The Somerset Hills School District
Regular Meeting Agenda -September 25, 2019
Executive Session - 6:30 P.M.
Public Input & Action - 7:30 P.M.
Bernards High School Community Room

I. Call to Order & Welcome

Welcome to a meeting of the Board of Education of Somerset Hills. Please be advised that this and all meetings of the Board are open to the public and media, consistent with the Open Public Meetings Act: (Chapter 231 Laws of 1975), and that advance notice required therein has been provided. This is a meeting of the Board of Education of Somerset Hills at which formal action may be taken. The public will have an opportunity to be heard as shown on the Agenda.

II. Roll Call

III. Executive Session

WHEREAS the "Open Public Meetings Act:" (Chapter 231 Laws of 1975) authorizes a public body to exclude the public from that portion of a meeting at which specified topics are to be discussed under circumstances where the public consideration of such topics will clearly endanger the public, or where the personal privacy or guaranteed rights of individuals whose activities or affairs are to be discussed would be clearly in danger of unwarranted invasions, and

WHEREAS the matters about to be presented for discussion clearly meet the "circumstances" test of such Act:

RESOLVED that the Board of Education of Somerset Hills now adjourns its public session to reconvene in Executive Session for the purpose of discussing the following: Personnel, Student Matters, Contracts, Negotiations and Litigation.

And, be it further,

RESOLVED that the discussion in Executive Session be disclosed when the Board's consideration of the subject matter has been closed, or that such matter does not adversely affect the rights of prospective, current, or past public officers, or personnel of the Board, unless such individuals have in writing requested the disclosures of such discussion at a public meeting and provided such a public disclosure will no longer clearly endanger the public interest.

IV. Pledge of Allegiance

V. Roll Call

VI. Correspondence

Thank you note from Kelly Wells

VII. Report of the Superintendent

1. Student Representatives' Reports
2. Academic Report- State Testing Report

VIII. Public Questions & Comments for Actionable Agenda Items

We very much welcome input from the public. Public comments are welcome at this time on any agenda item. Towards the end of the meeting there is a second public forum on any topic. Please state your name and address. Comments are limited to three minutes, but an individual may speak a second time after all others who wish to speak on the topic have been heard. Please understand that our public forums are not structured as question and answer sessions, but are offered as opportunities to share your thoughts with the Board. In instances where the Board feels that there is a misunderstanding or inaccuracy, the Board President or Superintendent may address the comment. In accordance with New Jersey Statute, the Board will not discuss matters regarding specific personnel. Public Questions and Comments will be limited to 30 minutes. Thank you for your input.

IX. Approval of Minutes*

1. Approval of Minutes

Resolved, that the Somerset Hills Board of Education approve the Public Input & Action and Executive meeting minutes for August 28, 2019.

FINANCE, FACILITIES & OPERATIONS

Committee Report & Discussion:

X. FINANCE

Action Items:

1. Board Secretary & Treasurer Reports & Board Certification*

WHEREAS, the Board Secretary has received the Revised Reports of the Secretary and Treasurer for the month of JUNE 2019 showing the following balances:

FUND	Board Secretary Cash Balance (1)	Treasurer Cash Balance (2)
(10) General Fund	$5,612,924.22	$5,612,924.22
(20) Special Revenue Fund	$ 270,567.54	$ 270,567.54
(30) Capital Projects Fund	$ 890,095.43	$ 890,095.43
(40)Debt Service Fund	$ 41,934.49	$ 41,934.49
Total Government Funds	$6,815,521.68	$6,815,521.68

(1) From Secretary's Report **(2)** From Treasurer's Report

WHEREAS in compliance with N.J.A.C.6A: 23-2.1(c)3 the secretary has certified that, as of the date of the report(s), no budgetary line item account has encumbrances and expenditures which in total exceed the amount appropriated by the district board of education, now, therefore, be it
RESOLVED, the Board of Education accepts the above referenced report and certifications and orders that they be attached to and made part of the record of this meeting, and be it
FURTHER RESOLVED, in compliance with N.J.A.C.6A: 23-3.11(c) 4, the Board of Education certifies that, after review of the secretary's monthly financial reports (appropriation section) and upon consultation with the appropriate district officials, to the best of its knowledge, no major account or fund has been overexpended in violation of N.J.A.C.6A: 23-2.11(b), and that sufficient funds are available to meet the district's financial obligations for the remainder of the year.

2. Board Secretary & Treasurer Reports & Board Certification*

WHEREAS, the Board Secretary has received the Reports of the Secretary and Treasurer for the month of JULY 2019 showing the following balances:

FUND	Board Secretary Cash Balance (1)	Treasurer Cash Balance (2)
(10) General Fund	$5,803,600.52	$5,803,600.52
(20) Special Revenue Fund	$ 375,424.49	$ 375,424.49
(30) Capital Projects Fund	$ 890,095.43	$ 890,095.43
(40)Debt Service Fund	$ 290,730.99	$ 290,730.99
Total Government Funds	$7,359,851.43	$7,359,851.43

(1) From Secretary's Report **(2)** From Treasurer's Report

WHEREAS in compliance with N.J.A.C.6A: 23-2.1(c)3 the secretary has certified that, as of the date of the report(s), no budgetary line item account has encumbrances and expenditures which in total exceed the amount appropriated by the district board of education, now, therefore, be it
RESOLVED, the Board of Education accepts the above referenced report and certifications and orders that they be attached to and made part of the record of this meeting, and be it
FURTHER RESOLVED, in compliance with N.J.A.C.6A: 23-3.11(c) 4, the Board of Education certifies that, after review of the secretary's monthly financial reports (appropriation section) and upon consultation with the appropriate district officials, to the best of its knowledge, no major account or fund has been overexpended in violation of N.J.A.C.6A: 23-2.11(b), and that sufficient funds are available to meet the district's financial obligations for the remainder of the year.

3. Board Secretary & Treasurer Reports & Board Certification*

WHEREAS, the Board Secretary has received the Reports of the Secretary and Treasurer for the month of AUGUST 2019 showing the following balances:

FUND	Board Secretary Cash Balance (1)	Treasurer Cash Balance (2)
(10) General Fund	$6,667,507.19	$6,667,507.19
(20) Special Revenue Fund	$ 222,441.12	$ 222,441.12
(30) Capital Projects Fund	$ 890,095.43	$ 890,095.43
(40)Debt Service Fund	$ 584,210.99	$ 584,210.99
Total Government Funds	$8,364,254.73	$8,364,254.73

(1) From Secretary's Report **(2)** From Treasurer's Report

WHEREAS in compliance with N.J.A.C.6A: 23-2.1(c)3 the secretary has certified that, as of the date of the report(s), no budgetary line item account has encumbrances and expenditures which in total exceed the amount appropriated by the district board of education, now, therefore, be it
RESOLVED, the Board of Education accepts the above referenced report and certifications and orders that they be attached to and made part of the record of this meeting, and be it
FURTHER RESOLVED, in compliance with N.J.A.C.6A: 23-3.11(c) 4, the Board of Education certifies that, after review of the secretary's monthly financial reports (appropriation section) and upon consultation with the appropriate district officials, to the best of its knowledge, no major account or fund has been overexpended in violation of N.J.A.C.6A: 23-2.11(b), and that sufficient funds are available to meet the district's financial obligations for the remainder of the year.

4. Approve 2019-2020 Budget Transfers*

Resolved that the Somerset Hills Board of Education approves the attached list of budget transfers for JULY, 2019. (August transfers will be available at the meeting.)

5. Payment of Bills*

WHEREAS, the Board Secretary has presented attached JULY check registers with the recommendation that the checks be paid, and Now, therefore, be it Resolved, that the following bills be paid and an itemized list be filed with the minutes of this meeting:

FUND	
(10) General Fund	$80,165.28
(20) Special Revenue Fund	
(30) Capital Projects Fund	
(40) Debt Service Fund	
(60) Cafeteria Fund	
(90) Agency Fund	
TOTAL	$80,165.28

6. Payment of Bills*

WHEREAS, the Board Secretary has presented attached AUGUST check registers with the recommendation that the checks be paid, and Now, therefore, be it Resolved, that the following bills be paid and an itemized list be filed with the minutes of this meeting:

FUND	
(10) General Fund	$2,231,681.15
(20) Special Revenue Fund	$ 108,786.54
(30) Capital Projects Fund	-
(40) Debt Service Fund	-
(60) Cafeteria Fund	$ 1,550.00
(90) Agency Fund	$ 232,853.14
TOTAL	$2,574,870.83

7 Approve Parent Organization Fundraiser*

Resolved, that the Somerset Hills Board of Education approve the following parent organization fundraisers for the 2019-2020 school year:

	Organization	School	Event	Date
a	Booster Club/Girls Soccer	BHS	Chipotle percentage of profit- 5-9:00pm	10/22
b	Booster Club/Girls Soccer	BHS	Goal-a-thon	10/26
c	Boys Basketball	BHS	Parent/Coach mixer	TBD
d	Ice Hockey (SHIHA)	BHS	Dining nights with portion of proceeds to team	ongoing
e	Ice Hockey (SHIHA)	BHS	Selling of ads for an ad journal	Until 11/15
f	Ice Hockey (SHIHA)	BHS	Selling tickets for a NJ Devils game	12/27/19
g	Ice Hockey (SHIHA)	BHS	Selling gift cards-portion goes to team	ongoing
h	Boys Basketball	BHS	Bagging groceries at ShopRite for donations	11/23
i	Boys Lacrosse	BHS	Taco Dinner for adults	Mar. 2020
j	Boys Lacrosse	BHS	Canning and sell merchandise	TBD-Mar/Apr
k	Boys Lacrosse	BHS	Percentage of lacrosse spiritwear	Mar 2020

8. Approve 2019-20 Non-Public Aid Programs*

Resolved, that the Somerset Hills Board of Education approve the Non-Public Aid Program orders for the following schools:

School	Program	Description	Total
St. Elizabeth School	Technology Aid	15 Acer Chromebooks II 15 Google Chrome Management License	$4870.65

9 Approve Special Education School*

Resolved, that the Somerset Hills Board of Education approve the following school for the 2019-2020 school year and/or ESY:

Student ID#	Provider	Location
3365687651	East Mountain School	Belle Meade, NJ

10. Approve Special Education School

Resolved, that the Somerset Hill Board of Education approve the following school for the 2019-2020 School Year and/or ESY:

Student ID#	Provider	Location
2024313	DLC - Warren	Warren, NJ

11. Approve Home Instructors*

Resolved, that the Somerset Hills Board of Education approve Dr. L. Hanes & Assoiciates for Home Instruction for the 2019-2020 school year.

XI. FACILITIES & OPERATIONS

Action Items:

1. HIB Report

Resolved, that the Somerset Hills Board of Education reviewed the Harassment, Intimidation, and Bullying cases presented on August 28, 2019 and upheld the findings and/or consequences recommended by the Superintendent.

- BMS #14 (18/19)

2 Rescind Award of Construction Project for Bernards High School Walkway*

Resolved, that the Somerset Hills Board of Education rescinds the award of the Bernards High School Walkway Construction Project to Diamond Construction.

3. Bus Evacuation Drills

Resolved, that the Somerset Hills Board of Education approves the Bus Evacuation Drills for The 2019-2020 School Year. Reports for drills are on file in the Business Office:

School	Date
Bernardsville Middle School	9/10, 9/11

4. Bus Evacuation Drill*

Resolved, that the Somerset Hills Board of Education approves the Bus Evacuation Drill for the 2019-2020 School Year. Reports for drills are on file in the Business Office:

School	Date
Bernards High School	9/10, 9/11

XII. CURRICULUM

A. Committee Report & Discussion:

B. Action Items:

1. Approve Field Trips*

Resolved, that the Somerset Hills Board of Education approve the following field trips:

	School	Trip	# of Students	# of Faculty	# of Chaperones
a	BHS	Madrigals: Matheny, Roxiticcus, Bernardsville Library, Center for Hope Hospice - Various	25	1	1
b	BHS	Madrigals: Somerville Carolin Center - Somerville, NJ	25	1	1
c	BHS	Madrigals: Rutgers NJACDA Festival - New Brunswick, NJ	25	1	1
d	BHS	Madrigals: Hershey Park - Hershey, PA	100	3	6
e	BHS	Marching Band: Piscataway HS - Piscataway, NJ	50	3	1
f	BHS	Marching Band: Somerville HS - Somerville, NJ	50	3	1
g	BHS	Marching Band: NYC Columbus Day Parade, New York, NY	50	3	1
h	BHS	Marching Band: Ridge HS - Basking Ridge, NJ	50	3	1
i	BHS	Marching Band: NJ All States - New Brunswick, NJ	50	3	1
j	BHS	Robotics Club: Bridgewater Raritan MS - Bridgewater, NJ	10	2	0
k	BHS	Anatomy Class: Liberty Science Center - Jersey City, NJ	83	1	5
l	BHS	Theater Classes: McCarter Theater - Princeton, NJ	9	1	0
m	BHS	Ski Race Team: Killington Ski Resort- Killington, VT	14	2	0
n	BHS	Theater Classes: Little Shop Broadway - New York, NY	9	1	0
o	BHS	BHS Band and Orchestra: Disneyland - Anaheim, CA	73	7	0
p	BHS	Journalism and Yearbook: Rutgers - Piscataway, NJ	6	2	0
q	BHS	STARS: Black Horse Pub and Animal Shelter - Mendham, NJ	2	3	0
r	BHS	STARS: Circle Bowl: Ledgewook, NJ	3	3	0
s	BHS	STARS: MPAC and Diner - Morristown, NJ	5	3	0

2. Approve Field Trips

Resolved, that the Somerset Hills Board of Education approve the following field trips:

	School	Trip	# of Students	# of Faculty	# of Chaperones
a	BES	Grade 4: Bronx Zoo - New York, NY	121	13	20
b	BES	Grade 4: NJ State House, Old Barracks, NJ Planetarium - Trenton, NJ	121	13	20
c	BMS	Student Council: NJASC Conference - Trenton, NJ	11	1	0
d	BMS	Robotics Club: Bridgewater Middle School - Bridgewater, NJ	10	2	0

3. Approve Professional Development*

Resolved, that the Somerset Hills Board of Education approve the following professional development:

	School	Name	Workshop/Conference	Date	Est. Cost
a	District	Butler, Coleen	Assistant Superintendent Roundtables - Somerville, NJ	Various	0
b	District	Fischer, Susan	NCTE Annual Convention - Baltimore, MD	11/21-11/26	$1,517
c	District	Butler, Coleen	Chamber of Commerce Meeting - Bernardsville, NJ	09/17	0
d	District	Catelli, Michael	National Council of Social Studies Conference - Austin, TX	11/21-11/22	$1603.50
e	BHS	Daben, Jose	AF Spanish Language Culture - New York, NY	11/15	$277.97
f	BHS	Vassil, Cheryle	AF French Language and Culture - New York, NY	11/15	$277.90
g	BHS	Boyce, Nicole	Educators Workshop on Supporting Students Affected by Forced Migration - Trenton, NJ	9/27, 10/22, 10/23	$63.56
h	BHS	Edgerton, Olga	Collaborate 2019 FEA/NJPSA/NJASCD Fall Conference - Long Branch, NJ	10/17, 10/18	$320
i	District	Dempsey, Gretchen	Human Resource Professionals -Avoiding Pitfalls - Trenton, NJ	1/23, 4/1	$300
j	District	Latzke, Sarah	Human Resource Professionals -Avoiding Pitfalls - Trenton, NJ	1/23, 4/1	$400
k	District	Neigel, Scott	County Legal Training, Watchung Hills Reg HS- Warren, NJ	7/18/19	0
l	District	Hoppe, Mike	County Legal Training, Watchung Hills Reg HS- Warren, NJ	7/18/19	0
m	District	Butler, Coleen	MUJC Curriculum Council Subcommittee - New Providence, NJ (9/18, 10/30, 12/11, 1/15, 3/18, 5/11)	Various	0
n	District	Catelli, Michael	County Roundtable Meetings for Supervisors (10/18, 12/6, 2/21)	Various	0
o	BHS	Engelmann, Amy	Transition Subcommittee Meetings -New Providence, NJ (10/22, 1/15, 3/24, 5/12)	Various	0
p	District	Fischer, Susan	MUJC - Supervisors Subcommittee - New Providence, NJ (10/2, 2/11, 4/28)	Various	0
q	District	Catelli, Michael	NJ Council for the Social Studies Conference - Piscataway, NJ	10/21	$105
r	BHS	Ferrara, James	Improving Physics Instructional Lab Experiments - Middletown, CT	10/18-10/19	$356.45
s	BHS	Babicke, Dennis	Photo Plus 2019 - NYC, NY	10/25	$90.50
t	BHS	Trumpy, Fred	The Midwest Clinic /International Band & Orchestra Conference - Chicago, IL	12/19-12/20	$730
u	BHS	Weltler, Lynn	2019 NCTE Annual Convention - Baltimore, MD	11/21-11/22	$360

v	BHS	Falletta, LuAnn	AP computer science consortium (NJAPCSC) - Morris Plains, NJ	10/15	0
w	BHS	Ellis, Amanda	Strengthening Our Schools - Bridgwater, NJ	10/18	0
x	BHS	Monroe, Sky	AP English Summit - Roxbury, NJ	10/23	0
y	BHS	Engelmann, Amy	Basking Ridge Business Alliance Meeting (9/27, 10/8 and TBD) -	Various	0
z	BHS	Engelmann, Amy	Chamber of Commerce Meeting -Bernardsville, NJ	9/17	0
aa	District	Dempsey, Gretchen	School Boards Convention - Atlantic City, NJ	10/21-10/24	$597
bb	District	Butler, Coleen	School Boards Convention - Atlantic City, NJ	10/21-10/24	$597
ff cc	District	Goguen, Heather	School Boards Convention - Atlantic City, NJ	10/21-10/24	$641.05
dd	District	Bob Baker	School Boards Convention - Atlantic City, NJ	10/21-10/24	$597
ee	District	Jamie Leiss	School Boards Convention - Atlantic City, NJ	10/21-10/24	$597
ff	District	Janis Virtue	School Boards Convention - Atlantic City, NJ	10/21-10/24	$597
gg	District	Kathy Tober	School Boards Convention - Atlantic City, NJ	10/21-10/24	$597
hh	District	Heather Santoro	School Boards Convention - Atlantic City, NJ	10/21-10/24	$597
ii	District	Goguen, Heather	Comprehensive Active Shooter Incident Management, Burlington Township, NJ	10/3	0

4. Approve Professional Development

Resolved, that the Somerset Hills Board of Education approve the following professional development:

	School	Name	Workshop/Conference	Date	Est. Cost
a	BES	Cubicciotti, Julie	Safety Crisis Prevention and Intervention Training - Edison, NJ	10/22-10/25	$3,249
b	BES	Cubicciotti, Julie	Autism, NJ - Atlantic City, NJ	10/17	$275
c	BMS	Garofalo, Lisa	County Principals Roundtable - Somerville, NJ (9/9, 10/17, 11/28, 1/16, 2/20, 3/19, 4/16, 5/21)	Various	0
d	BMS	Ryan, Suzanne	NJ American Academy of Pediatrics School Health Conference - Somerset, NJ	10/16	$208.02
e	BMS	Latzke, Brian	County Legal Training, Watchung Hills Reg HS-Warren, NJ	7/18/19	0
f	BES	McCarron, Jim	PDP-Art Ed of NJ Conference - Long Branch, NJ	10/7	$225
g	BES	Gelsinger, Allison	TC-NYC: When Kids Are Stuck - How Can We Support Growth?	12/10	$104
h	BES	Maddaluna, Penny	TC-NYC: Helping Kids Reading Below Grade Level	1/22	$161.50
i	BES	DeRoberts, Theresa	TC-NYC: When Children Are Barely Reading, How Do We Teach Reading?	1/31	$122
j	BES	Pike, Emily	MUJC - Social-Emotional Learning and Character Development- New Providence, NJ	1/27, 2/3	$398
k	BES	Brooten, Darcey	TC-NYC: Teaching and Talking About Race	10/29	$85

l	BES	Brooten, Darcey	TC-NYC: Using Books and Literary Conversations	12/13	$84
m	BMS	McMillan, Patricia	TC-NYC: Deepening Essential Research and Note-Taking Skills	11/8	$95
n	BES	Smith, Lauren	2019 Gifted Ed Conference - Somerset, NJ	11/22	$199
o	BES	Leonard, Melissa	2019 Gifted Ed Conference - Somerset, NJ	11/22	$199
p	BMS	Habermas, Chris	United Way School Support Network - Convent Station, NJ	10/16	0
q	BMS	Szesko, Julie-Ann	Student Press Day Conference - New Brunswick, NJ	10/28	$50
r	BES	Davis, Emma	Grade 2 Conquer Math Workshops - Pompton Plains, NJ (10/29, 12/4, 2/12)	Various	$480
s	BES	Ziolkowski, Maureen	Grade 2 Conquer Math Workshops - Pompton Plains, NJ (10/29, 12/4, 2/12)	Various	$480

5. Approve Paraprofessional Project*

Resolved, that the Somerset Hills Board of Education approve the Rutgers Paraprofessional Behavioral Support Coaching Project for the 2019-2020 school year

PERSONNEL AND POLICY

XIII. PERSONNEL

A. Committee Report and Discussion.

1. Accept Resignation*

Resolved, that the Somerset Hills Board of Education accept the resignation of the following Employee:

	Name	School	Position	Effective
a	Rufino, John	District	Maintenance	10/11/2019

2. Approve Family Medical Leave of Absence*

Resolved, that the Somerset Hills Board of Education approve the following family medical leave of absence dates for the 2019-2020 school year:

Name	School	Position	Start Date	End Date
Murphy, Theresa	BHS	Teacher	February 3, 2019	April 10, 2020

3. Approve Leave Replacement Teachers

Resolved, that the Somerset Hills Board of Education approve the following Leave replacement teachers for the 2019-2020 school year:

	Name	School	Position	Replace	Level	Step	Salary	Effective
a	Tolley, Elizabeth	BMS	Teacher (LR)	Froysland	BA	1	$57,310 prorated	9/10/19-1/24/20
b	Alvaro, Allison	BES	Teacher (LR)	Jablonski	BA	1	$57,310 prorated	9/6/19 - 1/24/20

4. Approve Appointment Non-Certified Staff*

Resolved, that the Somerset Hills Board of Education approve the appointment of the following non-certified staff for the 2019-2020 school year , *subject to further investigation pursuant to law*:

Name	School	Position	Salary	Effective
Slockbower, Jeremy	District	Information Technology Manager	$81,000	11/25/19 or sooner
Fetzer, Jean	District	Transportation Driver	$30.00/HR	10/1/2019

5. Approve Appointment Paraprofessional

Resolved, that the Somerset Hills Board of Education approve the appointment of the following Paraprofessional for the 2019-2020 school year:

	Name	School	Position	Salary
a	Griggs, Tarik	BES	Paraprofessional Full Time	$16.75/ Hr
b	Beckerman, Sujin	BES	Regular Education Paraprofessional - B *1 day per week*	$16.81/ Hr

6. Approve Co-Curricular Positions*

Resolved, that the Somerset Hills Board of Education approve the following BHS co-curricular positions for the 2019-2020 school year:

	Last	First	School	Co Curricular Positions	Stipend
a	Luik	Norman	BHS	PAC Light and Sound Operator	$40.60/Hr
b	Ferrara	Jim	BHS	PAC Light and Sound Operator	$40.60/Hr

7. Approve Co-Curricular Positions

Resolved, that the Somerset Hills Board of Education approve the following co-curricular positions for the 2019-2020 school year:

	Last	First	School	Co-Curricular Positions	Stipend
a	Megan	Mogno	BMS	Kindness Club	$2,778
b	Marcy	Craver	BMS	Peer Leadership	$2,778
c	Pike	Emily	BES	Be Well Girls (Municipal Alliance Funded)	$59.11/Hr
d	Och	Laurie	BES	Be Well Girls (Municipal Alliance Funded)	$59.11/Hr
e	DeRoberts	Theresa	BES	Be Well Girls (Municipal Alliance Funded)	$59.11/Hr
f	Klebaur	Grace	BES	Be Well Girls (Municipal Alliance Funded)	$59.11/Hr
g	O'Day	Lauren	BES	Be Well Girls (Municipal Alliance Funded)	$59.11/Hr

8. Approve Translator/Interpreter*

Resolved, that the Somerset Hills Board of Education approve the following Translators/ Interpreters for the 2019-2020 school year:

Name	Position	Rate
Salome, Escobar-Chaffee	Translator /Interpreter	$59.11/Hr

9. Approve Volunteers*

Resolved, that the Somerset Hills Board of Education approve the following volunteer for the 2019-2020 school year:

Name	School	Volunteer
Boudreau, Derek	BHS	Girls Soccer
DeLeon, Ryan	BHS	Boys Football, Basketball, Baseball

10. Approve Overloads

Resolved, that the Somerset Hills Board of Education approves the following overloads for the 2019-2020 school year: BES/BMS

	Certification	Teacher	Periods per Week	Term	Sections	Salary	OVERLOAD Salary
a	Physical Education	McGinn, Jessica	3	FY	1	$71,510.00	$8,581.20
b	ESL	Carreiro, Olivia	5	FY	1	$66,215.00	$13,243.00

11. Approve Unpaid Absences

Resolved, that the Somerset Hills Board of Education approve the following unpaid absences for the 2019-2020 school year:

	Name	School	Position	# of Requested days	Dates
a	Kostelak, Andrea	BES	Teacher	1	10/21/19

12. Approve Substitutes*

Resolved, that the Somerset Hills Board of Education approve the following substitutes for the 2019-2020 school year, *subject to further investigation pursuant to law*:

	Last	First	Substitute Position	Certification
a	Lorio	August	Substitute Teacher / Paraprofessional	Standard

13. Amend Reappointment Non-Tenured Teachers

Resolved, that the Somerset Hills Board of Education amend the approval of the reappointment of the following non-tenured teachers for the 2018-2019 school year: Bedwell Elementary & Bernardsville Middle School

	Last Name	First Name	School	Level	Step	$ Salary
a	Byers	Mary Frances	BMS	Teacher MA	~~12~~ **11**	**$70,694**

14. Amend Reappointment Non-Tenured Teachers

Resolved, that the Somerset Hills Board of Education amend the approval of the reappointment of the following non-tenured teachers for the 2019-2020 school year: Bedwell Elementary & Bernardsville Middle School

	Last Name	First Name	School	Year	Level	Step	$ Salary
a	Byers	Mary Frances	BMS	2	TEACHER MA	~~13~~ **12**	**73,758.00**

15. Amend Reappointment Transportation Employees*

Resolved, that the Somerset Hills Board of Education amend the approval of the reappointment of the following transportation employees for the 2019-2020 school year:

Last Name	First Name	Job Title	$ Hourly Rate
Clarke	Ellen	Transportation Paraprofessional	~~19.92/hr~~ **19.82/Hr**

16. Amend Reappointment Paraprofessionals

Resolved, that the Somerset Hills Board of Education amend the approval of the reappointment of the following paraprofessionals for the 2019-2020 school year: Bedwell Elementary & Bernardsville Middle School

	Last Name	First Name	School	Year	Step	$ Salary
a	Guedez	Carol	BES	19/20	~~3~~ **2**	~~$16.94~~ **$16.75**

17. Amend approval Bernards High School Overloads*

Resolved, that the Somerset Hills Board of Education amend the approval of the following overloads for the 2019-2020 school year.

	Certification	Teacher	Periods per Week	Term	Sections	Salary	OVERLOAD Salary
a	Math	Gray	5	S1	0.5	$109,592.00	~~$18,268.99~~ $9,134.49
b	Math	Camuto	5	FY	1	~~$71,635.00~~ **$69,775.00**	~~$11,941.55~~ **11,631.49**

18. Approve Job Description*

Resolved, that the Somerset Hills Board of Education approve the following job description:

- *Assistant Superintendent*

19. Approve Organizational Chart*

Resolved, that the Somerset Hills Board of Education approve the Somerset Hills District Organizational Chart.

XIV. POLICY

Action Items:

1. First Reading*

Resolved, that the Somerset Hills Board of Education approve the first reading of the following bylaw, policy & regulation:

Policy / Regulation #	Title
P 3159	Teaching Staff Member/School District Reporting Responsibilities (M) (Revised)

P & R 3218	Use, Possession, or Distribution of Substances (M) (Revised)
P & R 4218	Use, Possession, or Distribution of Substances (M) (Revised)
P 4219	Commercial Driver's License Controlled Substance and Alcohol Use Testing (M) (Revised)
P & R 6112	Reimbursement of Federal and Other Grant Expenditures (M) (Revised)
P & R 7440	School District Security (M) (Revised)
R 5530	Substance Abuse (M) (Revised)
P 8630	Bus Driver/Bus Aide Responsibility (M) (Revised)
R 8630	Emergency School Bus Procedures (M) (Revised)
P 8670	Transportation of Special Needs Students (M) (Revised)
P 9210	Parent Organizations (Revised)
P 9400	Media Relations (Revised)

2. Second Reading*

Resolved, that the Somerset Hills Board of Education approve the second reading of the following bylaw, policy & regulation:

Policy / Regulation #	Title
P 1642	Earned Sick Leave (M)
R 1642	Earned Sick Leave (M)
R 5131	Student Random Drug Testing

XV. COMMUNITY RELATIONS

XVI. SUPPLEMENTARY MATTERS

XVII. PUBLIC QUESTIONS AND COMMENTS

XVIII. ADJOURNMENT

***Note: The areas of permitted voting for the Bedminster district representative of the Board of Education are: (a) Tuition to be charged the sending district by the receiving district and the bill lists or contracts for the purchase, operation or maintenance of facilities, equipment and instructional materials to be used in the education of the pupils of the sending district; (b) New capital construction to be utilized by sending district pupils; (c) Appointment, transfer or removal of teaching staff members**

providing services to pupils of the sending district, including any teaching staff member who is a member of the receiving district's central administrative staff; (d) Addition or deletion of curricular and extracurricular programs involving pupils of the sending district; (e) Any matter directly involving the sending district pupils or programs and services utilized by those pupils; (f) Approval of the annual receiving district budget; (g) Any collectively negotiated agreement involving employees who provide services utilized by sending district pupils; (h) Any individual employee contracts not covered by a collectively negotiated agreement, if those employees provide or oversee programs or services utilized by sending district pupils; and (i) Any matter concerning governance of the receiving district board of education including, but not limited to, the selection of the board president or vice-president, approval of board bylaws, and the employment of professionals or consultants such as attorneys, architects, engineers, or others who provide services to the receiving district board of education.
(cf: P.L.1996, c.103, s.1)

Somerset Hills School District
September 25, 2019
ADDENDUM

XI. Curriculum

3. Approve Additional Professional Development*

Resolved, that the Somerset Hills Board of Education approve the following professional development:

	School	Name	Workshop/Conference	Date	Est. Cost
jj	District	Pedota, Patti	Semi Training - East Orange, NJ	10/18	0
kk	BHS	Pietroluongo, Jade	Educators workshop supporting Students Affected by Force Migration - Trenton, NJ (9/27, 10/22, 10/23)	Various	$82.60
ll	BHS	Hunkele, Heather	Garden state Scholastic Press Association Fall Conference Awards Ceremony - Piscataway, NJ	10/28	$65
mm	BHS	O'Brien, Janice	Garden state Scholastic Press Association Fall Conference Awards Ceremony - Piscataway, NJ	10/28	$50
nn	District	Vaught, Teresa	Semi Training - East Orange, NJ	10/18	0
oo	District	Butler, Coleen	Semi Training - East Orange, NJ	10/18	0
pp	District	Butler, Coleen	Basking Ridge Business Association - Basking Ridge, NJ	10/8	0
qq	District	Fischer, Susan	Northern NJ ELA Supervisors Mtg - Parsippany, NJ	10/25, 1/24	0
rr	District	Vaught, Teresa	Basking Ridge Business Association - Basking Ridge, NJ	10/8	0
ss	BHS	Falzarano, Jeff	2019-2020 AP English Summit - Succasunna, NJ	10/23	0
tt	BHS	Ellis, Amanda	FDU Latino Promise Workshop- Teaneck, NJ	10/24	0
uu	District	Hoppe, Mike	Football Conference - Clark, NJ	10/9	0
vv	District	Walker, Jaime	County Directors of Guidance Meetings - Various locations (10/11, 11/1, 12/6, ⅓, 2/7, 3/6, 4/3, 6/12	Various	0

4. Approve Additional Professional Development

Resolved, that the Somerset Hills Board of Education approve the following professional development:

	School	Name	Workshop/Conference	Date	Est. Cost
t	BMS	Habermas, Chris	United Way School Support Network - Convent Station, NJ	9/25	0
u	BMS	Malwitz, Carrie	Educators workshop supporting Students Affected by Force Migration - Trenton, NJ (9/27, 10/22, 10/23)	Various	0
v	BMS	Garofalo, Lisa	NJ Middle School Principal's Group - Mountainside, NJ	10/16	0
w	BES	Phelan, Amy	Somerset County Principal Meetings - Somerville, NJ (10/17, 11/01, 1/16, 2/20, 3/19, 4/16, 5/21)	Various	0

Somerset Hills School District
September 25, 2019
ADDENDUM

XII. Personnel

4. Approve Additional Appointment Non-Certified Staff*

Resolved, that the Somerset Hills Board of Education approve the appointment of the following non-certified staff for the 2019-2020 school year, *subject to further investigation pursuant to law*:

Name	School	Position	Salary	Effective
Duchantier, Cynthia	District	Confidential Secretary (Part-Time)	$25,000 prorated	10/25/19 or sooner

7. Approve Additional Co-Curricular Positions

Resolved, that the Somerset Hills Board of Education approve the following co-curricular positions for the 2019-2020 school year:

Last	First	School	Co-Curricular Positions	Stipend
O'Halloran	Annie	BMS	Math Lab	$43.11/ Hr
Russo	Dawn	BMS	Writing Lab	$43.11/ Hr

10. Approve Additional Overloads

Resolved, that the Somerset Hills Board of Education approves the following overloads for the 2019-2020 school year: BES/BMS

	Certification	Teacher	Periods per Week	Term	Sections	Salary	OVERLOAD Salary
c	World Language	Furbish, Mary Ellen	2.5	FY	1	$76,063.00	$6,339.85

12. Approve Additional Substitutes*

Resolved, that the Somerset Hills Board of Education approve the following substitutes for the 2019-2020 school year, *subject to further investigation pursuant to law*:

	Last	First	Substitute Position	Certification
b	Tietze	Fred	Substitute Teacher / Paraprofessional	Substitute Certification

20. Approve Family Medical Leave of Absence

Resolved, that the Somerset Hills Board of Education approve the following family medical leave of absence dates for the 2019-2020 school year:

Name	School	Position	Start Date	End Date
Gandhi, Latisha	BMS	School Psychologist	November 26, 2019	March 16, 2020

Somerset Hills School District
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ADDENDUM

21. Approve Mentors*

Resolved, that the Somerset Hills Board of Education approve the following mentors for the 2019-2020 Provisional Teacher Program to be paid at the rate of $550 for the year:

- Patricia Maddaluna- a mentor for Allison Alvaro
- Luann Falletta - a mentor for Kyle O'Brien
- Niicole Marashlian - a mentor for Elissa Rizzo
- Rosemarie Rizzutto - a mentor for Elizabeth Tolley

22. Approve SOAR Teachers

Resolved, that the Somerset Hills Board of Education approve the following SOAR teachers for the 2019-2020 school year, to be paid out of ESEA Title I funds:

	Name	Position	Effective	Rate/Hr
a	DeRoberts, Teresa	Teacher	October - June	$59.11 (Max 3 hours / week)
b	O'Day, Lauren	Teacher	October - June	$59.11 (Max 3 hours / week)
c	Young, Meghan	Teacher	October - June	$59.11 (Max 3 hours / week)
d	Engelmann, Amy	Translator	October - June	$59.11 (Max 3 hours / week)
e	Jastrabek, Linda	Substitute	October - June	$59.11 (Max 3 hours / week)
f	Leavenworth, Patrice	Teacher	October - June	$59.11 (Max 3 hours / week)
g	Alvaro, Allison	Teacher	October - June	$59.11 (Max 3 hours / week)

23. Approve Leave Replacement Teacher*

Resolved, that the Somerset Hills Board of Education approve the following Leave replacement teachers for the 2019-2020 school year, *subject to further investigation pursuant to law*:

	Name	School	Position	Replace	Level	Step	Salary	Effective
a	Resnick, Victoria	BHS	Guidance Counselor (LR)	Dooley	MA	7	$66,505 prorated	10/21/19-6/30/20

POLICIES/REGULATIONS

First Reading

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

3159 TEACHING STAFF MEMBER/SCHOOL DISTRICT REPORTING RESPONSIBILITIES

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

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

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

1. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;

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

3. A certificate holder fails to maintain any license, certificate, or authorization that is mandated pursuant to N.J.A.C. 6A:9B for the holder to serve in a position;

4. The Superintendent ~~of Schools~~ becomes aware that a certificate holder has been convicted of a crime or criminal offense while in the district's employ; or

5. The Superintendent has received a report from the Department of Children and Families substantiating allegations of abuse or neglect, or establishing "concerns" regarding a certificated teaching staff member.

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

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

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

N.J.S.A. **9:6-8.14; 18A:6-10; 18A:6-38.5;** 18A:16-1.3
N.J.A.C. 6A:9B-4.3; 6A:9B-4.4

Adopted:

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

3218 **USE, POSSESSION, OR DISTRIBUTION OF** SUBSTANCES ~~ABUSE~~

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

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

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

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

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

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

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

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

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

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

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

42 CFR Part 2

POLICY GUIDE

N.J.S.A. 18A:16-3; 18A:40A-9
N.J.A.C. **6A:16-4.1;** 6A:16-6.3; **6A:16-6.5** ~~6A:32-6.3~~

Adopted:

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

R 3218 **USE, POSSESSION, OR DISTRIBUTION OF** SUBSTANCES ~~ABUSE~~

A. Definition

1. **"Board physician" means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and appointed by the Board of Education.**

2~~1~~. "Principal or designee" means the teaching staff member's Principal or a staff member designated by the Principal to be responsible at the time of the alleged violation or the teaching staff member's supervisor or a staff member designated by the teaching staff member's supervisor to be responsible at the time of the alleged violation.

3~~2~~. "Substance" or "substances" **as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)** means alcoholic beverages~~,~~**;** any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2~~,~~**;** ~~or~~ any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction~~, or~~ dulling of ~~the brain or nervous system~~, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4~~,~~**;** and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

4~~3~~. "Substance test" means a test conducted by a **Board-approved** ~~State-licensed clinical~~ laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.

5~~4~~. "Under the influence" means the presence of a substance as defined in Policy 3218 and this Regulation as confirmed in a medical examination and substance test.

B. Procedures to be Followed When a ~~Teaching~~ Staff Member **has Unlawfully Possessed or has been Involved in the Distribution of a Controlled Dangerous Substance** ~~is Suspected to be Under the Influence of a Substance~~

1. **Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of their employment, has reason to believe a staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall report the matter as soon as possible to the Principal or designee in accordance with the provisions of Policy 3218 and N.J.A.C. 6A:16-6.3(a).**

   a. **In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)1, upon receiving a report, the Principal or designee shall notify the Superintendent who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.**

   b. **In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)2, the Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter including the identity of the staff member involved.**

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

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

1. The following procedures shall be used when a teaching staff member is suspected of being under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.

   a. The Principal or designee, upon receiving a report or information a teaching staff member may be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities will:

      (1) Immediately notify the Superintendent ~~of Schools~~;

      (2) Immediately meet with the teaching staff member;

         (a) The Principal or designee may include another staff member in this meeting; and

         (b) The teaching staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.

   b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion the teaching staff member may be under the influence of a substance.

   c. The teaching staff member shall be provided an opportunity to respond to the report or information presented by the Principal or designee.

   d. In the event the Principal or designee believes the teaching staff member may be under the influence of a substance after meeting with the teaching staff member, the Principal or designee will arrange for an immediate medical examination **by the Board physician. The medical examination shall** ~~to~~ include a substance test **administered by the Board physician or a Board-approved laboratory**.

e. The teaching staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the Principal or designee.

f. The teaching staff member, prior to the medical examination and substance test, will be informed by the **Board** physician or ~~the physician's~~ designee on the type of testing to be completed and the substances that will be tested.

g. The teaching staff member may, prior to being examined **or** ~~and~~ tested, disclose to the **Board** physician **or designee** any prescription medicine, over-the-counter medicine or supplements, or any other reason why the teaching staff member's test results may be positive.

h. **Refusal by a** ~~A~~ teaching staff member~~'s refusal~~ to **consent to the medical examination which includes a substance test** ~~be examined or tested in accordance with the provisions of Policy 3218 and this Regulation~~ will be deemed ~~as~~ a positive **test result** ~~test~~ for substances.

2. The ~~results of the~~ medical ~~examination~~ and substance test shall be used by the **Board** physician to determine if the teaching staff member is under the influence of any substance as defined in Policy 3218 and this Regulation. The substance test procedures will provide for a **confirmation** ~~confirming~~ test using acceptable confirmation test procedures.

   a. Any specimen determined by the Board physician or Board-approved laboratory to have been adulterated by the teaching staff member will be deemed a positive test result for substances.

3. The ~~physician shall receive the~~ results of the substance test **shall be provided to the Superintendent and Board physician** within twenty-four hours of the test being administered **or** ~~. If the results of the substance test are not available within twenty-four hours, the~~

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

a. In the event the results of the medical examination and substance test are not provided to the Superintendent, it will be deemed a positive test result for substances.

4. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was not under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, ~~the physician will notify the Superintendent of such results and~~ the teaching staff member shall return to their position in the school district **unless the Superintendent has a reason the teaching staff member should not be returned to their position.** ~~Any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.~~

5. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the **Board** physician will:

   a. Discuss the results of the examination and substance test with the teaching staff member and provide the teaching staff member an opportunity to present any medical or other reasons for the **Board** physician's determination.

   b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a ~~State-licensed clinical~~ laboratory selected by the **teaching** staff member and approved by the **Board** physician **and Superintendent.**

(1) The **Board** physician will schedule and coordinate the **confirmation** ~~confirming~~ test procedures, including the acceptable time period for the **confirmation** ~~confirming~~ test to be conducted based on the existing test results, and the time in which a **confirmation** ~~confirming~~ test result would be valid. **This confirmation test shall be paid for by the teaching staff member.**

(2) The **confirmation** ~~confirming substance~~ test results must be provided to the **Board** physician **and Superintendent** within the time period required by the **Board** physician.

(3) Any **confirmation** ~~confirming~~ test results provided to the **Board** physician **and Superintendent** not within the time period required by the **Board** physician shall not be accepted and the teaching staff member shall be determined to have waived their right to ~~a~~ have **the results of** a **confirmation** ~~confirming substance~~ test considered~~ by the physician~~.

c. After completing the requirements in **5.** a. and b. above, the **Board** physician shall make a final determination whether the teaching staff member was under the influence of a substance during ~~the~~ work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities.

(1) If the **Board** physician makes a final determination the teaching staff member was not under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the **Board** physician will report **a final determination** ~~these results~~ to the Superintendent and the teaching staff member shall return to their position in the school district **unless the Superintendent has a reason the teaching staff member should not be returned to their position**. ~~and~~ A~~a~~ny records or

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

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

D~~C~~. Procedures to be Followed When a Teaching Staff Member is Determined to be Under the Influence of a Substance

1. Any teaching staff member ~~who has been~~ determined by the **Board** physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities shall be required to meet with the Superintendent.

   a. The teaching staff member may include a staff member or a representative of their choice in this meeting.

2. The Superintendent will provide the teaching staff member an opportunity to respond to the **Board** physician's determination.

3. A teaching staff member ~~who has been~~ determined to **be** ~~have been~~ under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities will be subject to appropriate discipline which may include**, but not be limited to:**

   a. Withholding an increment;

   b. Terminating ~~termination of~~ a non-tenured teaching staff member~~,~~**; and**/or

   c. ~~the~~ **F**~~f~~iling ~~of~~ tenure charges for a tenured teaching staff member.

Issued:

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

4218 **USE, POSSESSION, OR DISTRIBUTION OF** SUBSTANCES ~~ABUSE~~

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

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

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

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

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

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

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

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

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

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

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

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

42 CFR Part 2
N.J.S.A. 18A:16-3; 18A:40A-9
N.J.A.C. **6A:16-4.1;** 6A:16-6.3; **6A:16-6.5** ~~6A:32-6.3~~

Adopted:

REGULATION GUIDE

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

R 4218 **USE, POSSESSION, OR DISTRIBUTION OF** SUBSTANCES ~~ABUSE~~

A. Definition

1. **"Board physician" means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and appointed by the Board of Education.**

2~~1~~. "Substance" or "substances" **as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)** means alcoholic beverages~~,~~**;** any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2~~,~~**;** ~~or~~ any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4~~,~~**;** and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

3~~2~~. "Substance ~~test" means~~ a test conducted by a **Board-approved** ~~State-licensed clinical~~ laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.

4~~3~~. "Support staff member's supervisor" or "supervisor" means the building or district administrative staff member who is responsible for supervising the support staff member. For the purposes of this Policy and Regulation, the support staff member's supervisor shall be the support staff member's Principal~~, School Business Administrator/Board Secretary, district Director or Supervisor,~~ or any other administrative staff member **responsible at the time of the alleged violation or as** designated by the Superintendent.

5~~4~~. "Under the influence" means the presence of a substance as defined in Policy 4218 and this Regulation as confirmed in a medical examination and substance test.

B. Procedures to be Followed When a ~~Support~~ Staff Member **has Unlawfully Possessed or has been Involved in the Distribution of a Controlled Dangerous Substance** ~~is Suspected to be Under the Influence of a Substance~~

1. **Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of their employment, has reason to believe a staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall report the matter as soon as possible to the staff member's supervisor in accordance with the provisions of Policy 4218 and N.J.A.C. 6A:16-6.3(a).**

   a. **In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)1, upon receiving a report, the supervisor shall notify the Superintendent who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.**

   b. **In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)2, the Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter including the identity of the staff member involved.**

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

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

1. The following procedures shall be used when a support staff member is suspected of being under the influence of a substance during work hours **or at a school-sponsored function where the support staff member has been assigned job responsibilities**.

   a. The support staff member's supervisor, upon receiving a report or information a support staff member may be under the influence of a substance during work hours **or at a school-sponsored function where the support staff member has been assigned job responsibilities** will:

      (1) Immediately notify the Superintendent ~~of Schools~~;

      (2) Immediately meet with the support staff member;

         (a) The support staff member's supervisor may include another staff member in this meeting; and

         (b) The support staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.

   b. The support staff member's supervisor shall present to the support staff member the report or information supporting the suspicion the support staff member may be under the influence of a substance.

   c. The support staff member shall be provided an opportunity to respond to the report or information presented by the supervisor.

   d. In the event the supervisor or designee believes the support staff member may be under the influence of a substance after meeting with the support staff member, the supervisor will arrange for an immediate medical examination **by the Board physician. The medical examination shall** ~~to~~ include a substance test **administered by the Board physician or a Board-approved laboratory**.

e. The support staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the support staff member's supervisor or designee.

f. The support staff member, prior to the medical examination and substance test, will be informed by the **Board** physician or ~~the physician's~~ designee on the type of testing to be completed and the substances that will be tested.

g. The support staff member may, prior to being examined **or** ~~and~~ tested, disclose to the **Board** physician **or designee** any prescription medicine, over-the-counter medicine or supplements, or any other reason why the support staff member's test results may be positive.

h. **Refusal by a** ~~A~~ support staff member~~'s refusal~~ to **consent to the medical examination which includes a substance test** ~~be examined or tested in accordance with the provisions of Policy 4218 and this Regulation~~ will be deemed ~~as~~ a positive **result** ~~test~~ for substances.

2. The **results of the** medical examination and substance test shall be used by the **Board** physician to determine if the support staff member is under the influence of any substance as defined in Policy 4218 and this Regulation. The substance test procedures will provide for a **confirmation** ~~confirming~~ test using acceptable confirmation test procedures.

   a. Any specimen determined by the Board physician or Board-approved laboratory to have been adulterated by the support staff member will be deemed a positive result for substances.

3. The ~~physician shall receive the~~ results of the substance test **shall be provided to the Superintendent and Board physician** within twenty-four hours of the test being administered **or** ~~. If the results of the substance test are not available within twenty-four hours, the physician shall report the results to the Superintendent and the support staff member~~ as soon as the test results are available. **The Superintendent shall provide the support staff member with these results.**

a. In the event the results of the medical examination and substance test are not provided to the Superintendent, it will be deemed a positive result for substances.

4. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the support staff member was not under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities,** ~~the physician will notify the Superintendent of such results and~~ the support staff member shall return to their position in the school district **unless the Superintendent has a reason the support staff member should not be returned to their position.** ~~Any records or documentation related to the incident shall not be included in the support staff member's personnel file.~~

5. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the support staff member was under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**, the **Board** physician will:

   a. Discuss the results of the examination and substance test with the support staff member and provide the support staff member an opportunity to present any medical or other reasons for the **Board** physician's determination.

   b. Provide the support staff member an opportunity to have the substance test results confirmed by a ~~State-licensed clinical~~ laboratory selected by the **support** staff member and approved by the **Board** physician **and Superintendent.**

      (1) The **Board** physician will schedule and coordinate the **confirmation** ~~confirming~~ test procedures, including the acceptable time period for the **confirmation** ~~confirming~~ test to be conducted based on the existing test results, and the time in which a **confirmation** ~~confirming~~ test result would be valid. **This confirmation test shall be paid for by the support staff member.**

(2) The **confirmation** ~~confirming substance~~ test results must be provided to the **Board** physician **and Superintendent** within the time period required by the **Board** physician.

(3) Any **confirmation** ~~confirming~~ test results provided to the **Board** physician **and Superintendent** not within the time period required by the **Board** physician shall not be accepted and the support staff member shall be determined to have waived their right to ~~a~~ have **the results of** a **confirmation** ~~confirming substance~~ test considered~~ by the physician~~.

c. After completing the requirements in **5.** a. and b. above, the **Board** physician shall make a final determination whether the support staff member was under the influence of a substance during ~~the~~ work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**.

(1) If the **Board** physician makes a final determination the support staff member was not under the influence during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**, the **Board** physician will report **a final determination** ~~these results~~ to the Superintendent and the support staff member shall return to their position in the school district **unless the Superintendent has a reason the support staff member should not be returned to their position**. ~~and~~ A~~a~~ny records or documentation **regarding a negative medical examination or substance test** ~~related to the incident~~ shall not be included in the support staff member's personnel file.

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

D~~C~~. Procedures to be Followed When a Support Staff Member is Determined to be Under the Influence of a Substance

1. Any support staff member ~~who has been~~ determined by the **Board** physician to be under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities** shall be required to meet with the Superintendent.

   a. The support staff member may include a staff member or a representative of their choice in this meeting.

2. The Superintendent will provide the support staff member an opportunity to respond to the **Board** ~~physician's determination.~~

3. A support staff member ~~who has been~~ determined to **be** ~~have been~~ under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities** will be subject to appropriate discipline which may include**, but not be limited to:**

   a. Withholding an increment;

   b. Terminating ~~termination of~~ **a non-tenured support staff member; and**/or

   c. ~~the~~ **F**~~f~~iling ~~of~~ tenure charges for a tenured support staff member.

Issued:

[See POLICY ALERT Nos. 130, 162, 217 and 218]

4219 COMMERCIAL DRIVER'S LICENSE CONTROLLED SUBSTANCE AND ALCOHOL USE TESTING

The Board of Education is committed to a safe, efficient, alcohol and drug-free workplace that protects the district's students as well as the health and safety of its employees and the general public.

For School Districts That Have School Buses, Bus Drivers, or Employees Who Operate a School Vehicle Requiring a Commercial Driver's License (CDL)

The Board requires all employees of the Board performing any safety-sensitive function to be free of drugs and alcohol and will test those employees who operate a commercial motor vehicle in accordance with 49 CFR 382 et seq. and 49 CFR 40 et seq. For the purpose of this Policy "employee" means a person

required to have a Commercial Driver's License (CDL) in the performance of their job responsibilities. Safety-sensitive functions as defined by 49 CFR 382.107 means any time from the time an employee begins to work or is required to be in readiness to work until the time the employee is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at the terminal, facility, other property, or on any public property, waiting to be dispatched, unless relieved from duty;

2. All time inspecting equipment as required by Federal law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle, at any time;

3. All time spent at the driving controls of a commercial motor vehicle in operation;

4. All time, other than driving time, in or upon the commercial motor vehicle except time spent resting in an area defined as a sleeping berth;

5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded and unloaded; and

6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The Omnibus Transportation Employee Testing Act of 1991 requires all operators of commercial motor vehicles subject to the CDL requirements to be tested for controlled substances and alcohol. Federal regulations of the U.S. Department of Transportation require that any employee using a CDL be required to submit to alcohol and controlled substance testing in accordance with 49 CFR 40.

The Board designates the Business Administrator as the Designated Employer Representative (DER) of the Board of Education. The Board may contract with a service agent to provide the testing services as required by Federal law. In the event the Board contracts with a service provider for transportation, the Board designee will ensure all transportation contractors comply with the drug and alcohol testing requirements of Policy 4219 pursuant to 49 CFR 382 et seq. and 49 CFR 40 et seq.

No employee at any work site will possess, manufacture, use, sell, or distribute any quantity of any controlled substance, lawful or unlawful, which in sufficient quantity could result in impaired performance, with the exception of substances administered by or under the instructions of a physician. No employee shall perform safety-sensitive functions within four hours after using alcohol and the district will not permit an employee that used alcohol within four hours of performing safety-sensitive functions to perform such functions if the district has actual knowledge of the use, in accordance with 49 CFR 392.5.

Violations

Any violation of this Policy may result in discipline, up to and including termination.

Prohibited Substances

The presence of any of the controlled substances, listed in 49 CFR 40.87, in the body, as evidenced by the results of the initial screening and subsequent confirmatory analysis provided in this Policy, is prohibited for any employee assigned to a classification covered by this Policy. All cutoff concentrations shall be in accordance with 49 CFR 40.87. All test results shall be measured against the cutoff concentrations outlined in 49 CFR 40.87.

Testing Procedures

All testing for controlled substances will be conducted in accordance with 49 CFR 40, Subparts A, B, C, D, E, F, G, H and I. The district will only test for drugs or classes of drugs in accordance with 49 CFR 40.85. Testing for alcohol will be conducted in accordance with 49 CFR 40, Subparts J, K, L, M and N.

Definitions

"Alcohol use" means the drinking or swallowing of any beverage, liquid mixture or preparation (including medication), containing alcohol.

"Aliquot" means a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

"Confirmatory drug test" means a second analytical procedure performed on an aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

"Confirmed drug test" means a confirmation test result received by a Medical Review Officer (MRO) from a laboratory.

"Controlled substances" means those substances identified in 49 CFR 40.85.

"CCF" means the Federal Drug Testing Custody and Control Form.

"Designated Employer Representative (DER)" is an employee of the district authorized to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER shall receive test results and other communications for the employer consistent with the requirements of this Policy and 49 CFR 40. Service agents cannot act as a DER.

"FMCSA" means Federal Motor Carrier Safety Administration.

"Initial drug test (also known as a "Screening drug test")" means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

"Initial specimen validity test" means the first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

"Medical Review Officer (MRO)" is a licensed physician responsible for receiving and reviewing laboratory results generated by the district's drug testing program and evaluating medical explanations for certain drug test results.

"Possess" includes, but is not limited to, either in or on the driver's person, personal effects, motor vehicle, or areas substantially entrusted to the control of the driver.

"Service agent" is any person or entity, other than an employee of the Board, who provides services specified under 49 CFR 40 to the Board.

"Substance Abuse Professional (SAP)" is a person who evaluates employees who have violated a Federal or State drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. An individual permitted to act as a SAP must possess the credentials as outlined in 49 CFR 40.281.

"Work Site" means any motor vehicle, office, building, yard, or other location at which the driver is to perform work or any other school district property or at any school district event.

Categories of Testing

For the purpose of this Policy, the occurrence of the following circumstances/instances shall require an employee to submit to a controlled substance and alcohol screening:

1. Pre-Employment Testing

   An individual who has applied for and has been selected to operate a Board vehicle shall, before beginning employment with the

Board, submit to a controlled substance screening in conjunction with any required physical examination as per Policy 4160. Such screening shall be conducted in accordance with the procedures set forth in this Policy and 49 CFR 40. No individual receiving a positive confirmed test result will be employed by the Board.

An employer is not required to administer a controlled substances test required by 49 CFR 382.301(a) if:

a. The employee has participated in a controlled substances testing program that met the requirements of 49 CFR 382 et seq. within the previous thirty days; and

b. The employee while participating in that program either:

(1) Was tested for controlled substances within the past six months (from the date of application with the employer); or

(2) Participated in the random controlled substances testing program for the previous twelve months (from the date of application with the employer.)

c. The DER must ensure that no prior employer, to the DER's knowledge, has records of a violation of a controlled substances testing program within the previous six months.

If an individual is so exempted, the DER shall contact the controlled substances testing programs in which the individual participated and shall obtain and retain from the testing program(s) the following information in accordance with 49 CFR 382.301(c):

a. Name and address of the program;

b. Verification of the individual's participation;

c. Verification that the program conforms to Federal guidelines;

d. Verification the individual qualified under the law and did not refuse to be tested for controlled substances;

e. The date the individual was last tested for controlled substances; and

f. The results of any tests taken within the previous six months and any other violations.

An employee who has applied for and has been selected to operate a Board vehicle or any existing employee transferring into a new position requiring the employee to operate a Board vehicle, shall submit a written consent authorizing the Board to obtain the following information from other employers who have employed the employee during any period during the two years before the date of the employee's application or transfer into the new position. The written consent from the employee will permit the DER to obtain the following information from previous Division of Transportation (DOT)-regulated employers:

a. Alcohol tests with a result of 0.04 or higher alcohol concentration;

b. Verified positive drug tests;

c. Refusals to be tested (including verified adulterated or substituted drug test results);

d. Other violations of DOT agency drug and alcohol testing regulations; and

e. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If this information is not available from the previous employer, the DER must seek to obtain this information from the employee.

The DER will obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, the DER will not permit the employee to perform safety-sensitive functions after thirty days from the date the employee first performed safety-sensitive functions, unless the DER has obtained or made and documented a good faith effort to obtain this information.

2. Random Testing

Every employee shall submit to random alcohol and controlled substance testing on an unannounced and random basis resulting from the selection by a random generation methodology in accordance with 49 CFR 383.305(i). Random testing will be spread reasonably throughout any given calendar year.

The minimum annual percentage rate for random alcohol testing shall be ten percent of the average number of driver positions. The minimum annual percentage rate for random controlled substances testing shall be twenty-five percent of the average number of driver positions. The minimum annual percentage rates may be adjusted

as determined by the FMCSA Administrator in accordance with 49 CFR 382.305.

Employees shall only be random tested when performing safety-sensitive functions or immediately prior to or immediately following the performance of safety-sensitive functions.

3. Post-Accident Testing

The involvement by an employee in a motor vehicle collision while operating a Board vehicle when such accident results in property damage or personal injury, may trigger a post-accident drug and alcohol test.

As soon as practical following an occurrence, the DER will require post-accident alcohol screening for each of the surviving drivers:

a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or

b. Who receives a citation within eight hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

c. If the alcohol test is not administered within two hours following the accident, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, the DER shall cease attempts to administer the alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

As soon as possible following an occurrence, the district will require post-accident controlled substance screening for each of the surviving drivers:

a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or

b. Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

c. If the controlled substance test is not administered within thirty-two hours following the accident, the DER shall cease attempts to administer the controlled substance test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit for testing. (An employee who is injured in an accident and requires medical care, shall submit to post-accident drug and controlled substance testing by the medical care facility providing the treatment or a designee of the Board if the facility is unable to provide the testing.) Nothing herein shall be construed to prevent the employee from leaving the scene of the accident for the period required to obtain necessary assistance or to obtain emergency medical care.

4. Reasonable Suspicion Testing

The DER shall require an employee to submit to an alcohol and/or controlled substance test when the employee is observed by a supervisor or school official who is trained in accordance with 49 CFR 382.603 and causes the observer to have reasonable suspicion to believe the employee has violated 49 CFR 382 et seq. Reasonable suspicion must exist to require the employee to undergo a test and must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Reasonable suspicion alcohol testing is authorized only if the required observations are made during, just preceding, or just after the period of the work day the employee is required to be in compliance with the testing requirements of 49 CFR 382 et seq.

Reasonable suspicion testing may be required of an employee while the employee is performing, just before the employee will perform, or just after the employee has ceased performing safety-sensitive functions.

If the alcohol test is not administered within two hours following the determination a reasonable suspicion test is required, the DER will prepare and maintain on file a record stating the reasons the

test was not promptly administered. If the alcohol test is not administered within eight hours following the determination, the DER shall cease attempts to administer the alcohol test and shall state in the record the reasons for not administering the test.

No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse. The employee will also not be able to perform or continue to perform safety-sensitive functions until an alcohol test is administered and the employee's concentration measures less than 0.02 or twenty-four hours have elapsed following the

determination that reasonable suspicion existed to require an alcohol test.

A written record of the observations leading to a reasonable suspicion test shall be made and signed by the supervisor and/or school official that made the observations. This record shall be made within twenty-four hours of the observed behavior or before the results of the test are released, whichever is earlier.

5. Return to Duty Testing

The district is not required to return an employee to a safety-sensitive position upon receipt of a confirmed drug and/or alcohol test.

The DER may recommend to the Superintendent of Schools the employee's employment be terminated depending on the circumstances.

The DER shall ensure that before an employee returns to duty requiring the performance of a safety-sensitive function, the employee shall undergo a return to duty alcohol test indicating a breath alcohol concentration of less than 0.02 and a controlled substances test with a result indicating a verified negative result for controlled substances use as required in 49 CFR 40.305.

Employees permitted to return to duty are required to take return-to-duty tests and shall be evaluated by a SAP. These employees must participate in an assistance program prescribed by the SAP and as required in 49 CFR 40 Subpart O.

The SAP will determine a written follow-up testing plan for any employee who has been permitted to return to work and has successfully complied with the SAP's recommendations for education and/or treatment. Such employees are subject to a minimum of six unannounced, follow-up drug screenings and alcohol tests over the following twelve months. The testing shall not exceed forty-eight additional months. Alcohol follow-up testing shall be performed only when the employee is performing

safety-sensitive functions or immediately prior to performing or immediately after performing safety-sensitive functions. All follow-up testing will be completed in accordance with 49 CFR 40.307. The SAP will comply with all reporting requirements of 49 CFR 40.311.

The Board shall make the ultimate determination to return or not return an employee to a safety-sensitive position subject to any collective bargaining agreements, if any, or other legal requirements.

Medical Review Officer (MRO) Notifications

The Board shall employ or contract with a MRO who is a licensed physician (M.D. or D.O.) and shall designate the MRO as the individual responsible for receiving laboratory results generated by the testing program. The MRO shall have knowledge of controlled substances abuse disorders and have appropriate medical training to interpret and evaluate the employee's confirmed drug test results together with his/her medical history and other biomedical data. The MRO will perform all functions and responsibilities as required in 49 CFR 40.121.

Employer Notification

The MRO may report controlled substances test results to the DER by any means of communication; however, a signed, written notification must be forwarded within three business days of the completion of the MRO's evaluation. The MRO must report all drug test results to the employer. The MRO may use a signed or stamped and dated legible photocopy of Copy 2 of the CCF to report test results or a written report that must include, at a minimum, the information required in 49 CFR 40.163.

Split Specimen Tests

Split specimen testing will be conducted in accordance with 49 CFR 40 Subpart H. The MRO will notify the Superintendent of Schools or designee if split specimen testing is requested by the employee.

Designated Collection Facility

The Board shall designate the facility to be used for the collection of the specimen; provided, however, that the designated facility shall possess all required licenses and permits. The collection site will take place in a facility meeting the requirements of 49 CFR 40 Subpart D. The DER will ensure the collection site meets the security requirements of 49 CFR 40.43.

Designated Screening Laboratory

The Board shall designate the laboratory to which collected fluid samples will be forwarded for drug/alcohol screening. Drug testing laboratories must be certified by the Department of Health and Human Services (HHS) under the National Laboratory Certification Program (NLCP) for all testing required under 49 CFR 40. The laboratory will perform all responsibilities as required in accordance with 49 CFR 40 Subpart F.

Specimens

The normal screening methodology for controlled substances shall be urinalysis, collected by a trained representative of the Board with appropriate documentation at a site-designated and approved by the Board. The presence of alcohol will be determined by an Alcohol Screening Device (ASD) or an Evidential Breath Testing Device administered by an individual certified in accordance with 49 CFR 40.211 and 49 CFR 40.213.

Refusal to Submit

An employee will be deemed as refusing to take a drug test as described in 49 CFR 40.191. As per 49 CFR 40.191, an employee refuses to take a drug test if he/she:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the DER, consistent with applicable DOT agency regulations, after being directed to do so by the DER;

2. Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

3. Fails to provide a urine specimen for any drug test required by this Policy. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

4. Fails to permit the observation or monitoring of providing a specimen in the case of a directly observed or monitored collection in a drug test;

5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

6. Fails or declines to take an additional drug test the DER or collector has directed the employee to take;

7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under 49 CFR 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector);

9. Fails to follow the collection observer(s) instructions of which could be used to interfere with the collection process;

10. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process; or

11. Admits to the collector or MRO he/she has adulterated or substituted the specimen.

If the MRO reports the employee had a verified adulterated or substituted test result, the result will be deemed refusal to take a drug test.

If an employee refuses to participate in a part of the testing process, the collector or MRO, must terminate the portion of the testing process, document the refusal on the CCF (including in the case of the collector, printing the employee's name on Copy 2 of the CCF), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. A referral physician (e.g., physician evaluating a "shy bladder" condition or a claim of a legitimate medical explanation in a validity testing situation) must notify the MRO, who in turn will notify the DER. In addition, the collector must note the refusal in the "Remarks" line (Step 2), and sign and date the CCF. The MRO must note the refusal by checking the "Refused to Test" box (Step 6) on Copy 2 of the CCF, and add the reason on the "Remarks" line. The MRO must then sign and date the CCF. When the employee refuses to take a non-DOT test or to sign a non-DOT form, the employee has not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

Record of Negative Screening

An employee required to submit to an alcohol and/or controlled substance screening as provided in this Policy and whose screening results are negative may, at their option, have their personnel file documented to reflect the negative result.

Prescription Drugs

All bus drivers shall notify the DER of the use of any prescription drugs. The Board may require certification from the prescribing physician that the use of the prescription drug will not have an adverse effect on the driver's ability to properly perform safety-sensitive functions.

Consequences to Employees Engaging in Prohibited Conduct

An employee whose screening produces a positive result for a prohibited substance who is permitted to return to work:

1. Shall not be permitted to perform safety-sensitive functions;

2. Shall be advised by the DER of resources available to them in evaluating and resolving problems associated with the misuse of alcohol or the use of controlled substances;

3. Shall be evaluated by a SAP who shall determine what assistance, if any, is needed to resolve problems with alcohol or controlled substance use;

4. Undergo, before returning to duty, a return to duty alcohol test indicating a breath level of less than 0.02 if the conduct involved alcohol or a controlled substance test with a verified negative result;

5. If assistance was required, the employee must be evaluated by a SAP to determine that the employee has followed the rehabilitation program prescribed;

6. Be subject to unannounced follow-up alcohol and/or controlled substance abuse testing; and

7. Be subject to the disciplinary Policy and Regulations of the Board.

Return-to-Work Agreement

An employee who has been permitted to return to work and who fails to comply with any of the terms of a Return to Work Agreement, if provided at the employer's discretion, shall be subject to disciplinary action which may include termination.

Maintenance and Retention of Records

The DER shall maintain and retain all records as required by Federal regulation. Records shall include at least the following:

1. Records Related to the Collection Process

   a. Collection logbooks (if used);

   b. Documents related to the random selection process;

   c. Calibration documentation for Evidential Breath Testing Devices (EBT's);

   d. Documentation of Breath Alcohol Technician (BAT) training;

   e. Documentation of reasoning for reasonable suspicion testing;

   f. Documentation of reasoning for post-accident testing;

   g. Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing; and

   h. Consolidated annual calendar year summaries.

2. Records Related to the Employee's Test Results

   a. Employer's copy of the alcohol test form, including results;

   b. Employer's copy of the controlled substance test chain of custody and control form;

   c. Documents sent to the employer by the MRO;

   d. Documentation of any employee's refusal to submit to a required alcohol or controlled substance test; and

   e. Documents provided by an employee to dispute results of test.

3. Documentation of any Other Violations of Controlled Substance Use or Alcohol Misuse Policies

4. Records Related to Evaluations and Training

   a. Records pertaining to the SAP's determination of an employee's need for assistance;

   b. Records concerning an employee's compliance with the SAP's recommendations, and records related to education and training;

   c. Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol misuse;

   d. Documentation of compliance with the requirement to provide employees with educational material, including an employee's signed receipt of materials;

   e. Documentation of supervisor training; and

   f. Certification that training conducted under this Policy complies with all requirements of the Policy.

5. Records Related to Drug Testing

   a. Agreements with collection site facilities, laboratories, MROs, and consortia;

   b. Names and positions of officials and their role in the employer's alcohol and controlled substance testing program;

   c. Monthly statistical summaries of urinalysis; and

   d. The employer's drug testing policy and procedures.

6. Required Period of Retention

Document to be maintained	Period required to be maintained

Alcohol test results indicating a breath alcohol concentration of 0.02 or greater	5 Years
Verified positive controlled substance test results	5 Years
Documentation of refusals to submit to required alcohol or controlled substance tests	5 Years
Calibration documentation	5 Years
Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations	5 Years
Driver evaluations and referrals	5 Years
A copy of each annual calendar year summary	5 Years
Records obtained from previous employers concerning alcohol and drug testing	3 Years
Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices)	2 Years
Records related to negative and canceled controlled substance test results	1 Year

Document to be maintained	Period required to be maintained
Alcohol test results indicating a breath alcohol concentration less than 0.02	1 Year
Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions	Indefinite time period

Other specific types of records shall be maintained in accordance with 49 CFR 382.401.

7. Location of Records

All required records shall be maintained in accordance with Policy 8320. Records shall be made available for inspection at the Board Offices within two business days after a request has been made by an authorized representative of the FMCSA.

8. Annual Calendar Year Summary

The DER shall prepare and maintain an annual calendar year summary of the results of its alcohol and substance abuse testing programs. The summary shall be completed no later than March 15 of each year covering the previous calendar year. The DER upon request of the FMCSA will provide the annual summary to that agency in the required format.

9. Employee Information Program

The Board will provide an employee information program. The DER will be responsible for implementing the program and shall ensure that each employee receives information in the manner specified below:

a. By receiving a copy of this Policy and any subsequent revisions.

b. The DER will provide written notice to employees of the following information:

(1) The identity of the person designated by the employer to answer employee questions about the materials;

(2) Which employees are subject to the alcohol misuse and controlled substance requirements;

(3) Explanation of what constitutes a safety-sensitive function, so as to make clear what period of the workday the employee is required to be in compliance;

(4) Specific information concerning employee conduct that is prohibited;

(5) The circumstances under which an employee will be tested for alcohol and/or controlled substances;

(6) The procedures that will be used to test for the presence of alcohol and controlled substances;

(7) The requirement that an employee submit to alcohol and controlled substance tests;

(8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substance test;

(9) The consequences for employees found to have violated the prohibitions of this Policy, including the immediate removal of the employee from safety-sensitive functions;

(10) The consequences for employees found to have an alcohol concentration level of 0.02 or greater but less than 0.04; and

(11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life. Signs and symptoms of an alcohol or controlled substances problem, and available methods of intervening when an alcohol or a control substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.]

Omnibus Transportation Employee Testing Act of 1991
49 CFR 40 et seq.
49 CFR 382 et seq.
~~49 CFR 395.2~~

Adopted:

[See POLICY ALERT Nos. 190 and 218]

6112 REIMBURSEMENT OF FEDERAL AND OTHER GRANT EXPENDITURES

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

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

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

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

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

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

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

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

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

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

Adopted:

REGULATION GUIDE

[See POLICY ALERT Nos. 190 and 218]

R 6112 REIMBURSEMENT OF FEDERAL AND OTHER GRANT EXPENDITURES

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

A. Definitions

1. "Cost objective" means a function, organizational subdivision, contract, grant, or other activity for which cost data are needed and for which costs are incurred.

2. "Grant" means an award of financial assistance by the Federal government to the State of New Jersey, Department of Education or funds NJDOE receives from the State legislature to be awarded to eligible subgrantees.

3. "Grantee" means the State of New Jersey, Department of Education, to which a grant is awarded by the Federal government.

4. "Subgrant" means an award of financial assistance to an eligible subgrantee, in this case, awards by the State of New Jersey, Department of Education to local education agencies or other eligible entities.

5. "Subgrantee" means the local education agency~~, school district,~~ or other legal entity to which a subgrant is awarded and which is accountable to the State of New Jersey, Department of Education for the use of funds provided.

B. Procedures

1. Functionality

a. The School Business Administrator/Board Secretary or designee will submit reimbursement requests using the payment functionality of the EWEG system.

b. The payment functionality **is** ~~will be~~ enabled upon final NJDOE approval of the subgrant application through the EWEG system.

2. Submission of Reimbursement Requests

a. The School Business Administrator/Board Secretary or designee will make reimbursement requests for individual titles and awards. Therefore, reimbursement requests for **ESSA** ~~NCLB~~ will be made for each individual title. Reimbursement requests for IDEA must be made separately for Basic and Preschool as well as for the Perkins Secondary and Perkins Post-Secondary grant funds. Only one reimbursement request per month may be submitted for an individual title**,** ~~or~~ award**, or subgrant**.

b. Reimbursement requests may only be for expenditures that have already occurred or will occur **within three business days of receipt of funds** ~~by the last calendar day of the month in which the request is made~~. The following examples are based upon the schedule in Section C. below.

(1) The school district has ordered and received supplies and has paid the vendor. The school district may request reimbursement.

(2) The school district has ordered and received equipment but has not yet paid the vendor. The school district expects payment to be made on the ~~last day~~ **seventh** of the **following** month, following the monthly Board meeting. The school district may request reimbursement **since the school district will make payment within three business days of receipt of funds**.

(3) The school district makes salary payments on the **first and** fifteenth ~~and last~~ day of each month. In a given month, the school district may request reimbursement for payroll expenditures actually made during the month and for the payroll scheduled for the **first** ~~last~~ day of the **following** month **because the school district will make payroll expenditure within three business days of receiving the funds**. The school district may not request reimbursement in anticipation of subsequent pay dates**, that is, those occurring more than three business days after receiving funds** ~~in the following month~~.

(4) The school district is responsible for payment of health benefits to its provider on a quarterly basis. The subgrantee may request reimbursement prospectively if payment to the provider will be made **within three business days of receipt of funds** ~~during the calendar month in which reimbursement is requested~~. **If payment to the provider is made at the end of the month;** ~~however, the school district must request~~ **reimbursement during the month following payment.**

(5) The school district is responsible for reimbursing the State of New Jersey for pension and social security payments made on behalf of employees paid with Federal funds. For members of the Teachers' Pension and Annuity Fund (TPAF), school districts shall reimburse the State no later than November. The request for reimbursement for pension and social security contributions for members of TPAF should be made at the time the school district will make payment to the State. For members of the Public Employees Retirement System or other State pension systems, the school

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

c. The submission of a reimbursement request constitutes a certification by the School Business Administrator/Board Secretary that the school district has previously made the appropriate expenditures and/or will make the expenditures **within three business days of receipt of funds** ~~by the last calendar day of the month in which the request is made~~. The submission of a reimbursement request also constitutes a certification that the expenditures are allowable and appropriate to the cost objective(s) of the subgrant.

d. Reimbursement requests must be in accordance with approved grant applications.

(1) The Superintendent ~~of Schools~~ or designee is responsible for submitting an amendment application to the NJDOE for approval if a new budget category for which no funds were previously budgeted or approved has been created.

(2) The Superintendent ~~of Schools~~ or designee is responsible for submitting an amendment application to the NJDOE for approval if cumulative transfers among expenditure categories exceed ten percent of the total award ~~or $50,000 for IDEA, Perkins, and NCLB (per title), whichever is less~~. The Superintendent ~~of Schools~~ or designee is responsible for monitoring the cumulative ten percent level of fiscal change.

C. Processing Timelines

1. Reimbursement requests may be submitted at any time after the subgrant has received final NJDOE approval. No more than one reimbursement request may be submitted per month for any one subgrant. ~~Reimbursement may be made for expenditures that have already occurred or will occur by the last calendar day of the month in which the request is submitted.~~

2. Reimbursement requests submitted at least ten business days before the end of the month but no later than the fifteenth day of the month will be reviewed and, if approved, processed for payment the first business day of the following month. School districts will normally receive payment by the fifth business day of the month and will be able to track the grant's payment history in EWEG through the payments link of the grant application.

D. Content of Reimbursement Requests

1. Reimbursement requests must contain a brief description of the expenditures for which reimbursement is being requested. Individual line items need not be detailed.

   a. Example - $8,750 is being requested in the 100 function code. The description is "salaries and instructional supplies."

2. Expenditures must be supported by documentation at the school district level. This documentation should not be submitted to the NJDOE with a reimbursement request. The Superintendent ~~of Schools~~ or designee is responsible to maintain supporting documentation for seven years and for making it available to the NJDOE, the United States Department of Education, and/or their authorized representatives upon request.

3. Documentation for salary expenditures is subject to the requirements of the **Federal Uniform Grant Guidance** ~~applicable Federal Office of Management and Budget Circular: A-21, "Cost Principles for Educational Institutions;" A-87, "Cost Principles for~~

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

E. Review and Approval of Reimbursement Requests

1. NJDOE staff will review reimbursement requests to determine that they meet the subgrant's criteria, including but not limited to the following:

   a. Adequate description of the expenditures is provided;

   b. No new budget category has been created; and

   c. The reimbursement request does not exceed the allowable threshold for an amendment as a result of cumulative transfers among expenditure categories.

2. When a reimbursement request is approved or denied, the school district will ~~receive~~ an email notification through ~~the~~ EWEG system.

3. Approval of a reimbursement request by NJDOE does not imply approval of the expenditures as allowable or appropriate to the subgrant's cost objectives. Approval of expenditures will continue to be processed through the final report. The School Business Administrator/Board Secretary **or designee** assumes responsibility for assuring that all funds requested through the EWEG system either have already been expended, or will be expended **within three business days of receipt of funds** ~~according to the requirements of the CMIA~~.

Issued:

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

7440 SCHOOL DISTRICT SECURITY

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

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

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

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

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

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

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

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

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

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

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

Adopted:

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

R 7440 SCHOOL DISTRICT SECURITY

A. Definitions

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

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

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

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

B. Access to School Buildings and School Grounds

1. Access to school buildings and grounds during the school day will be permitted to all students enrolled in the school, all authorized school staff members, and visitors pursuant to Policy and Regulation 9150.

2. Access to school buildings and grounds before and after the school day will be permitted to:

   a. Members of the Board of Education;

   b. Administrative and supervisory staff members, teaching staff members, and support staff members assigned to a school building or grounds in the performance of their duties;

   c. Other school staff members in the performance of their professional responsibilities;

   d. Students involved in interscholastic athletics, co-curricular or extra-curricular activities, and authorized spectators;

   e. Members of organizations granted the use of school premises pursuant to Policy and Regulation 7510;

   f. Police officers, fire fighters, health inspectors, and other agents of Federal, State, and local government in the performance of their official duties;

   g. Members of the public present to attend a public Board of Education or public school-related function; and

   h. Others authorized by the Superintendent or designee and/or by Board Policy.

3. All visitors to a school building during a school day will be required to register their presence in the school and comply with the provisions of Policy and Regulation 9150. The school's registration and sign-in procedures may include the use of a school visitor management system requiring the visitor to present acceptable identification to access the school building.

4. Signs will be conspicuously posted to inform visitors of the requirement to register their presence into the building.

C. Key Control System for Access to School Buildings and Facilities

1. School staff members will be provided access to a school building using the school's key control system as follows:

   a. Teaching staff members and support staff members will be provided access using the school's key control system to the school building and to other facilities on school grounds to which they require access for the performance of their professional duties.

      (1) The Building Principal will determine the school staff members who shall be provided access to facilities within the school building and on school grounds.

      (2) The Superintendent or designee will determine the district administrators, supervisors, and other staff members who shall be provided access to facilities within the school building and on school grounds.

2. School staff members provided access to a school building or other facilities on school grounds shall be responsible for ensuring their key control system authorization is not shared with another individual without prior approval of the Principal or designee for school staff members, or the Superintendent or designee for district staff members. Staff members are prohibited from permitting their key control system authorization to be used by another person unless prior approval is obtained from the Principal or designee at the building level and Superintendent or designee at the district level or in the event of an emergency.

3. A staff member's loss of a key, card, or any other device authorizing the staff member access to a school building or a facility on school grounds must be immediately reported to the Principal or Superintendent or designee. The staff member who loses a key, card, or any such access device may be responsible for the replacement cost.

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

1. Each public elementary and secondary school building shall be equipped with at least one panic alarm for use in a school security emergency including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation.

2. The alarm shall be directly linked to local law enforcement authorities or, in the case of a school building located in a municipality in which there is no municipal police department, a location designated by the Superintendent of the New Jersey State Police.

3. The alarm shall be capable of immediately transmitting a signal or message to such authorities outlined in D.2. above upon activation.

4. The alarm shall not be audible within the school building.

5. Each panic alarm required under N.J.S.A. 18A:41-11 and Policy and Regulation 7440 shall:

a. Adhere to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories; and

b. Be installed solely by a person licensed to engage in the alarm business in accordance with the provisions of N.J.S.A. 45:5A-27.

6. The school district may equip its elementary and secondary school buildings with an emergency mechanism that is an alternative to a panic alarm if the mechanism is approved by the New Jersey Department of Education.

~~E~~D. Staff Member Responsibilities

1. Staff members should not bring to school valuable personal items that cannot be in the staff member's personal possession at all times. The Board of Education is not responsible for a staff member's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed.

2. In the event a staff member observes a student has a valuable item in school, the staff member will report it to the Principal or designee. A valuable item may include, but is not limited to, an unusually large amount of money, expensive jewelry or electronic equipment, or any item that is determined by the Principal or designee to be valuable to a student based on the student's age.

   a. The Principal or designee may contact the student's parent and request the parent come to school to retrieve the valuable item;

   b. The Principal or designee may secure the valuable item and return it to the student at the end of the school day and inform the student and the parent not to bring the valuable item to school in the future; or

   c. The Principal or designee will permit the student to maintain the valuable item and inform the student and the parent not to bring the valuable item to school in the future.

   d. The Board of Education is not responsible for a student's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed when in the possession of the student.

3. Teaching staff members shall close classroom windows and shut and lock classroom doors when leaving at the end of the school day; shut and lock classroom doors during the school day when the room is not going to be in use after their assignment, and report immediately to the Principal or designee any evidence of tampering or theft.

4. Custodians shall, at the end of the work day, conduct a security check of the building to make certain that all windows are closed and all office, classroom, and building doors are shut and locked, except as such doors may be required to be open for persons with access.

5. Office personnel shall take all reasonable precautions to ensure the security of all school and district records and documents against unauthorized access, deterioration, and destruction.

~~F~~E. School Safety Specialist

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

2. The School Safety Specialist shall:

   a. Be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district;

   b. Ensure that these policies and procedures are in compliance with State law and regulations; and

   c. Provide the necessary training and resources to school district staff in matters relating to school safety and security.

3. The School Safety Specialist shall also serve as the school district's liaison with law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

4. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist Certification in accordance with the provisions of N.J.S.A. 18A:17-43.2.

~~G~~F. Summoning Law Enforcement Authorities

1. Law enforcement authorities will be summoned promptly whenever evidence is discovered that indicates: a crime has been committed on school premises or in the course of staff or student transportation to or from school; a break and entry may have occurred on school grounds; a deadly weapon is on school premises; a breach of the peace has occurred on school premises; for any reason required in the Memorandum of Understanding between the Board of Education and Law Enforcement and in accordance with Policy and Regulation 9320; or for any other reason there is concern about the health, safety, and welfare of persons on school grounds or school property.

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

Issued:

REGULATION GUIDE

R 5530 SUBSTANCE ABUSE

The following procedures are established in implementation of Policy 5530, Substance Abuse.

A. Definitions

1. "Evaluation" means procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services which extend beyond the general school program by virtue of learning, behavior, or health difficulties of the student or the student's family.

2. "Other drugs" mean substances as defined in N.J.S.A. 18A:40A-9 and substances as defined in N.J.A.C. 6A:16-4.1(a).

3. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

4. "Referral for evaluation" means programs and services suggested to a student or his or her family in order to make a positive determination regarding a student's need for services that extend beyond the general school program.

5. "Referral for treatment" means programs and services suggested to a student or to his or her family to help implement the recommendations resulting from an evaluation, pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6; in response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4; or in response to the family's request for assistance with a learning, behavior, or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.

6. "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, owned, operated or used for the provision of academic or extracurricular programs sponsored by the district or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central facilities including, but not

limited to, kitchens and maintenance shops. "School grounds" also include other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land. "School grounds" also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration as defined in N.J.A.C. 6A:26-1.2.

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

8. "Substance abuse" means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured ~~human~~ beings.

9. "Under the influence" of substances means that the student is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

B. Discipline

1. Any violation of Board rules prohibiting the use, possession, and/or distribution of a substance is a serious offense, and the student who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures.

If a student and/or parent or legal guardian refuses to submit to a substance screening, it will be considered an automatic positive result. The Student will remain out of school until willing to comply with the consequences detailed below as well as the provisions of N.J.S.A 18A:40A-12 and N.J.A.C. 6A:16-4.3.

a. Level I: Student Under the Influence

Level I First Offense

(1) High school students: four (4) school days of Out-of-School Suspension (OSS); middle school students: four (4) school days of Out-of-School Suspension (OSS) and one (1) transition day upon return.

(a.) 30 calendar day suspension from all school activities. Student cannot participate in or attend any activities including graduation.

(b.) 30 calendar day loss of on campus parking privileges.

(2) Complete extended substance evaluation with Certified Drug and Alcohol Counselor.

(3) Mandatory compliance with extended substance evaluation recommendations.

(4) Mandatory re-admittance conference with student, parent(s) or legal guardian(s), administration, and Student Assistance Coordinator (SAC).

(5) Weekly meeting with SAC for one month after re-admittance.

(6) Follow-up urine screening at any time one month after re-admittance.

Level I Subsequent Offenses

(1) Minimum ten (10) school days of OSS to maximum twenty (20) school days of OSS.

(a.) 60 calendar day suspension from all school activities. Student cannot participate in or attend any activities including graduation.

(b.) Permanent loss of on campus parking privileges.

(2) Complete extended substance evaluation Certified Drug and Alcohol Counselor.

(3) Mandatory compliance with extended substance evaluation recommendations.

(4) Hearing before the Somerset Hills Board of Education will be held at the recommendation of the Superintendent and for all suspensions that exceed ten (10) school days.

(5) Home instruction begins on day 5.

(6) Mandatory re-admittance conference with student, parent(s) or legal guardian(s), administration, and SAC.

(7) Weekly meeting with SAC for two months after re-admittance.

(8) Follow-up urine screening after re-admittance at any time monthly for the remainder of the school year.

b. Level II: Student in possession of substances for personal use.

Level II First Offense

(1) Notify the local police, file a formal complaint and follow the procedures set forth in the most current Memorandum of Understanding between Education and Law Enforcement Officials.

(2) Minimum ten (10) school days of OSS to maximum forty-five (45) school days of OSS.

(a.) 60 calendar day suspension from all school activities. Student cannot participate in or attend any activities including graduation.

(b.) 60 calendar day loss of on campus parking privileges.

(3) Complete extended substance evaluation Certified Drug and Alcohol Counselor.

(4) Mandatory compliance with extended substance evaluation recommendations.

(5) Hearing before the Somerset Hills Board of Education will be held at the recommendation of the Superintendent and for all suspensions that exceed ten (10) school days.

(6) Home instruction begins on day 5.

(7) Mandatory re-admittance conference with student, parent(s) or legal guardian(s), administration, and SAC.

(8) Weekly meeting with SAC for one month after re-admittance.

(9) Follow-up urine screening at any time one month after re-admittance.

Level II Subsequent Offenses

(1) Notify the local police, file a formal complaint and follow the procedures set forth in the most current Memorandum of Understanding between Education and Law Enforcement Officials.

(2) Minimum forty-five (45) school days of OSS to ninety (90) school days of OSS.

(a.) One calendar year suspension from all school activities. Student cannot participate in or attend any activities including graduation.

(b.) Permanent loss of on campus parking privileges.

(3) Complete extended substance evaluation Certified Drug and Alcohol Counselor.

(4) Mandatory compliance with extended substance evaluation recommendations.

(5) Hearing before the Somerset Hills Board of Education.

(6) Home instruction begins on day 5.

(7) Mandatory re-admittance conference with student, parent(s) or legal guardian(s), administration, and SAC.

(8) Weekly meeting with SAC for two months after re-admittance.

(9) Follow-up urine screening after re-admittance at any time monthly for six months.

c. Level III: Student in possession with intent to distribute

(1) Notify the local police, file a formal complaint and follow the procedures set forth in the most current Memorandum of Understanding between Education and Law Enforcement Officials.

(2) Minimum ninety (90) school days of OSS to maximum placement in alternative education program.

(a.) One calendar year suspension from all school activities. Student cannot participate in or attend any activities including graduation.

(b.) Permanent loss of on campus parking privileges.

(3) Complete extended substance evaluation with Certified Drug and Alcohol Counselor.

(4) Mandatory compliance with extended substance evaluation recommendations.

(5) Hearing before the Somerset Hills Board of Education.

(6) High school students: home instruction begins on day 5 or alternate education program; Middle school students: home instruction begins on day 5.

(7) Mandatory re-admittance conference with student, parent(s) or legal guardian(s), administration, and SAC.

(8) Weekly meeting with SAC for two months after re-admittance.

(9) Follow-up urine screening after re-admittance at any time monthly for the remainder of the school year.

d. Level IV: Student in possession and distributing substances

(1) Notify the local police, file a formal complaint and follow the procedures set forth in the most current Memorandum of Understanding between Education and Law Enforcement Officials.

(2) Placement in alternative education program.

(3) Complete extended substance evaluation Certified Drug and Alcohol Counselor.

(4) Mandatory compliance with extended substance evaluation recommendations.

(5) Hearing before the Somerset Hills Board of Education.

(6) High school students: alternate education program; Middle school students: home instruction begins on day 5.

(7) Mandatory re-admittance conference with student, parent(s) or legal guardian(s), administration, and SAC.

(8) Weekly meeting with SAC for two months after re-admittance.

(9) Follow-up urine screening after re-admittance at any time monthly for the remainder of the school year.

C. Identification and Remediation of Students Involved with Substances.

1. Teaching staff members shall be alert to the signs of a student's involvement with substances, in accordance with the training offered in in-service training sessions.
2. If a teaching staff member suspects or has direct knowledge that a student is involved with substances, but not under the influence or in possession of them, he/she should refer the student to a trained resource person (School Nurse, Student Assistance Coordinator (SAC), School Counselor, member of Child Study Team, or another professional staff member, as appropriate). The SAC will then notify the Principal of the referral. If appropriate, the Principal or designee should notify the student's parent(s) or legal guardian(s) of the referral and discuss with the parent(s) or legal guardian(s) the possibility of medical or therapeutic treatment.

3. In accordance with N.J.A.C. 6A:16-4.1(c), the following disciplinary action will be taken in the event the student does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors:

a. **First Offense: Two (2) days Out of School Suspension with plan for future compliance with the recommendations of the substance abuse evaluation.**
b. **Second Offense: Four (4) days Out of School Suspension and mandatory Board of Education Hearing. Student will not be readmitted to school until after BOE hearing and compliance with recommendations of the substance abuse evaluation.**
c. **Third offense: Recommendation for alternative placement.**

Examples of non-compliance include, but are not limited to: not scheduling an evaluation, not attending an evaluation, not attending recommended therapy sessions, not submitting to required follow-up urine screens at school or a treatment facility, or not meeting with the student assistance counselor.

D. Intervention, Referral for Evaluation, and Referral for Treatment Services

1. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.

   a. The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.

   b. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:

      (1) Provisions for a program of instruction, counseling, and related services provided by the district Board of Education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;

      (2) Referral to a community agency, as defined in N.J.A.C. 6A:16-4.1(b), out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;

      (3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or

(4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.

E. Reporting, Notification, and Examination Procedures

1. Students Suspected of Using Anabolic Steroids – N.J.A.C. 6A:16-4.3(b)

a. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the Principal or, in the Principal's absence, to a person designated by the Principal and either the certified or non-certified school nurse, the school physician, or the student assistance coordinator.

b. In response to a report of suspected anabolic steroid use, including instances when a report is made to law enforcement, the Principal or designee shall immediately notify the student's parent and the Superintendent. The Principal or designee shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.

(1) If the physician chosen by the parent is not available to perform the examination, the examination shall be conducted by the school physician or other physician identified by the Principal.

(2) The student shall be examined as soon as possible for the purpose of determining whether the student has been using anabolic steroids.

c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids.

(1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student

reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

d. The examining physician shall provide to the parent, Principal, and Superintendent a written report of the examination.

e. If it is determined the student has used anabolic steroids, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.

(1) To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.

f. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, the school staff member(s) identified in D.1.e. above who is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.

2. Students Suspected of Being Under the Influence of Alcohol or Other Drugs Other Than Anabolic Steroids – N.J.A.C. 6A:16-4.3(a)

a. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the Principal or, in his or her absence, to his or her designee and either the certified school nurse, non-certified school nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.

(1) In instances where the Principal and either the certified school nurse, non-certified school nurse, school physician or the student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.

(2) The referring staff member shall file with the Principal a report describing the incident. The form shall include all information necessary for a complete, accurate reporting on the Student Safety Data System (SSDS) according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.

b. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the Principal or designee shall:

(1) Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids.

(2) ~~Immediately~~ notify the student's parent and the Superintendent or designee;

(3) Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.

c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs.

(1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

d.

This Medical examination must include a urine and/or blood collection for drug/alcohol screening and/or anabolic steroids. This screening may be done at Quest Diagnostics, located in Bernardsville, at the district's expense. If Quest Diagnostics is closed, another local facility will be recommended. If the parent(s) or legal guardian(s) select another lab, the screening will be done at their expense.

1) The medical examination may be performed by the school physician at the district's expense or by any other physician licensed to practice medicine or osteopathy selected by the parent(s) or legal guardian(s) at their expense. If the School physician is not immediately available, another local facility will be recommended. If the parent selects a different physician to perform a medical examination, the examination must be initiated within four hours of the parent being contacted by the school official and the screening will be done at their expense. Any attempt by a participant to tamper with the specimen collection process will deem and constitute the specimen as positive.

2) The medical examination may be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.

(a) The parent will be provided, in writing, the minimum requirements for the immediate medical examination, which will include, but not be limited to, the substances to be tested by the physician, the

cut-off levels of each substance to be tested, the time period the immediate medical examination must be conducted, and any other requirements of the examination.

(b) The examination shall be at the expense of the parent and not the district Board of Education.

e. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.

(1) If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the Principal to the emergency room of the nearest hospital for examination.

(2) The student's parent, if available, shall also accompany the student.

(3) When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district Board of Education.

f. The Board of Education will have a plan in place for the appropriate supervision of the student:

(1) While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or the physician in an emergency room; and

(2) Provisions will be made for the appropriate care of the student while awaiting the results of the medical examination.

(3) If the student is in need of immediate medical attention, uncooperative, and/or if it appears that the student will be difficult to transport, then the local police and/or emergency squad will be called and asked to transport the student to the hospital. The student will be accompanied by the principal or

designee while waiting for the parent(s) or legal guardian(s) to arrive.

g. A written report of the medical examination of the student shall be furnished to the student's parent, the Principal, and the Superintendent of Schools by the examining physician within twenty-four hours of the referral of the student for suspected alcohol or other drug use.

(1) The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report. The minimum requirements for the examination will be periodically reviewed and updated as needed.

(2) The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.

h. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the school district will require the parent to verify within twenty-four hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with this Policy.

(1) The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in this Policy will be provided.

(2) Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.3(d).

i. If the written report of the medical examination is not submitted to the parent, Principal, and Superintendent within twenty-four hours of the referral of the student for suspected alcohol or other drug use, the student shall be

allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the Code of Student Conduct.

j. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student will be immediately returned to school.

k. If there is a positive determination from the medical examination, indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:

(1) The student will be returned as soon as possible to the care of the parent;

(2) Attendance at school shall not resume until a written report has been submitted to the parent, the Principal, and Superintendent from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school.

(a) The report shall verify that the student's alcohol or other drug use no longer interferes with the student's physical and mental ability to perform in school.

(3) Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.

l. While the student is home because of the medical examination or after the student returns to school, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall:

Prior to returning to school, the student/parent/guardian will set up an appointment with a certified drug and alcohol counselor, who will:

(1) Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.

(a) The findings of the assessment alone shall not prevent a student from attending school; and

(2) Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral, and continuity of care for alcohol or other drug abuse treatment.

m. While the student is at home because of the medical examination or after his or her return to school, the Principal or Superintendent may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.

(1) The findings of these additional evaluations alone shall not be used to prevent a student from attending school.

n. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school

psychologist, school counselor, school social worker, or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.

E. Handling of Alcohol or Other Drugs

1. A student's person, effects, or school storage places may be searched for substances in accordance with Board Policy and applicable laws regarding searches in schools.

2. A school employee who seizes or discovers a substance, or an item believed to be a substance or drug paraphernalia, shall immediately notify and turn it over to the Principal or designee.

a. The Principal or designee shall immediately notify the Superintendent or designee who in turn shall notify the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.

b. In accordance with the provisions of N.J.A.C. 6A:16-6.4(a), the school employee, Principal or designee shall safeguard the alcohol, other drug, or paraphernalia against further destruction and shall secure the alcohol, other drug, or paraphernalia until it can be turned over to the County Prosecutor or designee.

c. The Principal or designee shall provide to the County Prosecutor or designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:

(1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and

(2) The identity of the student believed to have been in possession of the substance or paraphernalia.

d. The Principal or designee shall not disclose the identity of a student who voluntarily and on his or her own initiative turned over the alcohol, other drug, or paraphernalia to a school employee, provided there is reason to believe the

student was involved with the alcohol, other drug, or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student agrees to participate in an appropriate treatment or counseling program.

(1) For the purposes of N.J.A.C. 6A:16-6.4, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

F. Reporting Students to Law Enforcement Agencies

1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal or, in the absence of the Principal, to the staff member responsible at the time of the alleged violation.

2. Either the Principal or the responsible staff member shall notify the Superintendent, who in turn shall notify as soon as possible the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.

3. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the student involved.

4. The Superintendent or designee; however, shall not disclose the identity of a student who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem, provided the student is not reasonably believed to be involved or implicated in drug-distribution activities.

5. For the purpose of N.J.A.C. 6A:16-6.3, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance,

including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

6. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids. The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

7. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and N.J.A.C. 6A:16-4.3(b)3i and N.J.A.C. 6A:16-4.3(a)4, was obtained as a result of the district Board of Education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

G. Parent Training Program/Outreach Programs

1. A substance abuse training program will be offered to the parents of students enrolled in the district. The program will be offered at times and places convenient to parents and on school premises or in other suitable facilities.

2. The program shall, at a minimum, provide:

   a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year, with recommendations as to the ways in which the parent may enhance, reinforce, and supplement that program;

   b. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;

c. Instruction to assist the parent in the identification of the symptoms and behavioral patterns that might indicate a child may be involved in substance abuse;

d. Information on the State, local, and community organizations which are available for the prevention, early intervention, treatment, and rehabilitation of individuals who show symptoms of substance abuse; and

e. A review of the Board Policy and Regulation on substance abuse with attention to the role of parents.

3. The Board will establish an outreach program to provide substance abuse education for the parents of students in the district. In establishing the program, the Board shall consult with such local organizations and agencies as are recommended by the Commissioner. The Board shall insure the program is offered at times and places convenient to the parents of the district on school premises, or at other suitable facilities.

a. In addition to the substance abuse education program required pursuant to N.J.S.A. 18A:40A-17, the Board shall provide assistance to parents who believe that their child may be involved in substance abuse.

H. Records and Confidentiality of Records

1. Notations concerning a student's involvement with substances may be entered on his/her records, subject to N.J.A.C. 6A:32-7.1 et seq. and Policy 8330.

2. Information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, and N.J.A.C. 6A:16-3.2.

3. If a student involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session which indicates the student's parent or other person residing in the student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:

a. Subject to the student's written consent, to another person or entity whom the student specifies in writing in the case of a secondary student, or to a member of the student's immediate family or the appropriate school personnel in the case of an elementary student;

b. Pursuant to a court order;

c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the student or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or

d. To the Division of Child Protection and Permanency (DCP&P) or to a law enforcement agency, if the information would cause a person to reasonably suspect that the student or another child may be an abused or neglected child in accordance with statute or administrative code.

Any disclosure made pursuant to H.3.a. and b. above shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the student's written consent. The disclosure must be accompanied by a written statement from the Superintendent or designee advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by N.J.S.A. 18A:40A-7.1 et seq. and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated.

Nothing in this Policy or Regulation prevents the DCP&P or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this Policy or Regulation shall be construed as authorizing the violation of any Federal law.

The prohibition on the disclosure of information provided by a student shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement

or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

A person who discloses or willfully permits the disclosure of information provided by a student in violation of this Policy is subject to fines in accordance with N.J.S.A. 18A:40A-7.2.

4. Each incident of substance abuse shall be reported to the Commissioner on the SSDS.

Adopted: 1 October 2008
Revised: 15 April 2009
18 January 2012
25 April 2012
20 November 2013
21 January 2015
23 August 2017
13 December 2017
25 September 2019

[See POLICY MEMO No. 67]
[See POLICY ALERT Nos. 164, 205, 209, 214 and 218]

8630 BUS DRIVER/BUS AIDE RESPONSIBILITY

The Board of Education requires all school bus drivers and bus aides employed by the district or employed by a contracted school bus company to be reliable persons of good moral character who possess the qualifications necessary to perform the duties of the position. Anyone driving a school bus used to transport students to and from school and school related activities must meet all requirements of N.J.S.A. 18A~~:39 17, 18, 19.1, and 20~~, **N.J.A.C. 6A,** and all New Jersey Motor Vehicle Commission (NJMVC) rules governing school bus drivers. All school bus drivers must possess the appropriate license and endorsement(s) to drive a school bus in the State of New Jersey and are subject to all the Federal and State requirements to maintain the appropriate license.

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

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

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

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

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

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

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

School bus drivers and bus aides shall receive training in the use of a student's educational records and in their responsibility to ensure the privacy of the student and his or her records **N.J.A.C. 6A:27-12.1(j)2.** In addition, permanent and substitute school bus drivers and bus aides shall be trained for the functions of their positions and in a safety education program as outlined in N.J.A.C. 6A:27-11.1 et seq.

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

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

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

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

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

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

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

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

School bus drivers are responsible for the safety of their students and shall rigorously observe all motor vehicle laws and regulations and State Board of Education rules in the operation of their school bus **pursuant to N.J.S.A. 39:3B-27**.

N.J.S.A. 18A:6-7.1 et seq.; 18A:25-2; 18A:39-17; 18A:39-18; 18A:39-19.1; 18A:39-19.2; 18A:39-19.3; 18A:39-19.4; **18A:39-19.6;** 18A:39-28
N.J.S.A. 39:3-10.1 et seq.
N.J.S.A. 39:3B-25**; 39:3B-27**
N.J.A.C. 6A:27-11.1 et seq.; 6A:27-12.1 et seq.

Adopted:

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

R 8630 EMERGENCY SCHOOL BUS PROCEDURES

A. Staff Training

1. The **employer shall** ~~Board of Education will~~ administer a safety education program for all permanent and substitute school bus drivers and **school** bus aides that it employs. At a minimum, the training shall include:

   a. Student management and discipline;

   b. School bus accident and emergency procedures;

   c. Conducting school bus emergency exit drills;

   d. Loading and unloading procedures;

   e. School bus stop loading zone safety;

   f. Inspecting the school vehicle for students left on board the bus at the end of a route; and

   g. The use of student's educational records, including the **employee's** ~~district's~~ responsibility to ~~ensure the~~ privacy of the student and his or her records, if applicable.

2. The **employer shall** ~~Board of Education will~~ administer a safety education program to school bus drivers that includes defensive driving techniques and railroad crossing procedures.

3. **The employer shall administer the safety education program, as set forth in A.1. and 2. above, twice per calendar year to all permanent and substitute school bus drivers and school bus aides it employs in accordance with N.J.S.A. 18A:39-19.1a.**

~~4~~3. The employer shall be responsible to administer a Commissioner of Education-developed training program on proper procedures for interacting with students with special needs in accordance with the provisions of N.J.S.A. 18A:39-19.2 and 18A:39-19.3 for all school bus drivers and school bus aides:

a. In the case of a school bus driver or aide who is employed prior to the development and availability of the training program, the employer shall administer the training program to the individual no later than one hundred and eighty days after the training program is made available by the Commissioner;

b. In the case of a school bus driver or aide who is employed after the development and availability of the training program, the employer shall administer the training program to the individual prior to that individual operating a school bus or serving as an aide on a school bus;

c. In accordance with the provisions of N.J.S.A. 18A:39-19.**3.b.**, the employer shall require a school bus driver or school bus aide to file a certification with the employer that the individual has completed the training program required as per N.J.S.A. 18A:39-19.2 within five business days of its completion. The employer shall retain a copy of the certification for the duration of the individual's employment, and shall forward a copy of the certification to the **New Jersey** Department of Education **(NJDOE)**; and/or

d. Contractors that provide student transportation services under a contract with the Board of Education shall comply with the requirements of N.J.S.A. 18A:39-19.2 and 19.3 and N.J.A.C. 6A:27-11.1 et seq.

B. Emergency Bus Evacuation Drills

1. The Principal or designee of each school shall organize and conduct emergency bus exit drills at least twice **within the** ~~each~~ school year for students who are transported to and from school and all other students shall receive school bus evacuation instruction at least once within the school year.

2. School bus drivers and bus aides shall participate in the emergency exit drills.

3. Bus exit drills will be conducted on school property and shall be supervised by the Principal or by a person assigned to act in a supervisory capacity. The drills will be conducted when weather is conducive to safety and preferably when the bus arrives at school with a full complement of students.

4. The portion of the drill involving the use of the rear emergency door, which requires students to jump from the bus to the ground does need not to be performed by every student and may be demonstrated by others.

5. The school bus driver or supervisor of the drill shall:

   a. Describe and demonstrate the use of kick-out windows and split-sash windows;

   b. Describe the location and use of flares, flags, fire ax, and other emergency equipment;

   c. Give instruction in the opening and closing of front and rear doors, turning off the ignition switch, and setting and releasing the emergency brake;

   d. Explain that the bus will be evacuated by the front door when the bus is damaged in the rear and by the rear door when the front door is blocked;

   e. Demonstrate the use of the emergency exit door;

   f. Instruct students that lunches and books should be left on the bus in the evacuation procedure;

   g. Encourage older, bigger students to assist younger, smaller students in their exit from the bus;

   h. Have students leave the bus one row at a time, left and right sides alternating, in a prompt and orderly fashion;

i. Instruct students to group a safe distance away from the bus and to wait in that place until directed by the driver, a police officer, or other adult in authority;

j. Tolerate no student misbehavior in the conduct of the drill; the failure of any student to follow directions must be reported to the Principal; and

k. Provide any other training **required by Federal and State law or as deemed appropriate by the Board** that will protect the safety of the students in the event the bus needs to be exited due to an emergency.

6. In accordance with the provisions of N.J.A.C. 6A:27-11.2(d), emergency bus evacuation drills shall be documented in the minutes of the Board at the first meeting following completion of the emergency exit drill. The minutes shall include, but are not limited to, the following:

a. The date of the drill;

b. The time the drill was conducted;

c. The school name;

d. The location of the drill;

e. The route number(s) included in the drill; and

f. The name of the Principal or assigned person(s) who supervised the drill.

C. Additional Precautions

1. School bus drivers may, depending on the age of the students on a bus route, discuss with the students additional safety precautions that may be taken in the event of a bus emergency. The safety precautions to be discussed shall be approved by the Transportation Supervisor .

2. In accordance with the provisions of N.J.S.A. 18A:39-19.4, the Commissioner of Education shall develop a student information card that includes information that should be readily available to a school bus driver and school bus aide for the purpose of promoting proper interaction with a student with special needs. The parent of a student with an Individualized Education Plan (IEP) shall complete the student information card when the IEP is developed or amended for a student who receives transportation services.

   a. Upon receiving consent from a student's parent, the school district shall provide a copy of the completed student information card to a school bus driver and school bus aide for each student on the bus route to which the school bus driver or school bus aide is assigned **for whom a student information card has been completed by the parent**.

3. School bus drivers shall attend training workshops offered by the **NJDOE** ~~New Jersey Department of Education~~ and this school district and shall be trained in first aid.

4. Each school bus shall be equipped with:

   a. A list of the students assigned to that bus;

   b. A basic first aid kit;

   c. Several emergency notice cards on which are printed the telephone numbers of the appropriate police department, the receiving school, and an emergency medical service and on which is provided a space for writing the location of a disabled school bus and the name of the bus driver;

   d. Flags or flares or other warning devices; and

   e. Any other equipment or supplies determined to be included on the school bus by the administration.

5. Each school bus driver shall:

   a. Inspect his/her bus for possible hazards or safety concerns before driving the bus each day;

b. Keep aisles and passageways clear at all times;

c. Maintain student discipline on the bus;

d. Prohibit the presence of any non-service animal, firearm, ammunition, weapon, explosive, or any other dangerous or illegal material or object on the school bus;

e. Report promptly to the **Transportation Supervisor** any potential driving hazard on his/her route, such as construction, road work, etc.;

f. Report promptly to the **Transportation Supervisor** any deviation in the bus route or schedule;

g. Drive within speed limits at all times and exercise extraordinary care in inclement weather;

h. Know and obey all motor vehicle laws and regulations and State Board of Education regulations;

i. Not smoke, eat, or drink while in or operating the bus at any time or perform any act or behave in any manner that may impair the safe operation of the school bus;

j. **Inspect the school vehicle for students left on board the bus at the end of a route** ~~Visually inspect the school bus at the end of each transportation route to determine that no student has been left on the bus~~; and

k. Not allow a student on board a school bus unless the bus driver or other employee of the Board or school bus contractor is also on board the bus. This shall not apply when a school bus driver leaves the bus to assist in the boarding or exiting of a disabled student or in the case of an emergency.

D. General Emergency Rules

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

2. School bus drivers may not leave the school bus when children are aboard except in an emergency and, then, only after they have turned off the engine, removed the ignition key, and safely secured the school bus.

3. A school bus must be evacuated when:

   a. There is a fire in the engine or any other portion of the bus;

   b. There is a danger of fire because the bus is near an existing fire or a quantity of gasoline or other highly combustible material and is unable to move away;

   c. The bus is disabled for any reason and:

      (1) Its stopping point is in the path of a train or is adjacent to a railroad track;

      (2) A potential exists for the position of the bus to shift thus endangering students; or

      (3) The stopping point (e.g., on a hill, curve, or near an obstruction) fails to provide oncoming traffic with at least 300 feet visibility of the bus, thus creating the danger of a collision.

   d. The risk of remaining in the bus poses a greater safety risk than evacuating the bus.

4. When a school bus is evacuated, students shall leave the bus by the exit(s) and in the manner that affords maximum safety in the circumstances.

5. Students who have been evacuated from a school bus shall be moved to a safe place and distance from the bus and remain there until the driver or, if the driver is incapacitated, another person in authority has determined that no danger remains or until other alternative safety provisions can be made.

6. No student shall be allowed to request a ride with a passerby or proceed to walk home or leave the scene without the specific approval of the bus driver, a police officer, or other person in authority.

7. In the event a school bus is disabled in the course of providing student transportation, the driver, or a responsible person designated by the driver, will notify the **Transportation Supervisor** of the number and location of the bus and the circumstances of the disability. The **Transportation Supervisor** will make arrangements for the safety of the students.

E. Specific Emergency Situations

1. In the event of an accident or vehicle failure the following procedures will be implemented:

   a. The school bus driver shall, in person or through a responsible designee, summon the police and emergency medical services, if necessary, and notify the Principal of the receiving school and the School Business Administrator/Board Secretary or designee, of the district providing the transportation.

b. The school bus driver will attempt to make all students as safe and comfortable as possible. If possible and necessary, the driver will administer emergency first aid to injured students.

c. In the event of an accident with no apparent or actual injuries and when law enforcement officials permit the bus to continue on its route after investigating the accident the school nurse will:

(1) If the accident occurred on the way to school or during school hours, examine any student who is feeling or displaying any symptoms of any injuries from the accident when the bus arrives at school; or

(2) If the accident occurred on the way home from school, examine any student who is feeling or displaying any symptoms of any injuries from the accident the next school day or if the parent of a student requests the school nurse examine their child the next school day.

d. In the event of an accident where students are injured, a student(s) may be transported to a hospital if it is determined by law enforcement, medical, and/or first aid staff at the accident scene additional medical treatment is required.

(1) If the accident occurred on the way to school or during school hours, the school nurse will examine any student not transported to the hospital who is feeling or displaying any symptoms of any injuries from the accident when the bus arrives at school.

(2) If the accident occurred on the way home from school, the nurse will examine any student feeling or displaying any symptoms of any injuries from the accident the next school day or if the parent of a student requests the school nurse examine their child the next school day.

e. If another vehicle(s) is involved, the bus driver will obtain the following information from the driver(s) of that vehicle(s) or from law enforcement officers at the accident scene: driver's name, driver's license number, vehicle owner's name and address, vehicle registration number, owner's insurance company and policy number, and a description of the vehicle (color, make, year, body type).

f. The following notifications must be provided:

(1) The school bus driver must report immediately to the Principal of the receiving school and the School Business Administrator/Board Secretary or designee of the district providing the transportation, any accident that involves an injury, death, or property damage. In addition, the bus driver must complete and file the Preliminary School Bus Accident Report prescribed by the Commissioner of Education.

(2) The Principal of the receiving school shall retain a copy of the Report and forward other copies of the Report as prescribed by the **NJDOE** ~~New Jersey Department of Education~~.

(3) In addition, a school bus driver involved in an accident resulting in injury or death of any person, or damage to property of any one person in excess of $500 shall complete and file within ten days after such accident a Motor Vehicle Accident Report in accordance with N.J.S.A. 39:4-130.

(4) The parent of students involved in a school bus accident shall be notified as quickly as possible commensurate with the severity of the accident and injuries, if any, and hospital placement of their child if transported to a hospital by ambulance or by other emergency personnel.

2. In the event the school bus driver is incapacitated, the following procedures will be implemented:

   a. A school bus driver is incapacitated when he/she is unable to operate the school bus safely or when his/her driving ability is significantly impaired by the driver's physical or mental condition.

   b. If there is a bus aide on the bus, the bus aide will take steps necessary to have the bus pulled off the road to a safe location and shall contact school officials or emergency services for assistance. If a bus aide is not on the bus, the bus driver shall pull the bus off the road to a safe location and contact school officials or emergency services for assistance.

   c. The bus shall be stopped, with due consideration for the safety of its passengers, the motor turned off, the ignition key removed, and safely secure the bus.

   d. The **Transportation Supervisor** shall immediately arrange for the transportation of the students by substitute driver, substitute bus, or other means.

3. In the event of an injury to a student on the bus, at a bus stop, or along a transportation route, not incurred as the result of a school bus accident, the following procedures will be implemented.

   a. In the absence of another responsible adult in authority, the school bus driver will take charge of a student who has been injured or disabled on a school bus, at a school bus stop, or along the transportation route traveled by the school bus.

   b. If necessary, first aid will be administered.

c. If the student's injury is serious, emergency medical services will be summoned; the school bus driver or a responsible adult appointed by the bus driver will remain with the student until emergency medical help arrives.

d. If the student's injury ~~is not serious, and~~:

(1) Occurs on the way to the school, the school bus driver will deliver the injured student to the school nurse for examination and such treatment or referral as may be required. The school nurse will notify the student's parent;

(2) Occurs on the way to the student's home, the school bus driver or another school district staff member will deliver the injured student to his/her parent or to a responsible adult at the student's home or if no one is home the injured student will be transported back to a school district location until a parent or another responsible adult can be contacted. If it is determined the student may need medical treatment and a parent or responsible adult cannot be contacted, the child may be transported to the school physician's office or to the nearest hospital emergency room; or

(3) Occurs on the way to or from an extracurricular event, the school bus driver will notify a professional staff member assigned to the activity, who will take charge of the student and notify the student's parent.

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

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