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**The Somerset Hills School District  
Regular Meeting Agenda April 28, 2021  
Public Input & Action - 7:30 P.M.  
Virtual**

**I. Call to Order**

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.

Due to the public health emergency in the State of New Jersey, as declared in Executive Order 103, the Board will be suspending its normal meeting procedures this evening and conducting a virtual meeting. Directions for accessing the virtual public meeting were posted on the District website: [www.shsd.org](http://www.shsd.org)

**II. Pledge of Allegiance**

**III. Roll Call**

**IV. 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.

**V. Correspondence**

1. Email from BHS students (C. Stevinson, J. Dickinson)

**VI. Suspend policy for public meetings**

Resolved, that the Somerset Hills Board of Education suspends its policies relating to in person board meetings and authorizes virtual board meetings to occur during this period of emergency due to the COVID 19 emergency as referenced in Executive Order 103 and pursuant to Bylaw 131.

**VII. Report of the Superintendent**

1. Student Representatives' Report
2. School Security this year - Mike Corbett
3. Board Recognition - Retiree

WHEREAS, Ellen Brown has been employed from November 1997 through May 2021 as Confidential Secretary to the Superintendent and as Business Office Assistant - Confidential Secretary and;

WHEREAS, she exemplified expertise, commitment, and professionalism in her duties; and

NOW THEREFORE BE IT RESOLVED, the Somerset Hills School District and Board of Education recognize Ellen Brown's retirement effective June 2021, and extend to her congratulations and best wishes for a happy, healthy, and enjoyable retirement.

**VIII. Public Comments for Actionable Agenda Items**

We very much welcome input from the public. Public comments are welcome at this time on any actionable 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 Comments will be limited to 30 minutes. If you would like to speak, please type your name in the Chat and I will call on you. 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 March 17, 2021.

**X. FINANCE**

- A. Public Hearing Regarding 2020-2021 Budget

WHEREAS pursuant to N.J.S.A. 18A:22-13, the Board is required to conduct a public hearing for the 2021-2022 budget; and

WHEREAS on March 17, 2021 the Board of Education adopted a preliminary budget for the operation of the Somerset Hills Public Schools during the 2021-2022 school year and submitted it to the County Superintendent of Schools for approval, and

WHEREAS, pending that approval, the budget and notice of a public hearing were advertised in the Bernardsville News and Courier News.

Now, THEREFORE, be it resolved that the Board hereby opens the public hearing on the 2021-2022 Budget.

- Discussion
- Public Comments
- Motion to close public hearing and adopt the 2021-2022 Budget.

## B. Committee Report &amp; Discussion:

## C. Finance Action Items: Action Items:

1. Approve Final 2021-2022 Budget\*

Resolved, that the Somerset Hills Board of Education approve for the 2021-2022 school year and that the Board Secretary be authorized to submit the following tentative budget to the Executive County Superintendent of Schools for approval in accordance with the statutory deadline and to make all necessary adjustments to the budget to comply with State regulations.

<b>2021-2022</b>	<b>General Fund</b>	<b>Special Revenues</b>	<b>Debt Service</b>	<b>Total</b>
Total Expenditures	\$42,072,140	\$659,944	\$3,126,426	\$45,858,510
Less Anticipated Revenue	\$8,795,024	\$659,944	\$164,694	\$9,619,662
Taxes to be Raised	\$33,277,116	\$0	\$2,961,732	\$36,238,848

BE IT RESOLVED, that the Somerset Hills Board of Education, in the County of Somerset, New Jersey, approves the following capital project and the withdrawal of \$352,300 from the Capital Reserve account to provide funding for the following projects/equipment for the 2021-2022 school year:

Needlepoint Bipolar Ionization at Marion T. Bedwell School,  
Bernardsville Middle School and Bernards High School

Total costs for this project are \$352,300, which represent expenditures for construction elements or projects that are in addition to the facilities efficiency standards determined by the Commissioner as necessary to achieve the New Jersey Student Learning Standards.

2. Approve Travel and Related Expense Reimbursement 2021-2022\*

WHEREAS, the Somerset Hills Board of Education recognizes school staff and Board members will incur travel expenses related to and within the scope of their current responsibilities and for travel that promotes the delivery of instruction or furthers the efficient operation of the school district; and

WHEREAS, N.J.A.C. 6A:23B:1.1 et. seq. Requires Board members to receive approval of these expenses by a majority of the full voting membership of the Board and staff members to receive prior approval of these expenses by the Superintendent of Schools and a majority of the full voting membership of the Board; and

WHEREAS, a Board of Education may establish, for regular district business travel only, an annual school year threshold of \$150 per staff member where prior Board approval shall not be required unless this annual threshold for a staff member is exceeded in a given school year (July 1 through June 30); and

WHEREAS, travel and related expenses not in compliance with N.J.A.C. 6A:23B:1.1 et. seq. , but deemed by the Board of Education to be necessary and unavoidable as noted on the approved Board of Education Out of district Travel, and Reimbursement Forms; now THEREFORE, BE IT RESOLVED, the Board of Education approves all travel not in compliance with N.J.A.C. 6A:23B:1.1 et. seq. Education out of District Travel and Reimbursement Forms; and BE IT FURTHER RESOLVED, the Board of Education approves travel and related expense reimbursements in accordance with 6A:23B:1.2 (b), to a maximum expenditure of \$75,000.

3. Board Secretary & Treasurer Reports & Board Certification\*

WHEREAS, the Board Secretary has received the Reports of the Secretary and Treasurer for the month of March 2020 showing the following balances:

<b>FUND</b>	<b>Board Secretary Cash Balance (1)</b>	<b>Treasurer Cash Balance (2)</b>
(10) General Fund	\$8,164,135.68	\$8,164,135.68
(20) Special Revenue Fund	\$ 153,085.12	\$ 153,085.12
(30) Capital Projects Fund	\$ 371,191.25	\$ 371,191.25
(40)Debt Service Fund	\$ (0.17)	\$ (0.17)
Total Government Funds	\$8,688,411.88	\$8,688,411.88

(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 2020-2021 Budget Transfers\*

Resolved that the Somerset Hills Board of Education approves the attached list of budget transfers for March 2021.

5. Payment of Bills\*

WHEREAS, the Board Secretary has presented attached March 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:

<b>FUND</b>	
(10) General Fund	\$2,411,400.37
(20) Special Revenue Fund	\$ 753.66
(30) Capital Projects Fund	--
(40) Debt Service Fund	--
(60) Cafeteria Fund	\$ 25,505.86
(90) Agency Fund	\$1,040,510.29
<b>TOTAL</b>	\$3,478,170.18

6. Payment of Bills\*

WHEREAS, the Board Secretary has presented attached April 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:

<b>FUND</b>	
(10) General Fund	\$ 910,600.25
(20) Special Revenue Fund	\$ 177,650.60
(30) Capital Projects Fund	--
(40) Debt Service Fund	--
(60) Cafeteria Fund	\$ 45,685.82
(90) Agency Fund	--

<b>TOTAL</b>	<b>\$1,133,936.67</b>
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7. Approve Special Education Placement\*

Resolved, that the Somerset Hill Board of Education, upon the recommendation of the Superintendent, approves the following placement for the 2020-2021 school year and/or ESY:

	Student ID#	Provider	Location
a.	8934764490	Hunterdon Prep	Annandale, NJ

8. Approve Bedminster Tuition Rate\*

Resolved, that the Somerset Hills Board of Education approve the budgeted tuition rate for the 2021-2022 Bedminster students at Bernards High School in the amount of \$18,582.

9. Approve Ameresco for Energy Consultant Management Services \*

Resolved, that the Somerset Hills Board of Education approve to extend the existing agreement with Ameresco for Energy Management Consulting Services for a term of 3 years beginning May 1, 2021. The Somerset Hills Board of Education will pay a fee to Ameresco of \$0.0025 per kWh of electricity usage and \$0.025 per therm of gas usage for the following services, at the following locations:

- BES – Bedwell Elementary School
- BHS- Bernards High School
- BMS- Bernards Middle School
- OAB – Olcott Administration Building

10. Approve Transfer of Unspent Bond Proceeds\*

Resolved, that the Somerset Hills Board of Education approve to close out the construction project as follows: RESOLUTION CLOSING OUT SCHOOL CONSTRUCTION PROJECT AND TRANSFERRING UNSPENT BOND PROCEEDS OF \$129,000 TO DEBT SERVICE FUND FOR PAYMENT OF PRINCIPAL DUE ON BONDS BE IT RESOLVED BY THE BOARD OF EDUCATION OF SOMERSET HILLS, NEW JERSEY AS FOLLOWS:

A. It is hereby determined that the School Construction Project financed through the issuance of bonds of The Board of Education of the Somerset Hills in the county of Somerset (the “Board of Education” when referring to the governing body and the “School District” when referring to the public body governed by the Board of Education) under the Educational Facilities Construction and Financing Act (“EFCFA”) and Title 18A, Chapter 24 of the laws of the State of New Jersey pursuant to a proposal adopted by the Board on August 26, 2015, and approved by the affirmative vote of a majority of the legal voters present and voting at an annual School District election held on November 3, 2015 is deemed substantially complete in accordance with N.J.A.C. 6A:26-4.6(a).

B. \$130,023.20 of the bonds issued to finance the School Construction Project that remain unspent and unencumbered are hereby directed to be transferred to the debt service fund for the School District to pay the principal on such bonds as required by EFCFA and N.J.A.C 6A:4.6(c) as part of the 2021-2022 school budget.

C. This resolution shall take effect immediately.

11. Approve NJSIG Safety Grant application and award\*

Resolved, the New Jersey Schools Insurance Group (“NJSIG”) is a school board insurance group authorized by N.J.S.A. 18A:18B-1, et seq. to provide insurance coverage and risk management services for its members;

WHEREAS, the Somerset Hills Board of Education, hereinafter referred to as the “Educational Institution,” is a member of NJSIG; and,

WHEREAS, in accordance with NJSIG Policy 3710, the goal of the safety grant program is to provide members the necessary resources to complete risk reduction projects and improve the safety of the population NJSIG members serve.

NOW THEREFORE, BE IT RESOLVED that: 1) The Educational Institution applies for a safety grant through the NJSIG safety grant program for the 2021-2022 fiscal year in the amount of \$9,574.00 for the purposes set forth in their safety grant application, which is attached hereto; and, 2) The Business Administrator or their designee is hereby authorized to take all action necessary to apply for and receive a safety grant award.

12. Approve 2020-2021 Non-Public Security Aid\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the use of funds for Non-Public Security Aid for the following school:

Far Hills Country Day	Security Aid	Eastern DataComm, Inc.	\$4,490.00
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13. Approve Submission and Acceptance of Elementary and Secondary School Emergency Relief (ESSR II) fund.\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the submission and acceptance of the Elementary and Secondary School Emergency Relief (ESSR II) funds provided by the Coronavirus Response and Relief Supplemental Appropriation Act, effective through September 30, 2023, per the amount listed below:

GRANT ALLOCATIONS	GRANT AMOUNT
CRRSA ESSER II ALLOCATION	\$212,294.00
LEARNING ACCELERATION	\$ 25,000.00
MENTAL HEALTH SUPPORTS & SERVICES	\$ 45,000.00

## **XI. FACILITIES & OPERATIONS**

- A. Committee Report & Discussion:  
B. Action Items:

1. HIB Report

Resolved, that the Somerset Hills Board of Education reviewed the Harassment, Intimidation, and Bullying cases presented on March 17, 2021 and upheld the findings and/or consequences recommended by the Superintendent.

- BMS #5

2. Approve Board of Education Meeting Dates\*

Resolved, that the Somerset Hills Board of Education upon the recommendation of the Superintendent, approve the following dates for regular Public Input & Action Meetings for 2021-2022 with a starting time for the public session of 7:30 p.m. except where noted.

If required, special meeting(s) may be scheduled during July and August

August 25, 2021	Public Hearing on Nurse Service Plan and School Safety Report	Wednesday
September 29, 2021		Wednesday
October 20, 2021		Wednesday
November 17, 2021		Wednesday
December 15, 2021		Wednesday
January 5, 2022 (6:00pm)	Reorganization Meeting	Wednesday
January 26, 2022	Public Hearing on Audit	Wednesday
February 23, 2022	Public Hearing on School Safety Report	Wednesday
March 16, 2022		Wednesday
April 27, 2022	Public Hearing on Budget	Wednesday
May 11, 2022	2020-21 Annual School Adoptions and Appointments	Wednesday
June 8, 2022		Wednesday

3. Approve Disposal of Equipment\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the disposal of JET 16" Planer, Model JWP-16OS, Serial No. SY0243, due to poor condition.

4. Approve Disposal of Equipment/Books

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the disposal of books from BMS for the 2020-2021 school year; list maintained in the Board of Education Office.

**XII. CURRICULUM**

A. Committee Report & Discussion:

B. Action Items:

1. Approve Field Trips

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

	School	Trip	# of Students	# of Faculty	# of Chaperones
a	BES	Third Team: Environmental Education Center (Virtual)	93	5	0

2. Approve Professional Development\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following professional development:

	School	Name	Workshop/Conference	Date	Est. Cost
a	District	Dempsey, Gretchen	NJSBA: Getting Your Community Ready for September	June 3	\$50

3. Approve Professional Development

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following professional development:

	School	Name	Workshop/Conference	Date	Est. Cost
a	BMS	Tlack, Laila	Poetry Reading & Writing Units Are the Perfect Place to Work on Reading for Details and Meaning, Symbolism, and Deep Revision	April 30	\$50
b.	BMS	Carreiro, Olivia	NJTESOL Spring Conference	May 25-27	\$399

4. Approve Membership in New Jersey State Interscholastic Athletic Assoc.\*

Resolved, that the Somerset Hills Board of Education approves membership by Bernards High School in the New Jersey State Interscholastic Athletic Association to participate in the approved interschool athletic program sponsored by the NJSIAA.

### XIII. PERSONNEL

- A. Committee Report and Discussion.  
B. Action Items:

1. Approve Appointment Non-Tenured Certificated Staff

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following non-tenured certificated staff for the 2020-2021 school year, *subject to further investigation pursuant to law*:

	Name	School	Position	Replace	Level	Step	Salary	Effective
a	Stout, Gregory A.	BMS	French Teacher	Vassil, C.	BA	1-2	\$30,037.50 .5 FTE	<i>Pending Clearance</i>

2. Approve Overload\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent approves the following BHS overload for the 2020-2021 school year.

	Course	Teacher	Term	Salary	OVERLOAD Salary
a	English IV	Weltler, Lynn	April 29-June 17 (70% of MP4)	\$110,492	\$3,867.22

3. Approve Internship

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent approves the following internship for the 2021-2022 school year, *subject to further investigation pursuant to law*:

	Intern	School	Subject	Mentor	Dates
a	Campbell, Ellie	BMS	Guidance Department	Craver, Marcy	Fall 2021 Semester



4. Approve Mentors

Resolved, that the Somerset Hills Board of Education approve the following mentors for the 2020-2021 Provisional Teacher Program to be paid at the rate of \$550 for the year (*prorated*):

- Zoltan Gilly - a mentor for Gregory A. Stout

5. Approve Mentors\*

Resolved, that the Somerset Hills Board of Education approve the following mentors for the 2020-2021 Provisional Teacher Program to be paid at the rate of \$550 for the year (*prorated*):

- Jeannette Bracero - a mentor for Silvia B. Tarazona

6. Amend Approval Leave Replacement Teacher\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the approval of the following Leave Replacement Teacher for the 2020-2021 school year.

	Name	School	Position	Replace	Level	Step	Salary	Effective
a	Tarazona, Silvia B.	BHS	ESL Teacher	Falk, L	MA	1	\$64,075 \$64,575 <i>prorated</i>	Pending Clearance March 22, 2021

7. Accept Retirement\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the retirement of the following Employee:

	Name	School	Position	Effective
a	Brown, Ellen	District	Business Office Assistant - Confidential Secretary	June 1, 2021

8. Approve BHS Co-Curricular Positions\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following co-curricular stipend positions for the 2020-2021 school year.

	Coach	Position	Stipend
a	Tlack, Laila	Track & Field M/W Assistant	\$6,000

9. Approve Additional Compensation\*

RESOLVED, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following additional compensation for staff members for the 2020-2021 school year.

	Name	School	Assignment	Effective Date	Amount
a.	Coleen Gallagher Butler	District	Doctorate	April 2021	\$833.33
b.	Rickey Saez	District	IT Manager Coverage	April 2021	\$2,000

10. Approve Abolishment of Position\*

RESOLVED, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the abolishment of the position of Music Teacher for budgetary reasons.

**XIV. POLICY**

A. Committee Report and Discussion.

B. Action Items:

1. First Reading\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the first reading of the following bylaw, policy & regulation:

<b>Policy / Regulation #</b>	<b>Title</b>
P2415.05	Student Surveys, Analysis, &/or Evaluation(s) (M) (Revised)
P2415.20 & R 2415.20	Every Student Succeeds Act Complaints (M) (Revised)
P4125	Employment of Support Staff Members (M) (Revised)
P6360	Political Contributions (M) (Revised)
P8330	Student Records (M) (Revised)
P9713	Recruitment by Special Interest Groups (M) (Revised)
P2468	Independent Educational Evaluations

2. Second Reading\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the second reading of the following bylaw, policy & regulation:

<b>Policy / Regulation #</b>	<b>Title</b>
P5330.01 & R5330.01	Administration of Medical Cannabis (M) (Revised)
P7425	Lead Testing of Water in Schools (M) (Revised)
R7425	Lead Testing of Water in Schools (M) (New)
P7430 & R7430	School Safety (M) (Abolished)
P2415	Every Student Succeeds Act (M) (Revised)
P2415.01	Academic Standards, Academic Assessments, and Accountability (M) (Abolished)
P2415.02	Title I - Fiscal Responsibilities (M) (Revised)
P2415.03	Highly Qualified Teachers (M) (Abolished)

**XV. COMMUNITY RELATIONS**

A. Committee Report & Discussion:

**XVI. SUPPLEMENTARY MATTERS**

**XVII. PUBLIC COMMENTS**

Public comments are welcome at this time on any topic. Public Comments will be limited to 3 minutes. If you would like to speak, please type your name in the Chat and I will call on you. Thank you for your input.

**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

APRIL 28, 2021

ADDENDUM

**VII. Report of the Superintendent**

3. Board Recognition - Retiree

b. WHEREAS, Pam Crerand has been employed from September 2003 through June 2021 as a Special Education Paraprofessional and;

WHEREAS, she exemplified expertise, commitment, and professionalism in her duties; and

NOW THEREFORE BE IT RESOLVED, the Somerset Hills School District and Board of Education recognize Pam Crerand's retirement effective June 2021, and extend to her congratulations and best wishes for a happy, healthy, and enjoyable retirement.

**X. FINANCE**

14. Approve Parent Transportation Contract

Resolved, that the Somerset Hills Board of Education approve the following Parent transportation contracts for the 2020-2021 School Year.

Student ID#	Route	Cost
1764996066	Celebrate the Children	\$5,260.84

**XIII. PERSONNEL**

11. Accept Resignation\*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, accept the resignation of the following employee:

	Name	School	Position	Effective
a	Fetzer, Jean	District	Bus Driver	July 1, 2021

12. Accept Resignation

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, accept the resignation of the following employee:

	Name	School	Position	Effective
a	Newton, Samantha K.	BES	Teacher BA	July 1, 2021

**Somerset Hills School District**

**APRIL 28, 2021**

**ADDENDUM**

13. Approve Family Medical Leave \*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following Family Medical Leave of Absence dates for the 2020-2021 and 2021-2022 School Years:

	<b>ID</b>	<b>School</b>	<b>Position</b>	<b>Dates of Paid Leave</b>	<b>FMLA Unpaid with Benefits</b>
a	9139	BHS	Teacher MA+15	June 7-June 17, 2021	Sept 1 - Nov 5, 2021

14. Accept Retirement

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the retirement of the following Employee:

	<b>Name</b>	<b>School</b>	<b>Position</b>	<b>Effective</b>
b	Crerand, Pamela S.	BMS	Special Ed Para	July 1, 2021

# POLICY GUIDE

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Student Surveys, Analysis, and/or  
Evaluations  
Jan 21  
M

[See POLICY ALERT Nos. 167 and 222]

## 2415.05 STUDENT SURVEYS, ANALYSIS, AND/OR EVALUATIONS

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. §1232h; 34 CFR Part 98) applies to school districts that receive funding from the United States Department of Education.

### Consent

PPRA requires written consent from parents/~~legal guardians~~ **of unemancipated minor students** and students who are eighteen years old or emancipated minor students before ~~such minor~~ students are required to participate in a survey, analysis, or evaluation funded in whole or in part by a program of the United States Department of Education that concerns one or more of the following ~~nine~~ areas referred to as “protected information surveys”:

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as with lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or parents;
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
9. Social security number.



# POLICY GUIDE

PROGRAM

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Student Surveys, Analysis, and/or  
Evaluations

This consent requirement also applies to the collection, disclosure or use of student information for marketing purposes, referred to as “marketing surveys”, and for certain physical examinations and screenings.

## “Opt a Student Out” Notice

The parents **of unemancipated minor students** and **eligible students** who are eighteen years old or emancipated minor students will be provided an opportunity to opt ~~a student~~ out of participating in:

1. The collection, disclosure, or use of personal information obtained from students for marketing, to sell, or otherwise distribute information to others;
2. The administration of any other “protected information survey” not funded in whole or in part by the United States Department of Education; and
3. Any non-emergency, invasive physical examination required as a condition of attendance, administered by the school district or its agents, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, scoliosis screenings, or any physical examination or screening permitted or required under State law.

## Inspection

The parents **of unemancipated minor students** and **eligible students who are eighteen years old or emancipated minor students**, upon request and before administration or use, have the right to inspect:

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.



# POLICY GUIDE

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Student Surveys, Analysis, and/or  
Evaluations

The **Superintendent or designee** \_\_\_\_\_ shall be responsible for obtaining the consent, annual direct notification to parents and eligible students at the start of each school year and after any substantive changes of the “opt a student out” rights, and the inspection rights provisions of PPRA and this Policy. The “opt a student out” notice shall include any specific or approximate dates of the activities eligible for a student to “opt out.”

## PPRA Consent/Opt Out Violations

Parents or students who believe their rights under PPRA may have been violated may file a complaint with United States Department of Education.

The Protection of Pupil Rights Amendment (PPRA)  
(20 U.S.C. §1232h; 34 CFR Part 98)

~~No Child Left Behind Act of 2001, Title X, Part F, §1061~~

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

Adopted:





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**Every Student Succeeds Act**

~~No Child Left Behind~~ Complaints

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[See POLICY ALERT Nos. 178 and 222]

## 2415.20 EVERY STUDENT SUCCEEDS ACT NO CHILD LEFT BEHIND COMPLAINTS

~~Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the No Child Left Behind Act of 2001 (NCLB);~~ **The Every Student Succeeds Act (ESSA) reauthorized the Elementary and Secondary Education Act of 1965 (ESEA).** A Board of Education shall adopt a policy and written procedures **for resolving a written complaint presented by an individual or organization that alleges that offer** ~~parent(s) or legal guardian(s), public agencies, other individuals, or organizations a method for receipt and resolution of complaints alleging~~ violations in the administration of the ~~ESSA NCLB~~ programs as identified by the New Jersey Department of Education (NJDOE).

Policy and Regulation 2415.20 set forth the requirements for resolving complaints presented by any individual or organization that:

1. A school, school district, other agency authorized by the school district, or by the NJDOE violated the administration of education programs **authorized required** by the ~~Elementary and Secondary Education Act ESEA~~ as amended by **the ESSA NCLB**; and/or
2. The NJDOE violated the administration of education programs required by the ~~ESEA Elementary and Secondary Education Act~~ as amended by the **ESSA NCLB**.

**Complaints regarding nonpublic school officials alleging school district noncompliance must pertain to at least one of the following three specific reasons:**

1. **The school district did not engage in consultation that was meaningful and timely;**
2. **The school district did not give due consideration to the views of the nonpublic school officials; or**



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- 3. The school district did not make a decision that treats the nonpublic school or its students equitable and in accordance with ESEA Section 1117 or Section 8501.**

A ~~Complaint~~ shall be a written **and must identify, at a minimum, the alleged ESEA violation; a description of previous steps taken to resolve the matter; ~~allegation that shall identify the alleged NCLB violation,~~ the facts supporting the alleged violation as understood by the complainant at the time of submission;** and any supporting documentation.

A ~~Complaint~~ alleging a school in the district, school district, or other agency authorized by the school district, or the NJDOE violated the administration of a program must be submitted to the **Assistant Superintendent**. The **Assistant Superintendent** shall be responsible to coordinate the investigation of the ~~Complaint~~. The **Assistant Superintendent** shall submit a written report regarding the outcome of the investigation to the complainant.

If the complainant is not satisfied with the outcome of the investigation **by the school district**, the complainant **must submit a written complaint** ~~may initiate a Complaint by submitting a written Complaint to the NJDOE to the attention of the~~ **Executive County Superintendent for the county where the school district is located. This process does not apply to alleged violations concerning participation of nonpublic school children.**

The **Executive County Superintendent** will coordinate the investigation of a ~~Complaint~~. When the investigation is complete, the **Executive County Superintendent** will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the **Executive County Superintendent will identify and impose the appropriate consequences or corrective action in accordance with statute and/or regulation to resolve the complaint.** ~~Assistant Commissioner assigned to oversee the matter shall identify and impose appropriate consequences or corrective actions as required by regulation to resolve the Complaint.~~ If the complainant **is not satisfied with the determination that is made by the Executive County Superintendent** ~~does not agree with the NJDOE's decision,~~

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**Every Student Succeeds Act**



# POLICY GUIDE

## No Child Left Behind Complaints

the complainant may **submit a written request for review of that determination to the Assistant Commissioner** ~~appeal to the United States Department of Education Secretary.~~

A ~~€~~complaint alleging the NJDOE violated the administration of a program must be submitted to the **designated** New Jersey Department of Education **Assistant Commissioner** ~~Chief of Staff or the United States Department of Education Secretary.~~ The NJDOE requests the complainant first contact the New Jersey Department of Education ~~Chief of Staff to resolve the issue.~~ The **appropriate** NJDOE Office **assigned by the Assistant Commissioner** ~~of Strategic Initiatives and Accountability~~ will coordinate the investigation of a ~~€~~complaint. When the investigation is complete, the **Assistant Commissioner** ~~Chief of Staff~~ will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the **Assistant Commissioner** ~~Chief of Staff~~ **shall will identify and impose the** ~~identify and impose~~ appropriate consequences or corrective actions as required by **statute and/or** regulation to resolve the ~~€~~complaint.

If a complainant does not agree with the NJDOE's decision, the complainant may appeal to the **Secretary of the** United States Department of Education ~~Secretary.~~

**To initiate a complaint regarding participation of nonpublic school children, a complainant must submit a written complaint to the NJDOE Nonpublic Ombudsman in accordance with NJDOE procedures.**

New Jersey Department of Education ~~1/26/07 Memorandum~~ ~~No Child Left Behind~~ **Elementary and Secondary Education Act (ESEA) Complaint Policy and Procedure**

Adopted:



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**Every Student Succeeds Act**

~~No Child Left Behind~~ Complaints

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[See POLICY ALERT Nos. 178 and 222]

## R 2415.20 EVERY STUDENT SUCCEEDS ACT NO CHILD LEFT BEHIND COMPLAINTS

~~Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the No Child Left Behind Act of 2001 (NCLB),~~ **The Every Student Succeeds Act (ESSA) requires the** a Board of Education ~~to shall~~ adopt a policy and written procedures that offer parent(s) ~~or legal guardian(s),~~ public agencies, other individuals, or organizations a method for receipt and resolution of complaints alleging violations in the administration of the ~~ESSA NCLB~~ programs.

- A. ~~Complaint Procedure Alleging a~~ Violation ~~b~~By ~~a~~A School, School District, ~~o~~Or Other Agency Authorized ~~b~~By ~~t~~The School District ~~o~~Or ~~t~~The New Jersey Department ~~o~~Of Education (NJDOE)
1. A ~~C~~omplaint is an ~~written~~ allegation **submitted in writing (mail or email) by an individual or organization** that a school, school district, **or** other agency authorized by the school district, or the NJDOE has violated the law in the administration of education programs required by the ~~ESSA NCLB~~ Act.
  2. A ~~C~~omplaint ~~shall~~ **must identify at a minimum the following:**
    - a. The alleged ~~ESSA NCLB~~ violation;
    - b. **A description of previous steps taken to resolve the matter;**
    - c. The facts supporting the alleged violation **as understood by the complainant at the time of submission;** and
    - d. Any supporting documentation (e.g., letters, emails, logs, agenda, meeting minutes).
  3. ~~A Complaint may be submitted in writing or electronically. If a Complaint is submitted electronically, a hard copy should also be sent to the NJDOE via regular mail at the address indicated below.~~



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34. A ~~Complaint must~~ shall be submitted to the \_\_\_\_\_ ~~(district administrator responsible for NCLB compliance)~~ **Executive County Superintendent for the county where the school, school district, or other authorized agency is located**. The ~~Complaint shall be in writing and shall be mailed, hand delivered, or electronically submitted to the~~ \_\_\_\_\_ ~~(district administrator responsible for NCLB compliance)~~.
5. The \_\_\_\_\_ ~~(district administrator responsible for NCLB compliance)~~ shall be responsible to coordinate the investigation of the allegations in the Complaint.
- a. The \_\_\_\_\_ ~~(district administrator responsible for NCLB compliance)~~ shall acknowledge receipt of the Complaint to the complainant within ten business days of receipt of the Complaint.
- b. The \_\_\_\_\_ ~~(district administrator responsible for NCLB compliance)~~ may meet with building and district administrative staff, teaching staff, support staff, students, and/or the complainant(s) to determine if a violation of the administration of a NCLB program has occurred.
- c. The \_\_\_\_\_ ~~(district administrator responsible for NCLB compliance)~~ may request additional information from the complainant regarding the Complaint.
- d. The \_\_\_\_\_ ~~(district administrator responsible for NCLB compliance)~~ shall submit a written report regarding the outcome of the investigation to the complainant.



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- e. ~~If the outcome of the investigation concludes a violation has occurred, the \_\_\_\_\_ (district administrator responsible for NCLB compliance) shall identify and impose the appropriate consequences or corrective action to resolve the Complaint.~~
- f. ~~The outcome of the investigation may conclude the Complaint alleges a violation in the administration of a program by the NJDOE and the complainant shall be informed of the NJDOE Complaint Policy and Procedures as outlined in B. below.~~
6. ~~If the complainant is not satisfied with the outcome of the investigation, the complainant may initiate a Complaint by submitting a written Complaint to the NJDOE to the attention of the Executive County Superintendent. A list of the County Offices of Education and Executive County Superintendents can be found at <http://www.state.nj.us/njded/regions/> or by calling (609) 292-4469.~~
47. When a written ~~C~~complaint is received by the Executive County Superintendent, the **Executive County Superintendent** appropriate ~~NJDOE~~ personnel will issue a Letter of Acknowledgement to the complainant within ten ~~business~~ **calendar** days of receipt of the ~~C~~complaint. This letter ~~will~~ **shall** contain the following information:
- a. The date the ~~C~~complaint was received;
  - b. A brief statement of the manner in which the **Executive County Superintendent** ~~NJDOE~~ will investigate the ~~C~~complaint;
  - c. If necessary, a request for additional information regarding the ~~C~~complaint;
  - d. **A resolution date within forty-five calendar days from the date the written complaint was received by the Executive County Superintendent; and**



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- ed. The name and **telephone** ~~phone~~ number of a contact person for status updates; ~~and~~
- e. ~~A tentative resolution date that is sixty days from the date the written Complaint was received by the County Office.~~
- (1) ~~Based on the facts of the alleged violation, an extension of time may be required to resolve the Complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.~~
58. The **Executive** County Superintendent will coordinate the investigation of a ~~C~~complaint.
68. When the investigation is complete, the **Executive** County Superintendent will notify the complainant in writing regarding the outcome of the investigation.
- a9. If the **Executive County Superintendent determines** a violation has occurred, the **Executive County Superintendent will** ~~Assistant Commissioner assigned to oversee the matter shall~~ identify and impose the appropriate consequences or corrective actions as required **in accordance with statute and/or regulation** ~~by regulation~~ to resolve the ~~C~~complaint.
- b40. If the complainant **is not satisfied with the determination that is made by the Executive County Superintendent** ~~does not agree with the NJDOE's decision~~, the complainant may **submit a written request for review of that determination to the Assistant Commissioner, Division of Learning Supports and Specialized Services via email at [essa@doe.nj.gov](mailto:essa@doe.nj.gov) with subject line "ESEA Complaint Decision Review" or via hard copy at the following address** ~~appeal to the United States Department of Education Secretary at:~~



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**New Jersey Department of Education  
Assistant Commissioner  
Division of Learning Supports and Specialized Services  
P.O. Box 500  
Trenton, New Jersey 08625-0500**

~~Office of Hearings & Appeals  
400 Maryland Avenue, SW  
Washington, DC 20202-4611  
(202) 619-9700~~

~~or at their website at:~~

~~<http://www.ed-oha.org/index.html>~~

- B. Complaint Procedure Alleging ~~a~~**A** Violation ~~b~~**By t**he New Jersey Department ~~o~~**f** Education (NJDOE)
1. A ~~C~~**complaint** is a written allegation the NJDOE has violated the law in the administration of education programs required by the ~~ESSA NCLB~~.
  2. A ~~C~~**complaint shall** **must** identify **at a minimum the following**:
    - a. The alleged ~~ESSA NCLB~~ violation;
    - b. A description of previous steps taken to resolve the matter;**
    - ~~cb.~~ **The facts supporting the alleged violation as understood by the complainant at the time of submission; and**
    - ~~de.~~ **Any supporting documentation (e.g., letters, emails, logs, agenda, meeting minutes).**





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3. To initiate a ~~C~~complaint alleging the NJDOE has violated the administration of an ~~ESEA NCLB~~ program, a complainant must submit a written ~~C~~complaint to the New Jersey Department of Education – **Assistant Commissioner, Division of Learning Supports and Specialized Services via email at [essa@doe.nj.gov](mailto:essa@doe.nj.gov) with subject line “ESEA Complaint” or via hard copy sent to the following address:** ~~Chief of Staff or the United States Department of Education Secretary at the address indicated below. The NJDOE requests the complainant first contact the New Jersey Department of Education Chief of Staff to resolve the issue.~~

New Jersey Department of Education  
~~Office of the Chief of Staff~~  
**Assistant Commissioner**  
**Division of Learning Supports and Specialized Services**  
P.O. Box 500  
Trenton, New Jersey 08625-0500  
(609) 292-4442

U.S. Department of Education  
~~Office of Hearings & Appeals~~  
400 Maryland Avenue, SW  
Washington, DC 20202-4611  
(202) 619-9700  
<http://www.ed-oha.org/index.html>

4. When a written ~~C~~complaint is received by the NJDOE, ~~the an Assistant Commissioner Chief of Staff~~ will assign the investigation of this ~~C~~complaint to the **appropriate** ~~Office of Strategic Initiatives and Accountability or other designated office. This Office~~ **The NJDOE** will issue a Letter of Acknowledgement to the complainant within ten **calendar business** days of receipt of the ~~C~~complaint. This letter shall contain the following information:
  - a. The date the ~~C~~complaint was received;
  - b. A brief statement of the manner in which the ~~Department of Education NJDOE~~ will investigate the ~~C~~complaint;



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- c. If necessary, request for additional information regarding the ~~C~~complaint;
  - d. **A resolution date within forty-five calendar days from the date the complaint was received; and**
  - e~~d~~. The name and **telephone** number of a contact person for status updates;~~;~~ and
  - e. ~~A tentative resolution date that is sixty days from the date that the written Complaint was received.~~
    - (1) ~~Based on the facts of the alleged violation, an extension of time may be required to resolve the Complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.~~
5. The NJDOE Office **assigned by the Assistant Commissioner of Strategic Initiatives and Accountability will coordinate the investigation of to investigate** a ~~C~~complaint concerning an alleged violation by the NJDOE **will coordinate the investigation of the complaint**. When the investigation is complete, the **Assistant Commissioner Chief of Staff** will notify the complainant in writing regarding the outcome of the investigation.
- a6. If the NJDOE Office **assigned by the Assistant Commissioner of Education determines** ~~it is determined~~ a violation by the NJDOE has occurred **after conducting an investigation, the Assistant Commissioner will identify and impose appropriate consequences or corrective action in accordance with the statute and/or regulation,** ~~the Chief of Staff shall identify and impose appropriate consequences or corrective actions as required by regulation~~ to resolve the ~~C~~complaint.



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- b7. **If the a complainant is not satisfied with the NJDOE's decision, the complainant may request a review of the NJDOE's decision to the Secretary of the United States Department of Education (USDOE). The complainant may send the request, reasons supporting the request, and a copy of NJDOE's resolution to the following address: does not agree with the NJDOE's decision, the complainant may appeal to the United States Department of Education Secretary at the address above.**

**Secretary, United States Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4611**

New Jersey Department of Education – **Every Student Succeeds Act (ESSA) in New Jersey 1/26/07 Memorandum** – ~~No Child Left Behind ESEA~~ Complaint Policy and Procedures

Adopted:



**2468 INDEPENDENT EDUCATIONAL EVALUATIONS**

**[See POLICY ALERT No. 198]**

Special education law permits a parent to request an independent educational evaluation (IEE) for their child if there is disagreement with any evaluation provided by the Board of Education. An “independent educational evaluation” is an evaluation conducted by a qualified examiner who is not an employee of the public school district responsible for the education of the child in question. Such IEEs shall be provided at no cost to the parent unless the school district initiates a due process hearing in accordance with the provisions of N.J.A.C. 6A:14-2.7 et seq. to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. If it is determined the school district’s evaluation is appropriate, the parent still has the right to an IEE, but not at the school district’s expense.

Upon receipt of a parental request for an IEE, the school district shall provide the parent with information about where an IEE may be obtained and the criteria for IEEs according to N.J.A.C. 6A:14-2.5(c)3 and (c)4 and the additional criteria outlined below in this Policy:

1. Any IEE paid for with public funds shall:
  - a. Be conducted according to the provisions of N.J.A.C. 6A:14-3.4; and
  - b. Be obtained from another public school district, educational services commission, jointure commission, a clinic or agency approved under N.J.A.C. 6A:14-5, or private practitioner, who is appropriately certified and/or licensed, where a license is required.
2. An independent medical evaluation may be obtained according to N.J.A.C. 6A:14-5.1(e).

Additional criteria for an IEE shall be as follows:

1. The Board will not pay for an IEE unless it complies with the following criteria unless the parent can show that unique circumstances warrant deviation from same:
  - a. The independent evaluator must be appropriately certified and/or licensed in the State of New Jersey. In instances where no applicable certification/license exists, the evaluator must provide the Board with documentation of extensive and recent training and experience related to the assessment of the known or suspected disability;
  - b. The independent evaluator may only charge fees for educational evaluation services that, in the judgment of the Board, are reasonable in accordance with 2. below;

- c. The independent evaluator must be free from any conflict of interest;
  - d. The independent evaluator and members of the Child Study Team must be permitted to directly communicate and share information with each other. The independent evaluator must also agree to release the assessment information, results, and report(s) to the school district prior to receipt of payment for services;
  - e. For any independent evaluation, whether paid for with public or private funds, the school district shall permit the evaluator to observe the pupil in the classroom or other educational setting, as applicable; and
  - f. The independent evaluator shall make at least one contact with the pupil's case manager for the purpose of determining how the pupil is progressing in his/her current programming.
2. The maximum allowable cost for an independent evaluation will be limited to the reasonable and customary rate, as determined and approved by the Board annually. This rate shall be in the range of what it would cost the Board to provide the same type of assessment through either another public school district, educational services commission, jointure commission, a clinic or agency approved under N.J.A.C. 6A:14-5, or private practitioner, who is appropriately certified and/or licensed, where a license is required. This Board-approved rate shall be provided to the parent upon their request for an IEE. The Board shall not be responsible for any costs beyond the IEE, such as transportation, lodging, food, etc.
- a. The parent may provide documentation to the Board demonstrating unique circumstances to justify an IEE that exceeds the maximum allowable cost established by the Board. If, in the Board's judgment, there is no justification for the excess cost, the Board may agree to fund the IEE up to the school district's maximum allowable cost with the parent responsible for any remaining costs. In the alternative, the Board may request a due process hearing to enforce its established maximum allowable cost.

Upon receipt of a parental request for an IEE, the school district shall take steps to ensure the IEE is provided without undue delay or not later than twenty calendar days after receipt of the parental request, the school district shall request a due process hearing in accordance with the provisions of N.J.A.C. 6A:14-2.7 et seq. to show that its evaluation is appropriate.

If a parent requests an IEE, the school district may ask the parent to explain why he or she objects to the school district's evaluation. However, the school district shall not require such an explanation and shall

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## **STRAUSS ESMAY ASSOCIATES**

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not delay either providing the IEE or initiating a due process hearing to defend the school district's evaluation.

Any IEE submitted to the district, including an IEE obtained by the parent at private expense, shall be considered in making decisions regarding special education and related services.

If an Administrative Law Judge orders that an IEE be conducted, the IEE shall be obtained by the district in accordance with the decision or Order of the Administrative Law Judge, and the Board of Education shall pay the cost of the IEE in accordance with the provisions of this Policy.

A parent is entitled to only one IEE paid for by the Board each time the school district conducts an evaluation with which the parent disagrees.

N.J.A.C. 6A:14-2.5; 6A:14-2.7  
CFR Section 300.502

Adopted:

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SUPPORT STAFF MEMBERS

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Employment of Support Staff Members

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[See POLICY ALERT Nos. 156, 166, 172, 202, and 222]

## 4125 EMPLOYMENT OF SUPPORT STAFF MEMBERS

The Board of Education believes it is vital to the successful operation of the school district that support staff member positions be filled with highly qualified and competent professionals.

In accordance with the provisions of N.J.S.A. 18A:27-4.1, the Board shall appoint, transfer, remove, or renew a certificated or non-certificated officer or employee only upon the recommendation of the Superintendent of Schools and by a recorded roll call majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons. The Board shall approve the employment, fix the compensation, and establish the term of employment for every support staff member employed by this district.

The Board ~~may will~~ employ substitutes **and/or contract for substitutes** for absent support staff members in order to ensure continuity in a program. **The Board and** will annually approve a list of substitutes and rate of pay **and/or the Board will approve a contract for a contracted service provider to provide substitute support staff members.** ~~The Superintendent or designee shall select substitutes from the list approved by the Board to serve in the place of an absent support staff member.~~

~~The Board may use a private contractor to secure a substitute support staff member.~~

The Board of Education shall not employ for pay or contract for the paid services of any support staff member or any other person serving in a position which involves regular contact with students unless the Board has first determined consistent with the requirements and standards of N.J.S.A. 18A:6-7.1 et seq. that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify the individual from being employed or utilized in such capacity or position.



# POLICY GUIDE

## SUPPORT STAFF MEMBERS

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### Employment of Support Staff Members

An individual employed by the Board or a school bus contractor holding a contract with the Board, in the capacity of a school bus driver, shall be required to meet the criminal history record requirements as outlined in N.J.S.A. 18A:39-19.1.

The Board will employ paraprofessional school aides and/or classroom aides to assist in the supervision of student activities under the direction of a Principal, teacher, or other designated certified professional personnel. Aides will serve the needs of students by performing nonprofessional duties and may work only under the direct supervision of a teaching staff member(s).

In accordance with the requirements of ~~No Child Left Behind Act of 2001~~, **the Every Student Succeeds Act (ESSA)**, paraprofessionals hired after January 8, 2002, who work in a program supported with Title I, Part A funds, with certain exceptions, must meet one of the following criteria:

1. Completed at least two years of study at an institution of higher education;
2. Obtained an associate's (or higher) degree; or
3. Met a rigorous standard of quality and be able to demonstrate, through a formal State or local academic assessment, knowledge of and the ability to assist in instructing, reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

Paraprofessional staff working in a Title I school, and whose salary is paid for in whole or in part with Title I funds, must ~~meet~~ ~~have met~~ one of the criteria listed above ~~by the end of the 2005-2006 school year~~. The Superintendent **or designee** will ensure paraprofessionals working in a program supported with Title I funds meet the above stated requirements.

An individual employed by the Board in any substitute capacity or position shall be required to undergo a criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.1b.

An individual, except as provided in N.J.S.A. 18A:6-7.1g, shall be permanently disqualified from employment or service in the school district if the criminal history record check reveals a record of conviction for any crime or offense as defined in N.J.S.A. 18A:6-7.1 et seq.





# POLICY GUIDE

## SUPPORT STAFF MEMBERS

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### Employment of Support Staff Members

The Board or contracted service provider may employ an applicant on an emergent basis for a period not to exceed three months, pending completion of a criminal history record check if the Board or contracted service provider demonstrates to the Commissioner of Education that special circumstances exist which justify the emergent employment as prescribed in N.J.S.A. 18A:6-7.1c. In the event the criminal history record check is not completed for an emergent hired employee within three months, the Board or contracted service provider may petition the Commissioner for an extension of time, not to exceed two months, in order to retain the employee.

No criminal history record check shall be performed unless the applicant shall have furnished written consent to such a check. The applicant shall bear the cost for the criminal history record check, including all costs for administering and processing the check. The district will deny employment to an applicant if the applicant is required and refuses to submit to a criminal history record check.

The Board of Education prohibits any relative of a Board member or the Superintendent of Schools from being employed in an office or position in the school district in accordance with the provisions of N.J.A.C. 6A:23A-6.2 and Board Policy 0142.1 – Nepotism.

A support staff member's misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

N.J.S.A. 18A:6-5; 18A:6-6; 18A:6-7.1; 18A:6-7.1b; 18A:6-7.1c; 18A:6-7.2;  
18A:16-1 et seq.; 18A:26-1 et seq.; 18A:27-1 et seq.; 18A:27-4.1;  
18A:27-7; 18A:27-8; 18A:39-19.1

N.J.S.A. 18A:54-20 [**vocational districts**]

Adopted:



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[See **POLICY ALERT Nos. 175, 182, 188, 189, 191 and 222**]

## 6360 POLITICAL CONTRIBUTIONS

### Political Contribution Disclosure Requirements

In accordance with the requirements of Section 2 of P.L. 2005, Chapter 271 (N.J.S.A. 19:44A-20.26), the Board of Education shall have on file, to be maintained with other documents related to a contract, the following documents to award a contract to any business entity receiving a contract with an anticipated value in excess of \$17,500, regardless of the basis upon which the contract is awarded:

1. A Political Contribution Disclosure (PCD) form submitted by the business entity (at least ten days prior to award); and
2. A Business Registration Certificate (anytime prior to award).

“Business entity” means a **for-profit entity that is a** natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other State or foreign jurisdiction.

The \$17,500 contract amount is not related to the Board’s bid threshold and does not exempt the district from the requirements of the Public School Contracts Law or other applicable purchasing statutes.

The \$17,500 contract amount threshold is subject to the principle of aggregation rules in accordance with the Division of Local Government Services guidance. Unlike the Public School Contracts Law, aggregation thresholds for this Policy and Chapter 271 purposes shall be calculated at the vendor level – meaning, when a vendor receives more than \$17,500 in a school district’s fiscal year, a PCD form shall be required.



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The disclosure provisions of N.J.S.A. 19:44A-20.26 do not apply in cases where there is a “public emergency” that requires the immediate delivery of goods or services.

Insurance companies and banks are prohibited under State law from making political contributions. However, because the PCD form reflects contributions made by partners, Boards of Directors, spouses, etc., PCD forms are required ten days prior to the approval of a depository designation resolution or insurance company contract awarded by the Board. A PCD form is also required when a contract in excess of \$17,500 is made to an insurance broker. A PCD form is required from the company receiving the contract, regardless of the entity issuing an insurance policy.

PCD forms are required for Board of Education contracts in excess of \$17,500 with a New Jersey Department of Education “Approved In-State Private School for the Disabled.” Chapter 271 also applies to in-State private special education schools, ~~supplemental~~ educational services under **any Federally funded program NCLB**, early childhood school providers – DHS approved, and other similar programs.

If the school district spends more than \$17,500 in a school year with a newspaper, the selection of the newspaper is subject to the provisions of Chapter 271.

PCD forms are not required for regulated public utility services, as the Board is required by the Board of Public Utilities to use a specific utility. This exception does not apply to non-regulated public utility services, such as generated energy (not tariffed), or long-distance telephone services where other procurement practices are used.

PCD forms are not required for membership to the New Jersey School Boards Association.

A non-profit organization having proper documentation from the Internal Revenue Service (IRS) showing it is registered with the IRS as a 501(c) type corporation is not required to file a PCD form.



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A PCD form is not required for contracts with governmental agencies, including State colleges and universities.

If the original contract provided for the possibility of an extension(s), Chapter 271 compliance is not required if the extension/continuation is based on that original contract.

N.J.S.A. 19:44A-1 et seq.

N.J.A.C. 6A:23A-6.3

New Jersey Department of Community Affairs Local Finance Notices - 6/4/07 & 1/15/10

Adopted:



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[See POLICY ALERT Nos. 163, 171, 175, 210, and 222]

## 8330 STUDENT RECORDS

The Board of Education believes that information about individual students must be compiled and maintained in the interest of the student's educational welfare and advancement. The Board will strive to balance the student's right to privacy against the district's need to collect, retain, and use information about individual students and groups of students. The Board authorizes the establishment and maintenance of student files that include only those records mandated by law, rules of the State Board of Education, authorized administrative directive, and those records permitted by this Board.

The Superintendent shall prepare, present to the Board for approval, and distribute regulations that implement this Policy and conform to applicable State and Federal law and rules of the State Board of Education.

### General Considerations

The Board of Education shall compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1 et seq. Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record. The school district shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and local policies shall be made available upon request. The school district shall make every effort to notify parents and adult students in their dominant language.

**A nonadult student may assert rights of access only through his or her parent(s). However, Nothing in this Policy N.J.A.C. 6A:32-7 shall be construed to prohibit certified school personnel from disclosing at their discretion student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.**



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No liability shall be attached to any member, officer, or employee of the Board of Education ~~per~~ permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 et seq.

## Student Information Directory

A student information directory is a publication of the Board of Education ~~of~~ that includes information relating to a student as defined in N.J.A.C. 6A:32-2.1. This information includes: name; grade level; date and place of birth; dates of school attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information. The student information directory shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption.

In the event the school district publishes a student information directory, the Superintendent or designee will provide a parent or adult student a ten-day period to submit to the Superintendent a written statement prohibiting the school district from including any or all types of information about the student in any student information directory before allowing access to such directory to educational, occupational, and military recruiters pursuant to N.J.S.A. 18A:36-19.1 and ~~P.L. 107-110 sec. 9528, 20 U.S.C. §8528~~ - Armed Forces Recruiter Access to Students and Student Recruiting Information of the **Elementary and Secondary Education Act (ESEA) of 1965** ~~No Child Left Behind Act of 2001~~. **In accordance with N.J.S.A. 18A:36-19.1, military recruiters will be provided the same access to a student information directory that is provided to educational and occupational recruiters.**

## School Contact Directory for Official Use

A school contact directory for official use is a compilation by the school district that includes the following information for each student: name; address; telephone number; date of birth; and school enrollment. The district shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory. The student contact directory may be provided for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. To exclude any information from the school contact directory for official use the parent, adult student, or emancipated minor shall notify the Superintendent or designee in writing.



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## Mandated and Permitted Student Records

Mandated student records are those records school districts have been directed to compile by State statute, regulations, or authorized administrative directive in accordance with N.J.A.C. 6A:32-7.3.

Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare. The Board shall authorize the permitted records to be collected by adopting Policy and Regulation 8330, which will list such permitted records.

## Maintenance and Security of Student Records

The Superintendent or designee shall be responsible for the security of student records maintained in the school district. Policy and Regulation 8330 assure that access to such records is limited to authorized persons.

Records for each individual student may be stored electronically or in paper format. When student records are stored electronically, proper security and back-up procedures shall be administered.

Student health records, whether stored on paper or electronically, shall be maintained separately from other student records, until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record. Records shall be accessible during the hours in which the school program is in operation.

Any district internet website shall not disclose any personally identifiable information about a student without receiving prior written consent from the student's parent, in accordance with the provisions of N.J.S.A. 18A:36-35. Personally identifiable information means student names; student photos; student addresses; student e-mail addresses; student phone numbers; and locations and times of class trips.



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## Access to Student Records

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

The district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations in accordance with N.J.A.C. 6A:32-7.5.

The district may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.

Access to and disclosure of a student's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records.

Nothing in N.J.A.C. 6A:32-7.1 et seq. or in Policy and Regulation 8330 shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.

In complying with N.J.A.C. 6A:32-7 – Student Records, individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).





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## Conditions for Access to Student Records

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 et seq. shall have access to the records of a student subject to conditions outlined in N.J.A.C. 6A:32-7.6(a).

## Rights of Appeal for Parents and Adult Students

Student records are subject to challenge by parents and adult students on the grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information or denial of access to organizations, agencies, and persons in accordance with N.J.A.C. 6A:32-7.7(a).

To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the parent or adult student shall follow the procedures pursuant to N.J.A.C. 6A:32-7.7(b).

Appeals relating to student records for students with disabilities shall be processed in accordance with the requirements of N.J.A.C. 6A:32-7.7(b).

Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for disagreement with the decision made in the appeal. Such statements shall be maintained as part of the student record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.

## Retention and Disposal of Student Records

A student record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district. The school district shall retain the student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.



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Student records of currently enrolled students, other than that described in N.J.A.C. 6A:32-7.8(e), may be disposed of after the information is no longer necessary to provide educational services to a student and in accordance with the provisions of N.J.A.C. 6A:32-7.8(b).

Upon graduation or permanent departure of a student from the school district, the parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request. Information in student records, other than that described in N.J.A.C. 6A:32-7.8(e), may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. Such disposition shall be in accordance with the provisions of N.J.A.C. 6A:32-7.8(c)2.

No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.

In accordance with N.J.A.C. 6A:32-7.8(e), the New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for 100 years a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

N.J.S.A. 18A:36-19; 18A:36-19.1; 18A:40-4; 18A:40-19  
N.J.A.C. 6A:32-7.1; 6A:32-7.2; 6A:32-7.3; 6A:32-7.4; 6A:32-7.5;  
6A:32-7.6; 6A:32-7.7; 6A:32-7.8

**20 U.S.C. §8528**

Adopted:



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COMMUNITY

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Recruitment by Special Interest Groups

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[See POLICY ALERT Nos. 163 and 222]

## 9713 RECRUITMENT BY SPECIAL INTEREST GROUPS

**Choose only one of the following alternatives:**

### **~~Option 1~~**

{The Board of Education prohibits recruitment activities by outside organizations on school premises, regardless of the purpose of the recruitment or the nature of the recruitment agency. Except as required and referenced below no information about individual students will be released for the purpose of approaching students for educational, occupational, military, or any other recruitment purpose.

However, a school district that receives funds under ESEA, on request from a military recruiter or an institution of higher education, must provide access to the names, addresses, and telephone listings **of each** ~~for~~ secondary students **served by the Board of Education**. Parents(s), legal guardian(s) and/or the adult students may **submit a written request to the Superintendent or designee to opt out of the disclosure of such information for the student in which case the information will not be released without the parent's or adult student's written consent** ~~request that such information not be released for the child without the prior written parental, legal guardian and/or adult student approval.~~

Parent(s) ~~or legal guardian(s)~~ **of secondary students** and adult students **shall** ~~will~~ be informed annually in writing of their right to request a **secondary** student's excusal from participation in all recruitment activities and/or from **having their child's name, address, and/or telephone listing provided to a military recruiter, an institution of higher education, or a prospective employer listing in the student information directory distributed for recruitment purposes.**

The district will give military recruiters the same right of access to secondary students as generally provide to post-secondary institutions and prospective employers.}]



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Recruitment by Special Interest Groups

## **Option 2**

~~[The Board of Education will permit access to school students on school premises and access to certain information about individual students for educational, occupational, and military recruitment activities. Access for recruitment purposes will be equally available to all recruitment agencies, in accordance with law.]~~

Representatives of bona fide educational institutions, occupational agencies, and the United States Armed Forces may recruit students on school premises by participation in assembly programs, career day activities, and the like and by distributing literature. Permission to recruit on school premises must be requested in writing **at least forty-five** \_\_\_\_\_ working days before the planned activity and must be approved in advance by the Superintendent **or designee**. The Superintendent **or designee** shall not favor one recruiter over another, but shall not approve an activity that, in the ~~Superintendent's~~ judgment **of the Superintendent or designee**, carries a substantial likelihood of disrupting the educational program of **the school or school** ~~this~~ district.

~~Each representative of a bona fide educational institution, occupational agency, and the United States Armed Forces will be given, on request, a copy of the student information directory, compiled in accordance with Policy No. 8330.]~~

~~Parent(s) or legal guardian(s) and adult students will be informed annually in writing of their right to request a student's excusal from participation in all recruitment activities and/or from a listing in the student information directory distributed for recruitment purposes.~~

Nothing in this ~~P~~policy shall be construed as requiring the Board to approve or participate in an activity that appears to advance or inhibit any particular religious sect or religion generally.

N.J.S.A. 18A:36-19.1

Elementary and Secondary Education Act of 1965 – §8528

~~No Child Left Behind §9528~~

~~Cross reference: Policy Guide No. 8330~~

Adopted:



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Title I – Fiscal Responsibilities

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[See POLICY ALERT Nos. 167 and 222]

## 2415.02 TITLE I – FISCAL RESPONSIBILITIES

The \_\_\_\_\_ Board of Education will comply with the requirements of the Elementary and Secondary Education Act (**ESEA**) of 1965 (20 U.S.C. 2701 et seq.) as amended by the **Every Student Succeeds Act (ESSA)** ~~No Child Left Behind Act of 2001.~~

### Maintenance of Effort

To be in compliance with the requirements of the ~~Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) ESEA~~ as amended by the **ESSA** ~~No Child Left Behind Act of 2001, §1120A(a),~~ the \_\_\_\_\_ Board of Education will maintain **either** a combined fiscal effort per student, or aggregate expenditures, of State and local funds with respect to the provision of the free public education **by** ~~in~~ the Local Education Agency (LEA) for the preceding fiscal year that is not less than ninety percent of the combined fiscal effort per student, or the aggregate expenditures, for the second preceding fiscal year.

### Comparability with Multiple Schools

To be in compliance with the requirements of the ~~Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) ESEA~~ as amended by the **ESSA** ~~No Child Left Behind Act of 2001, §1120A(e),~~ the \_\_\_\_\_ Board of Education directs the Superintendent to assign teachers, administrators, and auxiliary personnel to the schools in such a way that the equivalence of personnel is ensured among schools. **The school district will ensure that State and local funds are used to provide comparable services for Title I and non-Title I schools.**

### Comparability of Materials and Supplies

To be in compliance with the requirements of the ~~Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) ESEA~~ as amended by the **ESSA** ~~No Child Left Behind Act of 2001, §1120A(e),~~ the \_\_\_\_\_ Board of Education directs the Superintendent to distribute curriculum materials and instructional supplies to the schools in such a way that the equivalence of such material is ensured among schools.



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Title I – Fiscal Responsibilities

## **Supplement, Not Supplant**

**Grant funds provided under Federal programs, including the ESEA as amended by the ESSA, shall supplement, not supplant the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under the ESEA as amended by the ESSA.**

~~No Child Left Behind Act of 2001, §1120A~~

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

Adopted:



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[See POLICY ALERT Nos. 208 and 222]

## 5330.01 ADMINISTRATION OF MEDICAL CANNABIS MARIJUANA

The Board of Education, in accordance with the requirements of N.J.S.A. 18A:40-12.22, must adopt a Policy authorizing parents, ~~guardians,~~ and **primary designated caregiver(s)** to administer medical ~~cannabis marijuana~~ to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event. The parent of a qualifying student patient requesting the administration of medical ~~cannabis marijuana~~ to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and Policy and Regulation 5330.01.

A student enrolled in the school district must be authorized to engage in the medical use of **cannabis pursuant to N.J.S.A. 24:6I-1 et seq. and that the parent or designated caregiver be authorized to assist the student with the medical use of cannabis pursuant to N.J.S.A. 24:6I-1 et seq.** ~~marijuana and the primary caregiver, who may be the parent, must be authorized to administer medical marijuana to a qualifying student patient in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq.~~ The student and the **designated** primary caregiver(s) must complete ~~the registration process to registration with the Cannabis Regulatory Commission obtain a Registry Identification Card from the New Jersey Department of Health~~ in accordance with the requirements of N.J.S.A. 24:6I-4.

The parent of the student authorized to engage in the medical use of ~~cannabis marijuana~~ must submit a written request with supporting documentation to the Principal requesting approval to have a **designated primary** caregiver(s) assist in the administration of medical ~~cannabis marijuana~~ to the **qualifying student patient** while on school grounds, aboard a school bus, or attending a school-sponsored event. The Principal, in consultation with the school nurse, the school physician, and the Superintendent of Schools, will review each request and upon approval will inform the parent in writing of the approval with details for the administration of medical ~~cannabis marijuana~~ to the qualifying student patient. The medical use of ~~cannabis marijuana~~ by a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event will only be authorized after the written approval from the Principal is provided to the parent.



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Medical **cannabis marijuana** may only be administered to the qualifying student patient while the student is on school grounds, aboard a school bus, or attending a school-sponsored event by the **designated primary** caregiver(s) in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The prescribed medical **cannabis marijuana** must be in the possession of the **designated primary** caregiver(s) at all times, except during the administration process. The **designated primary** caregiver(s) shall comply with the requirements of the Principal's written approval for the administration of medical **cannabis marijuana** to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

All health records related to the administration of medical **cannabis marijuana** to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event shall be maintained in accordance with the requirements of N.J.A.C. 6A:16-2.4 and N.J.A.C. 6A:32-7.4.

No person shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for simply being in the presence or vicinity of the medical use of **cannabis marijuana** as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22. No custodial parent, ~~guardian~~, or person who has legal custody of a qualifying student patient who is a minor shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for assisting the minor in the medical use of **cannabis marijuana** as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22.

N.J.S.A. 18A:40-12.22

N.J.S.A. 24:6I-1 et seq.

N.J.A.C. 6A:16-2.4; 6A:32-7.4

Adopted:





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[See POLICY ALERT Nos. 208 and 222]

## R 5330.01 ADMINISTRATION OF MEDICAL CANNABIS MARIJUANA

A custodial parent, ~~guardian~~, or person having legal custody of a student requesting the administration of medical **cannabis marijuana** to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the procedures and requirements of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and this Regulation.

### A. Definitions

For the purposes of ~~this~~ Policy **and Regulation 5330.01**:

1. ~~“Bona fide physician patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a qualifying student patient’s debilitating medical condition.~~
2. ~~“Certification” means a statement signed by a physician with whom a qualifying student patient has a bona fide physician-patient relationship, which attests to the physician’s authorization for the patient to apply for registration for the medical use of marijuana.~~
13. **“Cannabis Marijuana” has the meaning given to marijuana in Section 2 of the “New Jersey Controlled Dangerous Substances Act,” N.J.S.A. 24:21-2.**
2. **“Commission” means the Cannabis Regulatory Commission established pursuant to N.J.S.A. 24:6I-24.**
3. **“Designated caregiver(s)” means a resident of New Jersey who:**
  - a. **Is at least eighteen years old;**



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- b. **Has agreed to assist with a registered qualifying student patient’s medical use of cannabis, is not currently serving as a designated caregiver(s) for more than one other qualifying patient, and is not the qualifying student patient’s health care practitioner;**
  - c. **Is subject to the provisions of N.J.S.A. 24:6I-4.c.(2), has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of N.J.S.A. 24:6I-1 et seq. and was for a violation of Federal law related to possession or sale of cannabis that is authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22 et seq.;**
  - d. **Has registered with the Commission pursuant to N.J.S.A. 24:6I-4 and, except in the case of a designated caregiver(s) who is an immediate family member of the qualified student patient, has satisfied the criminal history background check requirement of N.J.S.A. 24:6I-4; and**
  - e. **Has been designated as designated caregiver(s) by the qualifying student patient when registering or renewing a registration with the Commission or in other written notification to the Commission.**
4. **“Health Care Practitioner” means a physician, advanced practice nurse, or physician assistant licensed or certified pursuant to N.J.S.A. 45 who:**
- a. **Possesses active registrations to prescribe controlled dangerous substances issued by the United States Drug Enforcement Administration and the Division of Consumer Affairs in the Department of Law and Public Safety;**



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- b. **Is the health care practitioner responsible for the ongoing treatment of a qualifying student patient’s qualifying medical condition, the symptoms of that condition, or the symptoms associated with the treatment of that condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a patient to use medical cannabis or consultations solely for that purpose; and**
- c. **If the qualifying student patient is a minor, a pediatric specialist.**
45. “Medical use of ~~cannabis marijuana~~” means the acquisition, possession, transport, or use of **cannabis marijuana** or paraphernalia by a registered qualifying student patient as authorized by **N.J.S.A. 24:6I-1 et seq. and N.J.S.A. 18A:40-12.22 et seq.** ~~the New Jersey Compassionate Medical Marijuana Act (Act).~~
56. “Parent” means the custodial parent, ~~guardian,~~ or person who has legal custody of a qualifying student patient who may also be the **designated primary caregiver(s) registered with the Commission and provided a Registry Identification Card** by the New Jersey Department of Health to administer medical **cannabis marijuana** to a student in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.
6. ~~“Physician” means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the qualifying student patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician responsible for the ongoing treatment of a qualifying student patient’s debilitating medical condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a qualifying student patient to use medical marijuana or consultation solely for that purpose.~~
7. ~~“Primary caregiver” or “caregiver” means a resident of the State who:~~



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- a. ~~Is at least eighteen years old;~~
- b. ~~Has agreed to assist with a registered qualifying student patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying student patient's physician;~~
- c. ~~Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of the Act and was for a violation of Federal law related to possession or sale of marijuana that is authorized under the Act;~~
- d. ~~Has registered with the Department of Health pursuant to N.J.S.A. 24:6I-4 and has satisfied the criminal history record background check requirement of N.J.S.A. 24:6I-4; and~~
- e. ~~Has been designated as primary caregiver on the qualifying student patient's application or renewal for a Registry Identification Card or in other written notification to the Department of Health.~~

87. **“Qualifying student patient” for the purpose of Policy and Regulation 5330.01** means a resident of the State who is a student enrolled and attending school in this school district who has been **authorized for the medical use of cannabis by a health care practitioner** ~~provided with a certification by a physician pursuant to a bona fide physician-patient relationship and has been issued a Registry Identification Card by the New Jersey Department of Health for medical use of marijuana in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-41 et seq.~~

8. **“Registration with the Commission”** means a person has met the qualification requirements for, and has been registered by the Commission as, a registered qualifying patient, designated caregiver(s), or institutional caregiver(s). **The Commission shall establish appropriate means for health care practitioners,**



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Administration of Medical ~~Cannabis~~ **Marijuana**

**health care facilities, medical cannabis dispensaries, law enforcement, schools, facilities providing behavioral health services or services for persons with developmental disabilities, and other appropriate entities to verify an individual's status as a registrant with the Commission.**

9. ~~“Qualifying patient” means a resident of the State who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship.~~
10. ~~“Registry Identification Card” means a document issued by the Department of Health that identifies a person as a registered qualifying student patient or primary caregiver.~~

B. Registration – Qualifying Student Patient and **Designated Primary Caregiver(s)**

1. A qualifying student patient must be authorized to engage in the medical use of **cannabis marijuana** and the **designated primary caregiver(s)** must be authorized to assist the qualifying student patient with the medical use of **cannabis marijuana** pursuant to the provisions of N.J.S.A. 24:6I-1 et seq.
2. A qualifying student patient and their **designated primary caregiver(s)** must complete the registration process in accordance with the provisions of N.J.S.A. 24:6I-4 and any other requirements of the **Commission New Jersey Department of Health**.
3. The qualifying student patient's parent shall be responsible to immediately inform the Principal of any change in the status of the student's **registration with the Commission Registry Identification Card** that would deem the **registration with the Commission Registry Identification Card** null and void due to any reason outlined in N.J.S.A. 24:6I-1 et seq. ~~4e or for any other reason.~~



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Administration of Medical ~~Cannabis Marijuana~~

4. The qualifying student patient's **designated** ~~primary~~ caregiver(s) shall be responsible to immediately inform the Principal of any change in the status of any **designated** ~~primary~~ caregiver(s)'s **current registration with the Commission Registry Identification Card** that would deem the **registration with the Commission Registry Identification Card** null and void due to any reason outlined in N.J.S.A. 24:6I-1 et seq.~~4e or for any other reason.~~
- C. Submission for Authorization for Administration of Medical **Cannabis Marijuana**
1. A parent of a qualifying student patient requesting the administration of medical **cannabis marijuana** to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must submit a written request to the Principal with **proof of current registration with the Commission** ~~a copy of a current New Jersey Department of Health Registry Identification Cards~~ for the qualifying student patient and the **designated primary** caregiver(s) and a copy of the **health care provider's physician's** order or prescription indicating dosage information and the method of administration for the medical **cannabis marijuana** to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.  
  
The Principal may request the parent provide additional documentation from the **health care provider physician** that the medical **cannabis marijuana** must be administered during the time of the day when the student is on school grounds, aboard a school bus, or attending a school-sponsored event and the medical **cannabis marijuana** cannot be administered and/or will not be effective during alternate times when the student is not on school grounds, aboard a school bus, or attending a school-sponsored event.
    - a. The parent's written request and all supporting documentation must be submitted to the Principal at least five school days before the first day of the requested administration.



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Administration of Medical **Cannabis Marijuana**

2. The Principal shall review the ~~submitted~~ **proof of current registration with the Commission Registry Identification Cards** and supporting documentation **submitted by the parent** with the school physician, the school nurse, and the Superintendent of Schools.
3. Upon review and approval of the documentation submitted by the parent, the Principal will inform the parent or **designated primary caregiver(s)**, if the parent is not the **designated primary caregiver(s)**, in writing with the following information:
  - a. The location (school, office, etc.) where the **designated primary caregiver(s)** shall report to administer the medical **cannabis marijuana**;
  - b. The school staff member(s) who the **designated primary caregiver(s)** must see to coordinate the administration of medical **cannabis marijuana**;
  - c. The time the **designated primary caregiver(s)** shall report to administer the medical **cannabis marijuana**;
  - d. The specific location where the medical **cannabis marijuana** shall be administered to the student; and
  - e. A copy of Policy and Regulation 5330.01 – Administration of Medical **Cannabis Marijuana**.
4. In the event the Principal, after consultation with the school nurse, school physician, and Superintendent, has a question or concern regarding the **current registration with the Commission Registry Identification Cards** or supporting documentation submitted by the parent, the Principal or school physician will contact the parent with the question or concern.
5. The administration of medical **cannabis marijuana** on school grounds, aboard a school bus, or at a school-sponsored event, pursuant to N.J.S.A. 18A:40-12.22, will only be authorized after the approval required by Policy and Regulation 5330.01.



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Administration of Medical ~~Cannabis Marijuana~~

## D. Administration of Medical ~~Cannabis Marijuana~~

1. ~~The m~~Medical ~~cannabis marijuana~~ shall only be administered by the **designated primary** caregiver(s) and at the approved location, times, and method as indicated in the parent's request that was approved in writing by the Principal.
2. In accordance with the provisions of N.J.S.A. 18A:40-12.22.b.(5), medical ~~cannabis marijuana~~ cannot be administered to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event by smoking or other form of inhalation.
3. ~~The p~~Prescribed medical ~~cannabis marijuana~~ must always be in the possession of the **designated primary** caregiver(s) and may not be in the possession of the qualifying student patient at any time on school grounds, aboard a school bus, or at a school-sponsored event.
4. The Principal, after consultation with the school nurse, school physician, and the Superintendent, will determine a specific location for the administration of the medical ~~cannabis marijuana~~ to the qualifying student patient.
  - a. The Principal will designate a private area, if possible, for the **designated primary** caregiver(s) to administer the medical ~~cannabis marijuana~~ to the qualifying student patient. The amount of privacy provided for the administration will depend on the approved method of administration and the designated location. The location may be a nurse's office, a private office, a private restroom facility, or any other location appropriate for the approved method of administration.





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5. The **designated primary** caregiver(s) shall report to the approved location prior to the scheduled time for the administration of medical ~~cannabis marijuana~~ to the qualifying student patient. The **designated primary** caregiver(s) must show ~~the~~ **proof of current registration with the Commission Registry Identification Card** and a second form of identification which shall be a photograph identification.
6. The Principal or supervising school staff member of a school-sponsored event may designate a school staff member to escort the **designated primary** caregiver(s) to the qualifying student patient at the designated time to the designated location for the administration.
7. The Principal may designate a school staff member to observe the administration of the medical ~~cannabis marijuana~~ on school grounds, aboard a school bus, or at a school-sponsored event.
8. The **designated primary** caregiver(s) shall assist in the administration of medical ~~cannabis marijuana~~ to the qualifying student patient in accordance with the method and dosage prescribed by the **health care practitioner** ~~physician~~ and included in the parent's request to the Principal.
9. The qualifying student patient shall return to his/her class or event as soon as possible after the administration.
10. The **designated primary** caregiver(s) will be escorted outside the school building, away from the school bus, or away from the school-sponsored event, if applicable, by a school staff member after the administration.
  - a. The qualifying student patient and/or **designated primary** caregiver(s) may be asked to remain at the location of the administration by the school staff member in the event the student needs some additional time after the administration and before returning to their class or event.



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Administration of Medical **Cannabis Marijuana**

11. The **designated primary** caregiver(s) shall be responsible for the security of the medical **cannabis marijuana** on school grounds, aboard a school bus, or at a school-sponsored event before, during, and after the administration. At no time shall the qualifying student patient have the medical **cannabis marijuana** in their possession except during the administration process by the **designated primary** caregiver(s).

Adopted:



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Lead Testing of Water in Schools

Jan 21

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[See POLICY ALERT Nos. 214 and 222]

## 7425 LEAD TESTING OF WATER IN SCHOOLS

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

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

**The Superintendent of Schools or designee shall complete a review of the final laboratory results within seventy-two hours of receipt.** Within twenty-four hours after the ~~Board~~ **Superintendent** or designee has completed a review of final laboratory results in accordance with the provisions of N.J.A.C. 6A:26-12.4(e), the test results shall be made publicly available at the school facility and on the Board of Education's website. If any results exceed the permissible lead action level, the Board shall provide written notification to the parents of all students attending the facility, facility staff, and the New Jersey Department of Education. This **written** notification shall include: a description of the measures taken by the ~~Board~~ **Superintendent** or designee to immediately end the use of each drinking water outlet where the water quality exceeded the permissible lead action level; **any additional remedial action taken or planned by the Board of Education**; the measures taken to ensure that alternate drinking water has been made available to all students and staff members; **where the water outlet(s) is located**; and information regarding the health effects of lead in accordance with N.J.A.C. 6A:26-12.4(e)1 and 2. ~~After the initial screening, the Board will conduct these lead screenings every six years and~~



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**Notwithstanding the results or date of any prior testing, the Board shall continue to test drinking water outlets in the designated Statewide required testing year, which shall be every third school year beginning with the 2021-2022 school year and subsequently occurring in the 2024-2025 school year. By no later than June 30 of the designated Statewide required testing year, the Board shall test all drinking water outlets in accordance with N.J.A.C. 6A:26-12.4(g)1. The Board shall sample for lead after the replacement of any drinking water outlet or any other alteration to plumbing or service lines that may impact lead levels at the outlet, in accordance with N.J.A.C. 6A:26-12.4(f)(g)1. and 2.**

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

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

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

Adopted:



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[See POLICY ALERT No. 222]

## R 7425 LEAD TESTING OF WATER IN SCHOOLS

The Board of Education shall assure the availability of potable drinking water through sanitary means in school facilities or upon school grounds and shall test the school drinking water quality in accordance with the Safe Drinking Water Act, N.J.S.A. 58:12A-1 and the Planning and Construction Standards for School Facilities, N.J.A.C. 7:10 and N.J.A.C. 6A:26-6.

The school district shall conduct lead sampling and analysis in all drinking water outlets to which a student or staff member has, or may have, access in each school facility, other facility, or temporary facility in accordance with the provisions of N.J.A.C. 6A:26-12.4.

### A. Testing of Drinking Water

#### 1. Schedule

a. Sampling shall be conducted in accordance with a lead sampling plan, which shall include:

- (1) A plumbing survey for each facility that identifies how water enters and flows through each facility, the types of plumbing materials used in the facility, such as the service line, piping, solder, fixtures, drinking water outlets where students or staff have or may have access, and point of use treatment, such as drinking water filters;
- (2) The names and responsibilities of all individuals involved in sampling; and
- (3) The following sampling procedures:
  - (a) Samples shall be taken after water has sat undisturbed in the school pipes for at least eight hours, but no more than forty-eight hours before the sample is taken.



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- (i) 24-hour school facilities shall collect first-draw samples at drinking water outlets following a stagnation time that would likely result in the longest standing time;
  - (b) At least eight hours prior to sampling, signs shall be posted to indicate that water shall not be used and access to the buildings subject to the sampling shall be restricted to all but authorized staff members;
  - (c) Existing aerators, screens, and filters shall not be replaced or removed prior to or during sampling; and
  - (d) All samples shall be collected in pre-cleaned high-density polyethylene (HDPE) 250 milliliter (mL) wide-mouth single-use rigid sample containers that are properly labeled.
2. Analysis of Samples
- a. Analysis of samples shall be conducted as follows:
    - (1) Analysis shall be conducted by a certified laboratory to analyze for lead in drinking water;
    - (2) The laboratory shall use an approved analytical method pursuant to the Federal Safe Drinking Water Act at 40 CFR 141.23(k)(1); and
    - (3) Sample analysis shall be conducted in accordance with a Quality Assurance Project Plan (QAPP), which shall be signed by the Board, the certified laboratory, and the individual responsible for conducting the sampling. The QAPP shall include



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Lead Testing of Water in Schools

the identification of analytical methods, chain of custody procedures, data validation and reporting processes, detection limits, reporting to three significant figures, field blanks, and quality control measures required by the certified method.

- b. The Superintendent or designee may utilize a technical guidance manual, which will be developed by the New Jersey Department of Education (NJDOE), in consultation with the Department of Environmental Protection (DEP), to assist in the school district's compliance with the sampling and analysis requirements of this Regulation.
3. Designated Statewide Required Testing
    - a. Notwithstanding the results or date of any prior testing, the Board shall continue to test drinking water outlets as provided in A.2.a. above in the designated Statewide required testing year, which shall be every third school year beginning with the 2021-2022 school year and subsequently occurring in the 2024-2025 school year:
      - (1) By no later than June 30 of the designated Statewide required testing year, the Board shall test all drinking water outlets. Sampling shall be prioritized, such that buildings and facilities that previously had outlets with results above the action level or identified in the plumbing profile as high risk for lead shall be sampled first in accordance with the sampling plan; and
      - (2) The Board shall sample for lead after the replacement of any drinking water outlet or any other alteration to plumbing or service lines that may impact lead levels at the outlet.



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Lead Testing of Water in Schools

- b. If the Board tests drinking water outlets for lead more frequently than the three-year cycle set forth in A.3.a. above, the notification requirements set forth in B.2.b. below shall apply.
  - (1) If drinking water outlets are tested more frequently in accordance with A.3.b. above, the Board shall make the most recent results for each facility available on the Board's website.
- 4. Statement of Assurance
  - a. The Board shall submit to the NJDOE by June 30 each year a statement of assurance that lead testing was completed, that notifications were provided, and that alternate drinking water continues to be made available in accordance with N.J.A.C. 6A:26-12.4.
- 5. Exception from Testing Requirements
  - a. The Board may request an exemption from the testing requirements set forth in A.2. above if they can demonstrate that they do not use any drinking water outlets for consumption or food preparation in any of their facilities.
  - b. The Board shall submit an application to the NJDOE documenting that no drinking water outlets are used in their facilities and the provisions for an alternative source of drinking water.
  - c. If the school district receives an exemption from the NJDOE from testing, the Board shall make available for public inspection at the school facility and on the Board's website, if applicable, confirmation that the school district is exempt from testing.





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- d. No later than June 30 of each Statewide required testing school year set forth in A.3. above, the Board shall either begin testing procedures in accordance with section A.3.a. above or reapply for an exemption under section A.5.

## B. Water Testing – Laboratory Results

1. The Superintendent or designee shall complete a review of final laboratory results within seventy-two hours of receipt.
2. Within twenty-four hours after the Superintendent or designee has reviewed the final laboratory results, the Superintendent or designee shall:
  - a. Make the test results of all water samples publicly available at the school facility in accordance with section B.3. below and make the results from the most recent required Statewide testing available on the Board’s website; and
  - b. If any results exceed the permissible lead action level, provide written notification to the parents of all students attending the facility, facility staff, and the Department of Education. This written notification shall be posted on the Board’s website and shall include a description of the following:
    - (1) Measures taken by the Board or its designee, to immediately end use of each drinking water outlet where water quality exceeds the permissible lead action level;
    - (2) Any additional remedial actions taken or planned by the Board;
    - (3) The measures taken to ensure that alternate drinking water has been made available to all students and staff members at the school(s) where the water outlet(s) is located; and
    - (4) Information regarding the health effects of lead.



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Lead Testing of Water in Schools

3. Test results of all water samples shall remain publicly available in accordance with the timeline established by the Department of the Treasury in the Records Retention Schedule.

## C. Reimbursement

1. The Board shall be eligible to be reimbursed for the water supply testing and analysis conducted pursuant to section A.3. above after July 1, 2021, as approved by the NJDOE and subject to available funds.
2. To be eligible to receive reimbursement, the Board shall complete and submit to the NJDOE a reimbursement application on a form, or in a format, supplied by the NJDOE.
  - a. The NJDOE will make the reimbursement application available on its website.
3. If the school district conducts additional testing in a year other than the Statewide required testing school year as set forth in A.3. above, the district shall not be eligible for reimbursement.

## D. Failure to Comply

1. Failure to comply with any requirement of N.J.A.C. 6A:26-12.4 and Policy and Regulation 7425 may result in any of the following:
  - a. Board's disqualification for reimbursement pursuant to C. above;
  - b. The NJDOE's initiation of an investigation by the Office of Fiscal Accountability and Compliance; and
  - c. The Commissioner's withholding of State aid pursuant to N.J.A.C. 6A:2-1.2.

Adopted:



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**Every Student Succeeds Act**  
**No Child Left Behind Programs**

Jan 21

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[See POLICY ALERT Nos. 167, 168, 198 and 222]

## 2415 EVERY STUDENT SUCCEEDS ACT NO CHILD LEFT BEHIND PROGRAMS

The ~~No Child Left Behind Act (NCLB) of 2001~~ **Every Student Succeeds Act (ESSA)** is a reauthorization of the Elementary and Secondary Education Act (ESEA)/~~Improving America's Schools Act (IASA) 1994~~, **of 1965 that provides providing Federal funds to help all New Jersey's school children achieve, at a minimum, proficiency in the State standards. NCLB embodies four key principles or pillars of education reform: accountability, flexibility, choice, and methodology. The purpose of the ESSA is to ensure all students have equitable access to high-quality educational resources and opportunities and to close educational achievement gaps.** The Board of Education elects to augment the instructional program of students by projects supported by Federal funds allocated under **the ESSA NCLB** and the district will comply with the requirements of all the programs authorized by **the ESSA NCLB**.

The district may be eligible for several grant programs funded through **the ESSA NCLB**, including, but not limited to, Title I through Title VII. Many of the Titles of **the ESSA NCLB** have several parts and subparts that provide a funding source for specific purposes.

### Application Procedure

The district will submit an annual **ESSA No Child Left Behind** Consolidated Formula Subgrant Application to the New Jersey Department of Education (NJDOE). The school district's application shall include all information required by the NJDOE and **the ESSA NCLB** for the district to be considered for funding under **the ESSA NCLB**.

### Covered Programs

**Formula grants under the ESSA are non-competitive grants that school districts are eligible for based on the make-up of their student bodies. These formula grants for each Title are committed to different purposes and may be used to support different activities and programs.**



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**Every Student Succeeds Act**  
**No Child Left Behind Programs**

~~The intent of NCLB is that all children will meet State academic achievement standards to reach their potential through improved programs. The NCLB Consolidated Formula Subgrant includes the following programs:~~

- ~~1. Title I, Part A provides the programs and resources for disadvantaged students to meet this intent. It requires the State and the district to close the achievement gap by placing a highly qualified teacher in every classroom, improving the qualifications of paraprofessionals who work with disadvantaged students, and using instructional practices that have proven to be effective.~~
- ~~2. Title I, Part D serves neglected and delinquent youth in institutions, community day programs, and correctional facilities to assure they also attain high academic levels of performance.~~
- ~~3. Title II, Part A provides the resources for improving teacher and Principal quality and increasing the number of highly qualified teachers and Principals in classrooms and schools, thereby raising student achievement in the academic subjects. It focuses on preparing, training, and recruiting high quality teachers and Principals and requires the State to develop plans with annual measurable objectives that will ensure all teachers teaching in core academic subjects are highly qualified by the end of the 2005-2006 school year.~~
- ~~4. Title II, Part D facilitates comprehensive and integrated educational technology strategies that target the specific needs of individual schools. It improves student academic achievement through the use of technology in elementary and secondary schools, while addressing the digital divide such that every student is technologically literate by the end of eighth grade. Effective integration of technology resources and systems with teacher training and curriculum development are encouraged in order to identify and showcase best practices in educational technology.~~
- ~~5. Title III, Part A focuses on the teaching of English to limited English proficient (LEP) children, including immigrant children and youth.~~



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**Every Student Succeeds Act**  
**No Child Left Behind Programs**

6. ~~Title IV, Part A provides resources for fostering a safe and drug-free learning environment that supports academic achievement.~~
7. ~~Title V, Part A provides a flexible source of funding to help districts in the development and implementation of various innovative reform initiatives.~~
8. ~~Title VI, Part B addresses the unique needs of rural school districts.~~
9. ~~Title IX covers the general provisions applicable to some/all of the programs.~~

~~Throughout NCLB, the use of solid research to improve teaching and learning as well as student behavior is required and promoted, and parent(s)/legal guardian(s) are provided with information and options to improve the educational opportunities provided for their children. The emphasis on scientifically based methodology encourages the use of teaching techniques and practices that are founded on research and proven to produce positive results.~~

## Title I

The largest Federal program supporting elementary and secondary education is Title I. **The ESSA NCLB** strengthens Title I requirements for the State's assessments, accountability system, and support for school improvement. The law also ~~establishes~~ **requires** minimum qualifications for teachers and paraprofessionals in Title I programs.

The school district must use the best available measure for identifying children from low-income families to: identify eligible school attendance areas, determine the ranking of each area, and determine allocations as identified in the Title I guidelines and regulations.

The school district will offer Title I services to eligible children enrolled in private elementary and secondary schools. The services and benefits will be equitable in comparison to services and benefits for participating public school children.



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**Every Student Succeeds Act**  
~~No Child Left Behind Programs~~

The school district will provide the New Jersey Department of Education assurances it will provide the maximum coordination between the Title I program, the regular school program, and services provided by other programs for specialized populations. The Title I program will consider the special needs of homeless children, migrant children, children with disabilities and limited English proficient (~~LEP~~) **Language Learner (ELL)** children. Title I funds will be reserved so that migrant children who are otherwise eligible to receive Title I services, even if they arrive during the school year, are served.

Type of Title I Program

The school district will offer a **Target Assistance** Title I program.

Schools that are not eligible for (or do not choose to operate) school-wide Title I programs must use Title I funds to provide targeted services to low-achieving students. A Target Assistance program must be established in accordance with the Title I guidelines and regulations and the New Jersey Department of Education.]

~~Academic Standards, Academic Assessments, and Accountability~~ **New Jersey Department of Education Accountability System**



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**Every Student Succeeds Act**  
**No Child Left Behind Programs**

The district will comply with the **accountability system requirements established by** ~~of the New Jersey Department of Education and outlined in the New Jersey State Plan and approved by the United States Department of Education as outlined in Policy 2415.01 – Academic Standards, Academic Assessments, and Accountability in accordance with the NJDOE and NCLB.~~

## Fiscal Responsibility

The district will comply with the requirements as outlined in Policy 2415.02 Title I – Fiscal Responsibilities in accordance with the NJDOE and **the ESSA NCLB.**

## Staff

The district will comply with the **staff certification requirements of the ESSA and the NJDOE** ~~requirements as outlined in Policy 2415.03 – Highly Qualified Teachers in accordance with the NJDOE and NCLB.~~ In addition, the district will ensure all paraprofessionals meet the requirements as **established required by the ESSA NCLB** and as outlined in Policy 4125 – Employment of Support Staff Members.

## Parental Involvement

The district will comply with the requirements as outlined in Policy 2415.04 – Parental Involvement in accordance with the NJDOE and **the ESSA NCLB.**

## Student Surveys, Analysis, and/or Evaluations

The Protection of Pupil Rights Amendment (PPRA) applies to school districts that receive Federal funding from the United States Department of Education. The district will comply with the requirements as outlined in Policy 2415.05 - Student Surveys, Analysis, and/or Evaluations in accordance with the PPRA.

## Unsafe School Choice Option

In the event there is a school in the district designated as Persistently Dangerous in accordance with the Victims of Violent Criminal Offenses as outlined in **the ESSA NCLB**, the district will comply with the requirements of Policy 2415.06 – Unsafe School Choice Option in accordance with the NJDOE and **the ESSA NCLB.**



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**Every Student Succeeds Act**  
**No Child Left Behind Programs**

## Property

Property acquired through Title I funds for use in public or private schools will be acquired in accordance with the Public School Contracts Law, will be held in title by the Board of Education, and will not be used for other purposes so long as it is required in the Title I program. Property no longer required for Title I purposes will be used for other, similarly funded projects or disposed of in accordance with State and Federal guidelines.

## Capital Expenses

The Superintendent will assure the district abides by New Jersey's Public Contracts Law; consults appropriate private school officials prior to making any decisions regarding capital expenses; ensure funds that are received to cover capital expenses provide equitable Title I services to private school students; ensure accounts for any capital funding is separately maintained; and assure lease purchase agreements are consistent with applicable statute and administrative code.

## Post-Award Requirements

The school district will maintain all project records for five years following the completion of the activity for which the funds were used. The school district will prepare and submit all reports as required by the State Department of Education in a timely manner.

## Supplement, Not Supplant

Grant funds provided under Federal programs, including **the ESEA of 1965 as amended by the ESSA** ~~No Child Left Behind funding~~, shall supplement, not supplant **the funds that would, in the absence of such other non-Federal funds, be made** ~~that are available to provide programs and services to eligible from State and local sources for the education of students; participating in unless otherwise provided in the grant~~ **programs assisted under the ESEA of 1965 as amended by the ESSA.**





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**Every Student Succeeds Act**  
**No Child Left Behind Programs**

## ~~State Waiver from Certain Provisions of No Child Left Behind (NCLB)~~

~~The State of New Jersey may receive a waiver(s) from certain provisions of NCLB from the United States Department of Education. A waiver(s) may affect the applicability of the school district's NCLB policies and/or regulations. In the event a waiver(s) affects the applicability of Board of Education NCLB policies and/or regulations, the waiver provisions shall supersede current Board policies and/or regulations and the school district shall comply with the requirements as outlined by the New Jersey Department of Education in accordance with the waiver(s) application and approval(s) from the United States Department of Education.~~

## Evaluation

The Superintendent or designee will evaluate the **ESSA NCLB** programs as required by the United States and the New Jersey Departments of Education.

## ~~No Child Left Behind Act of 2001~~

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

Adopted:

