school district shall ensure that students are informed of this Policy, including the rules, penalties, and program of enforcement under this Policy. This Policy shall be posted on the school district’s publicly accessible Internet website.

N.J.S.A. 18A:36-25; 18A:37-13.2; 18A:37-14 et seq.; 18A:37-32.2;  
18A:37-32.3  
N.J.A.C. 6A:16-5.1

Adopted:



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Federal Awards/Funds Internal Controls –

Allowability of Costs

Aug 21

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[See **POLICY ALERT No. 224**]

## 6115.01 FEDERAL AWARDS/FUNDS INTERNAL CONTROLS – ALLOWABILITY OF COSTS

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.302(b)(7) requires written procedures for determining the allowability of costs in accordance with 2 CFR §200 – Cost Principles. Determining the allowability of costs shall be in accordance with the requirements outlined in 2 CFR §200.403 – Factors Affecting Allowability of Costs. The School Business Administrator/Board Secretary or designee shall be responsible for determining the allowability of costs are in accordance with the provisions of 2 CFR §200.403.

The following procedures shall be used to determine the allowability of costs in accordance with 2 CFR §200.403:

Except where otherwise authorized by statute, the School Business Administrator/Board Secretary or designee will ensure costs meet the following general criteria in order to be allowable under Federal awards:

1. Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.
2. Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
3. Be consistent with policies and procedures that apply uniformly to both Federally-financed and other activities of the non-Federal entity.
4. Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.



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### Federal Awards/Funds Internal Controls – Allowability of Costs

5. Be determined in accordance with Generally Accepted Accounting Principles (GAAP), except for State and local governments, which includes school districts, as otherwise provided for in 2 CFR §200.403.
6. Not be included as a cost or used to meet cost sharing or matching requirements of any other Federally-financed program in either the current or a prior period. (See also 2 CFR §200.306 – Cost Sharing or matching 2. above).
7. Be adequately documented. (See also 2 CFR §200.300 – Statutory and National Policy Requirements through 2 CFR §200.309 – Period of Performance).

In the event the School Business Administrator/Board Secretary or designee is not sure if a cost is allowable under 2 CFR Subpart E - §200.403, the School Business Administrator/Board Secretary or designee will contact the New Jersey Department of Education or the United States Department of Education for assistance.

2 CFR §200.302(b)(7)  
2 CFR §200.403

Adopted:



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[See **POLICY ALERT No. 224**]

## 6115.02 FEDERAL AWARDS/FUNDS INTERNAL CONTROLS – MANDATORY DISCLOSURES

The Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.113 – Mandatory disclosures requires a non-Federal entity or applicant (a New Jersey Board of Education) for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or to the New Jersey Department of Education all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

If the Board of Education receives a Federal award including the terms and conditions outlined below as per 2 CFR §200 – Appendix XII – Award Term and Condition for Recipient Integrity and Performance Matters shall report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM). Failure to make required disclosures can result in any of the remedies described in 2 CFR §200.338 - Remedies for noncompliance, including suspension or debarment. (See also 2 CFR §180, 31 USC 3321, and 41 USC 2313)

### A. General Reporting Requirement

1. If the total value of all Board of Education currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the Superintendent or designee, on behalf of the Board of Education as the recipient during that period of time, must maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system about civil, criminal, or administrative proceedings described in B. below.
2. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 USC 2313).



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3. As required by section 3010 of Public Law 111-212, all information posted in designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

## B. Proceedings About Which the Board of Education Must Report

1. The Superintendent or designee must disclose to the Federal awarding agency or to the New Jersey Department of Education information required about each proceeding that:
  - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
  - b. Reached its final disposition during the most recent five-year period; and
  - c. Is one of the following:
    - (1) A criminal proceeding that resulted in a conviction, as defined in E. below;
    - (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
    - (3) An administrative proceeding, as defined in E. below, that resulted in a finding of fault and liability and the payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
    - (4) Any other criminal, civil, or administrative proceeding if:



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- (a) It could have led to an outcome described in B.1.c.(1), (2), or (3) above of this award term and condition;
- (b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on the school district's part; and
- (c) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

### C. Reporting Procedures

- 1. The Superintendent or designee shall enter in the SAM Entity Management area the information that the SAM requires about each proceeding described in B. above.
- 2. The Superintendent or designee does not need to submit the information a second time under assistance awards the Board of Education received if the Superintendent or designee already provided the information through the SAM because the Board of Education was required to do so under Federal procurement contracts the Board of Education was awarded.

### D. Reporting Frequency

- 1. During any period of time when the Board of Education is subject to the requirement in A. above, the Superintendent or designee must report proceedings information through the SAM for the most recent five year period, either to report new information about any proceeding(s) the Board of Education has not reported previously or affirm that there is no new information to report.
- 2. If the Board of Education has Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000, the Board of Education must disclose semiannually any information about the criminal, civil, and administrative proceedings.



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## E. Definitions

### 1. For purposes of this Policy:

- a. “Administrative proceeding” for the purposes of 2 CFR §200 - Appendix XII and this Policy means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability. This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. “Conviction” for the purposes of 2 CFR §200 - Appendix XII and this Policy, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes:
  - (1) Only the Federal share of the funding under any Federal award with a Board of Education cost share or match; and
  - (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

2 CFR §200.113

Adopted:



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Conflict of Interest

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[See POLICY ALERT No. 224]

## 6115.03 FEDERAL AWARDS/FUNDS INTERNAL CONTROLS – CONFLICT OF INTEREST

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.318 – General Procurement Standards addresses standards of conduct covering conflict of interest and governs the actions of school district employees, officers, and agents in the selection, award, and administration of contracts supported by a Federal award.

The Board of Education must use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to the applicable Federal law and the standards identified in 2 CFR §200.

The Board of Education must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

The Board of Education must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts supported by a Federal award.

1. No employee, officer, or agent of the Board of Education may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.
  - a. Such a conflict of interest would arise when a Board of Education employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.





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2. The Board of Education officers, employees, and agents must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
3. However, a Board of Education may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
4. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

The Board of Education's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the Board of Education is encouraged to enter into State and local intergovernmental agreements or inter-entity agreements where appropriate for procurement of use of common or shared goods and services.

The Board of Education is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

The Board of Education is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

The Board of Education must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. (See also 2 CFR §200.213 – Suspension and Debarment).



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The Board of Education must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

The Board of Education may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a Board of Education is the sum of:

1. The actual cost of materials; and
2. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since the time and material formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the Board of Education awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

The Board of Education alone must be responsible, in accordance with good administrative practice and sound business judgement, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the Board of Education of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgement for that of the Board of Education unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

The Board of Education and its employees shall be required to comply with all New Jersey statutes and administrative codes regarding school ethics and internal controls.

2 CFR §200.318

Adopted:



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May 21  
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[See POLICY ALERT Nos. 184, 188 and 223]

## 6471 SCHOOL DISTRICT TRAVEL

The Board of Education shall implement a Policy and Regulation pertaining to travel expenditures for its employees and Board of Education members that is in accordance with N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-7, and other rules and procedures the Board of Education deems appropriate pursuant to N.J.A.C. 6A:23A-7.2(a). The Policy and Regulation pertaining to school district travel expenditures incorporates either expressly, in whole or in part, and/or by reference, the laws and regulations contained in N.J.S.A. 18A:11-12 and N.J.A.C. 6A:23A-7.

The Board of Education ensures the effective and efficient use of funds by adopting and implementing policies and procedures that are in accordance with N.J.S.A. 18A:11-12 and New Jersey Department of the Treasury, Office of Management and Budget (OMB) current circulars and any superseding circulars pertaining to travel, meals, events and entertainment, and the additional requirements set forth in N.J.A.C. 6A:23A-7. If any superseding circulars of the OMB conflict with the provisions of these rules, the provisions of the superseding circulars shall govern.

Any sections of State travel regulations as established by the OMB presented as OMB Travel, Entertainment, Meals, and Refreshments Circulars, that conflict with N.J.S.A. 18A:1-1 et seq. shall not be included in Policy and Regulation 6471 nor authorized under N.J.A.C. 6A:23A-7. This includes, but is not limited to, the authority to issue travel charge cards as allowed under the OMB Circulars, but which is not authorized for school districts under New Jersey school law.

The Board of Education shall ensure, through Policy and Regulation 6471, that all travel by its employees and Board of Education members is educationally necessary and fiscally prudent. Policy and Regulation 6471 shall include the requirement that all school district travel expenditures are:

1. Directly related to and within the scope of the employee's or district Board member's current responsibilities and, for school district employees, the school district's professional development plan, the school professional development plan, and employee's individual professional development plan;



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2. For travel that is critical to the instructional needs of the school district or furthers the efficient operation of the school district; and
3. In compliance with State travel payment guidelines as established by the OMB and with guidelines established by the Federal Office of Management and Budget; except any State or Federal regulations and guidelines that conflict with the provisions of Title 18A of the New Jersey Statutes shall not be applicable, including, but not limited to, the authority to issue travel charge cards. The Board of Education shall specify in its travel policy the applicable restrictions and requirements set forth in the State and Federal guidelines, including, but not limited to, types of travel, methods of transportation, mileage allowance, subsistence allowance, and submission of supporting documentation including receipts, checks, or vouchers.

School district travel expenditures shall include, but shall not be limited to, all costs for transportation, meals, lodging, and registration or conference fees directly related to participation in the event.

School district travel expenditures subject to N.J.A.C. 6A:23A-7 shall include costs for all required training and all travel authorized in school district employee contracts and Policy and Regulation 6471. This includes, but is not limited to, required professional development, other employee training and required training for Board members, and attendance at specific conferences authorized in existing employee contracts, provided the travel meets the requirements of N.J.A.C. 6A:23A-7. All such expenditures are subject to the rules in N.J.A.C. 6A:23A-7, including, but not limited to, inclusion in the annual travel limit, prior Board of Education approval, separate tracking as described at N.J.S.A. 18A:11-12.q., and per diem reimbursements.

Travel reimbursements will only be paid upon compliance with all provisions of N.J.A.C. 6A:23A-7 and Policy and Regulation 6471. The Board of Education will not ratify or approve payments or reimbursements for travel after completion of the travel event, except as provided at N.J.A.C. 6A:23A-7.4(d).

The Board of Education shall establish a maximum travel budget in accordance with the requirements outlined in N.J.A.C. 6A:23A-7.3.



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School District Travel

The Board of Education authorizes an annual maximum amount per employee for regular business travel only for which Board of Education approval is not required. The annual maximum shall not exceed \$150.00 (No more than \$1,500.00) and shall be subject to the approval requirements in N.J.S.A. 18A:19-1.]

All travel requests must be submitted and approved in writing by the Superintendent of Schools and the majority of the Board of Education's full voting membership of the Board, except if the Board of Education has excluded regular business travel from prior approval pursuant to N.J.A.C. 6A:23A-7.3(b), prior to obligating the school district to pay related expenses and prior to attendance at the travel event.

All travel requests for Board members shall require prior approval by a majority of the Board of Education's full voting membership, except where the Board of Education has excluded regular business travel from prior approval pursuant to N.J.A.C. 6A:23A-7.3(b), and the travel shall be in compliance with N.J.S.A. 18A:12-24 and 24.1.

A Board member must recuse himself or herself from voting on travel if the Board member, a member of his or her immediate family, or a business organization in which he or she has an interest has a direct or indirect financial involvement that may reasonably be expected to impair his or her objectivity or independence of judgment. Policy and Regulation 6471 prohibit a Board member from acting in his or her official capacity in any matter in which he or she or a member of his or her immediate family has a personal involvement that is or creates some benefit to the school district Board member or member of his or her immediate family; or undertaking any employment or service, whether compensated or not, that may reasonably be expected to prejudice his or her independence of judgment in the execution of his or her official duties.

The Board of Education excludes from the requirements of prior Board of Education approval any travel caused by or subject to existing contractual provisions, including grants and donations, and other statutory requirements, or Federal regulatory requirements in accordance with the provisions of N.J.A.C. 6A:23A-7.4(d).



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The Board of Education requires documentation required in N.J.A.C. 6A:23A-7.5(b) that justifies the number of employees attending an event and the benefits derived from their attendance. Pursuant to N.J.A.C. 6A:23A-7.5(c), the school district shall maintain documentation on file that demonstrates compliance with the Board of Education's travel policy, including travel approvals, reports, and receipts for all school district funded expenditures, as appropriate.

The School Business Administrator/Board Secretary shall be responsible for the accounting requirements for travel in accordance with the provisions of N.J.A.C. 6A:23A-7.6.

The Superintendent of Schools is the final approval authority for travel.

Sanctions for a violation of the provisions of N.J.A.C. 6A:23A-7 or this Policy are outlined in N.J.A.C. 6A:23A-7.7 and Regulation 6471.

The Board of Education prohibits the types of travel expenditures not eligible for reimbursement as listed in N.J.A.C. 6A:23A-7.8. and Regulation 6471.

Travel methods shall be in accordance with the provisions of N.J.A.C. 6A:23A-7.9 and Regulation 6471 and the routing of travel shall be in accordance with the provisions of N.J.A.C. 6A:23A-7.10 and Regulation 6471.

Any subsistence allowance shall be in accordance with the provisions of N.J.A.C. 6A:23A-7.11 and Regulation 6471. Meal allowances and incidental expenditures shall be in accordance with N.J.A.C. 6A:23A-7.12 and Regulation 6471.

Reimbursement for out-of-State and high-cost travel shall be made pursuant to N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-5.9, and Policy and Regulation 6471.

Records and supporting documentation must be completed and maintained as required in N.J.A.C. 6A:23A-7.13 and outlined in Regulation 6471.

The Board of Education shall approve the mileage reimbursement amount to be paid to an employee who has been approved by the Superintendent or designee to use their personal vehicle for school-related business.

N.J.S.A. 18A:11-12  
N.J.A.C. 6A:23A-5.9; 6A:23A-7

Adopted:



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[See POLICY ALERT No. 226] NEW

## 7540 JOINT USE OF FACILITIES

The Board of Education supports the joint expenditure of school district funds and municipal or county funds to provide facilities from which the community may derive benefits.

The Board may, as the opportunity or need arises, join with the local municipal governing body, each or all of the governing bodies of municipalities comprising the school district, and/or the Board of County Commissioners of the county in acquiring, improving, equipping, operating, or maintaining jointly used facilities in accordance with applicable law.

N.J.S.A. 18A:20-19; 18A:20-34

Adopted:



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[See POLICY ALERT Nos. 218 and 224]

## 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 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.

The Board may provide transportation to and from school for public school students less than remote. The Board will provide transportation to and from school for public school students less than remote from their school in grades K-8 who live more than 1 mile from the school they attend and high school students who live more than 2.25 miles from the high school.

The Board will transport students certified by a physician as temporarily disabled regardless of the distance between their home and school.

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.

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

The Board will not be responsible for the transportation of nonresident students to or from school, except that transportation to and from school will be provided for





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homeless students; students residing in group homes; students residing in resource family homes; and students residing in shared custody homes pursuant to N.J.A.C. 6A:27-6.2, 6.3, 6.4, and 6.5.

The Board may require the compilation of a list of the names of students being transported by a school bus to a school-sponsored activity, including but not limited to, field trips or interscholastic sports programs. The staff member(s) supervising the school-sponsored activity shall create a list of students on each school bus and submit it to the Principal or designee, and the Principal or designee shall maintain the list for use in the case of an emergency in accordance with N.J.A.C. 6A:27-11.5.

When the schools of this district are closed for inclement weather or other conditions, no transportation will be provided for students enrolled in any public, nonpublic, charter school, and/or renaissance school.

The Board shall utilize cooperative/coordinated transportation services in accordance with the provisions of N.J.S.A. 18A:39-11.1 et seq. and N.J.A.C. 6A:27-10.1 et seq. The Board shall utilize one of the agencies prior to determining to pay aid in lieu of transportation if in the prior year payments in lieu of transportation were provided. The Board will provide to the cooperative/coordinated transportation services any unique limitations or restrictions of the required transportation.

Vehicles used to transport students to and from school or school related activities shall meet standards, registration, and inspection requirements of the New Jersey Department of Education (NJDOE), the New Jersey Motor Vehicle Commission (NJMVC), 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.

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.



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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:

