

# BYLAW

Nutley Public Schools

Bylaws 0167

Page 1 of 2

## PUBLIC PARTICIPATION IN BOARD MEETINGS

### 0167 PUBLIC PARTICIPATION IN BOARD MEETINGS

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

In order to permit the fair and orderly expression of such comment, the Board shall set aside a portion of every Board meeting, the length of the portion to be determined by the Board, for public comment on any school or school district issue that a member of the public feels may be of concern to the residents of the school district.

Public participation shall be governed by the following rules:

1. A participant must be recognized by the presiding officer and must preface comments by an announcement of his/her name, municipality of residence, and group affiliation, if applicable;
2. Each statement made by a participant shall be limited to three minutes' duration;
3. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard;
4. All statements, questions, or inquiries shall be directed to the presiding officer and any questions or inquiries directed by a participant to another Board member shall be redirected to the presiding officer who shall determine if such statement, question, or inquiry shall be addressed by the presiding officer on behalf of the Board or by the individual Board member;



# BYLAW

Nutley Public Schools

Bylaws 0167

Page 2 of 2

## PUBLIC PARTICIPATION IN BOARD MEETINGS

5. The presiding officer may:
  - a. Interrupt, warn, and/or terminate a participant's statement, question, or inquiry when it is too lengthy;
  - b. Interrupt and/or warn a participant when the statement, question, or inquiry is abusive, obscene, or may be defamatory;
  - c. Request any person to leave the meeting when that person does not observe reasonable decorum;
  - d. Request the assistance of law enforcement officers in the removal of a disorderly person when that person prevents or disrupts a meeting with an act that obstructs or interferes with a meeting;
  - e. Call for a recess or an adjournment to another time when the lack of public decorum interferes with the orderly conduct of the meeting; and
  - f. Waive these rules when necessary for the protection of privacy or to maintain an orderly operation of the Board meeting.

N.J.S.A. 2C:33-8

N.J.S.A. 10:4-12

Adopted: 03 May 2004

Revised: 25 August 2008

Revised: April 2016

Revised: 20 November 2017



# POLICY GUIDE

ADMINISTRATION  
1648.14/page 1 of 10  
Safety Plan For Healthcare Settings In  
School Buildings – COVID-19  
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[See **POLICY ALERT No. 225**]

## 1648.14 SAFETY PLAN FOR HEALTHCARE SETTINGS IN SCHOOL BUILDINGS – COVID-19

### A. Purpose and Scope

The Board of Education is committed to providing a safe and healthy workplace for all employees and has adopted this Policy that shall be the school district's COVID-19 Plan (Plan) that includes procedures to minimize the risk of transmission of COVID-19, in accordance with Occupational Safety and Health Act of 1970 (OSHA) COVID-19 Emergency Temporary Standard (ETS) published on June 21, 2021. The ETS, 29 CFR §1910 - Subpart U, applies to all settings where any school district employee or contracted service provider provides healthcare services or health care support services. Public Employees' Occupational Safety and Health (PEOSH), the agency with jurisdiction over public employers in New Jersey, has adopted the ETS in full. However, its applicability for school districts is primarily restricted to the nurse's office and any adjoining clinical areas and not the entire school building.

The Board, administration, and the COVID-19 Safety Coordinator(s) will work collaboratively with all employees in the development, implementation, monitoring, and updating of this Plan.

#### 1. Definitions

- a. "Employee" means any district employee or contracted service provider working in a healthcare setting where people with suspected or confirmed COVID-19 are reasonably expected to be present.

- (1) Therefore, the provisions of the ETS and this Policy only apply to employees or contracted service



# POLICY GUIDE

providers working in a nurse's office or any adjoining clinical areas.

## ADMINISTRATION

1648.14/page 2 of 10

### Safety Plan For Healthcare Settings In School Buildings – COVID-19

b. "Healthcare setting" means all settings in the school district where any employee or contracted service provider provides healthcare services or healthcare support services.

(1) Where a healthcare setting is embedded within a non-healthcare setting (i.e. school nurse's office and any adjoining clinical areas in a school building), the ETS and this Policy only apply to the embedded healthcare setting and not to the remainder of a school building in accordance with 29 CFR §1910.502(a)(3)(i).

c. For the purpose of this Policy, additional definitions shall be those definitions listed in 29 CFR §1910.502(b).

2. The school district has multiple healthcare settings that are substantially similar; therefore; has developed and adopted this single Plan for these substantially similar healthcare settings, with site-specific considerations included in this Plan. The healthcare settings in the school district are listed in Appendix 1.

a. Any school district health care settings that are not substantially similar, the school district shall develop and adopt separate COVID-19 Plans for each healthcare setting and list them in Appendix 1.

## B. Roles and Responsibilities for School District Employees

1. The school district's goal in adopting this Policy is to prevent the transmission of COVID-19 in the school district's healthcare settings. All staff members are responsible for supporting,



# POLICY GUIDE

complying with, and providing recommendations to further improve this Plan.

2. The Superintendent will designate a COVID-19 Safety Coordinator(s) who shall implement and monitor this Plan. The COVID-19 Safety Coordinator(s) shall have the school district's full support in implementing and monitoring this Plan, and has authority to ensure compliance with all aspects of this Plan.

ADMINISTRATION

1648.14/page 3 of 10

Safety Plan For Healthcare Settings In  
School Buildings – COVID-19

## C. Hazard Assessment and Worker Protections

1. The Superintendent of Schools or designee will conduct a specific hazard assessment of its healthcare settings to determine potential hazards related to COVID-19.
  - a. A hazard assessment will be conducted initially and whenever changes in a healthcare setting in the school district create a new potential risk of employee exposure to COVID-19 (e.g., new work activities in the healthcare setting).
2. The Superintendent has developed and the Board has adopted this Plan that includes the procedures the school district will use to determine an employee's vaccination status as outlined in Appendix 2.
  - a. In the event the Superintendent or designee cannot or does not determine or confirm the vaccination status of an employee, the employee shall be presumed to be unvaccinated.
3. All completed hazard assessment forms and results will be attached to this Plan in Appendix 3 and will be accessible to all employees at each school district facility.
4. The school district will address the hazards identified by the assessment, and have included in this Plan the procedures to



# POLICY GUIDE

minimize the risk of transmission of COVID-19 for each employee. These procedures are included in the following Appendices:

a. Patient Screening and Management

- (1) In healthcare settings in the school district where direct patient care is provided, the school district will include protocols addressing patient screening and management in Appendix 4.

ADMINISTRATION

1648.14/page 4 of 10

Safety Plan For Healthcare Settings In  
School Buildings – COVID-19

b. Standard and Transmission-Based Precautions

- (1) The school district will develop and implement procedures to adhere to Standard and Transmission-Based Precautions in accordance with CDC’s “Guidelines for Isolation Precautions” which are included in Appendix 5.

5. Personal Protective Equipment (PPE)

- a. The school district will provide and ensure that employees wear approved facemasks or a higher level of respiratory protection.
- b. The school district will include protocols to address PPE for healthcare settings in Appendix 6.

6. Physical Distancing

- a. The school district will ensure that each employee is separated from all other people in the healthcare setting by at least six feet when indoors, unless it can be demonstrated that such physical distance is not feasible for a specific activity.



# POLICY GUIDE

- (1) Where maintaining six feet of physical distance is not feasible, the school district will ensure employees are as far apart from other people as possible.
- b. Physical distancing will be implemented, along with the other provisions required by the ETS, as part of a multi-layered infection control approach for all healthcare settings.
- c. The school district will include protocols to address physical distancing for healthcare settings in Appendix 7.

ADMINISTRATION  
1648.14/page 5 of 10  
Safety Plan For Healthcare Settings In  
School Buildings – COVID-19

## 7. Physical Barriers

- a. The school district will install physical barriers at each fixed work location outside of direct patient care areas where each employee is not separated from all other people by at least six feet of distance and spacing cannot be increased, unless it can be demonstrated that it is not feasible to install such physical barriers.
- b. Physical barriers will be implemented, along with the other provisions required by the ETS, as part of a multi-layered infection control approach for all healthcare settings.
- c. The school district will include protocols to address physical barriers for healthcare settings in Appendix 8.

## 8. Cleaning and Disinfecting in the Healthcare Setting

- a. The school district will implement policies and procedures for cleaning, disinfecting, and hand hygiene, along with the



# POLICY GUIDE

other provisions required by the ETS, as part of a multi-layered infection control approach for all healthcare settings.

- b. The school district will include protocols to address cleaning and disinfecting for healthcare settings in Appendix 9.

## 9. Ventilation

- a. The school district will implement procedures for each facility's heating, ventilation, and air conditioning (HVAC) system and include protocols addressing ventilation for healthcare settings in Appendix 10.
- b. Ventilation policies and procedures will be implemented, along with the other provisions required by the ETS, as part of a multi-layered infection control approach.

ADMINISTRATION

1648.14/page 6 of 10

Safety Plan For Healthcare Settings In  
School Buildings – COVID-19

- c. The Superintendent or designee will identify the building manager, HVAC professional, or maintenance employee who can certify that the HVAC system(s) are operating in accordance with the ventilation provisions of the ETS and list the individual(s) in Appendix 10.

## D. Health Screening and Medical Management

### 1. Health Screening

- a. "Screening" means, for the purpose of this Policy, asking questions to determine whether a person is COVID-19 positive or has symptoms of COVID-19.
- b. The school district will include protocols to address health screening for employees in Appendix 11.



# POLICY GUIDE

2. Employee Notification to Employer of COVID-19 Illness or Symptoms
  - a. The school district will include protocols to address employee notification to employer of COVID-19 illness or symptoms for employees in Appendix 11.
3. Employer Notification to Employees of COVID-19 Exposure in the Healthcare Setting
  - a. The school district will include protocols to address employer notification of COVID-19 exposure to employees in Appendix 11.
4. Medical Removal from the Healthcare Setting
  - a. The school district will include protocols to address medical removal from the healthcare setting for employees in Appendix 11.

ADMINISTRATION  
1648.14/page 7 of 10  
Safety Plan For Healthcare Settings In  
School Buildings – COVID-19

5. Return to Work Criteria
  - a. The school district will include protocols to address return to work criteria for employees in Appendix 11.
6. Medical Removal Protection Benefits
  - a. The school district will continue to pay employees who have been removed from the healthcare setting under the medical removal provisions of the ETS. When an employee has been removed from the healthcare setting and is not working remotely or in isolation, the school district



# POLICY GUIDE

shall pay and provide benefits in accordance with the Plan addressed in Appendix 12.

## E. Vaccinations

1. The school district encourages employees to receive the COVID-19 vaccination as a part of a multi-layered infection control approach. The school district will support COVID-19 vaccination for each employee by providing reasonable time and paid leave to each employee for vaccination and any side effects experienced following vaccination.
2. The school district will include protocols to address vaccination for employees in Appendix 13.

## F. Training

1. The school district will implement policies and procedures for employee training, along with the other provisions required by the ETS, as part of a multi-layered infection control approach.
2. The school district will include protocols to address training for employees in Appendix 14.

ADMINISTRATION

1648.14/page 8 of 10

Safety Plan For Healthcare Settings In  
School Buildings – COVID-19

## G. Anti-Retaliation

1. The school district will inform each employee that employees have a right to the protections required by the ETS, and that employers are prohibited from discharging or in any manner discriminating against any employee for exercising their right to protections required by the ETS, or for engaging in actions that are required by the ETS.



# POLICY GUIDE

2. The school district will not discharge or in any manner discriminate against any employee for exercising their right to the protections required by the ETS, or for engaging in actions that are required by the ETS.
- H. Requirements Implemented at No Cost to Employees
1. The school district will comply with the provisions of ETS at no cost to its employees, with the exception of any employee self-monitoring conducted under D. above.
- I. Recordkeeping
1. The school district will retain all versions of this Policy to comply with the ETS while the ETS remains in effect.
  2. The school district will establish and maintain a COVID-19 log to record each instance in which an employee is COVID-19 positive, regardless of whether the instance is connected to exposure to COVID-19 at work.
    - a. The COVID-19 log will contain, for each instance, the employee's name, one form of contact information, occupation, location where the employee worked, the date of the employee's last day in the healthcare setting, the date of the positive test for, or diagnosis of, COVID-19, and the date the employee first had one or more COVID-19 symptoms, if any were experienced.
- ADMINISTRATION  
1648.14/page 9 of 10  
Safety Plan For Healthcare Settings In  
School Buildings – COVID-19
3. The school district will record the information on the COVID-19 log within twenty-four hours of learning that the employee is COVID-19 positive.



# POLICY GUIDE

- a. The school district will maintain the COVID-19 log as a confidential medical record and will not disclose it except as required by the ETS or other Federal law.
  - b. The school district will maintain and preserve the COVID-19 log while the ETS remains in effect.
4. By the end of the next business day after a request, the school district will provide, for examination and copying:
- a. All versions of this Policy which is the written Plan for all employees;
  - b. The individual COVID-19 log entry for a particular employee to that employee and to anyone having written authorized consent of that employee; and
  - c. A version of the COVID-19 log that removes the names of employees, contact information, and occupation, and only includes, for each employee in the COVID-19 log, the location where the employee worked, the last day that the employee was in the healthcare setting before removal, the date of that employee's positive test for, or diagnosis of, COVID-19, and the date the employee first had one or more COVID-19 symptoms, if any were experienced, to all employees.

## J. Reporting

1. The school district will report to PEOSH:
  - a. Each work-related COVID-19 fatality within eight hours of the school district learning about the fatality;

ADMINISTRATION  
1648.14/page 10 of 10  
Safety Plan For Healthcare Settings In  
School Buildings – COVID-19



# POLICY GUIDE

- b. Each work-related COVID-19 in-patient hospitalization within twenty-four hours of the school district learning about the in-patient hospitalization.

## K. Monitoring Effectiveness

1. The school district and the COVID-19 Safety Coordinator(s) will work collaboratively with employees to monitor the effectiveness of this Plan so as to ensure ongoing progress and efficacy.
2. The school district will update this Policy as needed to address changes in specific COVID-19 hazards and exposures in the healthcare setting.

This Policy and its Appendices will be made available upon request.

29 CFR §1910.502

Occupational Safety and Health Administration Fact Sheet Subpart U COVID-19

Healthcare Emergency Temporary Standard

Occupational Safety and Health Administration Model Plan

Adopted:

### **Appendix 1 – Identifying the Healthcare Settings in the School District:**



# POLICY GUIDE

Location of healthcare setting in the school district buildings listed below:

<b>Facility Location</b>	<b>Worksite-Specific COVID-19 Considerations</b>



# POLICY GUIDE

## **Appendix 2 – Vaccination Status Plan:**

[Include and describe the procedures that will be used to determine employees' vaccination status.]



# POLICY GUIDE

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## **Appendix 3 – Completed Hazard Forms and Results:**

Please see the attached Hazard Assessment Forms and Results below:



# POLICY GUIDE

## **Appendix 4 – Patient Screening and Management:**

[List the procedures for limiting and monitoring points of entry to the setting, screening and triaging for symptoms of COVID-19, and restricting facility access to reduce crowding (e.g., limiting visitors to only those essential for the patient’s physical or emotional well-being and care, restricting visitors to the patient’s room or other designated areas, asking patients to remain outside (if possible) until they are called into the facility for their appointment, etc.).]



# POLICY GUIDE

## **Appendix 5 – Standard and Transmission-Based Precautions:**

[List the standard and transmission-based infection control precautions.]



# POLICY GUIDE

## **Appendix 6 – Personal Protective Equipment (PPE):**

- [1. Describe how employees will be provided facemasks and instruction about when and how they should be worn or used.
2. Identify job tasks, if any, in which the use of a facemask presents a hazard of serious injury or death.
3. Describe the procedures for providing employees PPE in accordance with Standard and Transmission-Based Precautions in healthcare settings in accordance with CDC’s “Guidelines for Isolation Precautions.”
4. Describe employer procedures for providing PPE to employees with exposure to people with suspected or confirmed COVID-19.]



# POLICY GUIDE

## **Appendix 7 – Physical Distancing:**

1. Describe how healthcare setting flows, such as signs and floor markings to indicate where employees and others should be located or their direction and path of travel, will be adjusted to ensure physical distancing.
2. Describe physical healthcare setting changes, such as increased distance between workstations, check-in and checkout stations, etc., that will be implemented to ensure physical distancing.
3. Describe how people in the healthcare setting will be prevented from gathering in groups in common areas and “bottlenecks,” including corridors, meeting rooms, stairways, breakrooms, entrances, exits, and elevators.
4. Describe how aisles, tables, counters, check-in and checkout stations, etc. will be arranged and how the flow will be directed to allow for physical distancing between people.



# POLICY GUIDE

5. Identify protocols such as telehealth, telework, flexible work hours, staggered shifts, or additional shifts that can be used to reduce the number of employees in the healthcare setting at one time.]

## **Appendix 8 – Physical Barriers:**

[Describe where and how physical barriers will be installed when physical distancing cannot be consistently maintained and spacing cannot be increased.]



# POLICY GUIDE

## **Appendix 9 – Cleaning and Disinfecting:**

- [1. Describe the schedule for cleaning and disinfecting, the persons responsible for conducting cleaning and disinfecting, the products that are used to clean and disinfect the healthcare setting, how the school district will clean patient care areas, resident rooms, and medical devices and equipment, and how the school district will clean and disinfect the healthcare setting if a COVID-19 positive person has been in the healthcare setting within the last twenty-four hours. A copy of cleaning logs to be used shall be attached.



# POLICY GUIDE

2. Describe how necessary hand washing and/or sanitizer facilities will be provided, supplied, and maintained; and how employees will be allowed to perform hand hygiene to meet this requirement. Describe how hand washing and/or sanitizer facilities will be provided for use by other persons entering the healthcare setting.]

## Appendix 10 - Ventilation:

**The following individual(s) is responsible for maintaining the HVAC system(s) and can certify that it is operating in accordance with the ventilation provisions of OSHA's COVID-19 ETS.**



# POLICY GUIDE

<i>(e.g., Maintenance employee, HVAC service contractor(s))</i>	
<u>Name/Contact Information:</u>	<u>Location:</u>
<u>Name/Contact Information:</u>	<u>Location:</u>

[Describe additional measures to improve building ventilation in accordance with “CDC’s Ventilation Guidance”.]

## **Appendix 11 – Health Screening and Medical Management for Employees:**



# POLICY GUIDE

1. Describe how employees will be screened (e.g., in-person when reporting to work, or by asking employees to self-monitor for COVID-19 symptoms before reporting to work). OSHA’s *Sample Employee COVID-19 Health Screening Questionnaire* may be useful. If the school district chooses to require COVID-19 testing, it must be done at no cost to employees.
2. Describe how employees will communicate with the school district if they are sick or experiencing symptoms while at home or at work.
3. Describe any leave policies (e.g., sick leave, Family Medical Leave Act, or other policies) the school district will implement to promote employees staying at home when they are sick, when household members are sick, or when required by a healthcare provider to isolate or quarantine themselves or a member of their household.
4. Describe how you will notify employees of COVID-19 exposure.
5. Describe district procedures for removing employees from the healthcare setting.
6. Describe district procedures for employees returning to work following removal from the healthcare setting.
  - a. The school district will only allow employees who have been removed from the healthcare setting to return to work in accordance with guidance from a licensed healthcare provider or in accordance with the CDC’s “Isolation Guidance” and “Return to Work Healthcare Guidance.”]



# POLICY GUIDE

## Appendix 12 – Medical Removal Protection Benefits:

- [1. Describe district policy for pay and benefits to employees removed from the healthcare setting and not working remotely. Note the following requirements under OSHA’s COVID-19 ETS:
  - Employers must continue to provide the benefits to which the employee is normally entitled and pay the employee the same regular pay the employee would have received had the employee not been absent from work, up to \$1,400 per week per employee. For employers with fewer than 500 employees, the employer must pay the employee up to the \$1,400 per week cap but, beginning in the third week of an employee’s removal, the amount is reduced to only two-thirds of the same regular pay the employee would have received had the employee not been absent from work, up to \$200 per day (\$1000 per week in most cases).
  - The ETS also provides that the employer’s payment obligation is reduced by the amount of compensation the employee receives from any other source, such as a publicly or employer-funded compensation program (e.g., paid sick leave, administrative leave), for earnings lost during the period of removal or any additional source of income the employee receives that is made possible by virtue of the employee’s removal.]



# POLICY GUIDE

## **Appendix 13 – Vaccinations:**

[Describe district procedures for providing reasonable time and paid leave for vaccinations and side effects.]



# POLICY GUIDE

## Appendix 14 – Training:

[Describe how training will be conducted (e.g., online education, department meetings and tool talks, discussion with supervisors, and/or other specific methods).

Describe any other healthcare setting-specific training topics.

1. The school district will ensure that each employee receives training, in a language and at a literacy level the employee understands, on the following topics:
  - a. COVID-19, including:
    - (1) How COVID-19 is transmitted (including pre-symptomatic and asymptomatic transmission);
    - (2) The importance of hand hygiene to reduce the risk of spreading COVID-19 infections;
    - (3) Ways to reduce the risk of spreading COVID-19 through proper covering of the nose and mouth;
    - (4) The signs and symptoms of COVID-19;
    - (5) Risk factors for severe illness; and
    - (6) When to seek medical attention.
  - b. The school district's procedures on patient screening and management;



# POLICY GUIDE

- c. Tasks and situations in the healthcare setting that could result in COVID-19 infection;
- d. Healthcare setting-specific procedures to prevent the spread of COVID-19 that are applicable to the employee's duties (e.g., policies on Standard and Transmission-Based Precautions, physical distancing, physical barriers, ventilation, aerosol-generating procedures);
- e. Employer-specific multi-employer healthcare setting agreements related to infection control policies and procedures, the use of common areas, and the use of shared equipment that affect employees at the healthcare setting;
- f. The school district's procedures for PPE worn to comply with the ETS, including:
  - (1) When PPE is required for protection against COVID-19;
  - (2) Limitations of PPE for protection against COVID-19;
  - (3) How to properly put on, wear, and take off PPE;
  - (4) How to properly care for, store, clean, maintain, and dispose of PPE; and
  - (5) Any modifications to donning, doffing, cleaning, storage, maintenance, and disposal procedures needed to address COVID-19 when PPE is worn to address healthcare setting hazards other than COVID-19.
- g. Healthcare setting-specific procedures for cleaning and disinfection;
- h. The school district's procedures on health screening and medical management;



# POLICY GUIDE

- i. Available sick leave policies, any COVID-19-related benefits to which the employee may be entitled under applicable Federal, State, or local laws, and other supportive policies and practices (e.g., telework, flexible hours, etc.);
  - j. The identity of school district's Safety Coordinator(s) specified in this Plan; and
  - k. The ETS.
    - (1) How the employee can obtain copies of the ETS and any employer-specific policies and procedures developed under the ETS, including this Policy, which is the school district's written Plan.
2. The school district will ensure that the training is overseen or conducted by a person knowledgeable in the covered subject matter as it relates to the employee's job duties, and that the training provides an opportunity for interactive questions and answers with a person knowledgeable in the covered subject matter as it relates to the employee's job duties.
  3. The school district will provide additional training whenever changes occur that affect the employee's risk of contracting COVID-19 at work (e.g., new job tasks), policies or procedures are changed, or there is an indication that the employee has not retained the necessary understanding or skill.]



# POLICY GUIDE

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# POLICY

Nutley Public Schools  
Program  
2132Page 1 of 1  
School District Goals and Objectives

## 2132 SCHOOL DISTRICT GOALS AND OBJECTIVES

The Board adopts the following goals and objectives for the operation of the educational program of the school district:

### Character

By June 2017, students in Nutley Public Schools will assume responsibility for the integrity of the Nutley student population, demonstrating character by their actions in school and the community and through their own participation, monitoring of, and presentation on codes of honor.

### Communication

By June 2017, the district will have in place a detailed, efficient, and technology-based system of communication that allows for multiple avenues of information and the involvement of all stakeholders in ensuring and measuring student success.

### Community

By September 2017, all students will participate in and present the learning derived from curriculum-based, service-oriented community projects that instill confidence, responsibility, and produce measureable contributions to the community.

### Competency

By June 2017, students at all grade levels will demonstrate mastery of core competencies and content through performance on common assessments, development of personal learning experiences, and presentations of their personal growth and learning to a variety of suitable audiences.

### Configuration

By September 2017, the school district will investigate and evaluate best practices by instructional grade span and transform the district's structure as necessary based on these findings and the district's physical, financial, and instructional realities.

### Curriculum

By June 2017, the district will develop and implement a thorough, data-based process for analyzing curriculum, instruction, assessment, student performance, professional development, and resources in all curricular areas ensuring that professional practice is always current, relevant, and aligned to the most updated standards. Each curricular area will be reviewed on a, at most, five-year timeline. The results of each process will be presented publicly.

**N.J.A.C. 6A:8-2.4 6A:32-12.2**

**Adopted: 26 Aug 2013**



2411 GUIDANCE COUNSELING (M)

**M**

[See **POLICY ALERT Nos. 102, 153, 168, 172 and 209**]

The Board of Education requires that a planned program of guidance and counseling be an integral part of the educational program of the schools to assist students in making and implementing informed educational and occupational choices including academic, career and personal/social development.

A program of guidance and counseling, including developmental career guidance and exploration, shall be offered to all students in this school district and shall

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

- be conducted entirely by teaching staff members certified as guidance personnel.
- include the services of teaching staff members certified as guidance personnel and other designated teaching staff members.
- be the responsibility of the classroom teacher, who may draw upon the services of other, more specialized staff members as required.
- involve the coordinated efforts of all teaching staff members under the leadership of certified guidance and counseling personnel.

The Superintendent is directed to implement a guidance program that carries out the purposes of this policy and:

1. Involves teaching staff members at all appropriate levels;
2. Honors the individuality of each student;
3. Is integrated with the total educational program;
4. Is coordinated with available resources of the community;
5. Provides for cooperation of school staff with parents and shares parents' concern for the development of their children;

## **POLICY GUIDE**

## **STRAUSS ESMAY ASSOCIATES**

PROGRAM

2411 GUIDANCE COUNSELING (M)

6. Provides for the means of sharing information among appropriate staff members in the student's interest;
7. Is available equitably to all students and prohibits biased counseling and the use of materials that discriminate among students on the basis of their race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability; and
8. Establishes a referral system that utilizes all the aid the schools and community offer, guards the privacy of the student, and monitors the efficacy of such referrals.

N.J.A.C. 6A:19-1.2; 6A:8-2.2

N.J.A.C. 6A:7-1.7; 6A:8-3.2

Adopted:

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# POLICY

Nutley Public Schools

Section 2422

Page 1 of 4

## HEALTH AND PHYSICAL EDUCATION

### 2422 HEALTH AND PHYSICAL EDUCATION

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

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

1. Accident and Fire Prevention (N.J.S.A. 18A:6-2) requires regular courses of instruction in accident and fire prevention.
2. Breast Self-Examination (N.J.S.A. 18A:35-5.4) requires offering instruction on breast self-examination for students in grades seven through twelve
3. Bullying Prevention Programs (N.J.S.A. 18A:37-17) requires the establishment of bullying prevention programs
4. Cancer Awareness (N.J.S.A. 18A:40-33) requires the development of a school program on cancer awareness by the Commissioner of Education.
5. Dating Violence Education (N.J.S.A. 18A:35-4.23a) requires instruction regarding dating violence in grades seven through twelve.
6. Domestic Violence Education (N.J.S.A. 18A:35-4.23) allows instruction on problems related to domestic violence and child abuse.
7. Gang Violence Prevention (N.J.S.A. 18A:35-4.26) requires instruction in gang violence prevention for elementary school students.



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# POLICY

Nutley Public Schools

Section 2422

Page 2 of 4

## HEALTH AND PHYSICAL EDUCATION

8. Health, Safety, and Physical Education (N.J.S.A. 18A:35) requires that all students in grades one through twelve participate in at least two and one-half hours of health, safety, and physical education each school week.
9. Drugs, Alcohol, Tobacco, Controlled Dangerous Substances, and Anabolic Steroids (N.J.S.A. 18A:40A-1) requires instructional programs on drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances and the development of curriculum guidelines for each grade Kindergarten through twelve.
10. Lyme Disease Prevention (N.J.S.A. 18A:35-5.1 through 5.3) requires the development of Lyme Disease curriculum guidelines and training to all teaching staff members who instruct students with Lyme Disease.
11. Organ Donation (N.J.S.A. 18A:7F-4.3) requires information relative to organ donation to be given to students in grades nine through twelve.
12. Sexual Assault Prevention (N.J.S.A. 18A:35-4.3) requires the development of a sexual assault prevention education program by the Commissioner of Education for utilization by school districts.
13. Stress Abstinence (N.J.S.A. 18A:35-4.19 through N.J.S.A. 18A:35-4.22), also known as the “AIDS Prevention Act of 1999,” requires sex education programs to stress abstinence.
14. Suicide Prevention (N.J.S.A. 18A:6-111 through 113) requires instruction in suicide prevention in public schools.
15. Cardiopulmonary Resuscitation (CPR)/Automated External Defibrillator (AED) (N.J.S.A. 18A:35-4.28 and 18A:35-4.29) requires public high schools and charter schools to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student prior to graduation.



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# POLICY

Nutley Public Schools  
Section 2422  
Page 3 of 4

## HEALTH AND PHYSICAL EDUCATION

16. Sexually Explicit Images through Electronic Means (N.J.S.A. 18A:35-4.32 and 4.33) requires instruction, once during middle school, on the social, emotional, and legal consequences of distributing and soliciting sexually explicit images through electronic means.
17. Other Statutory or Administrative Codes. The Board will incorporate into its health and physical education curriculum any other requirements of the NJSLS in Comprehensive Health and Physical Education.

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

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

In accordance with N.J.S.A. 18A:35-4.31, the Board of Education shall provide a daily recess period of at least twenty minutes for students in grades Kindergarten through five. A recess period is not required on a school day in which the day is substantially shortened due to a delayed opening or early dismissal. The recess period shall be outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the school district's Code of Student Conduct, including a harassment, intimidation, or bullying (HIB) investigation pursuant to N.J.S.A. 18A:37-13 et seq. Students may not be denied recess more than twice per week for a violation of the Code of Student Conduct or HIB investigation and these students shall be provided restorative justice activities during the recess period. Restorative justice activities mean activities designed to improve the socioemotional and behavioral responses of students through the use of more appropriate and less punitive interventions thereby establishing a more supportive and inclusive school culture. The student's recess period should be scheduled in a manner that does not interfere with the implementation of a student's Individualized Education Program (IEP). School



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# POLICY

Nutley Public Schools

Section 2422

Page 4 of 4

## HEALTH AND PHYSICAL EDUCATION

staff may deny recess for a student on the advice of a medical professional, school nurse, or the provisions of a student's IEP and/or 504 Plan.

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

**N.J.S.A. 18A:35-4.31; 18A:35-5; 18A:35-7; 18A:35-8**

Adopted: 3 May 2004

Revised: April 2016

Revised: 22 July 2019



# POLICY GUIDE

PROGRAM

2425/page 1 of 4

Emergency Virtual or Remote

Instruction Program

Oct 21

M

[See POLICY ALERT No. 225]

## 2425 EMERGENCY VIRTUAL OR REMOTE INSTRUCTION PROGRAM

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

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

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

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

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



# POLICY GUIDE

PROGRAM

2425/page 2 of 4

Emergency Virtual or Remote  
Instruction Program

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

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

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

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

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



# POLICY GUIDE

PROGRAM

2425/page 3 of 4

Emergency Virtual or Remote  
Instruction Program

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

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

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



# POLICY GUIDE

PROGRAM

2425/page 4 of 4

Emergency Virtual or Remote  
Instruction Program

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

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

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

Adopted:



# POLICY

Nutley Board of Education  
SUPPORT STAFF MEMBERS  
4351/page 1 of 2  
Healthy Workplace Environment

## 4351 HEALTHY WORKPLACE ENVIRONMENT

The Board of Education recognizes a healthy workplace environment enables school support staff members to fully contribute their expertise and skills to their school district responsibilities. A healthy workplace environment can improve productivity, reduce absenteeism, and reduce staff turnover while having a positive impact on the school district's programs provided to pupils in the school district.

A significant characteristic of a healthy workplace environment is that employees interact with each other with dignity and respect regardless of an employee's work assignment or position in the school district. Repeated malicious conduct of an employee or group of employees directed toward another employee or group of employees in the workplace that a reasonable person would find hostile or offensive is unacceptable and is not conducive to establishing or maintaining a healthy workplace environment. This unacceptable conduct may include, but is not limited to, repeated infliction of verbal abuse such as the use of derogatory remarks; insults; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person's work performance. A single act of such conduct shall not constitute the unacceptable conduct prohibited by this policy unless it is especially severe and egregious.

Unacceptable conduct, for the purposes of this policy, is not conduct toward an employee of a protected class or because of the employee's protected activity. These employees and activities are afforded the legal protections under various Federal and State anti-discrimination laws. In addition, unacceptable conduct for the purposes of this policy shall not be confused with conduct of management employees exercising management rights including, but not limited to, assigning tasks, reprimanding, assigning discipline, or directing.

Employees who believe the conduct prohibited by this policy has been directed toward them or to another employee of the school district shall submit a written report to the Superintendent of Schools. The written report shall provide specific details supporting the claim including, but not limited to, the specific conduct; the names of witnesses (if any) who may have observed such conduct; dates or times

# POLICY

Nutley Board of Education  
SUPPORT STAFF MEMBERS  
4351/page 2 of 2  
Healthy Workplace Environment

when such conduct occurred; and any other information the person(s) making the report believes will be informative and helpful to an investigation of the allegations. Upon receipt of a report, the Superintendent or designee will conduct an investigation and upon completion of the investigation will inform the person(s) who made the report such an investigation was completed. The amount of investigation information shared with the person(s) making the report will be at the discretion of the Superintendent or designee and may vary depending on whether the conduct reported was directed to the person(s) making the report, confidential personnel matters, and/or other issues as determined by the Superintendent or designee.

If the investigation determines conduct prohibited by this policy has taken place, the Superintendent or designee will meet with the offender(s) and the victim(s) to review the investigation results and to implement remedial measures to ensure such conduct does not continue or reoccur. Appropriate disciplinary action may be taken depending on the severity of conduct.

There shall be no reprisals or retaliation against any person(s) who reports conduct prohibited by this policy.

# POLICY GUIDE

STUDENTS  
5751/page 1 of 3  
Sexual Harassment of Students  
Oct 21  
M

[See POLICY ALERT No. 225]

## 5751 SEXUAL HARASSMENT OF STUDENTS

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

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

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

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

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



# POLICY GUIDE

STUDENTS

5751/page 2 of 3

Sexual Harassment of Students

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

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

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

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

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

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

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



# POLICY GUIDE

STUDENTS

5751/page 3 of 3

## Sexual Harassment of Students

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

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

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

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

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

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

34 CFR §106

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

Adopted:



R 2411 GUIDANCE AND COUNSELING (M)**M**

[See **POLICY ALERT No. 153 and 209**]

**A. Counseling Services**

1. The purpose of guidance and counseling services is to assist students in self-examination, self-evaluation, and analysis of alternatives so that each student can benefit most fully from his/her education and life experiences.
2. Counseling services will include:
  - a. Career awareness and exploration, and academic planning through consideration of personal interests, past and potential performance, and present opportunities,
  - b. Personal/social development including adjustment to situational problems, understanding of the consequences of personal behavior, and referral to assistance where appropriate, and
  - c. Crisis counseling to assist students undergoing extreme emotional reactions that disrupt immediate functioning, including post-crisis planning and referral for treatment as necessary.
3. All counseling services shall be free of bias on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability.

**B. Career Awareness and Exploration**

In fulfillment of the New Jersey Core Curriculum Content Standards, the school district shall provide a comprehensive program of guidance and counseling to facilitate career awareness and exploration for all students which shall be designed to:

1. Assist students in making informed educational and occupational choices;
2. Encourage students to maintain portfolios consisting of accomplishments related to the Cross Content Workplace Readiness Standards;

3. Develop student competency in self management, educational and occupational exploration and career planning;
4. Make students aware of the relationship among personal qualities, education, training and the world of work; and
5. Acquaint students with the relationship between achieving academic standards and the attainment of career goals.

**C. Consulting Services**

1. The purpose of consulting services is the improvement of the instructional program and the delivery of educational services by the collaboration of those staff members responsible for the instructional program and the development of individual students.
2. Consulting services will include:
  - a. Identification of the needs of students,
  - b. Identification, evaluation, and program implementation of students with special needs,
  - c. Development and implementation of preventive and supportive programs to address such problems as student attendance, violence, and suicide,
  - d. Alerting professional staff to the purposes, functions, and availability of guidance and counseling services,
  - e. Encouragement of cooperation among teaching staff members and parents in resolving individual student problems and addressing student needs,
  - f. Establishment and maintenance of fruitful relationships with State and local agencies for the purpose of professional referral and the sharing of experiences,
  - g. Cooperation with business and industry to facilitate student job placement and vocational training, and
  - h. Maintenance of a library of occupational and educational information.

**D. Evaluation**

The program of guidance and counseling will be reviewed annually to determine its strengths and weaknesses. The following information may be gathered and analyzed in that review:

1. Annual record of graduate placements in post-secondary situations;
2. Assessments of past graduates as to the effectiveness of guidance services received in the high school;
3. Results of surveys of parents and staff evaluations of guidance services;
4. Analysis of the efficacy of outside referrals;
5. Assessments by persons not employed in the school district and expert in the field of guidance and counseling; and
6. The personal evaluations of the guidance and counseling staff members to identify weaknesses in the administration of the program.

Issued:

# REGULATION GUIDE

STUDENTS  
R 5751/page 1 of 14  
Sexual Harassment of Students  
Oct 21  
M

[See POLICY ALERT No. 225]

## R 5751 SEXUAL HARASSMENT OF STUDENTS

The Board of Education will not tolerate sexual harassment of students by school employees, other students, or third parties. The school district shall investigate and resolve allegations of sexual harassment of students engaged in by school employees, other students, or third parties pursuant to 34 CFR §106.3(c) and Policy and Regulation 5751. In addition, reports of sexual harassment shall also be investigated in accordance with the requirements of New Jersey's Anti-Bullying Bill of Rights Act and Policy 5512.

### A. Definitions

1. For the purpose of Policy and Regulation 5751 and in accordance with 34 CFR §106:
  - a. "Sexual harassment" (34 CFR §106.30(a)) means conduct on the basis of sex that satisfies one or more of the following:
    - (1) An employee of the school district conditioning the provision of an aid, benefit, or service of the school district on a student's participation in unwelcome sexual conduct;
    - (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the school district's education program or activity; or
    - (3) "Sexual assault" as defined in 20 U.S.C. §1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. §12291(a)(10), "domestic violence" as



# REGULATION GUIDE

defined in 34 U.S.C. §12291(a)(8), or “stalking” as defined in 34 U.S.C. §12291(a)(30).

STUDENTS

R 5751/page 2 of 14

Sexual Harassment of Students

- b. “Complainant” (34 CFR §106.30(a)) means a student currently enrolled who is alleged to be the Complainant of conduct that could constitute sexual harassment.
  - (1) A parent may act on behalf of the Complainant in accordance with State law, court orders, child custody arrangements, or other sources granting legal rights to parents.
  - (2) A parent has a legal right to act on a Complainant’s behalf, this right applies throughout all aspects of the Title IX matter, including throughout the grievance process.
- c. “Decision-maker” (34 CFR §106.45(b)(7)) means a staff member(s) who is not the Title IX Coordinator or the school staff member who conducted the investigation, designated by the Superintendent of Schools, to objectively evaluate the relative evidence and reach conclusions about whether the Respondent is responsible for the alleged sexual harassment in accordance with the provisions of 34 CFR. §106.
- d. “Education program or activity” (34 CFR §106.44(a)) includes locations, events, or circumstances over which the school district exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.
- e. “Formal complaint” (34 CFR §106.30(a)) means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the school district



# REGULATION GUIDE

investigate the allegation of sexual harassment. As used in this definition paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the school district) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

STUDENTS

R 5751/page 3 of 14

Sexual Harassment of Students

- f. “Investigator” (34 CFR §106.45(b)(5)) means a staff member or staff members who may be the Title IX Coordinator and who is not a decision-maker, designated by the Superintendent of Schools, to investigate alleged sexual harassment in accordance with 34 CFR §106. The investigator may be the school district’s Affirmative Action Officer only if the Affirmative Action Officer is not the decision-maker.
- g. “Program or activity” and “program” (34 CFR §106.2(h)(2)(ii)) means all of the operations of a local educational agency (as defined in 20 U.S.C. §8801), system of vocational education, or other school system.
- h. “Respondent” (34 CFR §106.30(a)) means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- (1) A parent may act on behalf of the Respondent in accordance with State law, court orders, child custody arrangements, or other sources granting legal rights to parents.
  - (2) If a parent has a legal right to act on a Respondent’s behalf, this right applies throughout all aspects of the Title IX matter, including throughout the grievance process.



# REGULATION GUIDE

- i. “Title IX Coordinator” (34 CFR §106.8(a)) means an individual designated and approved by the Board to coordinate its efforts to comply with its responsibilities under 34 CFR §106 and this Policy. The individual must be referred to as the “Title IX Coordinator” and may also be the investigator but cannot be the decision-maker.

## B. Reporting and Notification Requirements

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

STUDENTS

R 5751/page 4 of 14

Sexual Harassment of Students

2. In accordance with 34 CFR §106.8(a), any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.
  - a. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.
3. A school district with “actual knowledge” of sexual harassment in the educational program or activity of the school district against a student, must respond promptly in a manner that is not “deliberately indifferent”.
  - a. The school district has “actual knowledge” when an employee receives a complaint of sexual harassment or an employee is aware of behavior that could constitute sexual harassment.



# REGULATION GUIDE

- (1) Any school employee who receives a complaint of sexual harassment or is aware of behavior that could constitute sexual harassment is required to report that information to the Title IX Coordinator in accordance with the provisions of B.1. above.
  - (2) In addition to the district's response in accordance with this Regulation, the district must report any potential child abuse to appropriate law enforcement and child welfare authorities in accordance with N.J.S.A. 18A:36-24; N.J.S.A. 18A:36-25; N.J.A.C. 6A:16-11.1; and Policy and Regulation 8462.
- b. A school district is "deliberately indifferent" only if the response to sexual harassment is clearly unreasonable in light of the known circumstances, pursuant to 34 CFR §106.44(a).

STUDENTS

R 5751/page 5 of 14

Sexual Harassment of Students

4. The district is required to offer supportive measures to the Complainant even if the Respondent ceased being enrolled or employed by the district prior to the filing of a formal complaint.
  - a. If the Respondent ceases to be enrolled in or employed by the district after a formal complaint is filed, the district may dismiss the complaint, but must still offer supportive measures to the Complainant pursuant to 34 CFR §106.45(b)(3)(ii).
5. The Title IX Coordinator shall notify persons entitled to a notification pursuant to 34 CFR §106.8(a) that the school district does not discriminate on the basis of sex in the education program or activity it operates and it is required by Title IX and Policy and Regulation 5751 not to discriminate in such a manner in accordance with 34 CFR §106.8(b)(1).
6. The Title IX Coordinator shall prominently display the contact information required to be listed for the Title IX Coordinator



# REGULATION GUIDE

pursuant to 34 CFR §106.8(b)(2)(i) on the school district's website and in each handbook or catalog the school district makes available to persons entitled to a notification in accordance with 34 CFR §106.8(a).

- a. This Policy shall be prominently displayed on the district's website and accessible to anyone.

## C. Supportive Measures

1. "Supportive measures" mean non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed pursuant to 34 CFR §106.30(a).
2. Supportive measures shall be available to the Complainant, Respondent, and as appropriate, witnesses or other impacted individuals.

STUDENTS  
R 5751/page 6 of 14  
Sexual Harassment of Students

3. The Title IX Coordinator shall maintain consistent contact with the parties to ensure that safety, emotional and physical well-being are being addressed.
4. Generally, supportive measures are meant to be short-term in nature and will be re-evaluated on a periodic basis.
  - a. To the extent there is a continuing need for supportive measures after the conclusion of the resolution process, the Title IX Coordinator will work with appropriate school district resources to provide continued assistance to the parties.

## D. Grievance Process



# REGULATION GUIDE

1. The school district will use the grievance process outlined in 34 CFR §106.45 and this Regulation to address formal complaints of sexual harassment.
2. Parents, students, unions and associations, and staff members shall receive notice of the grievance procedures and the Title IX Coordinator's name or title, office, address, email address, and telephone number in accordance with 34 CFR §106.8(a).
3. The school district's grievance process may, but need not, provide for a hearing pursuant to 34 CFR §106.45(b)(6)(ii).
4. The school district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with 34 CFR §106.45(b)(9).
5. The school district may not require the parties to participate in an informal resolution process regarding a Title IX claim and may not offer an informal resolution process unless a formal complaint is filed pursuant to 34 CFR §106.45(b)(9).

## STUDENTS

R 5751/page 7 of 14

### Sexual Harassment of Students

6. The Title IX Coordinator must promptly contact the Complainant in accordance with 34 CFR §106.44(a).
7. In response to a formal complaint, the school district will follow a grievance process that complies with 34 CFR §106.45.
  - a. Upon receipt of a formal complaint, the Title IX Coordinator shall provide written notice to the parties who are known in accordance with 34 CFR §106.45(b)(2)(i).



# REGULATION GUIDE

- b. The Title IX Coordinator shall provide the investigator with a copy of the formal complaint if the Title IX Coordinator is not the investigator.
  - c. The investigator shall investigate the allegations contained in a formal complaint pursuant to 34 CFR §106.45(b).
8. The investigator shall create an investigative report in accordance with the provisions of 34 CFR §106.45(b)(5)(vii).
- a. The investigator will attempt to collect all relevant information and evidence.
  - b. While the investigator will have the burden of gathering evidence, it is crucial that the parties present evidence and identify witnesses to the investigator so that they may be considered during the investigation.
  - c. While all evidence gathered during the investigative process and obtained through the exchange of written questions will be considered, the decision-maker may in their discretion grant lesser weight to last minute information or evidence introduced through the exchange of written questions that was not previously presented for investigation by the investigator.
  - d. To the greatest extent possible, and subject to Title IX, the school will make reasonable accommodations in an investigation to avoid potential re-traumatization of a student.
- STUDENTS  
R 5751/page 8 of 14  
Sexual Harassment of Students
- e. The investigative report shall be provided to the decision-maker in accordance with the provisions of 34 CFR §106.45(b)(6)(ii).



# REGULATION GUIDE

9. The decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, shall issue a written determination regarding responsibility pursuant to 34 CFR §106.45(b)(7).

a. To reach this determination, the decision-maker will apply

**[Select One Option Below**

\_\_\_ the preponderance of the evidence standard,

\_\_\_ clear and convincing evidence standard,]

which shall be the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment pursuant to 34 CFR §106.45(b)(1)(vii).

b. The decision-maker will facilitate a written question and answer period between the parties.

(1) Each party may submit their written questions for the other party and witnesses to the decision-maker for review.

(2) The questions must be relevant to the case and the decision-maker will determine if the questions submitted are relevant and will then forward the relevant questions to the other party or witnesses for a response.

(3) The decision-maker shall then review all the responses, determine what is relevant or not relevant, and issue a decision as to whether the Respondent is responsible for the alleged sexual harassment.

STUDENTS  
R 5751/page 9 of 14  
Sexual Harassment of Students



# REGULATION GUIDE

- (4) The decision-maker will issue a written determination following the review of evidence. The written determination will include:
- (a) Identification of allegations potentially constituting sexual harassment as defined in Policy and Regulation 5751 and 34 CFR §106.30;
  - (b) A description of the procedural steps taken from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather evidence;
  - (c) Findings of fact supporting the determination, conclusions regarding the application of this formal grievance process to the facts; and
  - (d) A statement of and rationale for the result as to each allegation, including any determination regarding responsibility, any disciplinary sanctions the decision-maker imposed on the Respondent that directly relate to the Complainant, and whether remedies designed to restore or preserve equal access to the school's education program or activity will be provided to the Complainant; and procedures and permissible bases for the parties to appeal the determination.
- (5) The written determination will be provided to the parties simultaneously.

STUDENTS



# REGULATION GUIDE

R 5751/page 10 of 14  
Sexual Harassment of Students

- (6) Notwithstanding a temporary delay of the grievance procedure or the limited extension of the grievance procedure time frames with good cause, the written determination shall be provided within sixty calendar days from receipt of the Complaint.
  - (a) The sixty calendar day time frame does not include the appeal process.
- (7) Remedies and supportive measures that do not impact the Respondent should not be disclosed in the written determination; rather the determination should simply state that remedies will be provided to the Complainant.

## E. Appeals

1. The school district will offer both parties an appeal from a determination regarding responsibility, and from the Title IX Coordinator's dismissal of a formal complaint or any allegations therein in accordance with 34 CFR §106.45(b)(8)(i).
2. As to all appeals, the school district will comply with the requirements of 34 CFR §106.45(b)(8).
3. The Superintendent shall designate an appeal officer for each appeal filed.
  - a. The appeal officer shall not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator in accordance with 34 CFR §106.45(b)(8)(iii)(B).
4. The Complainant and Respondent shall have an equal opportunity to appeal the policy violation determination and any sanctions.



# REGULATION GUIDE

5. The school district shall administer the appeal process, but is not a party and will not advocate for or against any appeal.

STUDENTS

R 5751/page 11 of 14

Sexual Harassment of Students

6. A party may appeal only on the following grounds and the appeal shall identify the reason(s) why the party is appealing:
- a. There was a procedural error in the hearing process that materially affected the outcome;
    - (1) Procedural error refers to alleged deviations from school district policy, and not challenges to policies or procedures themselves;
  - b. There is new evidence that was not reasonably available at the time of the hearing and that could have affected the outcome;
  - c. The decision-maker had a conflict of interest or bias that affected the outcome;
  - d. The determination regarding the policy violation was unreasonable based on the evidence before the decision-maker;
    - (1) Appealing on this basis is available only to a party who participated in the hearing; and
  - e. The sanctions were disproportionate to the hearing officer's findings.
7. The appeal must be submitted in writing to the Title IX Coordinator within ten calendar days following the issuance of the notice of determination.
8. The appeal must identify the ground(s) for appeal and contain specific arguments supporting each ground for appeal.



# REGULATION GUIDE

9. The Title IX Coordinator shall notify the other party of the appeal, and that other party shall have an opportunity to submit a written statement in response to the appeal, within ten calendar days.

## STUDENTS

R 5751/page 12 of 14

### Sexual Harassment of Students

10. The Title IX Coordinator shall inform the parties that they have an opportunity to meet with the appeal officer separately to discuss the proportionality of the sanction.
11. The appeal officer shall decide the appeal considering the evidence presented at the hearing, the investigation file, and the appeal statements of both parties.
12. In disproportionate sanction appeals, input the parties provided during the meeting may also be considered.
13. The appeal officer shall summarize their decision in a written report that will be sent to the Complainant and Respondent within twenty calendar days of receiving the appeal.

#### F. Remedies

1. The Title IX Coordinator shall be responsible for effective implementation of any remedies in accordance with 34 CFR §106.45(b)(7)(iv).
2. Following receipt of the written determination from the decision-maker, the Title IX Coordinator will facilitate the imposition of sanctions, if any, the provision of remedies, if any, and to otherwise complete the formal resolution process.
3. The appropriate school official designated by the Superintendent, after consultation with the Title IX Coordinator, will determine the sanctions imposed and remedies provided, if any.



# REGULATION GUIDE

- a. The imposition of sanctions or provisions of remedies will be revisited by the Title IX Coordinator following the appeal officer's decision, as appropriate.
4. The Title IX Coordinator must provide written notice to the parties simultaneously.
5. The school district must disclose to the Complainant the sanctions imposed on the Respondent that directly relate to the Complainant when such disclosure is necessary to ensure equal access to the school district's education program or activity.

STUDENTS

R 5751/page 13 of 14

Sexual Harassment of Students

6. It is important to note that conduct that does not meet the criteria under Title IX may violate other Federal or State laws or school district policies regarding student misconduct or may be inappropriate and require an immediate response in the form of supportive measures and remedies to prevent its recurrence and address its effects.

## G. Parent Rights

1. Consistent with the laws of New Jersey, a student's parent must be permitted to exercise the rights granted to their child under Policy and Regulation 5751, whether such rights involve requesting supportive measures, filing a formal complaint, or participating in a grievance process.
2. A student's parent must also be permitted to accompany the student to meetings, interviews, and hearings, if applicable, during a grievance process in order to exercise rights on behalf of the student.
3. The student may have an advisor in addition to the parent.

## H. Training



# REGULATION GUIDE

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

## I. Compliance

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

STUDENTS  
R 5751/page 14 of 14  
Sexual Harassment of Students

## J. Requirements of New Jersey's Anti-Bullying Bill of Rights Act

Any time a report is made to the Title IX Coordinator or formal complaint is filed pursuant to Policy and Regulation 5751 and in accordance with 34 CFR §106, the Title IX Coordinator shall forward the report or complaint to the Principal of the school building attended by the alleged victim for the Principal to follow the requirements of New Jersey's Anti-Bullying Bill of Rights Act and Policy 5512.



# REGULATION GUIDE

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Adopted:

