
**The Somerset Hills School District
Regular Meeting Agenda - March 16, 2022
Executive Session - 6:30 P.M.
Public Input & Action - 7:30 P.M.
Bernards High School Media Center**

I. Call to Order & Welcome

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

II. Roll Call

III. Executive Session

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

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

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

And, be it further,

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

IV. Pledge of Allegiance

V. Roll Call

VI. Report of the Superintendent

1. *School Law Talks - NJ Law surrounding Harassment, Intimidation and Bullying (HIB)* - Board Attorney, Derlys Gutierrez, Esq.
2. Student Representatives' Report
3. 2022-2023 Budget Presentation- Dr. Gretchen Dempsey, Superintendent, and Ms. Jinnee DeMarco, Business Administrator and Board Secretary
4. Board Recognition - Retirees

- WHEREAS Fred Trumpy has been employed from September 1994 through June 2022 as a Teacher of Music and;

WHEREAS, Fred Trumpy exemplified expertise, commitment, and professionalism in his duties;

NOW THEREFORE BE IT RESOLVED, the Somerset Hills School District and Board of Education recognize Fred Trumpy's retirement effective July 1, 2022, and extend to him congratulations and best wishes for a happy, healthy, and enjoyable retirement.

- WHEREAS Colleen Zuppa has been employed from September 2003 through June 2022 as a Paraprofessional and;

WHEREAS, Colleen Zuppa exemplified expertise, commitment, and professionalism in her duties;

NOW THEREFORE BE IT RESOLVED, the Somerset Hills School District and Board of Education recognize Colleen Zuppa's retirement effective July 1, 2022, and extend to her congratulations and best wishes for a happy, healthy, and enjoyable retirement.

VII. 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. Thank you for your input.

VIII. 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 February 23, 2022.

IX. FINANCE

A. Committee Report & Discussion:

B. Action Items:

1. Board Secretary & Treasurer Reports & Board Certification*

WHEREAS, the Board Secretary has received the Reports of the Secretary and Treasurer for the month of January 2022 showing the following balances:

FUND	Board Secretary Cash Balance (1)	Treasurer Cash Balance (2)
(10) General Fund	\$10,145,353.20	\$10,145,353.20
(20) Special Revenue Fund	(\$124,023.84)	(\$124,023.84)
(30) Capital Projects Fund	\$371,191.25	\$371,191.25
(40) Debt Service Fund	\$806,428.82	\$806,428.82
Total Government Funds	\$11,198,949.43	\$11,198,949.43

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

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

2. Approve 2021-2022 Budget Transfers*

Resolved that the Somerset Hills Board of Education approves the attached list of budget transfers for January 2022.

3. Payment of Bills*

WHEREAS, the Board Secretary has presented attached January 2022 check registers with the recommendation that the checks be paid, and Now, therefore, be it Resolved, that the following bills be paid and an itemized list be filed with the minutes of this meeting:

FUND	
(10) General Fund	\$3,405.96
(20) Special Revenue Fund	—
(30) Capital Projects Fund	—
(40) Debt Service Fund	—
(60) Cafeteria Fund	—
(90) Agency Fund	—
TOTAL	\$3,405.96

4. Payment of Bills*

WHEREAS, the Board Secretary has presented attached February 2022 check registers with the recommendation that the checks be paid, and Now, therefore, be it Resolved, that the following bills be paid and an itemized list be filed with the minutes of this meeting:

FUND	
(10) General Fund	\$3,471,709.65
(20) Special Revenue Fund	\$16,480.86
(30) Capital Projects Fund	—
(40) Debt Service Fund	—
(60) Cafeteria Fund	\$61,406.22
(90) Agency Fund	\$1,057,271.64
TOTAL	\$4,606,868.37

5. Approve Special Education Schools*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following schools for the 2021-2022 school year and/or ESY:

	Student ID#	Provider	Location	Tuition
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a	7435542741	East Mountain School	Belle Mead, NJ	\$58,246.20 (\$23,622.07 prorated)
b	2779193661	Shepard School	Kinnelon, NJ	\$65,016.12 (\$20,451.08 prorated)
c	2649079881	Shepard Preparatory High School	Morristown, NJ	\$65,895.21 (\$20,418.42 prorated)

X. 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 February 23, 2022, and upheld the findings and/or consequences recommended by the Superintendent.

- BMS #12, #14, #15, #16

2. Approve Girls Volleyball*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves Girls Volleyball program for Bernards High School effective 2022-2023 school year.

XI. 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, approves the following field trips:

	School	Trip	# of Students	# of Faculty	# of Chaperones
a	BHS	RVCC Planetarium - Branchburg, NJ	09	03	0
b	BHS	Studio 7 Gallery - Bernardsville, NJ	20	01	0
c	BHS	Bedwell Tomato Sale - Bernardsville, NJ	08	03	0
d	BHS	Natirar - Peapack, NJ	08	03	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(s)	Est. Cost
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a	BES	d'Anunciacao, J.	NJ Association of Behavior Analysis Conference	04/01	\$0
b	BMS	Garofalo, L.	HIB Law Update	05/18	\$125
c	BMS	Walker, C.	50 Best Strategies for Enhancing Science Instruction	05/05	\$279

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	BHS	Ferrara, J.	AP Physics Reading Leadership	5/27 - 6/9	\$0
b	BHS	Szostak, D.	AP Reading Macroeconomics	6/2 - 6/10	\$0

XII. PERSONNEL

A. Committee Report and Discussion.

B. Action Items:

1. Accept Retirement*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the retirement of the following employee:

	Name	School	Position	Effective
a	Trumpy, Fred	BHS	Teacher MA+60/Doc	07/01/2022

2. Accept Retirement

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the retirement of the following employee:

	Name	School	Position	Effective
a	Zuppa, Colleen	BMS	Paraprofessional	07/01/2022

3. Amend Approval Family Medical Leave

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the approval the following family medical leave of absence dates for the 2021-2022 and 2022-2023 school years:

ID	School	Position	Leave Dates	Amended Leave Dates
8533	BMS	Teacher MA+45	02/16/2021 - 04/11/2022	02/16/2021 - 06/30/2022

4. Amend Approval Leave Replacement Teacher*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following Leave Replacement Teacher for the 2021-2022 school year,

subject to further investigation pursuant to law:

	Name	School	Position	Replace	Level	Step	Salary	Dates
a	Dunker, Jeffrey	BHS	Social Studies	8739	MA MA+15	2	\$66,300 \$68,800 <i>prorated</i>	02/24 - 6/30

5. Approve Athletic/Co-Curricular Positions*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following BHS co-curricular and athletic stipends for the 2021-2022 school year:

	Last Name	First Name	BHS Co-Curricular Position	Season	Stipend
a	Paterno	Amy	Assistant AD: Spring (50%)	Spring	\$1,900 (50% of \$3,800)
b	O'Reilly	Brendan	Open Gym: Spring	Spring	\$1,750

6. Approve Athletic/Co-Curricular Volunteer

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the following BMS volunteer for the 2021- 2022 school year:

	Last Name	First Name	Season	Position
a	DeSimone	David	Spring	Track

7. Approve Athletic/Co-Curricular Volunteer*

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

	Last Name	First Name	Season	Position
a	DeMarrais	Douglas	Spring	Baseball

XIII. 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:

Policy / Regulation #	Title
P2415.05	Student Surveys, Analysis, Evaluations, Examinations, Testing, or Treatment (M) (Revised)
P2431.4 & R2431.4	Prevention and Treatment of Sports-Related Concussions and Head Injuries (M) (Revised)

P2451	Adult High School <i>(M) (Revised)</i>
P3233	Political Activities <i>(Revised)</i>
P0000.01 & P0000.03	Bylaw Introductions (Duplicates) - Abolish

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:

Policy / Regulation #	Title
P2622 & R2622	Student Assessment <i>(M) (Revised)</i> and <i>(M) (New)</i> respectively
R2460.30	Additional/Compensatory Special Education and Related Services <i>(M) (New)</i>
P8465 & R8465	Bias Crimes and Bias-Related Acts <i>(M) (Revised)</i>
P5131 & R5131	Student Random Drug Testing

XIV. STRATEGIC PLANNING

A. Committee Report & Discussion:

XV. SUPPLEMENTARY MATTERS

XVI. PUBLIC COMMENTS

Public comments are welcome at this time on any topic. Public Comments will be limited to 3 minutes. Please state your name and address. Thank you for your input.

XVII. 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)

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IX. FINANCE

6. Approve Tentative 2022-2023 Budget*

Resolved, that the Somerset Hills Board of Education approves the 2022-2023 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.

2022-2023	General Fund	Special Revenues	Debt Service	Total
Total Expenditures	\$43,611,513	\$980,357	\$3,087,912	\$47,679,782
Less Anticipated Revenue	\$9,672,811	\$980,357	\$298,483	\$10,951,651
Taxes to be Raised	\$33,938,702	\$0	2,789,429	\$36,728,131

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 \$752,787 from the Capital Reserve account to provide funding for the following projects/equipment for the 2022-2023 school year:

Bernards High School Turf Replacement
District Technology Infrastructure Upgrade
Bernards High School Interior Door Panic Hardware Replacement (A Wing)
Bernardsville Middle School Media Center Planning
Bedwell Elementary Kiln Relocation

Total costs for this project are \$752,787, 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. And to advertise said tentative budget in the Bernardsville News or Courier News in accordance with the form suggested by the State Department of Education and according to law.

BE IT FURTHER RESOLVED, that \$197,820 of Banked Cap will be utilized in the 2022-2023 budget to support employee salaries and benefits costs;

AND BE IT FURTHER RESOLVED, that a public hearing be held on April 27, 2022 at 7:30 pm for the purpose of conducting a public hearing on the budget for the 2022-2023 School Year.

7. Approve Travel and Related Expense Reimbursement 2022-2023*

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

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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.

XI. CURRICULUM

1. Approve Field Trips*

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

	School	Trip	# of Students	# of Faculty	# of Chaperones
e	BHS	RVCC Accuplacer Exam - Branchburg, NJ	03	01	0

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
c	Central	Cooper, N	NJSBA: Spring Education Symposium	04/26 - 04/27	\$150

XII. PERSONNEL

1. Accept Retirement*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the retirement of the following employee:

	Name	School	Position	Effective
b	Joe Foglia	BHS	Teacher BA+15	07/01/2022

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2. Accept Retirement

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the retirement of the following employee:

	Name	School	Position	Effective
b	Guedez, Carol A.	BES	Paraprofessional	04/11/2022

3. Amend Approval Family Medical Leave

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the approval of the following Family Medical Leave of Absence dates for the 2022-2023 School Years:

	ID	School	Position	Dates for Accumulated Sick Leave	Dates for FMLA (Unpaid with Benefits)
a	8857	BES	Teacher MA	Nov 29, 2021 - Jan 31, 2022	Nov 29, 2021 - Jan 31, 2022

8. 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 2021-2022 school year:

	Name	School	Position	Replace	Level	Step	Salary	Dates
a	Tlack, Laila	BMS	Teacher BA	8533	BA	2-3	\$61,300	09/01/2021- 4/11/22 06/18/2022

9. Approve Job Descriptions*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following job descriptions:

- *Athletic Coach - Head*
- *Athletic Coach - Assistant*

10. Approve Appointment Non-Certified Staff*

Resolved, that the Somerset Hills Board of Education approve the appointment of the following non-certified staff for the 2021-2022 school year, *subject to further investigation pursuant to law*:

Name	School	Position	Replace	Salary	Effective
DiEgidio, Louis	District	Custodian	9776	\$46,410 <i>prorated</i>	04/18/22 <i>Pending Clearance</i>

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

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[See POLICY ALERT Nos. 222 and 226]

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

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

A. Definitions

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

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

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

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



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

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

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

1. All instructional material, including teachers’ manuals, films, tapes, or other supplementary instructional material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program or any research or experimentation program or project shall be available for inspection by the parents of the children engaged in such program or project in accordance with 20 USC §1232h(a) and 34 CFR §98.3(a).
 - a. The district shall provide reasonable access to instructional material within a reasonable period of time after the request is received in accordance with 20 USC §1232h(c)(1)(C)(ii).
2. The parent shall have the right, upon request, to inspect a survey created by a third party before the survey is administered or distributed to their student pursuant to 20 USC §1232h(c)(1)(A)(i).
 - a. The district shall provide reasonable access to such survey within a reasonable period of time after the request is received in accordance with 20 USC §1232h(c)(1)(A)(ii).



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



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



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



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- (1) College or other postsecondary education recruitment, or military recruitment in accordance with Policy 9713;
- (2) Book clubs, magazines, and programs providing access to low-cost literary products;
- (3) Curriculum and instructional materials used by schools in the district;
- (4) Tests and assessments used by schools in the district to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- (5) The sale by students of products or services to raise funds for school-related or education-related activities; and
- (6) Student recognition programs.

b. The provisions of this Policy:

- (1) Shall not be construed to preempt applicable provisions of New Jersey law that require parental notification; and
- (2) Do not apply to any physical examination or screening that is permitted or required by an applicable New Jersey law, including physical examinations or screenings permitted without parental notification.



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Student Surveys, Analysis, ~~and/or~~ Evaluations,
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4. Policy Adoption or Revision – 20 USC §1232h(c)(2)(A)(i)

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

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

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

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

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

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

The Protection of Pupil Rights Amendment (PPRA)

20 USC §1232h

34 CFR Part 98

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

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

Adopted:



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Prevention and Treatment of Sports-Related
Concussions and Head Injuries

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

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

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

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

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

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



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

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

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

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



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

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

Adopted:



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

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

A concussion is a traumatic brain injury caused by a blow or motion to the head or body that disrupts the normal functioning of the brain and can cause significant and sustained neuropsychological impairments including, but not limited to, problem solving, planning, memory, and behavioral problems. Allowing a student to return to athletic competition or practice before recovering from a concussion increases the chance of a more serious brain injury. The following procedures shall be followed to implement N.J.S.A. 18A:40-41.1 et seq. and Policy 2431.4.

A. Athletic Head Injury Safety Training Program

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

B. Prevention

1. The school district may require pre-season baseline testing of students before the student begins participation in athletic competition or practice. The baseline testing program shall be reviewed and approved by the school physician trained in the evaluation and management of sports-related concussions and other head injuries.



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2. The Principal or designee will review educational information for students participating in athletic competition or practice on the prevention of concussions.
3. All school staff members, students participating in athletic competition or practice, and parents of students participating in athletic competition or practice shall be annually informed through the distribution of the NJDOE Concussion and Head Injury Fact Sheet and Parent/Guardian Acknowledgement Form and other communications from the Principal and coaches on the importance of early identification and treatment of concussions to improve recovery.

C. Signs or Symptoms of Concussion or Other Head Injury

1. Possible signs of concussions may be observed by coaches, athletic trainer, school or team physician, school nurse, or other school staff members. Possible signs of a concussion may be, but are not limited to:
 - a. Appearing dazed, stunned, or disoriented;
 - b. Forgetting plays or demonstrating short-term memory difficulty;
 - c. Exhibiting difficulties with balance or coordination;
 - d. Answering questions slowly or inaccurately; and/or
 - e. Losing consciousness.
2. Possible symptoms of concussion shall be reported by the student participating in athletic competition or practice to coaches, athletic trainer, school or team physician, school nurse, and/or parent. Possible symptoms of a concussion may be, but are not limited to:
 - a. Headache;
 - b. Nausea/vomiting;



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- c. Balance problems or dizziness;
- d. Double vision or changes in vision;
- e. Sensitivity to light or sound/noise;
- f. Feeling sluggish or foggy;
- g. Difficulty with concentration and short-term memory;
- h. Sleep disturbance; or
- i. Irritability.

D. Medical Attention for a Student Suspected of a Concussion or Other Head Injury

1. A student who participates in athletic competition or practice and who sustains or is suspected of having sustained a concussion or other head injury while engaged in an athletic competition or practice shall be immediately removed from athletic competition or practice.
 - a. A staff member supervising the student during the athletic competition or practice shall immediately contact the school physician, athletic trainer, or school nurse to examine the student.
 - (1) The school physician, athletic trainer, or school nurse shall determine if the student has sustained or may have sustained a concussion or other head injury. The school physician, athletic trainer, or school nurse shall determine if emergency medical responders shall be called to athletic competition or practice.
 - (2) In the event the school physician, athletic trainer, or school nurse determine the student did not sustain a concussion or other head injury, the student shall not be permitted to participate in any further athletic competition or practice until written medical clearance is provided in accordance with E. below.



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2. The staff member supervising a student who has been removed from athletic competition or practice in accordance with D.1. above or another staff member shall contact the student's parent and the Principal or designee as soon as possible after the student has been removed from the athletic competition or practice.
 - a. A parent shall monitor their student for symptoms of a concussion or other head injury upon receiving such notification.
- E. Medical Examination and Written Medical Clearance
1. A student who was removed from athletic competition or practice in accordance with D.1. shall not participate in further athletic competition or practice until:
 - a. The student is examined by a physician or other licensed healthcare provider trained in the evaluation and management of concussions;
 - b. The student receives written medical clearance from a physician trained in the evaluation and management of concussions to return to competition or practice; and
 - c. The student returns to regular school activities and is no longer experiencing symptoms of the injury while conducting those activities.
 2. The student's written medical clearance from a physician must indicate a medical examination has determined:
 - a. The student's injury was not a concussion or other head injury, the student is asymptomatic at rest, and the student may return to regular school activities and is no longer experiencing symptoms of the injury while conducting those activities; or
 - b. The student's injury was a concussion or other head injury and the student's physician will monitor the student to determine when the student is asymptomatic at rest and



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when the student may return to regular school activities and is no longer experiencing symptoms of the injury while conducting those activities.

3. The student's written medical clearance must be reviewed and approved by the school physician.
4. The student may not begin the graduated return to athletic competition and practice protocol in F. below until the student receives a medical examination and provides the required written medical clearance.
5. A written medical clearance not in compliance with the provisions of E. will not be accepted.

F. Graduated Return to Athletic Competition and Practice Protocol

1. The return of a student to athletic competition and practice shall be in accordance with the graduated, six-step "Return to Play Progression" recommendations and any subsequent changes or updates to those recommendations as developed by the Centers for Disease Control and Prevention.

a. Back to Regular Activities (Such as School)

The student is back to their regular activities (such as school) and has the green-light from the student's physician approved by the school physician to begin the return to play process. A student's return to regular activities involves a stepwise process. It starts with a few days of rest (two-three days) and is followed by light activity (such as short walks) and moderate activity (such as riding a stationary bike) that do not worsen symptoms.

b. Light Aerobic Activity

Begin with light aerobic exercise only to increase the student's heart rate. This means about five to ten minutes on an exercise bike, walking, or light jogging. No weight lifting at this point.



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c. Moderate Activity

Continue with activities to increase the student's heart rate with body or head movement. This includes moderate jogging, brief running, moderate-intensity stationary biking, and/or moderate-intensity weightlifting (less time and/or less weight from their typical routine).

d. Heavy, Non-Contact Activity

Add heavy non-contact physical activity, such as sprinting/running, high-intensity stationary biking, regular weightlifting routine, and/or non-contact sport-specific drills (in three planes of movement).

e. Practice and Full Contact

The student may return to practice and full contact (if appropriate for the athletic competition) in controlled practice.

f. Athletic Competition

The student may return to athletic competition or practice.

2. It is important for a student's parent(s) and coach(es) to watch for concussion symptoms after each day's "Return to Play Progression" activity. A student should only move to the next step if they do not have any new symptoms at the current step.
3. If a student's symptoms return or if they develop new symptoms, this is a sign that a student is pushing too hard. The student should stop these activities and the student's health care provider should be contacted. After more rest and no concussion symptoms, a student can start at the previous step if approved by the student's healthcare provider and provides written medical clearance to the school physician.



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G. Temporary Accommodations for Student's Participating in Athletic Competition with Sports-Related Head Injuries

1. The concussed brain is affected in many functional aspects as a result of the injury. Memory, attention span, concentration, and speed of processing significantly impact learning. Further, exposing the concussed student to the stimulating school environment may delay the resolution of symptoms needed for recovery. Accordingly, consideration of the cognitive effects in returning to the classroom is also an important part of the treatment of sports-related concussions and head injuries.
2. To recover, cognitive rest is just as important as physical rest. Reading, studying, computer usage, testing, texting, and watching movies if a student is sensitive to light/sound can slow a student's recovery. The Principal or designee may look to address the student's cognitive needs as described below. Students who return to school after a concussion may need to:
 - a. Take rest breaks as needed;
 - b. Spend fewer hours at school;
 - c. Be given more time to take tests or complete assignments (all courses should be considered);
 - d. Receive help with schoolwork;
 - e. Reduce time spent on the computer, reading, and writing; and/or
 - f. Be granted early dismissal from class to avoid crowded hallways.

Adopted:



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[See POLICY ALERT Nos. 221 and 226]

2451 ADULT HIGH SCHOOL

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

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

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

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

1. To qualify for enrollment in the adult high school, a person shall:

a1. Be a New Jersey resident **at least sixteen years of age;**

2. ~~Meet the age and out of school requirement at N.J.A.C. 6A:20-1.3;~~



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

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

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

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

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

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



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

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

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

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

- a1. The Principal shall review the IEP to determine the services required by the plan and also the availability of such services at the adult high school.

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

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



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

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

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

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



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



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

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

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

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

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

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

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

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

H. Staffing – N.J.A.C. 6A:20-2.98

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



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

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

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

~~Monitoring – N.J.A.C. 6A:20-2.10~~

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

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

Adopted:



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TEACHING STAFF MEMBERS

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Political Activities

Jan 22

[See POLICY ALERT No. 226]

3233 POLITICAL ACTIVITIES

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

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

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

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



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

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

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

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

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

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

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

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

Adopted:



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

2622 STUDENT ASSESSMENT

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

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

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

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

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



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

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

Adopted:



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[See **POLICY ALERT No. 226**]

R 2622 STUDENT ASSESSMENT

A. Statewide Assessment System – N.J.A.C. 6A:8-4.1

1. The school district shall, according to a schedule prescribed by the Commissioner of Education, administer the applicable Statewide assessments, including the following major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight; the high school assessment component; and the alternative State assessment for students with disabilities; and provide notification to each student entering grades three through twelve of the Statewide assessment schedule.
2. Pursuant to N.J.A.C. 6A:8-4.1(c), all students at grade levels three through twelve, and at any other grade(s) designated by the Commissioner of Education pursuant to N.J.A.C. 6A:8-4.1(a), shall take all appropriate Statewide assessments as scheduled.
 - a. The school district shall provide all appropriate accommodations or modifications to the Statewide assessment system as specified by the New Jersey Department of Education (NJDOE) for English language learners (ELLs) and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as specified in a student's Individualized Education Program (IEP) or 504 plan in accordance with N.J.A.C. 6A:8-4.1(d)1.
 - (1) The school district may administer the Statewide assessments in mathematics to ELLs in their native language, when available, and/or English.



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Student Assessment

- (2) The school district shall have the option for a first-year ELL of substituting a NJDOE-approved language proficiency test only for the English language arts component of the Statewide assessment, when the student has entered the United States after June 1 of the calendar year prior to the test administration.
 - b. The school district shall ensure students with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10.
 - c. At specific times prescribed by the Commissioner of Education, the school district shall administer the alternative State assessment for students with disabilities to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities in accordance with N.J.A.C. 6A:8-4.1(d)3.
 - d. The school district shall implement alternative ways for students to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(a)6, (f), (g), (h), or (i), as applicable.
3. Test Administration Procedures and Security Measures
- a. The school district shall be responsible for ensuring the security of all components of the Statewide assessment system that are administered within the school district.
 - b. All Statewide assessments shall be administered in accordance with the NJDOE's required test administration procedures and security measures.
 - c. Any breach of such procedures or measures shall be immediately reported to the Superintendent or designee.



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B. Documentation of Student Achievement – N.J.A.C. 6A:8-4.2

1. After each test administration, the NJDOE shall provide the Superintendent the following:
 - a. Rosters of student performance in each content area;
 - b. Individual student reports; and
 - c. School and school district summary data, including school and school district means, numbers tested, and percent achieving at each performance level.
 - (1) The school district summary data shall be aggregated and disaggregated, and school summary data shall be disaggregated, for students with disabilities as defined in N.J.A.C. 6A:14-1.3 and for ELLs.
2. The school district shall transmit within ten business days any official records, including transcripts, of students who transfer to other school districts or institutions.
3. The school district shall maintain an accurate record of each student's performance on Statewide assessments.
4. The school district shall maintain for every student a ninth grade through graduation transcript that contains the following, as available:
 - a. Results of all applicable State assessments, including assessments that satisfy graduation requirements set forth at N.J.A.C. 6A:8-5.1(a)6;
 - b. Results of any English language proficiency assessments according to N.J.A.C. 6A:8-5.1(h);
 - c. Evidence of instructional experience and performance in the New Jersey Student Learning Standards (NJSLS);
 - d. Evidence of technological literacy;



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- e. Evidence of career education instructional experiences and career development activities;
- f. Evidence of State-issued occupational licenses and credentials, industry-recognized occupational credentials, and/or technical skill assessments for students enrolled in NJDOE-approved career and technical education programs pursuant to N.J.A.C. 6A:19-3.2; and
- g. Any other information deemed appropriate by the school district.

C. Accountability – N.J.A.C. 6A:8-4.3

- 1. The Superintendent shall report final results of annual assessments to the Board and members of the public at a public meeting within sixty days of receipt of the information from the NJDOE.
- 2. The Superintendent shall provide educators, parents, and students with results of annual assessments as required under N.J.A.C. 6A:8-4.2(a) and B.1. above, within thirty days of receipt of information from the NJDOE.
- 3. The school district shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of student proficiency in any content area either on the Statewide or local assessments.
- 4. All students shall be expected to demonstrate the knowledge and skills of the NJSLS as measured by the Statewide assessment system.

D. Annual Review and Evaluation of School Districts – N.J.A.C. 6A:8-4.4

- 1. The NJDOE shall review the performance of schools and school districts by using a percent of students performing at the proficient level as one measure of annual measurable objective (AMO) and incorporating a progress criterion indicative of systemic reform.



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- a. The review shall include the performance of all students, including students with disabilities as defined by N.J.A.C. 6A:14-1.3, students from major racial and ethnic groups, economically disadvantaged students, and ELLs.
- b. The review shall take place at each grade level in which Statewide assessments are administered, using the AMO targets.

E. Public Reporting – N.J.A.C. 6A:8-4.5

1. In accordance with the requirements of N.J.A.C. 6A:8-4.5, the NJDOE shall report annually to the New Jersey State Board of Education and the public on the progress of all students and student subgroups in meeting the NJSLS as measured by the Statewide assessment system by publishing and distributing the NJDOE's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5.
2. After each test administration, the NJDOE shall report to the Board on the performance of all students and of student subgroups.

F. Parental Notification

Parents shall be informed of the school district assessment system and of any special tests that are to be administered to their children.

Adopted:



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Additional/Compensatory Special Education
and Related Services

Jan 22

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[See POLICY ALERT No. 226]

R 2460.30 ADDITIONAL/COMPENSATORY SPECIAL EDUCATION AND RELATED SERVICES

The Board of Education shall provide additional or compensatory special education and related services to students with disabilities beyond the age of twenty-one pursuant to N.J.S.A. 18A:46-6.3.

As used in N.J.A.C. 18A:46-6.3(h) and this Regulation, “parent” means the natural or adoptive parent, the legal guardian, resource family parent when willing to so serve, a surrogate parent, or a person acting in the place of a parent, such as a grandparent or stepparent with whom the student lives, or a person legally responsible for the student’s welfare. “Parent” shall also include an adult student who has attained the age of eighteen, who is not under legal guardianship, and who is entitled to receive special education and related services.

A. Additional Special Education and Related Services

1. Notwithstanding the provisions of N.J.S.A. 18A:46-6, N.J.S.A. 18A:46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, the Board shall:
 - a. In the 2021-2022 school year, provide special education and related services contained in an Individualized Education Program (IEP) to a student with disabilities who attains the age of twenty-one during the 2020-2021 school year, provided the parent of the student and the IEP team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2021-2022 school year.



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Additional/Compensatory Special Education
and Related Services

- (1) A student receiving special education and related services pursuant to N.J.S.A. 18A:46-6.3.a. and A.1. shall not be eligible to receive such education and services beyond June 30, 2022, unless otherwise provided in a student's IEP or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction.
2. Notwithstanding the provisions of N.J.S.A. 18A:46-6, N.J.S.A. 18A:46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, the Board shall:
 - a. In the 2022-2023 school year, provide special education and related services contained in an IEP to a student with disabilities who attains the age of twenty-one during the 2021-2022 school year, provided the parent of the student and the IEP team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2022-2023 school year.
 - (1) A student receiving special education and related services pursuant to N.J.S.A. 18A:46-6.3.b. and A.2. shall not be eligible to receive such education and services beyond June 30, 2023, unless otherwise provided in a student's IEP or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction.
3. Notwithstanding the provisions of N.J.S.A. 18A:46-6, N.J.S.A. 18A:46-8, or of any other law, rule, or regulation concerning the age of eligibility for special education and related services to the contrary, the Board shall:



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Additional/Compensatory Special Education
and Related Services

- a. In the 2023-2024 school year, provide special education and related services contained in an IEP to a student with disabilities who attains the age of twenty-one during the 2022-2023 school year, provided that the parent of the student and the IEP team determine that the student requires additional or compensatory special education and related services, including transition services, during the 2023-2024 school year.

- (1) A student receiving special education and related services pursuant to N.J.S.A. 18A:46-6.3.c. and A.3. shall not be eligible to receive such education and services beyond June 30, 2024, unless otherwise provided in a student's IEP or as ordered by a hearing officer, complaint investigation, or court of competent jurisdiction.

B. Rights, Privileges, and Remedies

1. A student receiving special education and related services, including transition services, pursuant to N.J.S.A. 18A:46-6.3 and this Regulation shall be afforded the same rights, privileges, and remedies provided to students with disabilities pursuant to State law, New Jersey State Board of Education regulations concerning special education, and the Federal "Individuals with Disabilities Education Act," (IDEA) 20 USC §1400 et seq.
2. Any disputes that arise with respect to the provision or nature of services provided to a student with disabilities in the additional year as provided in accordance with N.J.S.A. 18A:46-6.3.a., b. and c., and A. above may be addressed as determined by the parent of the student with disabilities, by either:
 - a. Mediation;
 - b. A written request for a complaint investigation submitted to the Director of the Office of Special Education Policy and Dispute Resolution in the New Jersey Department of Education; or



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and Related Services

- c. A special education due process hearing pursuant to IDEA, N.J.S.A. 18A:46, or administrative code.

C. Funding

1. The special education and related services, including transition services, provided to students with disabilities pursuant to the provisions of N.J.S.A. 18A:46-6.3 and this Regulation, to the extent permitted by Federal law, be paid for from the monies received by the State or a school district under the Federal “Coronavirus Aid, Relief, and Economic Security (CARES) Act,” Pub.L.116-136, the Federal “Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021,” Pub.L.116-260, the Federal “American Rescue Plan (ARP) Act,” Pub.L.117-2, or any other Federal funding provided to address the impact of the coronavirus pandemic on elementary and secondary schools as it becomes available.
2. To the extent the Federal funds described in N.J.S.A. 18A:46-6.3.e.(1) and C.1. above do not cover the costs borne by the school district to provide the special education and related services, including transition services, to students with disabilities pursuant to the provisions of N.J.S.A. 18A:46-6.3 and this Regulation, the State of New Jersey shall appropriate funds as necessary from the Property Tax Relief Fund to reimburse the school district for these costs.
3. The special education and related services funded pursuant to the provisions of N.J.S.A. 18A:46-6.3.e. may include, but are not limited to, the additional staff, programs, and facilities deemed necessary by the school district to provide the special education and related services, including transition services, required under N.J.S.A. 18A:46-6.

Adopted:



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Bias Hate Crimes and Bias-Related Acts

Jan 22

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[See POLICY ALERT No. 226]

8465 BIAS HATE CRIMES AND BIAS-RELATED ACTS

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

Definitions

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

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

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

Required Actions

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



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Bias Hate Crimes and Bias-Related Acts

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

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

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

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

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



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Bias Hate Crimes and Bias-Related Acts

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

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

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

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

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

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

Adopted:



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Bias Hate Crimes and Bias-Related Acts

Jan 22

M

[See POLICY ALERT No. 226]

R 8465 **BIAS HATE CRIMES AND BIAS-RELATED ACTS**

A. Definitions

1. A **bias hate** crime **means** is any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race;; color;; **religion**; gender;; disability;; ~~religion~~, sexual orientation;; **gender identity or expression**; **national origin**; or ethnicity.
2. A bias-related act **means** is an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial;; gender;; disability;; religion;; sexual orientation;; **gender identity or expression**; **national origin**; or ethnic prejudice. A bias-related act need not involve **conduct** ~~an~~ act that constitutes a criminal offense.
3. All **bias hate** crimes are also bias-related acts, but not all bias-related acts will constitute a **bias hate** crime.

B. Procedure For Reporting **Bias Hate Crimes and Bias-Related Acts**

1. A school employee **shall immediately** ~~will~~ notify the ~~Building~~ Principal **and the Superintendent or designee when** ~~whenever the school employee,~~ in the course of **their** ~~his/her~~ employment, **they** develops reason to believe that:
 - a. A **bias hate** crime **or a bias-related act** has been committed or is about to be committed on school **grounds** ~~property~~; ~~or~~
 - b. A **bias hate** crime **or a bias-related act** has been or is about to be committed by ~~any~~ student, ~~whether~~ on or off school **grounds, property** and whether ~~or not~~ such offense was or is ~~about~~ to be committed during operating school hours; or
 - c. ~~That A~~ student enrolled in the school has been or is about to become the victim of a **bias hate** crime **or bias-related act**, ~~whether committed on or off school grounds, property or during operating school hours.~~



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Bias Hate Crimes and Bias-Related Acts

2. The ~~Superintendent or designee Building Principal~~ shall promptly will notify the Superintendent, the _____ local pPolice dDepartment and the bBias iInvestigation oOfficer for the county prosecutor's office **when a bias crime or bias-related act has been committed or is about to be committed on school grounds, or has been or is about to be committed by a student on or off school grounds, and whether such offense was or is to be committed during operating school hours, or a student enrolled in the school has been or is about to become the victim of a bias crime or bias-related act on or off school grounds, or during operating school hours.**
3. The ~~Principal and the Superintendent~~ or designee shall immediately notify the _____ local pPolice dDepartment and the **bias investigation officer for the** county prosecutor's office immediately where if there is reason to believe that a ~~bias hate crime or bias-related act~~ that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe that a life has been or will be threatened.

~~C. Procedure For Reporting Bias Incidents~~

1. ~~A school employee should immediately notify the Building Principal whenever the school employee, in the course of his/her employment, develops reason to believe that:~~
 - a. ~~A bias related act has been committed or is about to be committed on school property; or~~
 - b. ~~A bias related act has been or is about to be committed by any student, whether on or off school property and whether or not such bias related act was or is to be committed during school hours.~~
2. ~~The Building Principal will notify the Superintendent and the _____ Police Department.~~



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Bias Hate Crimes and Bias-Related Acts

3. ~~In deciding whether to refer the matter of a bias related act to the~~
Police Department or the county
~~prosecutor's office, the Building Principal and the Superintendent,~~
~~should consider:~~
 - a. ~~The nature and seriousness of the conduct; and~~
 - b. ~~The risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public.~~
4. ~~The Building Principal will consult with the Superintendent and should consider:~~
 - a. ~~That the police department or the county prosecutor's office may possess, or have access to, other information that could put the suspected bias related act in proper context, which could shed light on the motivation for the act or some other unsolved hate crime; and~~
 - b. ~~The possibility that the suspected incident could escalate or result in some form of retaliation that might occur within or outside school property.~~

CD. Nature of Referral

1. The mandatory referral for suspected or committed **bias hate crimes and the presumptive referral for suspected or committed bias-related acts as described in N.J.A.C. 6A:16-6.3(e) and this the R**egulation is only a request to the law enforcement agencies to conduct an investigation and is nothing more than the transmittal of information which may be pertinent to any such law enforcement investigation.
2. ~~Any referral in accordance with this regulation is not an accusation or formal charge.~~
3. ~~Any referral pursuant to this regulation is predicated on the basis of reasonable suspicion, which is less than probable cause, less than the proof sufficient to sustain an adjudication of delinquency or a finding of guilt in a court of law and less than the proof sufficient to justify the imposition of school discipline.~~



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4. ~~All doubts by school officials should be resolved in favor of referring a matter to the _____ Police Department or the county prosecutor's office.~~

DE. Concurrent Jurisdiction

1. Unless the _____ **local pPolice dDepartment** or the county prosecutor's office request otherwise, ~~the school officials district~~ may continue to investigate a suspected **bias hate** crime or bias-related act occurring on school **grounds property** and may take such actions as necessary and appropriate to redress and remediate any such acts.
2. ~~The Sschool~~ officials will **immediately** discontinue **any ongoing school the in-school** investigation if the _____ **local pPolice dDepartment** or the county prosecutor's office believe the school investigation could jeopardize an on-going law enforcement investigation or otherwise endanger the public safety.
 - a. **Upon notice provided in D.2. above, school officials will take no further action without providing notice to and receiving the assent of the local police department or the county prosecutor's office.**

EF. Preservation of Evidence

1. School officials will secure and preserve any such graffiti or other evidence of a suspected **bias hate** crime or bias-related act pending the arrival of the _____ **local pPolice dDepartment** or the county prosecutor's office.
2. The school officials, when feasible, will cover or conceal such evidence until the arrival of the _____ **local pPolice dDepartment** or county prosecutor's office in a manner designed to minimize the harm and continued exposure to students by such evidence, ~~but that will not permanently damage or destroy such evidence or otherwise limit its utility in an ongoing investigation or prosecution.~~



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Bias ~~Hate~~ Crimes and Bias-Related Acts

3. ~~The _____ Police Department and/or the county prosecutor's office will photograph or otherwise document the location and content of any such graffiti or other bias-based evidence as soon as possible, so that the graffiti or other evidence may be removed or eliminated at the school district's earliest opportunity.~~

Issued:



5131 STUDENT RANDOM DRUG TESTING
5131 Student Random Drug Testing

The Board hereby authorizes the Administration, at the public expense, to conduct random drug testing, of all students, in grades nine through twelve, engaged in extracurricular activities and all students authorized to park on school premises. This policy is separate and distinct from any other drug testing conducted by the board of education, including the required medical examination of students suspected of being under the influence of alcohol or other drugs. This policy is being adopted to deter alcohol and drug use and to provide for early detection of alcohol or drug use problems so that referral may be made for evaluation, treatment or other assistance.

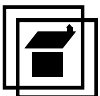
Students who are in grades nine through twelve who do not participate in extracurricular activities or park on school premises may be included within the random drug testing pool at the request of their parent or guardian, who must submit a written request and consent for testing form each school year. The consent will be valid for the entire remaining school year unless consent is revoked by the parent or adult student.

The random testing under this policy shall be conducted by the school physician, school nurse or a physician, laboratory or health care facility designated by the Board of Education (“approved outside agency”) as required by N.J.A.C. 6A:16-4.4(c)(3). All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and all the personal and/or privacy rights of the Participant to the maximum extent possible.

Eligibility shall apply to the entire academic year. Administrative Regulations (R24335131) cover procedures for conducting these tests and appropriate recourse regarding the results. Design of the program should be consistent with the Board’s objectives, which are as follows:

- (1) to promote health and safety;
- (2) to deter drug and alcohol use, thereby countering peer pressure which many encourage indulgence;
- (3) to encourage students who use alcohol and drugs to participate in rehabilitative programs; and
- (4) encourage and invite voluntary testing.

Definitions: Drugs - All controlled substances designated and prohibited as stated in SHSD Substance Abuse Policy No. 5530 and New Jersey statutes: N.J.S.A. 23:21-2, N.J.S.A. 2A17025.9, N.J.S.A. 2C:35-2.



Alcoholic Beverages – Includes beer, wine, distilled liquors, and any other liquid containing alcohol.

Medications – All medications, including over the counter drugs, must be properly registered with the school nurse. N.J.S.A. 18A4012.4. Failure to do so will result in disciplinary action.

Extra Curricular Activities – Any non-credit voluntary activity in which a student participates.

March 26, 2018



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Testing Coordinator

The Assistant Principal or administrative designee will coordinate and supervise the testing program at the respective schools.

Eligibility for Testing

Somerset Hills School District students in grades 9-12, participating in athletics, extra-curricular activities not required by the Board of Education for graduation and/or those students possessing an on-campus parking permit will be eligible for random drug testing, as well as those students whose parent has voluntarily consented to random testing for the student (the "Testing Pool").

Students become eligible upon submission of a consent form, signed by both the student and their parent/guardian. Student athletes must submit a consent form on or before on the first day they participate in a practice. Students involved in extracurricular activities must submit a consent form by no later than their attendance at a second meeting and students with parking permits for on-campus parking must submit a consent form before the first day of parking.

Students remain eligible for random drug testing from the date the consent form is turned in throughout the remainder of the school year whether or not they have been previously tested or are currently participating in athletics or extra-curricular activity at the time they might be randomly selected for a drug test. In the event that a student eligible for random alcohol and drug testing ceases to participate or withdraws from an athletic team, extra-curricular activity, and/or student parking, he or she has the opportunity to submit to the Assistant Principal or administrative designee an Activity Drop Form. In order for a student's withdrawal to be effective and thereby remove him or her from the Testing Pool, the student's Activity Drop Form must be signed by both the student and a parent/guardian. The Activity Drop Form shall remain in effect for a minimum of one calendar year, with a built in fifteen (15) day grace period for reconsideration.

The District will, as a goal, aim to test no less than 10% but no more than 35% of the total number of students in the Testing Pool annually.

For what Substances will Students be tested?



In administering the Program, the District will test for the presence of certain substances that may include, but are not limited to, the following substances or their metabolites: alcohol, marijuana (THC), opiates, cocaine, methamphetamines, anabolic steroids and phencyclidine (a/k/a PCP), MDMA (a/k/a Ecstasy, and/or any other substance defined as a "controlled substance" by either New Jersey or Federal law.

Selection of Students for Testing

A confidential testing schedule will be created by the administrations of the school prior to the initiation of the Program to ensure that testing of eligible students is conducted in a manner that is random. Testing will only occur on student contact days during the academic year.

Selection of eligible students for testing will be conducted in a purely and entirely random basis, which will be carried out as follows:

1. The Testing Coordinator or designee will assign a number to each student eligible for testing.
2. The Testing Coordinator or designee will receive a list of numbers to be tested. These numbers will be a set number of students, based on the number of eligible students in the testing pool, who are randomly selected through a computer program designed for this purpose.
3. The Assistant Principal or administrative designee will notify the individual(s) selected for testing (the "Participant") (in person) and escort the Participant to the designated "Testing Site".
4. The Testing Site will be at the Participant's respective school in an area that has a secured bathroom which will maximize privacy of the Participant.
5. Alternate student selections will be made in the event of student absence.
6. The names and/or any other personally identifiable information of the Participants will remain confidential.

Administering the Test

The testing shall be conducted by the school physician, school nurse or a physician, laboratory or health care facility designated by the Board of Education ("approved



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outside agency”). All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and all the personal and/or privacy rights of the Participant to the maximum extent possible. The Policy treats a Participant's test result as a confidential health record pursuant to both federal and state regulations. 42 C.F.R. 2.1 and 2.2; N.J.A.C. 6A: 16-1.5. As such, any information obtained by the Program which would identify the Participant as a drug or alcohol user may be disclosed only for those purposes and under those conditions permitted by federal regulations in accordance with 42 C.F.R. - Part II. No testing record of any Participant will be used to initiate or substantiate any criminal charges against a Participant or to conduct any investigation of him or her, and the District will not share Participants' individual test results with law enforcement authorities.

Any information transmitted to an approved outside collection agency for testing or processing will not contain any personally identifiable information of the Participant. The approved outside collection agency will oversee the collection of specimens in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards.

The approved outside agency will collect specimens from the selected students and forward the specimens to a licensed laboratory for testing. Any information transmitted from an approved outside collection agency to a licensed laboratory for testing or processing will not contain any personally identifiable information of the Participant. The agency ~~may~~ **will** conduct an initial on-site test on the specimen before sending the specimen to the laboratory.

The Participant shall complete a specimen control form that bears an assigned identification number. This identification number shall be the means for identifying the specimens by all laboratory personnel. Only the designated school personnel shall know the assigned number for each Participant.

The Participant shall submit a saliva, urine and/or breath specimen according to the Somerset Hills School District Random Alcohol and Drug Testing Written Consent Form.

Specimens will be kept by the testing facility for at least ninety (90) days pending a request for retesting of a specimen, if any.

Any Participant unable to produce an adequate specimen during the collection period will be recalled for testing.



Any attempt by a Participant to tamper with the specimen collection process will deem and constitute the specimen as positive.

All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of Participants. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.

Notification of Testing & Testing Results

1. Students participating in District athletic programs, extra-curricular activities not required by the Board for graduation, volunteers to the random drug testing program, or students who possess a District parking permit for on-campus parking are required to complete the Somerset Hills School District Random Drug Testing Program Consent Form (the "Consent Form").
2. The parent(s) or guardian(s) of students selected for testing will be notified (via phone call or message) **by building administration** on the day of testing.
3. Where a Participant tests **positive non-negative in the initial on-site test**, the Participant's parent(s) or guardian(s) will be contacted directly by a Medical Review Officer (MRO) to conduct a consultation. The consultation will address the reasons for the **positive non-negative** test and a decision will be made by the MRO regarding the legitimacy, validity, or accuracy of a **positive non-negative** test. The MRO will determine if that substance has been taken pursuant to a legal prescription. **Confirming tests will be performed in the laboratory for all non-negative results of initial on-site tests.**
4. Results of student tests confirmed by the MRO will be provided to the Superintendent or designee within twenty-four (24) hours of the MRO's consultation with the Participant and his or her parent(s) or guardian(s).
5. Participant test results will be kept in confidential files separate and apart from his or her other educational records and shall be disclosed only to those personnel who have a need to be informed regarding the result of the test in order to implement or to oversee implementation of the Program or the consequences for violating the Policy. Student drug testing information resulting from the Program will not be turned over to any law enforcement authorities except under circumstances in which the District is legally compelled to surrender or disclose such test results. N.J.A.C. 6A:16-3.2



6. The District respects the privacy of its students and shall maintain confidentiality regarding any alcohol and drug testing for this Program. The results will only be released to designated district personnel. All records and subsequent actions shall be kept in a file separate from the student's regular file. The district Personnel will not release records of drug and alcohol tests or any resulting action to anyone other than the student and/or his/her parent/guardian, except under circumstances in which the District is legally compelled to surrender or disclose this information, without written authorization from the student and/or his/her parent/guardian. In accordance with 42 C.F.R. - Part II.

Consequences

Consequences will result from the following:

1. A confirmed positive alcohol or drug test;
2. Refusal to participate in testing when selected; and/or
3. Tampering with the specimen collection process.
4. Students will be ineligible for participation in a district athletics program, District extra-curricular activity or parking on-campus unless they complete the Somerset Hills School District Random Alcohol and Drug Testing Program Consent Form.

When a Random Alcohol or Drug Test is Positive:

1. FIRST INFRACTION

~~The assistant principal will contact the parents to remove the student from school and make arrangements for the mandatory medical examination pursuant to the statute, N.J.S.A. 18A:40A-12.~~

Student will be removed from participation on the team/activity for a minimum of 30 calendar days and parking for 30 calendar days. Prior to their return of privileges, students will:

- Complete a drug/alcohol evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.



- Submit a drug and alcohol test free of alcohol and/or any controlled dangerous substance.
- Meet with the Student Assistance Counselor once a week for 30 calendar days.

A signed information release form must be available to the student assistance counselor.

Students must complete the evaluation and recommended program as required or will be considered to be non-compliant with this policy and ineligible to continue participation in athletics, extracurricular activities, and/or parking. Students who are in violation of this policy, while out of season, or not currently participating in an extracurricular activity, will be required to submit a drug and alcohol test free of alcohol and/or any controlled dangerous substance prior to beginning the next activity or sport season.

2. SECOND INFRACTION

The assistant principal will contact the parents to remove the student from school and make arrangements for the mandatory medical examination pursuant to the statute, N.J.S.A. 18A:40A-12. Student will be removed from participation on the team/activity for a minimum of 60 calendar days and parking for the remainder of the school year. Prior to their return to activities or athletics, students will:

- Complete a drug/alcohol evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.
- Submit a drug and alcohol test free of alcohol and/or any controlled dangerous substance.
- Meet with the Student Assistance Counselor once a week for 60 calendar days.

A signed information release form must be available to the student assistance counselor. The parent(s) is/are responsible for the cost of the evaluation, any recommended program, or any further required drug tests. Students with documented financial hardship will be provided assistance through the Student Assistance Counselor.

Students must complete the evaluation and recommended program as required or will be considered to be non-compliant with this policy and ineligible to continue participation in athletics and/or extracurricular activities. Students who are in violation of this policy, while out of season, or not currently participating in an extracurricular activity, will be



required to submit a drug and alcohol test free of alcohol and/or any controlled dangerous substance prior to beginning the next activity or sport season.

3. THIRD AND SUBSEQUENT INFRACTIONS

At the discretion of the principal, permanent removal from all athletic and extra-curricular activities may be imposed.

Complete a drug/alcohol evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.

The student will be subjected to required periodic drug testing.

Meet with the Student Assistance Counselor weekly for a period of three months.

Appeal Procedure

In the case of a positive result, a second sample will be collected during the testing period before the student leaves the testing area. If a Participant (or his/her parent(s) or guardian(s)) requests an appeal, this sample will be sent to a **second** laboratory selected by the District to serve as a **an additional** confirming test. The request must be made within 24 hours of receiving the results of the drug test. The testing lab will be responsible for maintaining the chain of custody of the second sample.

Any participant unable to produce an adequate second specimen during the collection period will be provided with fluids. In the event a second sample cannot be produced within three hours, the participant recognizes that their appeal cannot be processed and that results from the first specimen will be considered conclusive.

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