

# BYLAW

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Nutley Public Schools  
BYLAW  
#0132/Page 1-1  
EXECUTIVE AUTHORITY

## 0132 EXECUTIVE AUTHORITY

The Board of Education shall exercise its executive power in part by the appointment of a Superintendent as Chief School Administrator, who shall enforce the statutes of the State of New Jersey, rules of the State Board of Education, and policies of this Board.

The Superintendent shall prepare regulations for the administration of the school district that are consistent with statutes or rules of the State Board of Education and are dictated by the policies of this Board. Administrative regulations shall be binding upon the employees and the students of this school district when issued by the Superintendent and shall be provided to the Board for the information of Board members except where Board approval is required by law. The Board reserves the right to revise an administrative regulation proposed by the Superintendent provided the revision is consistent with policy, statute, administrative code, or any other applicable law or collective bargaining agreement. Any administrative regulation that requires Board approval shall be Board-approved prior to promulgation.

The Superintendent shall be delegated the authority to take necessary action in circumstances not governed by Board policy and shall report any such action to the Board at the first regular Board meeting following the action.

The Superintendent shall have a seat on the Board and shall have the right to speak on all matters at meetings of the Board, but shall have no vote.

N.J.S.A. 18A:17-20

N.J.S.A. 18A:54-22 [**vocational district only**]

Adopted: 22 Jan 2013



# BYLAW

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Nutley Public Schools  
BYLAW

#0144/Page 1-1

## BOARD MEMBER ORIENTATION AND TRAINING

### 0144 **BOARD MEMBER ORIENTATION AND TRAINING**

The preparation of each member for the performance of Board of Education duties is essential to the proper functioning of the Board. The Board encourages each new Board member in the acquisition of information about school district governance, the separate functions of the Board and the Superintendent, the operations of the district, and Board procedures.

The Board directs that the Board Secretary or designee provide each new member access to and/or a copy of the Board of Education Bylaw and Policy Manual, the manual of administrative regulations, each negotiated agreement, the current budget statement and audit report, the most recent long range facilities plan, and such other materials as deemed appropriate by the Superintendent.

Each new Board member will be invited and is encouraged to meet and discuss the responsibilities and authority of a Board member, Board functions, and Board policies and procedures with the Board President (if available), the Superintendent, and the School Business Administrator/Board Secretary.

Each newly elected or appointed Board member shall complete during the first year of the member's first term a training program to be prepared and offered by the New Jersey School Boards Association, in consultation with the New Jersey Association of School Administrators, the New Jersey Principals and Supervisors Association, and the Department of Education, regarding the skills and knowledge necessary to serve as a Board member.

The training program shall include information regarding the school district monitoring system established pursuant to P.L. 2005, c. 235, the New Jersey Quality Single Accountability Continuum, and the five key components of school district effectiveness on which school districts are evaluated under the monitoring system: instruction and program; personnel; fiscal management; operations; and governance.



# BYLAW

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Nutley Public Schools  
BYLAW

#0144/Page 2-1

## BOARD MEMBER ORIENTATION AND TRAINING

The Board member shall complete a training program on school district governance in each of the subsequent two years of the Board member's first term.

Within one year after each re-election or re-appointment to the Board of Education, the Board member shall complete an advanced training program to be prepared and offered by the New Jersey School Boards Association. This advanced training program shall include information on relevant changes to New Jersey school law and other information deemed appropriate to enable the Board member to serve more effectively.

The New Jersey School Boards Association shall examine options for providing training programs to Board members through alternative methods such as on-line or other distance learning media or through regional-based training.

Within one year after being newly elected or appointed or being re-elected or re-appointed to the Board of Education, a Board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities under P.L. 2002, c.83 (C.18A:37-13 et seq.). A Board member shall be required to complete the program only once. Training on harassment, intimidation, and bullying in schools shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies.

N.J.S.A. 18A:12-33; 18A:37-13 et seq.

Adopted: 9 Oct 2012



# BYLAW

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Nutley Public Schools  
BYLAW

#0170/Page 1-1

## USE OF CELL/TEXT DURING MEETINGS

### **0170 USE OF ELECTRONIC DEVICES BY BOARD MEMBERS AT PUBLIC BOARD MEETINGS**

The Board of Education recognizes that communicating electronically (e.g. e-mail, social network site, text messaging, instant messaging) is an efficient and convenient way to exchange information on school matters. However, the Board of Education recognizes that the use of such electronic means to communicate during public meetings, by board members, may create the impression that board members are deliberating regarding issues that are the subject of the public meeting session, contrary to the spirit of the Open Public Meetings Act. Thus, during public board meetings, board members shall not communicate electronically.

This policy shall not be interpreted to preclude the integration of technology at board meetings to support board member participation; thus, the Board of Education encourages the use of electronic devices (including but not limited to laptop computers, iPads, tablets, and/or notebook computers) by board members at board meetings as a resource so long as board members do not utilize those devices to communicate electronically during the meeting.

Adopted: 20 Dec 2010

Revised: 22 Oct 2012



# BYLAW

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Nutley Public Schools  
BYLAW

#0173/Page 1-1

## DUTIES OF PUBLIC SCHOOL ACCOUNTANT

### 0173 DUTIES OF PUBLIC SCHOOL ACCOUNTANT

The Board will engage only a licensed public school accountant to conduct the annual audit in accordance with N.J.S.A. 18A:23-1 et seq. The accountant must have an external peer/quality report performed in accordance with N.J.A.C. 6A:23A-16.2(i)1, unless the accountant or firm can show good cause as to why there was a delay completing such report within the required timelines established by Government Auditing Standards issued by the Comptroller General of the United States. The Board will require the submission of the most recent external peer/quality report for review and evaluation prior to the appointment of the licensed public school accountant. The Board will acknowledge the receipt, review, and evaluation of the external peer/quality report in the public session and Board minutes in which the accountant or firm to perform the audit is engaged.

The Board will require the submission of an updated external peer/quality report of the accountant within thirty days after the issuance date of the external peer/quality report if the report is issued prior to the date of the audit opinion for the most recent fiscal year.

In accordance with NJOMB Circular Letter 98-07, the public school accountant will provide a copy of the most recent external peer/quality report to the Department of Education, within thirty days after the initial engagement by the Board and within thirty days after the issuance of a subsequent peer/quality report.

The Board shall engage a public school accountant during the audit engagement period for non-auditing, management, or other consulting services only if such services comply with the independent standards as established in Government Auditing Standards (Yellow Book) by the Comptroller General of the United States.

The Board may be prohibited for good cause by the Commissioner of Education from engaging a particular licensed public school accountant, or may be directed by the Commissioner on a process to be used in the appointment of a licensed public school accountant pursuant to N.J.A.C. 6A:23A-16.2(i)4.

The public school accountant will complete the annual audit as required by the Department of Education and N.J.S.A. 18A:23-2. Each annual audit shall include an audit of the books, accounts and moneys, and verification of all cash and bank balances of the Board and of any officer or employee and of moneys derived from athletic events or other activities of any organization of students conducted under the auspices of the Board, from the date of the last annual audit to the date of the current audit. The audit will also include a determination of the extent to which the district used contracts entered into by the State Division of Purchase and Property pursuant to P.L. 1969 c. 104 (C. 52:25-16.1 et seq.) in the purchase of materials, supplies or equipment for the district. The report of each audit will be completed in accordance with the time requirements of



# BYLAW

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Nutley Public Schools  
BYLAW

#0173/Page 2-1

## DUTIES OF PUBLIC SCHOOL ACCOUNTANT

N.J.S.A. 18A:23-1 and will be filed by the public school accountant in accordance with N.J.S.A. 18A:23-2.3.

Within thirty days following receipt of the report the Board, at a regularly scheduled public meeting, will cause the recommendations of the accountant to be read and discussed and the discussion will be duly noted in the Board meeting minutes in accordance with N.J.S.A. 18A:23-5. The Board Secretary will prepare or have prepared a summary of the annual audit for this Board meeting in accordance with N.J.S.A. 18A:23-4.

N.J.S.A. 18A:23-1 et seq.  
N.J.A.C. 6A:23A-16.2

Cross reference: Policy Guide No. 6830

Adopted: 25 June 2012



# POLICY

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Nutley Public Schools  
PROGRAMS

## 2363 STUDENT USE OF PRIVATELY-OWNED TECHNOLOGY

Page 1-2

### 2363 STUDENT USE OF PRIVATELY-OWNED TECHNOLOGY

The Board of Education recognizes technology is always changing and as a result of increased accessibility to technology many students possess technology devices for their use during non-school hours. These privately-owned devices may be beneficial to students during school hours for approved educational purposes. Therefore, the Board of Education will allow students to use their privately-owned technology devices under conditions outlined in this Policy.

For the purpose of this Policy, “technology” means hardware or software.

For the purpose of this Policy, “privately-owned” means technology hardware and software that is purchased, owned, and maintained by the student at no expense to the school or school district.

For the purpose of this Policy, “hardware” means any device that can store, access, retrieve, and/or communicate data or information. “Hardware” may include, but is not limited to, any type of computer device; wireless telephone; electronic reader; personal digital assistant (PDAs); video broadcasting and/or recording device; or camera.

For the purpose of this Policy, “software” means any computer program(s) or related data that provide instruction for telling a computer or other hardware device what to do and how to do it.

The use of privately-owned technology by a student in the educational program during the school day must be approved by the student’s parent or legal guardian and the school teaching staff member responsible for supervising and/or providing the student’s instructional program. A teaching staff member may approve a student’s use of privately-owned technology based on the assignment(s) to the student. The teaching staff member may also prohibit the use of privately-owned technology for an assignment(s).

Teaching staff members must get prior approval from their immediate supervisor or Principal before allowing students to use privately-owned technology during instructional time.]

Students who use privately-owned technology in school will not be given access to the school district’s computer server(s) or network(s). In the event the teaching staff member approves the use of privately-owned technology to access the Internet, the access must be through the privately-owned technology without the use of any school district hardware or software. A teaching staff member who approves a student to use their privately-owned technology to access the Internet during instructional time will provide the student with a list of approved Internet sites the student is permitted to access. A student granted such permission must comply with school district policies and regulations regarding acceptable use of computers and technology. Any use of privately-owned technology by a student shall be in strict accordance with the teaching staff member’s specific approval(s) and Board policies and regulations. Any violation will subject the student to appropriate discipline and/or grading consequences.



# POLICY

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Nutley Public Schools  
PROGRAMS

## 2363 STUDENT USE OF PRIVATELY-OWNED TECHNOLOGY

Page 2-2

The teaching staff member, in considering the use of privately-owned technology, will ensure such approval does not provide any advantage or benefit to the student who owns such technology over the student who does not own such technology. The teaching staff member will not approve the use of privately-owned technology if the teaching staff member determines the use would be advantageous or beneficial to the student who owns such technology over the student who does not own such technology.

The school district assumes no responsibility for any privately-owned technology brought to school by a student. The student shall be responsible for the proper operation and use of any privately-owned technology brought to school. School staff members shall not be responsible for the effective use and/or technical support for any privately-owned technology.

The school district shall assume no responsibility for the security of or damage to any privately-owned technology brought to school by a student. Students are encouraged to purchase private insurance for loss, damage, or theft of any privately-owned technology the student brings to school.

Adopted: 10 Sept 2012





# POLICY

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Nutley Public Schools  
HOMEBOUND

2412.1

Page 1-7

## 2412.1 HOMEBOUND

The Nutley Public School District will provide instructional services to an enrolled student whether a general education student or special education student in kindergarten through grade 12 at the student's home or another suitable out-of-school setting such as a hospital or rehabilitation program when the student is confined due to a temporary or chronic health condition which precludes participation in their usual setting. The District will also provide instructional services to students without a temporary or chronic health condition who meet the following criteria:

1. The student is mandated by State law and rule for placement in an alternative education program for violations of NJAC 6A: 16-5.5 and 5.6 but placement is not immediately available.
2. The student is placed on short-term or long-term suspension from participation in the general education program pursuant to NJAC 6A:16-7.2 and 7.3; or
3. A court order requires that the student receive instructional services in the home or other out-of-school setting.

The procedures for requesting home or out-of-school instruction for students with a temporary or chronic health condition are as follows:

1. The parent shall submit a request to the school district that includes a physician's certificate documenting the diagnosis and projected need for confinement at the student's residence or other treatment setting for 10 consecutive school days or more during the school year.
  - The Homebound Request Form may be obtained in the Office of Special Services and must be returned to the Director of Special Services with copies forwarded to the building principal and I & RS chairperson.
  - Upon receipt of the Homebound Request Form, parents will be given a letter explaining Homebound Instruction.



# POLICY

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Nutley Public Schools  
HOMEBOUND

2412.1

Page 2-7

2. The school district shall forward the written determination to the school physician, who shall verify the need for home instruction. The school physician may contact the student's physician to secure additional information concerning the student's diagnosis or need for treatment and shall either verify the need for home instruction or shall provide reasons for denial to the district board of education. The school physician reserves the right to request an evaluation by a specialist at the parent's expense.
3. The school district shall notify the parent concerning the school physician's verification or reasons for denial within five school days after receipt of the written determination by the student's physician.
4. The school district shall provide instructional services within five school days after receipt of the school physician's verification or, if verification is approved prior to the student's confinement, instruction will commence during the first week of the student's confinement to the home or out-of-school setting. If the school physician denies homebound instruction and the parent has been notified, absences will be cumulative and unexcused from that day forward.
5. Students may be placed on homebound through administration for reasons other than a temporary or chronic health condition (i.e. students in need of an alternative educational setting or suspended students). Administration may not require physician's documentation to refer students for homebound instruction.

The school district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly or through contract with another district board of education, educational services commission, jointure commission, or approved clinic or agency pursuant to NJAC 6A:14 for all K-12 students who reside in the town of Nutley and are enrolled in the public school program.

The home or out-of-school instruction shall meet the following minimum standards:

When the referral procedure has been completed and approved, the school district shall establish a written plan for the delivery of instruction and maintain a record of delivery of instructional services and student progress.

1. For a student without disabilities whose projected confinement will exceed 30 consecutive calendar days, the District shall develop an Individualized Program Plan (IPP) for delivery of instruction and maintain a record of instructional services and student progress.



# POLICY

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Nutley Public Schools  
HOMEBOUND

2412.1

Page 3-7

- This IPP shall be developed within 30 calendar days after placement on Home Instruction.
- For a student on short-term suspension (10 days or fewer) for the general education program pursuant to NJAC 6A:16-7.2, development of an IPP is not required.

2. Teachers providing instruction shall be certified and when possible, certified in the subject, grade level and special needs of the student pursuant to NJAC 6A:9, Professional Licensure and Standards.

- A substitute teacher certification shall not be sufficient to meet the requirements of home or out-of-school instruction.

3. For students with a temporary or chronic health condition, the Homebound Instructor shall provide one-on-one instruction for no fewer than five hours per week on three separate days of the week and, if the student is physically able, no fewer than five hours per week of additional guided learning experiences that may include the use of technology to provide audio and visual connections to the student's classroom (i.e. thematic reinforcements).

4. For students on Homebound Instruction for reasons other than a temporary or chronic health condition, the instructor shall provide one-on-one instruction no fewer than 10 hours per week on three separate days of the week and no fewer than 10 hours per week of additional guided learning experiences that may include the use of technology to provide audio and visual connections to the student's classroom.

5. If home instruction is provided to students in a small group rather than through one-on-one instruction, the minimum number of hours of instruction per week for the group shall be determined by multiplying the number of students in the group by five hours for students with a temporary or chronic health condition. For students on Home Instruction for reasons other than a temporary or chronic health condition, direct instruction shall be provided for no fewer than 20 hours per week. The hours of instruction shall be provided on no fewer than three separate days during the week and the student to teacher ratio shall not exceed 10:1.

6. For a special education student, the home instruction shall be consistent with the student's Individualized Education Plan (IEP) to the extent appropriate.

7. In cases of both regular education and special education, home instruction shall meet the Core Curriculum Content Standards pursuant to NJAC 6A:8, Standards and Assessment, and the requirements of the district board of education for promotion at that grade level.



# POLICY

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Nutley Public Schools  
HOMEBOUND

2412.1

Page 4-7

8. If the instruction is delivered in the student's home, a parent or other adult 21 years of age or older who has been designated by the parent shall be present during all periods of home instruction. At the high school level, homebound instruction will provide the minimum requirements necessary for graduation. AP and honors coursework may not be available to students on homebound instruction.

9. If the instruction is delivered at a pre-arranged off premise site (i.e. Public Library), the parent is responsible for the timely transportation of their child. The homebound instructor will not be responsible for student during transportation delays.

10. Students attending school part-time or full-time are ineligible for home instruction services.

11. Students on homebound instruction are ineligible to participate in extra-curricular activities or a school-based work-study program.

- If a chronic or temporary health condition is verified to demonstrate limited mental or physical capabilities, the student should not be allowed to work while receiving homebound instruction services.

12. Refusal or failure by a parent to participate in the development and revision of the student's IPP as required or to be present in the home as required may be deemed a violation of compulsory education laws, pursuant to NJSA 18A:38-25 through 31, and child neglect laws, pursuant to NJSA 9:6-1 et seq.

13. Refusal or failure by a parent or student to comply with the procedures set forth in this policy will result in suspension of Homebound Instruction and case review by administration including the Director of Special Services, Principal, and I&RS Chairperson.

14. When provision of home instruction will exceed 60 calendar days, the school physician shall refer the student to the child study team for evaluation according to requirements NJAC 6A:14.

## Responsibilities of Homebound Instructors

1. Homebound Instructors shall be given information by the Office of Special Services concerning the educational needs of the student and informed of school policy and procedures relative to their responsibilities.



# POLICY

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Nutley Public Schools  
HOMEBOUND  
2412.1  
Page 5-7

2. The Homebound Instructor will contact the classroom teacher, by phone or in person, to discuss all aspects of the continuing program.
3. The Homebound Instructor will contact the parent/guardian to arrange times/days home instruction will occur.
4. The District will provide Homebound Instructors with the educational materials necessary to effectively continue the student's course of instruction. This will include, if necessary, a course outline, teacher's guide, tests, assignments, quizzes, etc.
5. Homebound Instructors will keep a daily log of attendance and material covered with each student. The District will provide documentation materials to Homebound Instructors.
6. Homebound Instructors will inform the case manager after a student misses three consecutive scheduled sessions or five cumulative sessions within a 30 day period and homebound instruction may be suspended.
7. It will be the Homebound Instructor's responsibility to return all materials borrowed at the end of the student's confinement. Any lost books or supplemental materials will be at the parent's expense unless the homebound instructor is responsible.
8. Any problems that occur with implementation of homebound instruction should be reported immediately to the Director of Special Services, the building principal, and the I&RS Chairperson.
9. The Homebound Instructor will be responsible for submitting all documentation as required by the Homebound Policy. Payment for home instruction will be contingent upon accurate documentation.

## Documentation Procedures for Homebound Instruction

1. The student's Individualized Program Plan (IPP) shall be based upon consultation with the student, parent and a multidisciplinary team of professionals (Intervention and Referral Services Team) with appropriate instructional and educational services credentials to assess the educational, behavioral, emotional, social and health needs of the student and recommend a program to address both educational and behavioral goals.



# POLICY

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Nutley Public Schools  
HOMEBOUND

2412.1

Page 6-7

2. The IPP shall incorporate any prior findings and actions recommended through the school building system of Intervention and Referral Services, pursuant to NJAC 6A:16-8, Intervention and Referral Services (I&RS) and the Child Study Team if applicable.

3. The IPP shall recommend placement in an appropriate educational program, including supports for transition back to the general education setting.

4. Case managers designated by I &RS will obtain documentation from the student's physician every 30 days to determine the continued need for home instruction or for termination from home instruction.

5. The District shall review the student's progress, consult with the student's parent and homebound instructor and revise the IPP every 30 days, if necessary.

- Schedule changes may occur if homebound instruction cannot accommodate the curriculum of specialized courses in which laboratory work, in-class participation and dialogue are essential to meet course requirements. The Administrator in charge will assume this responsibility.

6. The Homebound Instructor shall submit an educational progress report every 30 days and at the termination of homebound instruction to the Office of Special Services.

- This report shall include an objective evaluation of student progress and copies of daily log entries.
- Financial payment for homebound instructor services shall be subject to the receipt of monthly reports, records of grades, course requirements and final exams.

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7. The final grade for a student shall remain the primary responsibility of the subject matter teacher. If a student has been absent up to 50% of a marking period, the tabulation of the final grade should include recommendation from the Homebound Instructor. If a student has worked with a Homebound Instructor for an entire marking period the Homebound Instructor will be responsible for the final grade for that marking period.

8. The Director of Special Services or the I&RS Chairperson or his/her designee(s) will, throughout the year, contact parents, students, teachers, guidance counselors and Homebound Instructors to survey the perceived effectiveness of the Homebound Program.



# POLICY

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Nutley Public Schools  
HOMEBOUND  
2412.1  
Page 7-7

9. The time sheet and reports should be received at the Office of Special Services bi-monthly(each pay period); this will enable the office to meet the payroll schedule.

10. A copy of the final report should be given to the parent, and copies will be retained in the Office of Special Services and the Intervention and Referral Services Team Office. The Homebound Instructor will also retain a copy.

The District shall maintain a summary record concerning students receiving home or out-of-school instruction.

The summarized record shall provide information concerning the number of students categorized by age, grade, gender, the number of weeks on home instruction before placement in the recommended setting, and the reasons for delay.

The District shall provide the summary report annually to the county superintendent of schools.

Adopted: 18 December 2007

Revised: 12 March 2012



# POLICY

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Nutley Public Schools  
PROGRAM

2428.1 STANDARDS-BASED INSTRUCTIONAL PRIORITIES

Page 1-4

## 2428.1 STANDARD-BASED INSTRUCTIONAL PRIORITIES

### Standards-Based Instruction

The school district shall implement a coherent curriculum for all students, including English language learners (ELLs), gifted and talented students, and students with disabilities, that is content-rich and aligned to the New Jersey Student Learning Standards (NJSLS). The curriculum shall guide instruction to ensure every student masters the NJSLS.

Instruction shall be designed to engage all students and modified based on student performance. The curriculum shall include: interdisciplinary connections throughout; integration of 21<sup>st</sup> century skills; a pacing guide; a list of instructional materials including various levels of text at each grade; benchmark assessments; and modifications for special education students, English language learners in accordance with N.J.A.C. 6A:15, and gifted students.

The school district shall collect and analyze student achievement data by subgroups (such as economically disadvantaged, race and ethnicity, students with disabilities, English language learners) and make educational decisions based on such data.

The school district shall:

1. Transmit required student, faculty, school, and school district data to New Jersey Standards Measurement and Resources for Teaching (NJ SMART), the New Jersey Department of Education's data warehouse, on a schedule and in a form specified by the Department of Education;
2. Use NJ SMART and its data query resources to track student progress year-to-year and school-to-school and to identify continuously enrolled students by school and school district;
3. Ensure teachers, school administrators, and central office supervisors receive training in NJ SMART and its data query resources;
4. Analyze assessments of student progress in relation to curricular benchmarks and the results of State and non-State year-end tests reported by subgroups (such as economically disadvantaged, race and ethnicity, students with disabilities, and English language learners).





# POLICY

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## Nutley Public Schools PROGRAM

### 2428.1 STANDARDS-BASED INSTRUCTIONAL PRIORITIES

Page 2-4

The school district central office staff shall prepare data on comparative performance for all schools in the district and make them available to the schools. This analysis shall include the following comparisons using State assessment data:

1. Each grade level across all schools within the district;
2. Schools within the district;
3. Comparable districts by district factor groups; and
4. Data with State averages.

The school district shall ensure a free appropriate public education is available to all students with disabilities according to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 et seq., and N.J.A.C. 6A:14.

The school district shall provide English language learners with instructional services pursuant to N.J.A.C. 6A:15 and provide gifted and talented students with appropriate instructional services pursuant to N.J.A.C. 6A:8-3.1.

The school district shall provide library-media services that are connected to classroom studies in each school building, including access to computers, district-approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research. The school district will provide these library-media services under the direction of a certified school library media specialist.

#### Secondary Education Initiatives

The school districts shall:

1. Have a school-level planning team to guide the development and implementation of the secondary education reforms described in N.J.A.C. 6A:13-2.2. A representative group of teachers and administrators shall determine team membership and operating procedures.
2. Provide instructional services, professional development, and other support to assist secondary schools with the implementation of the secondary education initiatives specified in N.J.A.C. 6A:13-2.2.
3. Create personalized learning environments that strengthen relationships among students, teachers, staff members, families and the larger community for students in grades six through twelve. These personalized learning environments may include:



# POLICY

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## Nutley Public Schools PROGRAM

### 2428.1 STANDARDS-BASED INSTRUCTIONAL PRIORITIES

Page 3-4

- a. Small learning communities in free-standing facilities or within larger facilities;
- b. Ninth grade academies where freshman students remain together and are provided with a supportive environment to enhance their successful transition to high school;
- c. Student support systems where students are assigned an adult mentor or team of adults who know(s) them and can support student efforts in achieving goals and solving problems;
- d. Academies with a career focus;
- e. Multi-grade academies where students at various grade levels may remain with a core group of teachers for multiple years in an academy-type format which may be organized around a particular theme and involve interdisciplinary teaming; or
- f. Other practices for personalizing learning environments that strengthen relationships among students, teachers, staff members, families, and the larger community.

The school district shall implement academic coursework aligned to N.J.A.C. 6A:8-5.1 that prepares all students for success in postsecondary education and/or careers after graduation, including the development of academic skills integral to success in rigorous high school courses.

Beginning in 2008-2009, all students entering grade nine shall complete by the end of their high school education, at a minimum, coursework in language arts literacy, mathematics, and science. These shall include college level preparatory English I, II, III and IV, Algebra I, Lab Biology or the equivalent content taught in an integrated or career-based format, and other coursework as specified in N.J.A.C. 6A:8.

All required courses shall:

- 1. Be developed, reviewed, evaluated, and revised by a broad cross-section of teachers, content supervisors, and Principals;
- 2. Satisfy the New Jersey Student Learning Standards and indicators in each content area according to the graduation requirements in N.J.A.C. 6A:8-5.1; and
- 3. Be aligned to the district curriculum which identifies the purpose of instruction, including the essential content to be mastered in each course with interim benchmarks and assessments and final assessments.



# POLICY

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## Nutley Public Schools PROGRAM

### 2428.1 STANDARDS-BASED INSTRUCTIONAL PRIORITIES

Page 4-4

Secondary school districts that administer the high school State assessment and in which ten percent or more of their students satisfy high school graduation requirements through the Special Review Assessment (SRA) shall submit to the Department of Education by November 15 of the subsequent school year an analysis of all students who graduated by means of the SRA in the previous school year. The analysis shall include:

1. The names of high school courses and grades achieved for SRA students in language arts literacy, mathematics, and science;
2. The attendance records for SRA students for each year of high school;
3. Review of the High School Proficiency Assessment (HSPA) and corresponding grade level ELA/Math/Science assessments.
4. Review of whether SRA students were taught by appropriately certified staff in English, mathematics, and science in grades nine through twelve; and
5. Development of a plan for increasing the proportion of students graduating by means of the State high school assessment based on data.

Where applicable, secondary school districts shall collaborate with sending and receiving districts to implement the secondary education initiatives outlined in N.J.A.C. 6A:13-2.2.

The Commissioner shall appoint and consult with an advisory committee composed of educators with experience and knowledge in secondary education to guide the implementation of secondary education reform.]

N.J.A.C. 6A:13-2.1; 6A:13-2.2

Adopted: 24 August 2009



# POLICY

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Nutley Public Schools  
PUPILS

## 2435.1 STUDENT RANDOM ALCOHOL AND DRUG TESTING

Page 1-9

### 2435.1 STUDENT RANDOM ALCOHOL AND DRUG TESTING

#### **POLICY STATEMENT**

It is the responsibility of the Nutley Board of Education to safeguard the safety of the pupils in the schools and promote an orderly learning environment. We, therefore, must maintain that the use of drugs and unlawful possession and use of alcohol is wrong and harmful. The Board recognizes that the misuse of drugs, alcohol or steroids threatens the safety of the pupils and the orderly learning environment of the entire school community. The Board of Education is committed to the prevention of drug, alcohol and steroid abuse.

The Nutley Board of Education convened a Task Force which, in part, conducted a survey, solicited public input from the community and parents and obtained law enforcement data. This information was obtained to gain an understanding of the current drug use among students. The Board's Task Force found there was enough information of substance use/abuse by students that additional attention is warranted.

The Nutley Board of Education recognizes that the problem of illegal drugs and alcohol use presents a continuing challenge in its schools and a clear danger to the pupil population as a whole. The district's commitment to maintaining athletics and extra-curricular activities in a safe and secure environment requires a clear policy and supportive programs relating to the deterrence of substance use by pupils involved in athletics and extra-curricular activities. Participation in athletics and extra-curricular activities is a privilege. Pupil participants, by virtue of their voluntary decision to participate in these extra-curricular and athletic activities, and because of their position as school leaders and role models in the school community, have a heightened responsibility to be drug and alcohol free. The district is committed to being proactive in ensuring the safety of all pupils participating in athletics and extra-curricular activities. Consistent with the U.S. Supreme Court Ruling, Board of Education of Independent School District No. 92 of Pottawatomie County et al v. Earls et al., 536 U.S. 822 (2002) and the New Jersey Supreme Court Ruling in Joye v. Hunterdon Central Regional High School Board of Education, 176 N.J. 568 (2003), the Board of Education directs the Chief School Administrator to implement and conduct a program of random drug testing of pupil participants in athletics, extracurricular activities, pupils who have violated the district substance abuse policy, and pupils who voluntarily elect to participate in the program with parental consent. Eligibility shall apply to the entire academic year. The Principal or his/her designee shall oversee the Policy and Procedure.



# POLICY

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Nutley Public Schools  
PUPILS

## 2435.1 STUDENT RANDOM ALCOHOL AND DRUG TESTING

Page 2-9

Design of the program shall be consistent with the Nutley Board of Education's objectives, which are as follows:

- Promote safety;
- Deter drug use, thereby countering peer pressure which may encourage indulgence;
- Promote an orderly learning environment; and
- Encourage and invite voluntary testing.

Primary emphasis in administering this program shall be directed toward deterrence and remediation rather than punishment of pupils who test positive for alcohol, non-prescribed medications, illegal drugs or their metabolites. Sanctions and corrective action shall be designed accordingly. This policy and its implementing regulations shall be made available annually, at the beginning of the school year, to all school employees, pupils and parent(s) or legal guardian(s). This Policy is NOT intended to be disciplinary or punitive in nature. No pupil shall be expelled or suspended from school as a sole result of any verified positive test conducted by the school under the Random Drug Testing Program.

This Policy shall apply to all Nutley School District students in grades 7-12. who participate in any athletics or extra-curricular activities. This Policy shall also apply to all Nutley School District students in grades 7 to 12 who voluntarily elect to participate in the program with parental consent or who have violated the district substance abuse policy.

### **DEFINITIONS OF TERMS USED:**

**Drugs** - All controlled substances designated and prohibited as stated in the Nutley School District's Substance Abuse Policy and N.J.S.A. 23:21-2, N.J.S.A. 2A: 170-25.9, N.J.S.A. 2C:35.2. For the purpose of this policy, a drug includes, but is not limited to, alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (alk/a Ecstasy), methadone, methamphetamine, opiates, oxycodone, PCP, anabolic steroids, tricyclic anti-depressants or any other substance which is defined as a controlled substance by New Jersey law or their metabolites.

**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. 18A:40- 12.4.



# POLICY

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Nutley Public Schools  
PUPILS

2435.1 STUDENT RANDOM ALCOHOL AND DRUG TESTING  
Page 3-9

**Extra-curricular activity .,.** Any activity sponsored or approved by the Nutley Board of Education but not required for graduation.

**Confirmed Positive** - A positive result from confirmatory testing at the laboratory.

## **STUDENT RANDOM ALCOHOL AND DRUG TESTING REGULATIONS**

### **TESTING COORDINATOR**

.The High School Middle School Principal or the designees will coordinate and supervise the Random Drug and Alcohol Testing Program for students.

### **Eligibility FOR TESTING - NUTLEY HIGH SCHOOL! MIDDLE SCHOOL**

- All students in Nutley High School Middle School who participate in any athletics, extra-curricular activities, or school clubs, have violated the district substance abuse policy and students who elect to participate in the Random Drug and Alcohol Testing Program (Program) with parental consent will be eligible for the random drug testing pool (Testing Pool).
- For the High School Middle School, the Consent to Test Form must be completed and submitted to the appropriate coach, advisor, or testing coordinator for volunteers of the program.
- Student athletes at the High School Middle School must submit Consent to Test Forms on or before the first day they participate in practice. Failure to do so will result in ineligibility for athletic participation until the form is submitted. The Director of Athletics will oversee the collection of Consent to Test Forms by coaches.
- Students involved in extra-curricular activities or school clubs must submit the Consent to Test Form no later than their attendance at a second meeting of the club or activity. Failure to do so will result in ineligibility for participating in the club or activity.
- Students who have violated the District Substance Abuse Policy will be required to submit a Consent to Test Form prior to their return to school following suspension. Failure to do



# POLICY

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Nutley Public Schools  
PUPILS

## 2435.1 STUDENT RANDOM ALCOHOL AND DRUG TESTING

Page 4-9

so, will result in the student being deemed in violation of the District Substance Abuse Policy.

- Students who volunteer to participate in the Program shall be allowed to enter the Testing Pool at any time once they submit a Consent to Test Form.
- Students remain eligible for random drug testing from the date the Consent to Test Form is turned in through an entire calendar year, whether or not they have been previously tested or are currently participating in athletics or extra-curricular activities 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 all athletics, extra-curricular activities or school clubs, Principal or administrative designee an Activity Drop Form. This 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. In order for a student's withdrawal to be effective and thereby remove him or her from the Testing Pool, the Activity Drop Form must be signed by both the student and a parent! guardian.
- Students who volunteer to be part of the testing pool may opt out of the program by submitting a drop form signed by the student and parent(s)/guardian(s).
- The district will test a minimum of 20% of the total number of students in the Testing Pool annually.

### TESTING PROCEDURES

- A confidential testing schedule will be created by the administration prior to the initiation of the program to ensure that the 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:
  - The students eligible for testing will be assigned random identification numbers in order to maintain confidentiality and to ensure the integrity of the randomness of the testing program.
  - Periodically, the testing coordinator will arrange for the random selection



# POLICY

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Nutley Public Schools  
PUPILS

## 2435.1 STUDENT RANDOM ALCOHOL AND DRUG TESTING

Page 5-9

of ID numbers assigned to members of the Testing Pool

- The testing coordinator or designee will notify the individuals selected for testing (participants) and escort the participants to a secure testing site in the Nurse's Office or other bathroom facility in the building.
- The Testing Site will have a secured bathroom that will maximize the privacy of the participant and ensure the integrity of the sample collection process. Water sources shall be turned off and toilet water will be blue to prevent adulteration of test specimens.
- In the event of a student absence, an alternate selection will be made from the testing pool.
- The names and/or any other personally identifiable information of the participant will remain confidential.

### COLLECTION OF SAMPLES

- All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and all personal and/or privacy rights of the participant to the maximum extent possible. The Policy treats a participant's test results 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 shall not share participant's individual test results with law enforcement authorities.
- Any information transmitted to an approved outside agency for testing or processing will not contain any personally identifiable information of the participant. The approved outside agency will consult with and guide the school nurse in the collection of specimens in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards.
- 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, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/k/a Ecstasy), methadone, methamphetamines, opiates, oxycodone, PCP, anabolic steroids,





# POLICY

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Nutley Public Schools  
PUPILS

## 2435.1 STUDENT RANDOM ALCOHOL AND DRUG TESTING

Page 6-9

tricyclic anti-depressants, and/or any other substance defined as a "controlled substance" by either New Jersey or Federal law.

- The participant shall submit a urine and/or saliva screen according to the Consent to Test Form.
- The participant shall complete a specimen control form that bears the assigned identification number. Only designated school personnel shall know the assigned number for each participant.
- The school nurse will collect specimens from the selected student. Any information transmitted to a licensed laboratory for testing or processing will not contain any personally, identifiable information of the participant.
- Any attempt by a participant to tamper with the specimen collection process will deem and constitute the specimen as positive.
- Refusal of a participant to provide a sample will be interpreted as a. positive result.
- 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 AND TESTING RESULTS

- The parent(s) or guardian(s) of students selected for testing will receive a phone call or message following a participant's completion of the Testing Process.
- Where a participant's test is confirmed positive, 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 test and a decision will be made by the MRO regarding the legitimacy, validity, or accuracy of a positive test. The MRO will determine if that substance has been taken pursuant to a legal prescription.
- Results of the participant's test confirmed by the MRO will be provided to the designated personnel within twenty-four (24) hours of the MRO's consultation with the participant and his or her parent(s) or guardian(s).



# POLICY

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Nutley Public Schools  
PUPILS

## 2435.1 STUDENT RANDOM ALCOHOL AND DRUG TESTING

Page 7-9

- Participants' 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 oversee implementation of the Program or the consequences of 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
- 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 compelled to surrender or disclose such test results. N.J.A.C. 6A:16-3.2. to parent(s) or guardian(s) of the student and the SAC (Student Assistance Counselor). 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 pupil and/or his/her parent/guardian without the written authorization from the pupil and/or his/her parent/guardian, in accordance with 42. C.F.R. - Part II.

### CONSEQUENCES

- Consequences will result from the following:
  - A confirmed positive alcohol or drug test,
  - Refusal to participate in testing when selected, and/or
  - Tampering with the specimen collection process.
  -
- Students will be ineligible for participation in any athletics, extra-curricular activities, or school clubs, unless they complete the Random Drug and Alcohol Testing Program: Consent to Test Form.

### CONSEQUENCES OF A CONFIRMED POSITIVE - NUTLEY HIGH SCHOOL

- The Principal or designee will contact the parent(s) or guardian(s) to remove the student from school and make arrangements for the mandatory medical examination pursuant to N.J.A.C. 18A:40A- 12 and N.J.A.C. 6A:16-4.3.



# POLICY

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Nutley Public Schools  
PUPILS

## 2435.1 STUDENT RANDOM ALCOHOL AND DRUG TESTING

Page 8-9

- The Participant will be removed from any athletics, extra-curricular activities, or school clubs for a minimum period of one ( 1) week.
- The participant shall have a minimum of six (6) visits with the Student Assistance Counselor (SAC), one of which must occur within the week immediately following the confirmed positive test.
- The participant shall attend and complete an Early Intervention Counseling Program. The participant shall attend this program at an agency or with a clinician that is appropriately licensed and certified to provide substance abuse treatment. The participant must enter an approved program within one (1) week of the receipt of the confirmed positive test result.

Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.

- The parent(s)/guardian(s) are responsible for the cost of the treatment program.
- In accordance with N.J.A.C. 18A:40A- 12 and N.J.A.C. 6A:16-4.3, the participant must be evaluated by a physician before returning to school and a written report must be furnished to the school district certifying that substance use no longer interferes with the student's mental or physical ability to participate in school.
- The participant must submit a negative drug test prior to returning to any athletics, extracurricular activities, or school clubs.
- If the participant submits a confirmed positive drug test a second time, the participant will forfeit the privilege of participation in any athletics, extra-curricular activities, or school clubs for a minimum of thirty (30) consecutive school days.
- A participant who submits a confirmed positive drug test a second time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. The evaluation must be performed by an agency or with a clinician that is appropriately licensed and certified to provide substance abuse treatment. Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.
- If the participant submits a confirmed positive drug test a third time, the participant will forfeit the privilege of participation in any athletics, extra-curricular activities, or school clubs for a minimum period of one (1) calendar year.
- A participant who submits a confirmed positive drug test a third time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by an agency or with a clinician that is licensed and certified to provide substance abuse treatment. Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the



# POLICY

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Nutley Public Schools  
PUPILS

## 2435.1 STUDENT RANDOM ALCOHOL AND DRUG TESTING

Page 9-9

participant's compliance.

- **Failure to follow through on procedures as set forth herein will result in participant being deemed ineligible for any athletics, extra-curricular activities or school clubs.**

Adopted: 28 January 2008



# POLICY

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Nutley Public Schools  
PROGRAM  
2560 LIVE ANIMALS IN SCHOOL  
Page 1-2

## 2560 LIVE ANIMALS IN SCHOOL

The Board of Education recognizes the appropriate use of live animals as instructional resources can enrich the educational program. The observation and nurture of live animals can help children learn specific biological and behavioral principles and gain respect for all living things.

A staff member who uses live animals shall observe proper precautions for the safety of students and the animals. The Principal or designee must approve a live animal being brought into the school building and the use of any animal in a course of instruction or the establishment of an animal habitat in a classroom.

Any animal used in school must have been lawfully acquired in accordance with applicable State law and local ordinance. An animal susceptible to rabies must have been vaccinated against rabies and proof of such vaccination must be included with the request to bring a live animal into the school submitted to the Principal or designee before a live animal is brought onto school grounds or into a school building. No animal shall be permitted in any area of the school where a student who is allergic to the animal might be exposed to the animal.

A teacher or other qualified adult must assume primary responsibility for the animal, its nourishment, and its sanitary living conditions. The staff member in charge must make proper arrangements for the animal's care and feeding over weekends, holidays, and school vacation periods.

No experiment that deprives a living animal of nourishment or exposes the animal to harm shall be conducted.

A student in Kindergarten through grade twelve may refuse to dissect, vivisect, incubate, capture, or otherwise harm or destroy animals or any parts thereof as part of a course of instruction. In the event the school program will require any such activities, the school will notify the student and parent(s) or legal guardian(s) at the beginning of each school year of the right to decline participation in such activities. Within two weeks of the receipt of the notice from the school, the parent(s) or legal guardian(s) shall notify the school if the right to decline participation in such activities will be exercised. Any student who chooses to refrain from participation in or observation of such activities shall be offered an alternative education project for the purpose of providing the student with the factual knowledge, information, or experience required by the course of study. A student may refuse to participate in an alternative education project which involves or necessitates



# POLICY

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Nutley Public Schools  
PROGRAM

2560 LIVE ANIMALS IN SCHOOL

Page 2-2

any harmful use of an animal or animal part(s). A student shall not be discriminated against, in grading or in any other manner, based upon a decision to exercise the rights afforded pursuant to this act.

N.J.S.A. 18A:35-4.25

Adopted: 25 January 2010



# POLICY

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Nutley Public Schools  
PROGRAM  
2624 GRADING SYSTEM  
Page 1-1

## 2624 GRADING SYSTEM

The Board of Education recognizes that a system of measuring, recording, and reporting the achievements of individual students is important to the continuing process of learning. The Board, therefore, directs the instructional program of this school district to include a system of grading that measures progress toward the NJ Student Learning Standards and the educational goals of the district.

Students shall be informed at the outset of any course of study of the behaviors and achievements that are expected of them and shall be kept informed of their progress during the course of study.

The Superintendent shall develop and continually review in consultation with teaching staff members, parent(s) or legal guardian(s), and students, a grading program appropriate to the course of study and maturity of students. The final decision on any contested grade will be the responsibility of the building principal. A student classified as disabled will be graded in accordance with his/her Individualized Educational Program (IEP) or the Section 504 Plan.

Cross reference: Policy Guide No. 5420

Adopted: 9 Oct 2012



# POLICY

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Nutley Public Schools  
PROGRAM

2631 NEW JERSEY QUALITY SINGLE ACCOUNTABILITY CONTINUUM (QSAC)

Page 1-2

## 2631 NEW JERSEY QUALITY SINGLE ACCOUNTABILITY CONTINUUM (QSAC)

The Board of Education and Superintendent of Schools will work with the New Jersey Department of Education to comply with the requirements of the New Jersey Quality Single Accountability Continuum (QSAC) system in accordance with the provisions of N.J.A.C. 6A:30-1.1 et seq. QSAC is the New Jersey Department of Education monitoring and evaluating system for public school districts. Public school districts in New Jersey are evaluated in five key component areas of school effectiveness – instruction and program, personnel, fiscal management, operations, and governance – to determine the extent to which the school district is providing a thorough and efficient education.

Weighted quality performance indicators established by the Department of Education shall be used by the Commissioner of Education to assess school district performance and capacity during the comprehensive reviews pursuant to N.J.A.C. 6A:30-3.1 through 3.4, the in-depth evaluation pursuant to N.J.A.C. 6A:30-5.3, and monitoring of an approved QSAC district improvement plan pursuant to N.J.A.C. 6A:30-5.6. The weighted quality performance indicators shall also be used by the Commissioner in determining whether to initiate intervention activities pursuant to N.J.A.C. 6A:30-6.2, withdrawal from intervention pursuant to N.J.A.C. 6A:30-7.1, and initial placement of Level II, Level III, and State-Operated School Districts on the performance continuum pursuant to N.J.A.C. 6A:30-8.3.

The Commissioner shall conduct a comprehensive review of each public school district every three years. In the intervening years, the Commissioner shall assess the school district's performance to determine whether conditions exist in the school district that significantly and negatively impact the educational program or operations of the school district.

The Superintendent shall be responsible for completing the District Performance Review in accordance with the requirements as outlined in N.J.A.C. 6A:30-3.2. The District Performance Review and a Statement of Assurance prepared in accordance with N.J.A.C. 6A:30-3.2(e) shall be approved by the Board of Education by resolution and submitted to the County Superintendent of Schools in accordance with the provisions of N.J.A.C. 6A:30-3.2(f) and (g). The district's District Performance Review and the Statement of Assurance will be reviewed and evaluated in accordance with the requirements of N.J.A.C. 6A:30-3.3. The Commissioner shall issue a final determination of the school district's performance and initial placement on the performance continuum in accordance with N.J.A.C. 6A:30-4.1.





# POLICY

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Nutley Public Schools  
PROGRAM

2631 NEW JERSEY QUALITY SINGLE ACCOUNTABILITY CONTINUUM (QSAC)

Page 2-2

The district will be required to commence improvement activities as set forth in N.J.A.C. 6A:30-5.3 through 5.7 in the event it satisfies less than eighty percent of the weighted quality performance indicators in one or more key components of school district effectiveness. Where appropriate, pursuant to the factors as outlined in N.J.A.C. 6A:30-6.2, the Commissioner may seek forms of partial or full intervention in a school district as outlined in N.J.A.C. 6A:30-6.1 et seq. Withdrawal from partial or full State intervention shall be in accordance with the provisions of N.J.A.C. 6A:30-7 et seq.

No provision of N.J.A.C. 6A:30 – Evaluation of the Performance of School Districts, shall limit the ability of the Department to monitor public school districts’ practices by, among other things, conducting on-site visits to observe instructional practices and school facilities or take other such action as in the judgment of the Commissioner or his/her designee that may be warranted to ensure the satisfaction of any statutory or constitutional obligation.

N.J.S.A. 18A:7A-3 et seq.

N.J.A.C. 6A:30-1.1 et seq.

Adopted: 25 August 2008



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
3112 ABOLISHING POSITIONS  
Page 1-1

## 3112 ABOLISHING POSITIONS

The Board of Education will provide the professional staff necessary for the economical and efficient implementation of the educational program of the district. The Board reserves the right to abolish positions and reduce district staff commensurately whenever reasons of economy, reorganization of the school district, reduction in the number of students, or other good cause so warrant. The Superintendent shall continually review the efficiency and effectiveness of the district organization and recommend to the Board the abolishment of positions and the reallocation of duties and positions.

N.J.S.A. 18A:28-1; 18A:28-9 et seq.

Cross reference: Policy Guide No. 3146

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
3130 ASSIGNMENT AND TRANSFER  
Page 1-1

## 3130 ASSIGNMENT AND TRANSFER

The Board of Education and the Superintendent will strive to assign teaching staff members to positions in which their service will best benefit the educational program of the district. Each teaching staff member must possess the certificate and endorsement appropriate to the position to which he/she is appointed. The Superintendent shall require each newly employed or reassigned teaching staff member to exhibit the appropriately endorsed certificate before the member assumes responsibility for the duties of the position.

The Board will approve an assignment that requires a teaching staff member's transfer to a different building, to a different seniority employment category, to a different tenure position, or to a non tenurable position only upon the recommendation of the Superintendent and by a roll call majority vote of the full membership of the Board. The Board will not withhold its approval of the Superintendent's recommendation for arbitrary and capricious reasons. A teaching staff member may be transferred without the teaching staff member's consent, except that no tenured teaching staff member will be transferred to a different tenure position or to a non tenurable position without the member's consent.

The Superintendent shall recommend such teaching staff member transfers as will contribute to the provision of a thorough and efficient educational system. No teaching staff member shall be transferred for disciplinary reasons. The Board will consider and may grant the request of a teaching staff member who requests transfer to a new position.

N.J.S.A. 18A:25-1; 18A:27-4.1; 18A:28-6

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
3217 USE OF CORPORAL PUNISHMENT  
Page 1-1

## 3217 USE OF CORPORAL PUNISHMENT

The Board of Education cannot condone an employee's resort to force or fear in the treatment of students, even those students whose conduct appears to be open defiance of authority. Each student is protected by law from bodily harm and from offensive bodily touching.

Teaching staff members shall not use physical force or the threat of physical force to maintain discipline or compel obedience except as permitted by law, but may remove students from the classroom or school by the lawful procedures established for the suspension and expulsion of students.

A teaching staff member who:

1. Uses force or fear to discipline a student except as such force or fear may be necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of a student, to act in self-defense, or to protect persons or property;
2. Touches a student in an offensive way even though no physical harm is intended;
3. Permits students to harm one another by fighting; or
4. Punishes students by means that are cruel or unusual;  
will be subject to discipline by this Board and may be dismissed.

N.J.S.A. 18A:6-1; 18A:37-1

Adopted: 22 Jan 2013



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
3282 USE OF SOCIAL NETWORKING SITES  
Page 1-2

## 3282 USE OF SOCIAL NETWORKING SITES

The Board of Education has a strong commitment to quality education and the well-being of all students, as well as the preservation of the school district's reputation. The Board believes staff members must establish and maintain public trust and confidence and be committed to protecting all students attending the school district. In support of the Board's strong commitment to the public's trust and confidence, the Board holds all staff members to the highest level of professional responsibility.

The Commissioner of Education has determined inappropriate conduct outside a staff member's professional responsibilities may determine them as unfit to discharge the duties and functions of their position. Staff members should be advised communications, publications, photographs, and other information appearing on social networking sites deemed inappropriate by the Board could be cause for dismissal of a non-tenured staff member or to certify tenure charges against a tenured staff member to the Commissioner of Education.

Staff members are advised to be concerned and aware such conduct deemed inappropriate may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other form of electronic communication that is directed and/or available to students or for public display or publication.

While the Board respects the right of staff members to use social networking sites, staff members should recognize they are held to a higher standard than the general public with regard to standards of conduct and ethics. It is important that a staff member's use of these sites does not damage the reputation of the school district, employees, students, or their families. Staff members who utilize, post or publish images, photographs, or comments on social networking sites, blogs, or other forms of electronic communication outside their professional responsibilities shall ensure their use, postings, or publications are done with an appropriate level of professionalism and are appropriate conduct for a school staff member. Staff members should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that what is private in the digital world often has the possibility of becoming public even without their knowledge or consent.

The school district strongly encourages all staff members to carefully review the privacy settings on social networking sites they use and exercise care and good judgment when posting content and information on such sites. Staff members should adhere to the following guidelines, which are consistent with the district's workplace standards on harassment, student relationships, conduct, professional communication, and confidentiality.

When using personal social networking sites, school staff members:



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
3282 USE OF SOCIAL NETWORKING SITES

Page 2-2

1. Should not make statements that would violate any of the district's policies, including its policies concerning discrimination or harassment;
2. Must uphold the district's value of respect for the individual and avoid making defamatory statements about the school district, employees, students, or their families;
3. May not disclose any confidential information about the school district or confidential information obtained during the course of his/her employment, about any individual(s) or organization, including students and/or their families;
4. Shall not use social networking sites to post any materials of a sexually graphic nature;
5. Shall not use social networking sites to post any materials which promote violence;
6. Shall not use social networking sites which would be detrimental to the mission and function of the district;
7. Are prohibited from using their school district title as well as adding references to the district in any correspondence including, but not limited to, e-mails, postings, blogs, and social networking sites unless the communication is of an official nature and is serving the mission of the district. This prohibition also includes signature lines and personal e-mail accounts;
8. Shall not post updates to their status on any social networking sites during normal working hours including posting of statements or comments on the social networking sites of others during school time unless it involves a school project. Employees must seek approval from the Superintendent of Schools for such use; and
9. Shall not post or publish any information the Commissioner of Education would deem to be inappropriate conduct by a school staff member.

The Policy of this district is to maintain a level of professionalism both during and after the school day. Any publication through any means of electronic communication which is potentially adverse to the operation, morale, or efficiency of the district, will be deemed a violation of this Policy. If the Board or Superintendent believes that a staff member's activity on any social networking site violates the district's policies, the Board or Superintendent may request that the employee cease such activity. Depending on the severity of the incident, the staff member may be subject to disciplinary action.

This Policy has been developed and adopted by this Board to provide guidance and direction to staff members on how to avoid actual and/or the appearance of inappropriate conduct toward students and/or the community while using social networking sites.

Adopted: 10 Sept 2012



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
3321 ACCEPTABLE USE OF COMPUTER NETWORKS/COMPUTERS AND  
RESOURCES BY TEACHING STAFF MEMBERS  
Page 1-3

3321 ACCEPTABLE USE OF COMPUTER NETWORKS/COMPUTERS AND  
RESOURCES BY TEACHING STAFF MEMBERS

The Board recognizes that as telecommunications and other new technologies shift the manner in which information is accessed, communicated and transferred that those changes will alter the nature of teaching and learning. Access to telecommunications will allow teaching staff members to explore databases, libraries, Internet sites, bulletin boards and the like while exchanging information with individuals throughout the world. The Board supports access by teaching staff members to information sources but reserves the right to limit in-school use to materials appropriate to educational purposes. The Board directs the Superintendent to effect training of teaching staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes.

The Board also recognizes that telecommunications will allow teaching staff members access to information sources that have not been pre-screened using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer network(s) and declares unethical, unacceptable, inappropriate or illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges, instituting legal action or taking any other appropriate action as deemed necessary.

The Board provides access to computer network(s)/computers for administrative and educational purposes only. The Board retains the right to restrict or terminate teaching staff member's access to the computer network(s)/computers at any time, for any reason. The Board retains the right to have the Superintendent or designee monitor network activity, in any form necessary, to maintain the integrity of the network(s) and ensure its proper use.

#### Standards for Use of Computer Network(s)

Any individual engaging in the following actions declared unethical, unacceptable or illegal when using computer network(s)/computers shall be subject to discipline or legal action:

- A. Using the computer network(s)/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities which violate federal, state, local laws and regulations. Inappropriate activities are defined as those that



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS

3321 ACCEPTABLE USE OF COMPUTER NETWORKS/COMPUTERS AND  
RESOURCES BY TEACHING STAFF MEMBERS

Page 2-3

violate the intended use of the network(s). Obscene activities shall be defined as a violation of generally accepted social standards for use of publicly owned and operated communication vehicles.

- B. Using the computer network(s)/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.
- C. Using the computer network(s) in a manner that:
  - 1. Intentionally disrupts network traffic or crashes the network;
  - 2. Degrades or disrupts equipment or system performance;
  - 3. Uses the computing resources of the school district for commercial purposes, financial gain or fraud;
  - 4. Steals data or other intellectual property;
  - 5. Gains or seeks unauthorized access to the files of others or vandalizes the data of another user;
  - 6. Gains or seeks unauthorized access to resources or entities;
  - 7. Forges electronic mail messages or uses an account owned by others;
  - 8. Invades privacy of others;
  - 9. Posts anonymous messages;
  - 10. Possesses any data which is a violation of this policy; and/or
  - 11. Engages in other activities that do not advance the educational purposes for which computer network(s)/computers are provided.

## Violations

Individuals violating this policy shall be subject to appropriate disciplinary actions as defined by Policy No. 3150, Discipline which includes but are not limited to:





# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
3321 ACCEPTABLE USE OF COMPUTER NETWORKS/COMPUTERS AND  
RESOURCES BY TEACHING STAFF MEMBERS  
Page 3-3

1. Use of the network(s)/computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension;
7. Dismissal;
8. Legal action and prosecution by the authorities; and/or
9. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

This policy will be shared with teaching staff annually. Staff members will be required to acknowledge receipt of this policy, and understand the contents.

N.J.S.A. 2A:38A-3

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
3323 DISTRICT CELL PHONES  
Page 1-1

## 3323 DISTRICT CELL PHONES

The Nutley Board of Education appreciates certain school district officials and staff members travel between school buildings within the school district, travel to meetings outside the school district, and/or to be “on call” or available for emergency situations within the school district. Therefore, the Board of Education authorizes the issuance of a school district provided communication device to those positions in the school district that need to be immediately available and/or their job responsibilities require them to be away from an office and/or area where the person would have immediate access to a conventional communication device.

For the purposes of this Policy, “communication device” means any communication device provided to the school district official or staff member by the Nutley Board of Education including, but not limited to, cellular telephone, personal digital assistant (PDA), beepers, and/or walkie-talkie. For the purposes of this Policy, “communication” means any communication method that may be used by the school district provided communication device including, but not limited to, audio telephone calls, e-mails, text messaging, video telephone calls, and/or instant messaging.

A communication device shall be provided to those school district officials and staff recommended by the Superintendent of Schools. The communication device shall be the property of the Nutley Board of Education and the person assigned the device shall be responsible for all communications made from the device.

The Superintendent of Schools may remove the district provided communication device from the school official or staff member if it is determined by the

Superintendent the non-school related use of the communication is excessive.

Adopted: 28 June 2010



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS

3324 RIGHT OF PRIVACY – TEACHING STAFF MEMBERS

Page 1-1

## 3324 RIGHT OF PRIVACY – TEACHING STAFF MEMBERS

The Board of Education will provide facilities and school district-owned property to assist staff members in their job responsibilities or for the staff members' convenience. These facilities or district-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a staff member with exclusive use and access to such facilities or school district-owned property or may require the facility or school district-owned property be shared with other staff members. The staff member may be provided a lock or key by the school district or may secure the facility or school district-owned property using their own locking device with permission from the Principal or designee.

School staff members should be aware their expectation of privacy in these facilities and/or the school district-owned property provided by the Board of Education is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by legitimate school district policies or regulations. In addition, staff members shall have a reduced expectation of privacy in these facilities and school district-owned property if there is reasonable suspicion the staff member is violating a law or school policy. School staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school district-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, school staff members are discouraged from storing personal papers and effects in these facilities or school district-owned property.

Adopted: 21 May 2012



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
3351 HEALTHY WORKPLACE ENVIRONMENT  
Page 1-2

3351 HEALTHY WORKPLACE ENVIRONMENT

The Board of Education recognizes a healthy workplace environment enables school district administrative and teaching 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 students 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 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)



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
3351 HEALTHY WORKPLACE ENVIRONMENT

Page 2-2

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.

Adopted: 25 June 2012



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
WORK RELATED DISABILITY PAY  
Page 1-1

## 3425 WORK RELATED DISABILITY PAY

The Board of Education will permit, in accordance with law, the absence without loss of pay or of annual or accumulated sick leave benefits of a teaching staff member disabled by accident or injury arising out of and in the course of employment. Any such employee shall seek the workers' compensation benefits to which he/she is entitled by law.

An employee whose disability has qualified for the receipt of workers' compensation benefits shall be presumed eligible for work related disability pay under this policy. When an employee's disability is so brief as to preclude the employee's application for workers' compensation benefits, the employee may request and the Board may grant work related disability pay.

Any employee who qualifies for work related disability pay under this policy will be entitled to receive full pay during the period he/she is on disability leave of absence, for up to twelve consecutive months.

As a condition of receiving full salary, an employee who receives workers' compensation benefits for his/her work-related disability must endorse and deliver to the Board all workers' compensation temporary disability checks received for the period covered by this policy.

N.J.S.A 18A:30-2.1; 18A:66-32.1  
N.J.S.A 34:15-38

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4130 ASSIGNMENT AND TRANSFER  
Page 1-1

## 4130 ASSIGNMENT AND TRANSFER

The Board of Education and the Superintendent reserve the right to assign and transfer support staff members to the positions for which they are qualified and in which their service will best serve the operation of the district.

The Superintendent is responsible for the assignment and transfer of support staff members, except that the Board of Education is responsible for the assignment of support staff members in the positions of Treasurer of School Moneys, Board Attorney, or Board Secretary, except a Board Secretary who performs business administrator functions.

The Board will transfer support staff members only upon the recommendation of the Superintendent and by a recorded roll call majority vote of the full membership of the Board. The Board will not withhold its approval of the transfer for arbitrary and capricious reasons.

The Board will consider the request of an employee who requests transfer to a new position and may grant a transfer so requested that is in the best interests of the school district.

In considering any transfer, the Superintendent shall base the choice on the employee's success in former positions, the employee's attitude toward change, the employee's length of service in the district, the recommendation of the employee's supervisor, and the operational efficiency advanced by the proposed transfer. No support staff member shall be transferred for disciplinary reasons.

Employees may not transfer duties from one position to another nor may one employee perform the duties of another employee without the prior approval of the Superintendent or designee.

N.J.S.A. 34:13A-1 et seq.  
N.J.S.A. 18A:27-4.1

Adopted: 03 May 2004

Revised:



# POLICY

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## Nutley Public Schools SUPPORT STAFF MEMBERS

### 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBERS

Page 1-2

#### 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBERS

The Board will renew the employment contract of a nontenured support staff member only upon the recommendation of the Superintendent and by a recorded roll call majority vote of the full membership of the Board. The Board will not withhold its approval for arbitrary and capricious reasons. A nontenured support staff member who is not recommended for renewal by the Superintendent is deemed nonrenewed.

When the nontenured support staff member's performance does not meet the standards of the school district, the Superintendent shall recommend not to renew the nontenured support staff member's contract. Prior to notifying the nontenured support staff member of the nonrenewal, the Superintendent will notify the Board of the recommendation not to renew the nontenured support staff member's contract and the reasons for the recommendation. The Superintendent may notify the Board in a written notice or in executive session at a full Board meeting. In the event the Board is notified in executive session, the Superintendent will comply with the requirements of the Open Public Meetings Act and provide reasonable notice to the nontenured support staff member their employment will be discussed in executive session in order for the nontenured support staff member to exercise their statutory right to request a public discussion.

The Superintendent shall provide written notification to each nontenured support staff member to whom reemployment will not be offered in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. Paraprofessionals continuously employed since the preceding September 30 as a school aide or classroom aide in a school district that receives funding under Title I of the Federal Elementary and Secondary Education Act of 1965 shall be notified of renewal or nonrenewal on or before May 15 in each year in accordance with the provisions of N.J.S.A. 18A:27-10.2.

Any nontenured support staff member receiving notice that a contract for the succeeding year will not be offered, may within fifteen calendar days, request in writing a statement of the reasons for such nonemployment which shall be given to the a nontenured support staff member in writing within thirty calendar days after the receipt of such request.

Whenever a nontenured support staff member has requested in writing and received a written statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-





# POLICY

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## Nutley Public Schools SUPPORT STAFF MEMBERS

### 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBERS

Page 2-2

3.2, the nontenured support staff member may request in writing an informal appearance before the Board. The written request shall be submitted to the Board within ten calendar days of the nontenured support staff member's receipt of the Board's statement of reasons. The informal appearance shall be scheduled within thirty calendar days from the nontenured support staff member's receipt of the Board's statement of reasons.

The Board is not required to offer reemployment or vote on reemployment after an informal appearance with a nontenured support staff member who was not recommended for reemployment by the Superintendent. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured support staff member reemployment after the informal appearance before the Board. Within three working days following the informal appearance, the Board shall notify the affected nontenured support staff member, in writing, of its final determination.

The provisions as outlined in Policy and Regulation 4146 may be revised or adjusted by the Superintendent of Schools to be in accordance with the terms and timelines of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties provided the terms are not contrary to any statute, administrative code, or any management rights of the Board.

This Policy does not apply to the contract renewal of the Treasurer of School Moneys, Board Auditor, Board Attorney or Board Secretary, except a Board Secretary who performs business administration functions.

N.J.S.A. 18A:27-3.2; 18A:27-4.1;  
N.J.A.C. 6A:10-9.1

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF

4211.3 CONSULTING OUTSIDE THE DISTRICT

Page 1-1

## 4211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that support staff members will have expertise and knowledge in areas that other school districts, agencies, and other entities may desire. Recognizing that the school district will request the expertise from support staff members from other school districts, agencies and other entities, the Board supports sharing of its support staff members with other school districts, agencies, and other entities to the extent it does not interfere with the efficient operation of the school district.

The Superintendent may recommend to the Board a support staff member's attendance in another school district, agency or other entity without additional remuneration to the support staff member or school district, upon a written request from the agency or from the support staff member.

The Board of Education recognizes support staff members will have expertise and knowledge in areas that other school districts, public and private agencies, and private business organizations may desire to compensate as a paid consultant. The support staff member must normally complete any paid consulting activities on his/her own time which would include vacation days, evenings, weekends, and/or school holidays. The support staff member may be permitted to use compensatory time for paid consulting activities conducted during normal work hours with prior approval from the Superintendent. In the event the support staff member does not have compensatory time, the support staff member may request a leave of absence without pay. The Superintendent shall evaluate such requests in the same manner as requests for non-paid consultancies, and make a recommendation to the Board. The Board shall determine whether or not to approve the leave of absence without pay.

The support staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

N.J.S.A. 18A:12-21 et seq.

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4220 EMPLOYEE EVALUATION  
Page 1-1

## 4220 EMPLOYEE EVALUATION

The Board of Education recognizes the importance of employee evaluations in the reinforcement of performance strengths and the remediation of weaknesses.

The Superintendent shall develop a plan for the evaluation of support staff members. He/She shall invite the participation of employees in the development of the plan and shall assess and modify the plan as necessary.

Employees shall be grouped into position classifications based upon similarities of duties, responsibilities, and qualifications. The evaluation process shall be similar for all employees in a single classification.

The evaluation process shall provide for the recognition and commendation of effective performance, the identification and remediation of performance deficiencies, and the recommendation of discipline or dismissal when an employee fails to improve his/her performance. Evaluation procedures shall provide that each employee is informed of the specific objectives of his/her position and the standards that will be used to assess the employee's performance against those objectives. Employees will be evaluated by qualified supervisors; employees will be evaluated yearly. Any records created in the evaluation process will become part of the employee's file and subject to Board policy on personnel records.

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4250 HOURS AND DAYS OF WORK  
Page 1-2

## 4250 HOURS AND DAYS OF WORK

The Board of Education reserves the right to specify the working hours for support staff members not otherwise provided for in a negotiated contract.

The Superintendent shall apply uniformly throughout the schools of this district the following rules for full-time employee working periods:

1. Secretaries and clerks in the central administrative office shall work 8 hours per day, five days per week, with 45 minutes off for lunch.

Central office personnel shall report to work during school vacation periods and holidays consistent with the 12-month calendar. The starting time for central office personnel shall be established by the superintendent or designee.

2. Secretaries and clerks in school building offices shall work 8 hours per day, five days per week, with 45 minutes off for lunch.

School building office personnel may report to work during school vacation periods, holidays, and when schools are closed for inclement weather.

School building office personnel shall be entitled to the same holidays and vacation periods as the teaching staff except for \_when the buildings are open when they will be required to work.

The starting time for school building office personnel shall be established by the superintendent or designee.

3. Custodial and maintenance personnel shall work 8 hours per day, five days per week, with 1 hour off for lunch.



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4250 HOURS AND DAYS OF WORK  
Page 2-2

Custodial and maintenance personnel shall report to work during school vacation periods, holidays, and when schools are closed for inclement weather. The starting time for custodial and maintenance personnel shall be established by the Superintendent or designee.

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF MEMBERS  
4323 DISTRICT CELL PHONES  
Page 1-1

## 4323 DISTRICT CELL PHONES

The Nutley Board of Education appreciates certain school district officials and staff members travel between school buildings within the school district, travel to meetings outside the school district, and/or to be “on call” or available for emergency situations within the school district. Therefore, the Board of Education authorizes the issuance of a school district provided communication device to those positions in the school district that need to be immediately available and/or their job responsibilities require them to be away from an office and/or area where the person would have immediate access to a conventional communication device.

For the purposes of this Policy, “communication device” means any communication device provided to the school district official or staff member by the Nutley Board of Education including, but not limited to, cellular telephone, personal digital assistant (PDA), beepers, and/or walkie-talkie. For the purposes of this Policy, “communication” means any communication method that may be used by the school district provided communication device including, but not limited to, audio telephone calls, e-mails, text messaging, video telephone calls, and/or instant messaging.

A communication device shall be provided to those school district officials and staff recommended by the Superintendent of Schools. The communication device shall be the property of the Nutley Board of Education and the person assigned the device shall be responsible for all communications made from the device.

The Superintendent of Schools may remove the district provided communication device from the school official or staff member if it is determined by the

Superintendent the non-school related use of the communication is excessive.

Adopted: 28 June 2010



# POLICY

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Nutley Public Schools  
SUPPORT STAFF

## 4324 RIGHT OF PRIVACY – SUPPORT STAFF MEMBERS

Page 1-1

### 4324 RIGHT OF PRIVACY – SUPPORT STAFF MEMBERS

The Board of Education will provide facilities and school district-owned property to assist staff members in their job responsibilities or for the staff members' convenience. These facilities or district-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a staff member with exclusive use and access to such facilities or school district-owned property or may require the facility or school district-owned property be shared with other staff members. The staff member may be provided a lock or key by the school district or may secure the facility or school district-owned property using their own locking device with permission from the Principal or designee, or immediate supervisor.

School staff members should be aware their expectation of privacy in these facilities and/or the school district-owned property provided by the Board of Education is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by legitimate school district policies or regulations. In addition, staff members shall have a reduced expectation of privacy in these facilities and school district-owned property if there is reasonable suspicion the staff member is violating a law or school policy. School staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school district-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, school staff members are discouraged from storing personal papers and effects in these facilities or school district-owned property.

Adopted: 21 May 2012



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4340 GRIEVANCE  
Page 1-3

## 4340 GRIEVANCE

The Board of Education shall develop and practice reasonable and effective means for the resolution of disputes that may arise in the employment of support staff members not covered by the terms of a negotiated agreement.

The Board directs that any grievance not provided for by negotiated agreement be resolved by submission to the following grievance procedure, which is designed to promote proper and equitable settlement of grievances at the lowest appropriate level and to facilitate an orderly process for the resolution of grievances.

For the purposes of this policy, "grievance" means an unresolved problem concerning the application or interpretation by an officer or employee of this district of law, regulations of the State Board of Education, the bylaws or policies of the Board, or the administrative regulations of the Superintendent; "grievant" is a district employee who alleges a grievance or the employee's representative; "party" means the grievant or any person named in the grievance as allegedly having violated a law, bylaw, policy, or regulation; and "day" means a school day.

If the same or substantially the same alleged grievance is made by more than one employee, a single grievant may process the grievance through the grievance procedure on behalf of all grievants. The names of all the grievants will appear on all documents related to the settlement of the grievance.

A grievant may be represented or accompanied at any time by a person whom the grievant chooses. A grievant may use personal leave time when it becomes necessary to process a grievance during the working day. There will be no reprisal of any kind taken against any employee or employee's representative for participation in a grievance.

All documents, communications, and records regarding the processing of a grievance will be filed in a separate grievance file and will not be kept in the personnel file of any of the participants of the grievance.

Any alleged grievance should, at the first instance, be discussed in one or more private, informal conferences between the parties involved or between the grievant and his/her immediate supervisor. A grievance not resolved in one or more such private meetings may be processed in accordance with the following procedure.





# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4340 GRIEVANCE  
Page 2-3

## Level One

Within three working days of the occurrence of the act or omission giving rise to the grievance, the grievant must present his/her grievance in writing to the grievant's immediate supervisor. The written document will be a clear, concise statement of the grievance and will include the law, rule, policy, or regulation that the grievant alleges to have been violated; the factual circumstances on which the grievance is based; the person or persons involved; the decision, if any, rendered at the private conference; and the remedy sought.

Any party to the grievance may request a personal conference with the supervisor in order to resolve the grievance.

Within seven working days the supervisor shall present a decision to the grievant in writing. If the supervisor does not respond during the time permitted, the grievant may appeal to the next level.

## Level Two

A grievant not satisfied with a decision at Level One may appeal that decision in writing to the Building Principal (unless the building principal is the immediate supervisor, then the grievance should move to level 3) within three working days after receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal will include a copy of the original grievance; the decision rendered, if any; the name of the grievance's representative, if any; and a clear, concise statement of the reasons for the appeal of the decision.

Any party to the grievance may request a personal conference to discuss the grievance.]

The building principal shall present a decision to the grievant within seven working days. If no decision is rendered within that time limit, the grievant may appeal to the next level.

## Level Three

A grievant not satisfied with a decision at Level Two may appeal that decision in writing to the Superintendent within three working days after receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal to the Superintendent will include copies of the original grievance, the appeal of that grievance at Level Two, and the decision, if any, rendered at Level Two. Within ten working days after the delivery of the appeal, the Superintendent shall investigate the grievance, giving all persons who participate in Levels One and Two a reasonable opportunity to be heard.

Within seven working days of the presentation of the appeal, the Superintendent shall submit a decision in writing together with the reasons that support that decision to the grievant and any other party to the grievance. If the Superintendent does not render a decision within that time limit, the grievant may appeal to the next level.



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4340 GRIEVANCE  
Page 3-3

## Level Four

A grievant not satisfied with the Superintendent's decision may appeal that decision in writing to the Board within three working days after the receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal to the Board will include copies of the original grievance, the appeal of that grievance at Level Two, and the decisions, if any, rendered at Levels Three and Four.

The Board shall schedule the grievance for hearing at a private session to be held within forty-five calendar days of the presentation of the appeal. The grievant shall be present at the hearing.

## Level Five

The grievant may appeal the decision of the Board to an arbitrator mutually chosen by the grievant and the Board. In the event the grievant and the Board are unable to agree on the selection of an arbitrator within ten working days, the grievant and the Board shall each select an arbitrator and the arbitrators so selected shall select a third arbitrator by agreement.

The arbitrator or arbitrators shall receive evidence and hear testimony concerning the grievance at a private hearing. The arbitration award shall be final and binding.

N.J.S.A. 34:13A-5.3

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4351 HEALTHY WORKPLACE ENVIRONMENT  
Page 1-2

## 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 students 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 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.



# POLICY

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Nutley Public Schools  
SUPPORT STAFF

4351 HEALTHY WORKPLACE ENVIRONMENT

Page 2-2

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.

Adopted: 20 December 2010



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4425 WORK RELATED DISABILITY PAY  
Page 1-1

## 4425 WORK RELATED DISABILITY PAY

The Board of Education will permit, in accordance with law, the absence without loss of pay or of annual or accumulated sick leave benefits of a support staff member disabled by accident or injury arising out of and in the course of employment. Any such employee shall seek the workers' compensation benefits to which he/she is entitled by law.

An employee whose disability has qualified for the receipt of workers' compensation benefits shall be presumed eligible for work related disability pay under this policy. When an employee's disability is so brief as to preclude the employee's application for worker's compensation benefits, the employee may request and the Board may grant work related disability pay.

Any employee who qualified for work related disability pay under this policy shall receive full pay during the period he/she is on disability leave of absence, up to one calendar year.

As a condition of receiving full salary, an employee who receives workers' compensation benefits for his/her work-related disability must endorse and deliver to the Board all workers' compensation temporary disability checks received for the period covered by this policy.

N.J.S.A. 18A:30-2.1; 18A:66-32.1  
N.J.S.A. 34:15-38

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 1-23

## 4431.1 FAMILY LEAVE (M)

### Table of Contents

- A. Introduction
- B. Applicability
- C. Definitions
  - 1. Federal Family and Medical Leave Act
  - 2. New Jersey Family Leave Act
- D. Eligibility
  - 1. Federal Family and Medical Leave Act
  - 2. New Jersey Family Leave Act
- E. Types of Leave
  - 1. Federal Family and Medical Leave Act
    - a. Intermittent and/or Reduced Leave for Birth or Placement of Son/Daughter
    - b. Intermittent and/or Reduced Leave for Medical Treatment of a Related Serious Health Condition
    - c. Intermittent Leave for Serious Health Condition
    - d. Reduced Leave
    - e. Holidays
    - f. Servicemember Qualifying Exigency Leave
    - g. Military Caregiver Leave
  - 2. New Jersey Family Leave Act
    - a. Intermittent Leave
    - b. Reduced Leave
    - c. Holidays



# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 2-23

- F. Notice
  - 1. Federal Family and Medical Leave Act
    - a. Foreseeable Leave
    - b. Unforeseeable Leave
  - 2. New Jersey Family Leave Act
    - a. Foreseeable Leave
    - b. Unforeseeable Leave

- G. Leave Designation

- H. Benefits

- I. Returning from Leave

- J. Ineligible Staff Members

- 1. Federal Family and Medical Leave Act
  - 2. New Jersey Family Leave Act

- K. Verification of Leave

- 1. Federal Family and Medical Leave Act
  - 2. New Jersey Family Leave Act

- L. Interference with Family Leave Rights

- M. Non-Tenured Staff Member

- N. Record Keeping

- O. Processing of Complaints

- A. Introduction

The Board will provide family leave in accordance with the Federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA).



# POLICY

---

FMLA leave for eligible staff members shall be up to twelve weeks leave of absence in a twelve month period upon advance notice to the district for the birth of a son or daughter of the staff member and in order to care for such son or daughter; for the placement of a son or daughter with the staff member for adoption or foster care; in order to care for the spouse, son, daughter, or parent of the staff member if such spouse, son, daughter, or parent has a serious health condition; or for a serious health condition that makes the staff member unable to perform the functions of the position of such staff member, or because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible employees may take up to a combined total of twenty-six workweeks in a single twelve month period to care for a covered servicemember with a serious injury or illness.

NJFLA leave for eligible staff members shall be up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the district so that a staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

## B. Applicability

The Board will comply with requirements of the New Jersey and Federal Family Leave laws. The laws have similar and different provisions that may provide different rights and obligations for the staff member and/or the Board. The staff member shall be afforded the most favorable rights if there is a conflict in the rights afforded to the staff member under the two laws.

1. If the staff member is eligible for leave for reasons provided under the FMLA and NJFLA, then the time taken shall be concurrent and be applied to both laws.
2. The NJFLA provides twelve weeks leave in a twenty-four month period while the FMLA provides twelve weeks leave in a twelve-month period. A staff member is eligible for up to twelve weeks leave in the first twelve months of the twenty-four month period under the NJFLA. A staff member is eligible for up to twelve weeks leave in the second twelve-month period under the FMLA.
3. In the event the reason for the family leave is recognized under one law and not the other law, the staff member is eligible for each law's leave entitlements within one twelve-month period. (Example: A staff member may use their FMLA leave for a





# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 4-23

twelve week family leave for their own pregnancy, which is considered a “serious health condition” under FMLA, and upon conclusion of the twelve week FMLA leave, the staff member would be eligible for a twelve week NJFLA leave to care for their newborn or any other reasons pursuant to the NJFLA.)

## C. Definitions

### 1. Federal Family and Medical Leave Act (FMLA)

“Contingency operation” means a military operation that results in the call or order to, or retention on, active duty of members of the uniformed services during a war or during a national emergency declared by the President or Congress.

“Covered active duty” or “call to covered active duty” means duty during deployment of a member with the Armed Forces to a foreign country and, in the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

“Covered servicemember” means a current member of the Armed Forces (including National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

“Covered veteran” means an individual who was a member of the Armed Forces (including National Guard or Reserves), discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible staff member takes FMLA leave to care for the covered veteran. For a veteran discharged prior to March 8, 2013, the effective date of the FMLA Final Rule, the period between October 28, 2009 and March 8, 2013 will not count towards the determination of the five-year period. 29 CFR § 825.127(b)(2)

“Military caregiver leave” means leave taken to care for a covered servicemember with a serious injury or illness under FMLA. 29 CFR §825.127

“Next of kin of a covered servicemember” means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins,



# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 5-23

unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 29 CFR §825.122(k). 29 CFR §825.127(d)(3)

“Outpatient status” means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. 29 CFR § 825.127(b)(1)

“Parent” means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents “in law.”

“Parent of a covered servicemember” means a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider. “Serious health condition” may include treatment of substance abuse pursuant to 29 CFR §825.119.

“Serious injury or illness,” only in the case of a veteran or current member of the Armed Forces, means:

- a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed



# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 6-23

Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and

- b. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
  - (1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
  - (2) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of fifty percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
  - (3) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - (4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. 29 CFR 825 §127(c)

“Single twelve-month period” means that a military caregiver’s leave begins on the first day the staff member takes FMLA leave and ends twelve months after that date, regardless of the twelve-month period established by the district for other FMLA leave reasons. 29 CFR §825.127(e)(1)

“Son” or “daughter” means a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen or age eighteen or older



# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 7-23

and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

“Son or daughter of the covered servicemember” means a covered servicemember's biological, adopted or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. 29 CFR §825.127(d)(1)

“Son or daughter on covered active duty or call to covered active duty status” means the staff member's biological, adopted or foster child, stepchild, legal ward, or a child for whom the staff member stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. 29 CFR §825.126(a)(5)

“Spouse” means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex marriage or common law marriage. 29 CFR §825.122

“Staff member” means an employee eligible for family and medical leave in accordance with the Federal Family and Medical Leave Act (FMLA).

“Week” or “Workweek” means the number of days a staff member normally works each calendar week.

## 2. New Jersey Family Leave Act (NJFLA)

“Child” means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but incapable of self-care because of a mental or physical impairment.

“Continuing medical treatment” or “continuing supervision by a health care provider” means a period of incapacity or a period of absence in accordance with N.J.A.C. 13:14.

“Parent” means a biological, adoptive, or foster parent; step-parent; parent-in-law; a legal guardian having a “parent-child relationship” with a child as defined by law; or a person who has sole or joint legal or physical custody, care, guardianship, or visitation with a child.

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.



# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 8-23

“Spouse” means a person to whom a staff member is lawfully married as defined by New Jersey law.

“Staff member” means an employee eligible for family leave in accordance with the New Jersey Family Leave

“Week” or “Workweek” means the number of days a staff member normally works each calendar week.

## D. Eligibility

### 1. Federal Family and Medical Leave Act (FMLA)

A staff member shall become eligible for FMLA leave after he/she has been employed at least twelve months in this district and employed for at least 1250 hours of service during the twelve-month period immediately preceding the commencement of the leave. The twelve months the staff member must have been employed need not be consecutive months pursuant to 29 CFR §825.110(b). The minimum 1250 hours of service shall be determined according to the principles established under the Fair Labor Standards Act (FSLA) for determining compensable hours of work pursuant to 29 CFR §785. Entitlement to FMLA leave taken for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care shall expire at the end of the twelve-month period beginning on the date of such birth or placement.

Pursuant to 29 CFR §825.201, a husband and wife both employed by the district are limited to a combined total of twelve weeks of leave during the twelve-month period if the leave is taken for the birth of a son or daughter of the staff member or to care for such son or daughter after birth; for placement of a son or daughter with the staff member for adoption or foster care or in order to care for the son or daughter after placement; or to care for the staff member’s parent with a serious health condition.

The method to determine the twelve-month period in which the twelve weeks of FMLA leave entitlement occurs will be a school year.

A staff member during any period of FMLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member using FMLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the district. The staff member may continue the part-time employment that



# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 9-23

commenced prior to the FMLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

## 2. New Jersey Family Leave Act (NJFLA)

A staff member shall become eligible for NJFLA leave after he/she has been employed at least twelve months in this district for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. The calculation of the twelve-month period to determine eligibility shall commence with the commencement of the NJFLA leave. NJFLA leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

The district shall grant a family leave under NJFLA to more than one staff member from the same family (for example, a husband and a wife, or a brother and a sister) at the same time, provided such staff members are otherwise eligible for the leave. N.J.A.C. 13:14-1.12

A staff member during any period of the NJFLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member on NJFLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the district. The staff member may continue the part-time employment that commenced prior to the NJFLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

The method to determine the twenty-four month period in which the twelve weeks of NJFLA leave entitlement occurs will be a school year.

## E. Types of Leave

### 1. Federal Family and Medical Leave Act (FMLA)

A staff member may take FMLA leave to include servicemember qualifying exigency leave or military caregiver leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

- a. Leave for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care **[Board option – may or may not]** be taken by a staff member intermittently or on a reduced leave schedule.



# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 10-23

- b. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition.
- c. Intermittent leave means leave scheduled for periods of time from one hour or more to several weeks; however, the total time within which the leave is taken can not exceed a twelve month period for each serious health condition episode. Intermittent leave may be taken for a serious health condition that requires periodic treatment by a healthcare provider, rather than one continuous period of time. Intermittent leave may also be taken for absences where the staff member is incapacitated or unable to perform the essential functions of the position because of a serious health condition even if the staff member does not receive treatment by a health care provider. The staff member shall make a reasonable effort to schedule intermittent leave so as not to unduly disrupt the operations of the instructional/educational program.
- d. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule not exceeding twenty-four consecutive weeks. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.
- e. The fact that a holiday may occur within the week taken by a staff member as Family Leave has no effect and the week is counted as a week of Family Leave. However, if the staff member is out on Family Leave and the school district is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school district is closed for this





# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 11-23

staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

- f. Servicemember qualifying exigency leave may arise out of the foreign deployment of the staff member's spouse, child, or parent 29 CFR §§825.122 and 126:
  - (1) The district must grant an eligible staff member up to twelve work weeks of unpaid, job-protected leave during a twelve-month period for qualifying exigencies that arise when the staff member's spouse, child, or parent is on covered active duty, or has been notified of an impending call or order to covered active duty.
  - (2) The military member must be the spouse, son, daughter, or parent, of the staff member taking FMLA exigency leave.
  - (3) FMLA leave can be granted for one or more of the following exigencies:
    - (a) Short-notice deployment:
      - i. Notification of duty seven or less calendar days prior to date of deployment;
      - ii. Leave can be used for a period of seven calendar days beginning on the date the military member is notified.
    - (b) Military events and related activities, including official ceremonies, programs, or events sponsored by the military and related to the covered active duty or call to covered active duty status of the military member; and to attend family support or assistance programs and informational





# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)

Page 12-23

briefings sponsored or promoted by the military, military service organizations, or the American Red Cross.

- (c) Childcare and school activities including arranging for alternative childcare; providing childcare on an urgent, immediate need basis (not routine, regular, or everyday basis); to enroll in or transfer to a new school or day care facility; or to attend meetings with staff at a school or day care facility:
  - i. The son or daughter must be the son or daughter of the covered servicemember.
- (d) Financial and legal arrangements made to address the military member's absence while on covered active duty or call to covered active duty status.
- (e) Counseling, provided by someone other than a health care provider for oneself, for the military member, or qualified child, if the need arises from the covered active duty or call to covered active duty status of the military member.
- (f) Rest and Recuperation (R&R) to spend time with the military member on short-term, temporary R&R leave during a term of deployment:
  - i. Can be used for a period of fifteen calendar days beginning on the date the military member commences each instance of R&R leave.
- (g) Post-deployment activities such as ceremonies or briefings including any that arise from the death of the military member while on covered active duty.
- (h) Parental care for one meeting the definition of a "parent" and incapable of self care including: arranging alternative care; providing care on an immediate need basis; and to attend meetings or arrange services at a care facility.
- (i) Additional activities in accordance 29 CFR §825.126(b)(9).



# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 13-23

- g. Military caregiver leave provides care for a covered servicemember with a serious injury or illness 29 CFR §§825.122 and 127:
  - (1) The district must grant up to a total of twenty-six workweeks of unpaid, job-protected leave during a “single twelve-month period” to care for a covered servicemember with a serious injury or illness.
    - (a) The eligible staff member must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.
    - (b) The staff member is limited to a combined total of twenty-six workweeks for any FMLA-qualifying reasons during the single twelve-month period. Up to twelve of the twenty-six weeks may be for an FMLA-qualifying reason other than military caregiver leave.
    - (c) Spouses who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of twenty-six workweeks of leave during a single twelve-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full twenty-six workweeks of FMLA leave.
  - (2) Leave entitlement is applied on a per-covered-servicemember, per-injury basis.
    - (a) The staff member may take an additional twenty-six weeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than twenty-six weeks of leave may be taken within any single twelve-month period.



# POLICY

---

Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 14-23

- (b) An eligible staff member may take military caregiver leave to care for more than one current service member or covered veteran at the same time or for the same family member with the same serious injury or illness both when the family member is a current servicemember and when the family member is a veteran.
- (c) Military caregiver leave may be taken by eligible staff members whose family members are recent veterans with serious injuries or illnesses incurred or aggravated in the line of duty on active duty, and that manifested before or after the veteran left active duty.

## 2. New Jersey Family Leave Act (NJFLA)

A staff member may take NJFLA leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program. The district shall not require a staff member to take a leave of absence beyond the period of time the staff member requests family leave. N.J.A.C. 13:14-1.5(f)

- a. In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary. The total time within which the leave is taken, can not exceed a twelve-month period for each serious health condition episode. The staff member will provide the district with prior notice of the leave in a manner which is reasonable and practicable; and the staff member shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the district.
- b. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule for a period not exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave on a reduced leave schedule without



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 15-23

an agreement between the staff member and the district if the leave is taken for the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

- c. The fact that a holiday may occur within the week taken by a staff member as family leave has no effect and the week is counted as a week of family leave. However, if the staff member is out on family leave and the school district is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school district is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

## F. Notice

### 1. Federal Family and Medical Leave Act (FMLA)

- a. Foreseeable Leave - A staff member eligible for FMLA leave must give at least a thirty day written advance notice to the office of human resources if the need for the leave is foreseeable based on an expected birth, placement for adoption of foster care, or planned medical treatment for a serious health condition of the staff member or a family member. If thirty days is not practical, the staff member must provide notice "as soon as practicable" which means as soon as both possible and practical, taking into account all the facts and circumstances in the individual case. For foreseeable leave where it is not possible to give as much as thirty days notice "as soon as practicable" ordinarily would mean at least verbal notification to the office of human resources within one or two business days or when the need for leave becomes known to the staff member. The written notice shall include the



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 16-23

reasons for the leave, the anticipated duration of the leave and the anticipated start of the leave.

When planning medical treatment, the staff member must consult with the office of human resources and make a reasonable effort to schedule the leave so as not to unduly disrupt the educational program, subject to the approval of the health care provider. Staff members are ordinarily expected to consult with the office of human resources prior to scheduling of treatment that would require leave for a schedule that best suits the needs of the district and the staff member.

The district may delay the staff member taking leave for at least thirty days if the staff member fails to give thirty days notice for foreseeable leave with no reasonable excuse for the delay.

- b. Unforeseeable Leave - When the approximate timing of the need for leave is not foreseeable, a staff member should give notice to the office of human resources for leave as soon as practicable under the facts and circumstances of the particular case. It is expected the staff member will give notice to the office of human resources within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not foreseeable. The staff member should provide notice to the employer either in person or by telephone, telegraph, facsimile machine or other electronic means.

## 2. New Jersey Family Leave Act (NJFLA)

- a. Foreseeable Leave - A staff member eligible for NJFLA leave must give at least a thirty day advance written notice to the office of human resources of the need to take family leave except where the need to take family leave is not foreseeable.
  - (1) Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave, except that if the date of the birth or adoption requires leave to begin in less than thirty days, the staff member shall provide such notice that is reasonable and practicable.
  - (2) Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of leave, except that if the date of the treatment or



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 17-23

supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.

- (3) When the office of human resources is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide timely notice within two business days of returning to work to have the time considered for family leave in accordance with the Family Leave Act.

- b. Unforeseeable Leave - When the need for leave is not foreseeable, the staff member must provide notice “as soon as practicable” which shall be at least verbal notice to the office of human resources within one or two business days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the office of human resources, but any verbal notice must be followed by written notice delivered within 2 working days.

## G. Leave Designation

An eligible staff member shall designate FMLA or NJFLA leave upon providing notice of the need for the leave or when the need for leave commences. The human resources director shall provide the staff member with this Policy to assist the staff member in determining the type of leave.

## H. Benefits

Whether a staff member is required to use sick time or any other accrued leave time concurrent with FMLA or NJFLA leave time will depend upon either the district’s practice or a provision in the district’s collective bargaining agreement, if applicable. 29 CFR §825.100

The Board will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued to work instead of taking the leave. If the staff member was paying all or part of the premium payments prior to the leave, the staff member would continue to pay his/her share during the leave time. Any ten month staff member who is on leave under NJFLA or FMLA at the end of the school year will be provided with any benefits over the summer that the staff member would normally receive if they had been working at the end of the school year.



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 18-23

## I. Returning from Leave

### The Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act

A staff member returning from leave shall be entitled to the position he/she held when leave commenced or to an equivalent position of like seniority, status, employment benefits, pay and other conditions of employment. If the district experiences a reduction in force or layoff and the staff member would have lost his/her position had the staff member not been on family leave as a result of the reduction in force or pursuant to the good faith operation of a bona fide layoff and recall system including a system under any collective bargaining agreement, the staff member shall be entitled to reinstatement to the former or an equivalent position in accordance with applicable statutes, codes, and laws. The staff member's tenure and seniority rights, if any, and other benefits shall be preserved, but the staff member shall accrue no additional time toward tenure or seniority for the period of the leave, except as may be provided by law.

The return of a staff member prior to the expiration of the requested family leave may be permitted by the Board if the return does not unduly disrupt the instructional program or require the Board to incur the cost of continuing the employment of a substitute under contract.

The Board may, in accordance with the provisions of 29 CFR §825.312 delay restoration of employment of a staff member using FMLA leave for the staff member's serious health condition until the staff member submits a fitness-for-duty examination from his/her health care provider indicating that the staff member is able to resume work. In the event the Board requires such a fitness-for-duty examination before restoration of the staff member after leave, the Board will provide the staff member specific notice either at the time the staff member gives notice of the need for leave or immediately after the leave commences and the staff member advises the Board of the medical circumstances for the leave.

If leave is taken under FMLA, and the staff member does not return to work after the leave expires, the Board is entitled to recover health insurance costs paid while the staff member was on FMLA. The Board's right to recover premiums would not apply if the staff member fails to return to work due to:

1. The continuation, onset or recurrence of a serious health condition of the staff member; or
2. Circumstances beyond the staff member's control.





# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 19-23

## J. Ineligible Staff Members

### 1. Federal Family and Medical Leave Act (FMLA)

The district may deny job restoration after FMLA leave if the staff member is a “key employee” as defined in 29 CFR §825.217 if such denial is necessary to prevent substantial and grievous economic injury to the district or the district may delay restoration to a staff member who fails to provide a fitness for duty certificate to return to work for leave that was the staff member’s own serious health condition. A “key employee” is a salaried, staff member who is among the highest paid ten percent of the school district staff employed by the district within 75 miles of the worksite. No more than ten percent of the school district staff within 75 miles of the worksite may be “key employees.”

In the event the human resources director believes that reinstatement may be denied to a key employee, the human resources director must give written notice to the staff member at the time the staff member gives notice of the need for leave, or when the need for leave commences, if earlier, that he/she qualifies as a key employee. The key employee must be fully informed of the potential consequences with respect to reinstatement and maintenance of health benefits if the district should determine that substantial and grievous economic injury to the district’s operations will result if the staff member is reinstated from leave. The district’s notice must explain the basis for the district’s finding that substantial and grievous economic injury will result, and if leave has commenced, must provide the staff member a reasonable time in which to return to work. If the staff member on leave does not return to work in response to the notice of intent to deny restoration, the staff member continues to be entitled to maintenance of health insurance.

A key employee’s rights under the FMLA continue unless and until the staff member either gives notice that he/she no longer wishes to return to work or the district actually denies reinstatement at the conclusion of the leave period. A staff member is still entitled to request reinstatement at the end of the leave period even if the staff member did not return to work in response to the district’s notice. The district will then again determine whether there will be substantial and grievous economic injury from reinstatement based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the district will notify the staff member in writing (in person or by certified mail) of the denial of the restoration.

### 2. New Jersey Family Leave Act





# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 20-23

The district may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school district staff or one of the seven highest paid employees of the district, whichever is greater, if the denial is necessary to prevent substantial and grievous economic injury to the school district's operations. The human resources director shall notify the staff member of the intent to deny the leave at the time the human resources director determines the denial is necessary. If the leave has already commenced at the time of the district's notification of denial, the staff member shall be permitted to return to work within ten working days of the date of notification.

## K. Verification of Leave

### 1. Federal Family and Medical Leave Act (FMLA)

The Board requires a staff member's FMLA leave to care for the staff member's seriously ill spouse, son, daughter, or parent; or for a servicemember's qualifying exigency or serious injury; or for illness due to the staff member's own serious health condition, that makes the staff member unable to perform one or more of the essential functions of the staff member's position, be supported by a certification issued by the health care provider of the staff member or the staff member's ill family member. The medical certification required encompasses both physical and psychological care and includes situations where a family member is unable to care for his/her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself/herself to the doctor. It can also include providing psychological comfort and reassurance beneficial to a child, spouse, or parent with a serious health condition who is receiving inpatient or home care and can include situations where the staff member may be needed to substitute for others who normally care for the family member or covered servicemember or to make arrangements for changes in care. The staff member need not be the only individual or family member available to care for the family member or covered servicemember. 29 CFR §825.124

The certification must meet the requirements of 29 CFR §§825.306, 309, and 310 to include: which part of the definition of "serious health condition" applies; the approximate date the serious health condition commenced and its probable duration; whether it will be necessary for the staff member to take intermittent and/or reduced leave; whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity; if additional treatments will be required for the condition; and/or if the patient's incapacity will be intermittent or will require reduced leave. The certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 21-23

facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement.

In the event the human resources director doubts the validity of the certification, in accordance with 29 CFR §825.307, the district may require, at the district's expense, the staff member obtain an opinion regarding the serious health condition from a second health care provider designated by the district, but not employed on a regular basis by the district. If the second opinion differs from the staff member's health care provider, the district may require, at the district's expense, the staff member obtain the opinion of a third health care provider designated by the district or approved jointly, in good faith, by the district and the staff member. The opinion of the third health care provider shall be final and binding on the district and the staff member.

The district may require re-certification pursuant to the requirements of 29 CFR §825.308. In accordance with 29 CFR §825.309, the staff member on leave must provide a written report to the human resources director every thirty workdays. The report shall include the staff member's status and intended date to return to work. In the event the staff member's circumstances change, the staff member must provide reasonable notice to the human resources director if the staff member intends to return to work on a date sooner than previously noticed to the district. The staff member is not required to take more leave than necessary to resolve the circumstance that precipitated the need for leave. As a condition of returning to work after the leave for the staff member's own serious health condition, and in accordance with 29 CFR §825.310, the district requires a staff member to provide a certification from their health care provider that the staff member is able to resume work.

In accordance with 29 CFR §825.311, the district may delay the taking of FMLA leave to a staff member who fails to provide certification within fifteen days after being requested to do so by the district. In accordance with 29 CFR §825.312, the district may delay the taking of leave until thirty days after the date the staff member provides notice to the district of foreseeable leave or the district may delay continuation of leave if a staff member fails to provide a requested medical certification in a timely manner.

## 2. New Jersey Family Leave Act

The Board shall require the certification of a duly licensed health care provider verifying the purpose of requested NJFLA leave. Certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 22-23

the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement, whichever is appropriate.

In the event the human resources director doubts the validity of the certification for the serious health condition of a family member of the staff member, the district may require, at the district's expense, the staff member to obtain an opinion regarding the serious health condition from a second health care provider designated or approved, but not employed on a regular basis, by the district. If the second opinion differs from the certification the district may require, at the district's expense, that the staff member obtain the opinion of a third health care provider designated or approved jointly by the district and the staff member concerning the serious health condition. The opinion of the third health care provider shall be final and binding on the district and the staff member.

## L. Interference with Family Leave Rights

The Federal Family and Medical Leave Act and the New Jersey Family Leave Act prohibit interference with a staff member's rights under the law, and with legal proceedings or inquiries relating to a staff member's rights. Unless permitted by the law, no staff member shall be required to take family leave or to extend family leave beyond the time requested. A staff member shall not be discriminated against for having exercised his/her rights under the Federal Family and Medical Leave Act or the New Jersey Family Leave Act nor discouraged from the use of family leave.

## M. Non-Tenured Staff Member

Family leave granted to a nontenured staff member cannot extend the staff member's employment beyond the expiration of his/her employment contract.

## N. Record Keeping

In order that staff member's entitlement to FMLA leave and NJFLA leave can be properly determined, the Superintendent shall ensure the keeping of accurate attendance records that distinguish family leave from other kinds of leave. The Superintendent will publish a notice explaining the Act's provisions and provide information concerning the procedures for filing complaints of violations of the FMLA and NJFLA.

## O. Processing of Complaints

1. Federal Family and Medical Leave Act (FMLA) 29 CFR §§825.400-401



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4431.1 FAMILY LEAVE (M)  
Page 23-23

- a. If there is a dispute between the district and a staff member as to whether leave qualifies as FMLA leave, it should be resolved through discussion between the staff member and the district. Such discussions and the decision shall be documented by the school district.
  - b. The staff member also may file, or have another person file on his/her behalf, a complaint with the United States Secretary of Labor. A complaint may be filed in person, by mail, or by telephone with the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, at any local office of the Wage and Hour Division.
2. New Jersey Family Leave Act N.J.A.C. 13:14-1.16
    - a. Any complaint alleging a violation of the Act shall be processed in the same manner as a complaint filed under the terms of N.J.S.A. 10:5-1 et seq. and N.J.A.C. 13:4 through the New Jersey Department of Law and Public Safety, Division on Civil Rights.

Implementation of FMLA and NJFLA will be consistent with provisions in collective bargaining agreement(s) in the district.

29 CFR §825 et seq.  
29 CFR §785  
N.J.S.A. 10:5-1  
N.J.A.C. 13:14-1 et seq.

Adopted: 20 Dec 2004

Revised:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF

## 4431.3 NEW JERSEY'S FAMILY LEAVE INSURANCE PROGRAM

Page 1-2

### 4431.3 NEW JERSEY'S FAMILY LEAVE INSURANCE PROGRAM

Board of Education employees are eligible to apply for benefits under New Jersey's Family Leave Insurance Program administered by the State of New Jersey – Department of Labor and Workforce Development. New Jersey's Family Leave Insurance Program (NJFLI) may provide up to six weeks of family leave insurance benefits payable to covered employees from either the New Jersey State Plan or an approved employer-provided private plan.

A benefit provided through the NJFLI will be for the employee to bond with a child during the first twelve months after the child's birth, if the covered individual or the domestic partner or civil union partner of the covered individual is a biological parent of the child, or the first twelve months after the placement of the child for adoption with the covered individual. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI must provide the Superintendent of Schools written notice thirty calendar days prior to beginning the leave. Failure to provide this thirty-day notice may result in a reduction in the employee's maximum family leave insurance benefits. Intermittent leave to bond with a newborn or newly adopted child must be agreed to by the Superintendent of Schools and the employee and, if agreed to, must be taken in periods of seven days or more.

A benefit provided through the NJFLI will also be to care for a family member with a serious health condition supported by a certification provided by a health care provider. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI for consecutive leave must provide the school district reasonable and practical notice unless the time of the leave is unexpected or the time of the leave changes for unforeseen reasons. An employee who intends to apply for benefits under this provision of the NJFLI for intermittent leave must provide the school district with a written notice at least fifteen calendar days prior to beginning the leave.

For the purposes of this Policy, "family member" means a child, spouse, domestic partner, civil union partner, or parent of a covered individual. "Child" means a biological, adopted, or foster child, stepchild, or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than nineteen years of age or is nineteen years of age or older but incapable of self-care because of mental or physical impairment.

All applications for benefits under the NJFLI must be filed directly with the State of New Jersey – Department of Labor and Workforce Development. The eligibility requirements, wage requirements, benefit duration and amounts, and benefit limitations shall be in accordance with the provisions of the NJFLI as administered by the State of New Jersey – Department of Labor and Workforce Development. A formal appeal may be submitted to the State of New Jersey –



# POLICY

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Nutley Public Schools  
SUPPORT STAFF

## 4431.3 NEW JERSEY'S FAMILY LEAVE INSURANCE PROGRAM

Page 2-2

Department of Labor and Workforce Development if an employee or the Board disagrees with a determination on a claim.

The NJFLI provides eligible individuals a monetary benefit and not a leave benefit. In addition, the school district administrative and related staff will comply with the State of New Jersey - Department of Labor and Workforce Development requests for information in accordance with the provisions of N.J.A.C. 12:21-3.9.

The Board may elect to provide employees with Family Leave Insurance benefits coverage under a private plan which must be approved by the State of New Jersey – Department of Labor and Workforce Development.

A printed notification of covered individuals' rights relative to the receipt of benefits under the NJFLI will be posted in each of the school district worksites and in a place or places accessible to all employees at the worksite. Each employee shall receive a copy of this notification in writing at the time of the employee's hiring, whenever the employee provides written notice to the Superintendent of their intention to apply for benefits under the NJFLI, or at any time upon the first request of the employee. The written notification may be transmitted to the employee in electronic form.

N.J.S.A. 43:21-25 et seq.  
N.J.A.C. 12:21-1.1 et seq.

Adopted: 25 January 2010



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4432 SICK LEAVE  
Page 1-2

## 4432 SICK LEAVE

The Board of Education shall grant sick leave, in accordance with law, to support staff members absent from work because of personal disability or quarantine. Each steadily employed employee eligible for sick leave will be entitled annually to the number of paid sick leave days negotiated with the employee's majority representative or provided in this policy.

An employee who has been employed in the district at least twelve months and for at least one thousand two hundred fifty hours in the previous twelve months is eligible for sick leave under the federal Family and Medical Leave Act. When any such employee with a serious health condition has exhausted his/her entitlement to paid sick leave, personal leave, and vacation time.

The Board will grant additional, unpaid sick leave until the total amount of the employee's sick leave, both paid and unpaid, is equal to twelve work weeks in any twelve month period. "Serious health condition" means an illness, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential care facility or continuing treatment by a health care provider. When medically necessary, unpaid sick leave granted under this paragraph may be taken intermittently or on a reduced leave schedule.

The Board will consider the application of any eligible employee for an extension of sick leave when the employee has exhausted all statutory entitlements to sick leave.

Transferred sick leave will be credited in full.

The Board reserves the right to require of any employee who claims sick leave sufficient proof, including a physician's certification, of the employee's illness or disability. As a minimum, no day will be considered to be a sick leave day on which the employee has engaged in or prepared for other gainful employment, has participated in a work stoppage, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4432 SICK LEAVE

Page 2-2

The Superintendent will prepare rules for the administration of the Board's policy on sick leave, which shall be binding on all employees.

The Superintendent will submit to the Board the names of those employees absent for non-compensable cause or whose claim for sick leave pay cannot be justified. The willful misuse of sick leave will be considered a serious infraction and is subject to discipline.

29 U.S.C. 2601 et seq.  
N.J.S.A. 18A:30-1 et seq.

Adopted: 03 May 2004

Revised:





# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4433 VACATIONS  
Page 1-2

## 4433 VACATIONS

The Board of Education believes that it is beneficial to the school district that persons employed to work twelve months a year be given periodic relief from the responsibilities of their position without loss of compensation.

The Board reserves the right to determine the conditions under which vacation time may be taken when not otherwise covered by the terms of a negotiated agreement.

Vacation time will be granted as follows:

1. An employee employed for one full year: 18 working days
2. An employee employed for more than one year but fewer than 5 years; 20 working days;
3. An employee employed more than 5 years; 22 working days;
4. An employee employed less than one year will be entitled to one day's vacation for each month worked but may take no vacation until he/she has worked 3 months.

An application for vacation must be presented to the Superintendent or designee (though AESOP) not less than 2 weeks before the intended starting date of the vacation. A waiver to that rule may be given in emergency situations. The Superintendent or designee (though AESOP) must approve all vacations before they are taken.

Vacation time must be taken by the end of the school year calendar, in the year that it was earned, except that 5 days of earned vacation time may be carried over to the next school year on the approval of the superintendent to be used by August 15th.

Vacations will be granted only at times of the year when they will not interfere with the regular operations of the school.

Payment of salary in lieu of vacation is prohibited.

N.J.S.A. 18A:30-7



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
4433 VACATIONS  
Page 2-2

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
STUDENTS

5117 INTERDISTRICT PUBLIC SCHOOL CHOICE

Page 1-4

## 5117 INTERDISTRICT PUBLIC SCHOOL CHOICE

New Jersey's Interdistrict Public School Choice Program Act provides interested New Jersey school districts an opportunity to apply to the New Jersey Department of Education to become a public school choice school district that can make available classroom seats within the school district for the Board to accept non-resident students. A choice district may enroll students across district lines in designated schools of the choice district.

A proposed choice school district shall submit an application to the Commissioner of Education no later than April 30 in the year prior to the school year in which the choice program will be implemented.

The Commissioner shall notify a choice district of the approval or disapproval of its application no later than July 30, and the reasons for disapproval shall be included in the notice. The Commissioner shall notify the New Jersey State Board of Education of the approval of a choice district application and the State Board shall include a public notice of the approval on the next agenda for its public monthly meeting.

The Commissioner may take appropriate action, consistent with State and Federal law, to provide that student population diversity in all districts participating in a choice district program is maintained in accordance with the provisions of N.J.S.A. 18A:36B-17.b.

The Commissioner shall evaluate an application submitted by a proposed choice district in accordance with the provisions of N.J.S.A. 18A:36B-18.

The parent or guardian of a student shall notify the sending district of the student's intention to participate in the choice program and shall submit an application to the choice district, indicating the school the student wishes to attend, no later than the date specified by the Commissioner.

A choice district may evaluate a prospective student on the student's interest in the program offered by a designated school. The district shall not discriminate in its admission policies or practices on the basis of athletic ability, intellectual aptitude, English language proficiency, status as a handicapped person, or any basis prohibited by State or Federal law.

A choice district shall not prohibit the enrollment of a student based upon a determination that the additional cost of educating the student would exceed the amount of additional State aid received as a result of the student's enrollment. A choice district may reject the



# POLICY

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Nutley Public Schools  
STUDENTS

## 5117 INTERDISTRICT PUBLIC SCHOOL CHOICE

Page 2-4

application for enrollment of a student who has been classified as eligible for special education services pursuant to Chapter 46 of Title 18A of the New Jersey Statutes if that student's individualized education program could not be implemented in the district, or if the enrollment of that student would require the district to fundamentally alter the nature of its educational program, or would create an undue financial or administrative burden on the district.

A student whose application is rejected by a choice district shall be provided with a reason for the rejection in the letter of notice. The appeal of a rejection notice may be made to the Commissioner. Once a student is enrolled in a designated school, the student shall not be required to reapply each school year for enrollment in any designated school of the choice district and shall continue to be permitted to be enrolled until graduation. A student shall be permitted to transfer back to a school of the sending district or may apply to a different choice district during the next application period.

The Board of Education of a sending district may adopt a resolution to restrict enrollment of its students in a choice district to a maximum of ten percent of the number of students per grade level per year and fifteen percent of the total number of students enrolled in the sending district. This resolution shall be subject to approval by the Commissioner upon a determination that the resolution is in the best interest of the district's students and that it will not adversely affect the district's programs, services, operations, or fiscal conditions, and that the resolution will not adversely affect or limit the diversity of the remainder of the student population in the district who do not participate in the choice program.

Enrollment restriction percentages adopted by the resolution shall not be compounded from year to year and shall be based upon the enrollment counts for the year preceding the sending district's initial year of participation in the choice program, except that in any year of the program in which there is an increase in enrollment, the percentage enrollment restriction may be applied to the increase and the result added to the preceding year's count of students eligible to attend a choice district. If there is a decrease in enrollment at any time during the duration of the program, the number of students eligible to attend a choice district shall be the number of students enrolled in the choice program in the initial year of the district's participation in the program, provided that a student attending a choice district school shall be entitled to remain enrolled in that school until graduation.



# POLICY

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Nutley Public Schools  
STUDENTS

## 5117 INTERDISTRICT PUBLIC SCHOOL CHOICE

Page 3-4

The calculation of the enrollment of a sending district shall be based on the enrollment count as reported on the Application for State School Aid in October preceding the school year during which the restriction on enrollment shall be applicable.

A choice district shall not be eligible to enroll students on a tuition basis pursuant to N.J.S.A. 18A:38-3 while participating in the Interdistrict Public School Choice Program. Any student enrolled on a tuition basis prior to the establishment of the choice program shall be entitled to remain enrolled in the choice district as a choice student.

Transportation, or aid in-lieu-of transportation, shall be provided to an elementary school student who lives more than two miles from the choice district school of attendance and to a secondary school student who lives more than two and one-half miles from the choice district school of attendance, provided the choice district school is not more than twenty miles from the residence of the student.

Transportation, or aid in-lieu-of transportation, shall be the responsibility of the sending district. The choice district and the sending district may enter into a shared service agreement in accordance with the "Uniform Shared Services and Consolidation Act," sections 1 through 35 of P.L. 2007, c.63 (C.40A:65-1 through C.40A:65-35). Notwithstanding the provisions of section 20 of P.L. 2007, c.260 (C.18A:7F-62) to the contrary, the sending district shall receive State aid for transportation calculated pursuant to section 15 of P.L. 2007, c.260 (C.18A:7F-57) for a student transported or receiving aid-in-lieu-of transportation pursuant to N.J.S.A. 18A:36B-22.

A choice district shall establish and maintain a parent information center. The center shall collect and disseminate information about participating programs and schools and shall assist parents and guardians in submitting applications for enrollment of students in an appropriate program and school. The information about participating programs and schools shall be posted on the choice district's website.

The Commissioner shall annually report to the State Board of Education, the Legislature, and the Joint Committee on the Public Schools on the effectiveness of the Interdistrict



# POLICY

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Nutley Public Schools  
STUDENTS

5117 INTERDISTRICT PUBLIC SCHOOL CHOICE

Page 4-4

Public School Choice Program. The Commissioner's annual report shall be posted on the New Jersey Department of Education's website and on the website of each choice district.

N.J.S.A. 18A:36B-14 through 18A:36B-24

N.J.A.C. 6A:12-1.1 et seq.

Adopted: 21 May 2012



# POLICY

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Nutley Public Schools  
STUDENTS  
5305 HEALTH SERVICES PERSONNEL  
Page 1-4

## 5305 HEALTH SERVICES PERSONNEL

The Board of Education shall appoint at least one school physician pursuant to N.J.S.A. 18A:40-1. The Board may appoint a lead school physician to serve as health services director if more than one school physician is required. The school physician shall be currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy whose training and scope of practice includes child and adolescent health and development. The school district shall conduct a criminal history background check on any physician before entering into an agreement for delivery of services.

The school physician shall provide, at a minimum, the following services:

1. Consultation in the development and implementation of school district policies, procedures, and mechanisms related to health, safety, and medical emergencies pursuant to N.J.A.C. 6A:16-2.1(a);
2. Consultation to school district medical staff regarding the delivery of school health services, which includes special health care needs of technology-supported and medically fragile children, including students covered by 20 U.S.C. § 1400 et seq., Individuals with Disabilities Education Improvement Act;
3. Physical examinations conducted in the school physician's office or other comparably equipped facility for students who do not have a medical home or whose parent has identified the school as the medical home for the purpose of a sports physical examination;
4. Provision of written notification to the parent stating approval or disapproval of the student's participation in athletics based upon the medical report;
5. Direction for professional duties of other medical staff;
6. Written standing orders that shall be reviewed and reissued before the beginning of each school year;
7. Establishment of standards of care for emergency situations and medically-related care involving students and school staff;
8. Assistance to the certified school nurse or non-certified nurse in conducting health screenings of students and staff and assistance with the delivery of school health services;
9. Review, as needed, of reports and orders from a student's medical home regarding student health concerns;



# POLICY

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Nutley Public Schools  
STUDENTS  
5305 HEALTH SERVICES PERSONNEL  
Page 2-4

10. Authorization of tuberculin testing for conditions outlined in N.J.A.C. 6A:16-2.2(c);
11. Review, approval, or denial with reasons of a medical home determination of a student's anticipated confinement and resulting need for home instruction; and
12. Consultation with the school district certified school nurse(s) to obtain input for the development of the school nursing services plan pursuant to N.J.A.C. 6A:16-2.1(b).

The Board shall employ a certified school nurse to provide nursing services while school is in session pursuant to N.J.S.A. 18A:40-1 and 3.3. The certified school nurse shall work under the direction of the school physician and Superintendent of Schools.

The certified school nurse shall possess a standard educational certificate with a school nurse endorsement or school nurse/non-instructional endorsement pursuant to N.J.A.C. 6A:9B-14.3 or 14.4. The certified school nurse shall possess a current New Jersey registered professional nurse license issued by the New Jersey State Board of Nursing; a bachelor's degree from a regionally accredited college or university; a current Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AED) certification as issued by the American Heart Association, the American Red Cross, the National Safety Council, or other entities determined by the Department of Health to comply with the American Heart Association's CPR guidelines.

The certified school nurse shall complete training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma, and Immunology.

The role of the certified school nurse shall include, but not be limited to:

1. Carrying out written orders of the medical home and standing orders of the school physician;
2. Conducting health screenings which include height, weight, blood pressure, hearing, vision, and scoliosis pursuant to N.J.A.C. 6A:16-2.2 and monitoring vital signs and general health status for emergent issues for students suspected of being under the influence of alcohol and controlled dangerous substances pursuant to N.J.S.A. 18A:40-4 and 12;
3. Maintaining student health records, pursuant to N.J.S.A. 18A:40-4 and N.J.A.C. 6A:16-2.4;
4. Recommending to the school Principal students who shall not be admitted to or retained in the school building based on a parent's failure to provide evidence of the child's immunization according to the schedules specified in N.J.A.C. 8:57-4;





# POLICY

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Nutley Public Schools  
STUDENTS  
5305 HEALTH SERVICES PERSONNEL  
Page 3-4

5. Annually reviewing student immunization records to confirm with the medical home that the medical condition for the exemption from immunization continues to be applicable, pursuant to N.J.A.C. 8:57-4.3;
6. Recommending to the school Principal exclusion of students who show evidence of communicable disease, pursuant to N.J.S.A. 18A:40-7, 8, and 10;
7. Directing and supervising the emergency administration of epinephrine and glucagon, and training school staff designated to serve as delegates, pursuant to N.J.S.A. 18A:40-12.6 and 12.14;
8. Administering asthma medication through use of a nebulizer;
9. Directing and supervising the health services activities of any school staff to whom the certified school nurse has delegated a nursing task;
10. Providing classroom instruction in areas related to health pursuant to N.J.A.C. 6A:9B-14.3;
11. Reviewing and summarizing available health and medical information regarding the student and transmitting a summary of relevant health and medical information to the Child Study Team for the meeting pursuant to N.J.A.C. 6A:14-3.4(h);
12. Writing and updating, at least annually, the individualized health care plan and the individualized emergency healthcare plan for students' medical needs and instructing staff as appropriate;
13. Writing and updating, at least annually, any written healthcare provisions required under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a), for any student who requires them;
14. Assisting in the development of and implementing healthcare procedures for students in the event of an emergency;
15. Instructing teachers on communicable disease and other health concerns, pursuant to N.J.S.A. 18A:40-3; and
16. Providing other nursing services consistent with the nurse's educational services certification endorsement as a school nurse issued by the State Board of Examiners and current license approved by the State Board of Nursing.

A certified school nurse who possesses the school nurse/non-instructional certificate is not authorized to teach in areas related to health pursuant to N.J.A.C. 6A:9B-14.4.



# POLICY

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Nutley Public Schools  
STUDENTS  
5305 HEALTH SERVICES PERSONNEL  
Page 4-4

The Board may appoint a non-certified nurse under the supervision of a certified school nurse to supplement the services of a certified school nurse in accordance with the provisions of N.J.A.C. 6A:16-2.3(c). The non-certified nurse shall be assigned to the same school building or complex as the certified school nurse pursuant to N.J.S.A. 18A:40-3.3(a) and is limited to providing services only as permitted under the non-certified nurse's license issued by the State Board of Nursing.

N.J.A.C. 6A:9B-14.3; 6A:9B-14.4; 6A:16-2.3

Adopted: 23 July 2007



# POLICY

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Nutley Public Schools  
STUDENTS

5306 HEALTH SERVICES TO NONPUBLIC SCHOOLS (M)

Page 1-2

## 5306 HEALTH SERVICES TO NONPUBLIC SCHOOLS (M)

A Board of Education having nonpublic schools within the school district boundaries shall provide nursing services to students enrolled full-time in the nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5.

The Board shall provide for the extension of emergency care provided to public school students and to full-time nonpublic school students who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-2.1(a)4. The Board may provide additional services to those required under N.J.A.C. 6A:16-2.5(a) and under conditions as outlined in N.J.A.C. 6A:16-2.5(c).

The nursing services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, third-party contractor, or an independent contractor. The nursing services provided to nonpublic school students shall not include instructional services.

A nonpublic school may decline nursing services required or permitted under N.J.A.C. 6A:16-2.5 by submitting to the Board of Education notification signed by the Chief School Administrator of the nonpublic school pursuant to N.J.S.A. 18A:40-29. A student who is enrolled in a nonpublic school and whose parent objects to the student receiving any service provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the service except for a physical or medical examination to determine whether the student is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.

The Board shall consider the provision of health services to nonpublic schools based upon the considerations outlined in N.J.A.C 6A:16-2.5(h)1 through 3. The Superintendent or designee shall confer annually with the administrator of the nonpublic school to advise the nonpublic school of the amount of funds allocated by the Department of Education to the nonpublic school; to agree on the basic health services that shall be provided and the additional medical services that may be provided as set forth in N.J.S.A. 18A:40-23 et seq.; to inform the nonpublic school the County Office of Education shall provide assistance in the event an agreement cannot be reached regarding the health services and additional medical services to be provided to the nonpublic school; to assure the nonpublic school receiving services receives a copy of N.J.S.A. 18A:40-23 to 31 and N.J.A.C. 6A:16-2.5; and to assure that a description of the provision of nursing services is reflected in the school district's Nursing Services Plan.



# POLICY

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Nutley Public Schools  
STUDENTS

5306 HEALTH SERVICES TO NONPUBLIC SCHOOLS (M)

Page 2-2

The Board providing health services to a nonpublic school(s) shall submit information to the Executive County Superintendent on or before October 1 annually that includes: a written statement verifying the required annual conference was held with the nonpublic school; a copy of the contract with another agency to provide the services, if applicable; a copy of the Board meeting minutes approving the contract; and a description of the type and number of services that were provided during the previous school year on a Commissioner of Education approved form. A copy of the information submitted to the Executive County Superintendent shall also be provided to the Chief School Administrator of each nonpublic school within the school district boundaries.

N.J.S.A. 18A:40-23 et seq.  
N.J.A.C. 6A:16-2.5 et seq.

Adopted: 23 July 2007



# POLICY

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Nutley Public Schools  
STUDENTS  
5307 NURSING SERVICES PLAN (M)  
Page 1-1

## 5307 NURSING SERVICES PLAN (M)

The Board of Education shall annually adopt the school district's Nursing Services Plan at a regular meeting and submit it to the Executive County Superintendent of Education for review and approval.

The Superintendent, or designee, shall develop the Nursing Services Plan in consultation with the school physician and certified school nurse.

The Nursing Services Plan shall include a description of the basic nursing services to be provided to all students and a summary of the specific medical needs of individual students, if any, and the nursing services required to address those needs. The Nursing Services Plan shall also include a description of how nursing services will be provided in emergency situations, detailed nursing assignments sufficient to provide the services to students in all of its school buildings as outlined in N.J.A.C. 6A:16-2.3(b) through (d), and nursing services and additional medical services provided to nonpublic schools pursuant to N.J.A.C. 6A:16-2.5.

The Board, in its determination of the number of certified school nurses and non-certified nurses needed to perform all of the required services as outlined in N.J.A.C. 6A:16 et seq. shall consider: the geographic size including the number and location of school buildings; the general and special education enrollment; the number of children with medical involvement and extent of nursing services required; the requirement that non-certified nurses be assigned to the same school building or school complex as the supervising certified school nurse to ensure that the certified school nurse can provide required supervision pursuant to N.J.A.C. 6A:16-2.3(b) and (d) and N.J.S.A. 18A:40-3.3; and nursing services and additional medical services provided to nonpublic schools pursuant to N.J.A.C. 6A:16-2.5.

N.J.A.C. 6A:16-2.1(b)

Adopted: 23 July 2007



# POLICY

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Nutley Public Schools  
STUDENTS  
5320 IMMUNIZATION  
Page 1-1

## 5320 IMMUNIZATION

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board of Education requires the immunization of students against certain diseases in accordance with State statute and rules of the New Jersey State Department of Health and Senior Services.

A student shall not knowingly be admitted or retained in school if the parent(s) or legal guardian(s) has not submitted acceptable evidence of the child's immunization, according to schedules specified in N.J.A.C. 8:57-4 – Immunization of Pupils in School.

Medical or religious exemptions to immunizations shall be in accordance with the requirements as outlined in N.J.A.C. 8:57-4.3 and 4.4. A child may be admitted to school on a provisional basis in accordance with the requirements as outlined in N.J.A.C. 8:57-4.5.

No immunization program, other than that expressly required by the rules of the New Jersey State Department of Health and Senior Services or by order of the New Jersey State Commissioner of Health and Senior Services, may be conducted in district schools without the express approval of the Board.

N.J.S.A. 18A:40-20

N.J.S.A. 26:4-6

N.J.A.C. 8:57-4.1 et seq.

Adopted: 24 August 2009



# POLICY

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Nutley Public Schools  
STUDENTS

5332 DO NOT RESUSCITATE ORDERS (M)

Page 1-2

## 5332 DO NOT RESUSCITATE ORDERS (M)

Federal and State legislation entitles every student to a free, appropriate public education in the least restrictive environment. Due to the high risk of medically fragile students and students with chronic illnesses, who in the past would not have survived to be able to attend school, families, professionals, and school personnel are challenged with new issues in caring for these students in the school setting. Some families may wish not to pursue life-saving medical protocols for their child due to the lack of benefit to the student's condition or quality of life that is likely to result from following these protocols. In accordance with N.J.A.C. 6A:16-2.1(a)3, all Do Not Resuscitate (DNR) orders received for a student will be thoroughly and carefully reviewed.

"Do Not Resuscitate order" or "DNR order" means a written directive signed by the parent or legal guardian of a student who, after consultation with the student's pediatrician and other advisors, declines emergency administration of cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) to the student. "Written order" means a directive and protocol written by the student's medical home to address a healthcare need or provide a medical service for a specific student. "Medical home" means a health care provider and that provider's practice site chosen by the student's parent or legal guardian for the provision of health care.

A family desiring to pursue a DNR order must submit a written order, which should be developed after a meeting with the parent(s) or legal guardian(s), the student, if appropriate, the school physician, the school nurse, the student's family healthcare provider, and the local emergency medical services provider. The written order shall include specific written emergency orders and shall specifically meet the goals for the student. Community emergency medical services protocols must be clearly defined in the written order.

The school nurse is responsible for providing an appropriate response to DNR orders. The school nurse will coordinate the school district's review of the written order with the Building Principal or designee, the school physician, and the Superintendent of Schools or designee. The Superintendent of Schools or designee will review the written order with the Board of Education and the school Board Attorney. The school physician shall be responsible for instructing school staff in DNR orders.

The existence of a DNR written order and plan shall be referenced on the student's health form that is approved for use by the Commissioner of Education. A copy of the DNR written order shall be placed with the student's individualized health record and a copy should be kept with the local emergency medical services provider. The DNR written order shall be reviewed whenever a change occurs in the student's condition and at least once every six months.



# POLICY

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Nutley Public Schools  
STUDENTS

5332 DO NOT RESUSCITATE ORDERS (M)

Page 2-2

N.J.A.C. 6A:16-1.3; 6A:16-2.1(a)3

New Jersey Department of Education – School Health Services Guidelines, July 2001

Adopted: 26 March 2007





# POLICY

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Nutley Public Schools  
STUDENTS  
5335 TREATMENT OF ASTHMA (M)  
Page 1-1

## 5335 TREATMENT OF ASTHMA (M)

The Board of Education recognizes the primary goal for children with asthma is to allow the child to live as normal a life as possible. The child should be able to participate in normal childhood activities, experience exercise tolerance similar to peers, and attend school to grow intellectually and develop socially. In accordance with N.J.A.C. 6A:16-2.1(a)5, the Board adopts this Policy that includes procedures for the treatment of asthma in the school setting.

Every school in the district shall have and maintain for the use of students at least one nebulizer in the office of the school nurse or a similar location. Each school nurse in the district shall receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma and Immunology pursuant to N.J.S.A. 18A:40-12.8(a). The school nurse, upon receiving this training, is authorized to administer asthma medication through the use of a nebulizer pursuant to N.J.S.A. 18A:40-12.8(a).

Each student authorized to use self-administered asthma medication pursuant to N.J.S.A. 18A:40-12.3 and Policy 5330 or a nebulizer shall have an Asthma Action Plan (AAP) prepared by the student's medical home and submitted to the certified school nurse. The AAP shall identify, at a minimum, asthma triggers and information to be included in the individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b) for meeting the medical needs of the student while attending school or a school-sponsored function.

N.J.S.A. 18A:40-12.3; 18A:40-12.7  
N.J.A.C. 6A:16-2.1(a)5

Adopted: 23 July 2007



# POLICY

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Nutley Public Schools  
STUDENTS

5338 DIABETES MANAGEMENT (M)

Page 1-2

## 5338 DIABETES MANAGEMENT (M)

Diabetes is a serious chronic disease and must be managed twenty-four hours a day in order to avoid the potentially life-threatening short-term consequences of blood sugar levels that are either too high or too low and the serious long-term complications of high blood sugar levels. In order to manage their diabetes, students must have access to the means to balance food, medications, and physical activity level while at school and at school-related activities.

The parent or legal guardian of a student with diabetes who seeks diabetes care for the student while at school shall inform the school nurse who shall develop an individualized health care plan and an individualized emergency health care plan for the student. The individualized health care plan and individualized emergency health care plan shall be updated by the school nurse prior to the beginning of each school year and as necessary in the event there is a change in the health status of the student.

The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff members are trained in the care of students with diabetes, including staff members working with school-sponsored programs outside of the regular school day, as provided in the individualized health care plan and the individualized emergency health care plan. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a student with diabetes who is experiencing severe hypoglycemia.

The school nurse shall designate, in consultation with the Superintendent of Schools or designee, additional employees of the school district who volunteer to administer glucagon to a student with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene.

Upon the written request of the parent or legal guardian and as provided in a student's individualized health care plan, the student will be permitted to manage and care for his/her diabetes as needed in the classroom, in any area of the school or school grounds, or at any school-related activity provided the student has been evaluated and determined to be capable of doing so as reflected in the student's individualized health care plan.

The Principal or school nurse shall, for each student with diabetes whom a school bus driver transports, provide the driver with a notice of the student's condition, how to treat hypoglycemia, who to contact in an emergency, and parent(s) or legal guardian(s) contact information. Designated areas of the school building shall have posted, in plain view, a reference sheet identifying signs and symptoms of hypoglycemia in students with diabetes.

A student's school choice, if there is a choice option, shall not be restricted due to the fact the student has diabetes.



# POLICY

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Nutley Public Schools  
STUDENTS  
5338 DIABETES MANAGEMENT (M)  
Page 2-2

N.J.S.A. 18A:40-12.11 through 18A:40-12.21

Adopted: 20 December 2010



# POLICY

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Nutley Public Schools  
STUDENTS

5420 REPORTING STUDENT PROGRESS (M)

Page 1-1

## 5420 REPORTING STUDENT PROGRESS (M)

The Board of Education believes that the cooperation between school and home in the interests of children is fostered by the systematic communication of students' educational welfare to parent(s) or legal guardian(s). The Board directs the establishment of a program of reporting student progress to parent(s) or legal guardian(s) by both written reports and by parent-teacher conferences and requires the cooperation of all appropriate teaching staff members in that program as part of their professional responsibilities.

The Superintendent shall develop, in consultation with appropriate teaching staff members, procedures for reporting student progress to parent(s) or legal guardian(s) that utilize various methods of reporting appropriate to grade level and curriculum content; ensure that the student and parent(s) or legal guardian(s) receive ample warning of a possible failing grade or any grade that would adversely affect the student's educational status; enable the scheduling of parent-teacher conferences at such times as will ensure the greatest degree of participation by parent(s) or legal guardian(s); and require the issuance of report cards at intervals of not less than three times per year.

Reports of individual achievement on State assessment tests shall be promptly made available to the student or the student's parent(s) or legal guardian(s).

N.J.A.C. 6:3-4A.1

Cross reference: Policy Guide Nos. 2414, 2624, 9280

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
STUDENTS  
5430 CLASS RANK  
Page 1-1

## 5430 CLASS RANK

The Board of Education acknowledges the usefulness of a system of computing grade point averages and class ranking for secondary school graduates, both to inform students of their relative academic placement among their peers and to provide students, prospective employers, and institutions of higher learning with a predictive device so that each student is more likely to be placed in an environment conducive to success.

The Board authorizes a system of class ranking, by grade point average, for students in grades 9-12.

All students shall be ranked together.

Class rank will be calculated by the final grade in all subjects, except those subjects for which no credit is awarded, and will not include failing grades. Weighted credit will be calculated for grades earned in an honors/AP course. The class ranking of a student who has transferred to this district will include the grades earned in the regular program of the prior school. Grades earned in private summer school programs will not be included in the calculation of class rank.

Any two or more students whose computed grade point averages are identical will be given the same rank. The rank of the student who immediately follows a tied position will be determined by the total number of all preceding students not by the rank of the immediately preceding student.

A student's grade point average and rank in class will be entered on the student's record and will be subject to Board Policy No. 8330 on the release of student records.

Adopted: 12 March 2012



# POLICY

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Nutley Public Schools  
STUDENTS

5440 HONORING STUDENT ACHIEVEMENT

Page 1-1

## 5440 HONORING STUDENT ACHIEVEMENT

The Board of Education values excellence and wishes to instill in students the desire to do their best in all things.

The Board will recognize the outstanding achievements of students by means appropriate to the grade level of the student and to the nature of the accomplishment.

The Board will maintain membership in the National Honor Society and will follow the guidelines of that organization in selecting members from the students in this district.

In each high school graduating class, the student who has earned the highest grade point average shall be named valedictorian and the student who has earned the next highest grade point average shall be named salutatorian.

Grade point average shall be determined in accordance with Policy No. 5430.

In the event the highest or next highest grade point average has been earned by two or more students, both or all the students who have tied for first or second place shall be named co-valedictorian or co-salutatorian, as the case may be.

The Superintendent shall develop regulations for the recognition of student achievement that establish fair standards for recognition, assure that all eligible students are offered an equal opportunity to meet those standards, and provide for appropriate recognition ceremonies and awards.

N.J.S.A. 18A:11-3

Adopted: 12 March 2012



# POLICY

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Nutley Public Schools  
STUDENTS  
5450 ATHLETIC AWARDS  
Page 1-1

## 5450 ATHLETIC AWARDS

The Board of Education believes that interscholastic sports are an important part of the school program and will recognize the achievements of students who give many hours of their time in the district athletic program.

Community groups and individuals may recognize the athletic achievements of students provided that the award and the criteria by which its recipient is selected have been approved by the Superintendent.

The Superintendent shall develop procedures for the recognition of student athletes that ensure the equitable selection of award recipients, the designation of appropriate awards, and the arrangement of suitable presentation ceremonies.

Cross reference: Policy Guide No. 2431

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
STUDENTS  
5466 GRADUATION AND YEARBOOK FEES (M)  
Page 1-1

## 5466 GRADUATION AND YEARBOOK FEES (M)

The Board of Education recognizes that the cost of graduation ceremonies, if any, directly paid by graduating students and the cost of a yearbook directly paid by the graduating student may create a financial hardship for the parent(s), legal guardian(s) or other person having legal custody of the graduating student.

The Board of Education will not exclude from the graduation ceremony any student who is unable to pay the fees required of the graduating student to participate in the graduation ceremony because of financial hardship for the parent(s), legal guardian(s) or other person having legal custody of the graduating student.

Furthermore, the Board will pay the cost for a graduating student to purchase a yearbook if the graduating student is unable to pay the fees required of the graduating student to participate in the graduation ceremony because of financial hardship for the parent(s), legal guardian(s) or other person having legal custody of the graduating student.

In determining financial hardship, the criteria will be the same as the Statewide eligibility standards established by the State Board of Education for free and reduced price meals under the State School Lunch Program.

N.J.S.A. 18A:7C-5.1

Adopted: 03 May 2004

Revised:





# POLICY

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Nutley Public Schools  
STUDENTS  
5511 DRESS AND GROOMING  
Page 1-1

## 5511 DRESS AND GROOMING

The Board of Education recognizes each student's mode of dress and grooming is a manifestation of the student's personal style and individual preferences. The Board will impose its judgment on students and parent(s) or legal guardian(s) only when a student's dress and grooming affect the educational program of the schools.

Students may not wear clothing or engage in grooming practices that present a health or safety hazard to the individual student or to others; materially interfere with school work, create disorder, or disrupt the educational program; cause excessive wear or damage to school property; or prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement.

The Board of Education prohibits students from wearing, while on school property, any type of clothing, apparel or accessory which indicates that the student has membership in, or affiliation with, any gang associated with criminal activities. The local law enforcement agency will advise the Board, upon request, of gangs which are associated with criminal activities.

The Building Principal shall determine whether the dress or grooming of students comes within these prohibitions.

Staff members shall demonstrate by example and precept wholesome attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance.

The Superintendent shall, on consultation with staff members, students, and parent(s) or legal guardian(s), prepare a dress code that imposes only minimum and necessary limitations on a student's taste and individuality.

N.J.S.A. 18A:11-1, 18A:11-7, 18A:11-8, 18A:11-9

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
STUDENT

## 5514 STUDENT USE OF VEHICLES ON SCHOOL GROUNDS

Page 1-1

### 5514 STUDENT USE OF VEHICLES ON SCHOOL GROUNDS

The safety of students, staff members, school visitors, and others while on school grounds is of significant importance to the Board of Education. A student's use of a vehicle and/or other modes of transportation on school grounds has the potential to present a safety hazard for the student operator and to other students, staff members, school visitors and others while on school grounds.

Students riding bicycles to school must comply with all applicable State and local laws for operating a bicycle. The Principal of each school may develop school rules for the operation of the student's bicycle on school grounds. Students must park and lock their bicycles in an area outside the school building designated by the Principal. A bicycle may not be brought into the school building without the Principal's permission.

Students are not permitted to bring non-motorized skateboards, scooters, roller skates, or any other non-motorized mode of transportation on school grounds during the school day.

Students are not permitted to bring any motorized bicycle, skateboard, scooter, roller skates, hoverboard, or any other motorized mode of transportation on school grounds during the school day.

The Principal of each school building may revoke the privilege of a student's use of any vehicle or mode of transportation permitted by this Policy for the student's failure to follow the provisions of this Policy and any requirements of State or local law or any school rule. The Board of Education assumes no responsibility for the loss, damage, or theft of any vehicle or any mode of transportation permitted on school grounds in accordance with this Policy.

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
STUDENTS

## 5516 USE OF ELECTRONIC COMMUNICATION AND RECORDING DEVICES (ECRD) (M)

Page 1-2

### 5516 USE OF ELECTRONIC COMMUNICATION AND RECORDING DEVICES (ECRD)

The Board of Education believes students and/or school staff members should not be subject to having a video or audio recording taken of any student(s) or school staff member(s) for any purpose without the consent of the student, the student's parent, and/or the school staff member. In addition to protecting the privacy rights of students and school staff members, the Board recognizes such recordings can be disruptive to the educational program. In addition, inappropriate recordings of educational material, student assessment instruments, and/or student assessment reviews can be used to compromise the integrity of the district's educational program or lead to academic dishonesty in the event such recordings are stored and/or transmitted to other students. Therefore, the Board of Education adopts this Policy regarding student use of electronic communication and recording devices.

"Electronic communication and recording device (ECRD)" includes any device with the capability to audio or video record or is capable of receiving or transmitting any type of communication between persons. An ECRD includes, but is not limited to, cameras, cellular and wireless telephones, pagers/beepers, laptop computers, electronic readers, personal digital assistants (PDAs), two-way radios, portable fax machines, video broadcasting devices, and any other device that allows a person to record and/or transmit, on either a real time or delayed basis, sound, video, or still images, text, or other information.

A student is not permitted to have turned on or use an ECRD on school grounds during the school day or when the student is participating in a curricular or school-sponsored co-curricular activity. A student's personal ECRD may only be used on school grounds in an emergency situation or before and after the school day or with the permission of a school staff member supervising the student in a curricular or school-sponsored co-curricular activity. Any audio and/or video recording by a student using their personal ECRD with permission of a school staff member while participating in a curricular or school-sponsored activity where other students or staff members are present shall require the permission for such recording from any other student and their parent and/or staff members whose voice or image is to be recorded. This Policy is not intended to prohibit appropriate use of electronic devices for authorized or approved official curricular or school-sponsored co-curricular activities such as yearbook photographs, staff member/teacher-directed and approved activities, classroom presentations, athletic events, and drama production filming.



# POLICY

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Nutley Public Schools  
STUDENTS

## 5516 USE OF ELECTRONIC COMMUNICATION AND RECORDING DEVICES (ECRD) (M)

Page 2-2

A student authorized or approved to use an ECRD may not use an ECRD to access internet sites or view information or internet-based material that is inappropriate or would be blocked from student access by the school district's acceptable use of computers and networks policy. Nothing in this Policy is intended to prevent a student from using their personal ECRD and recording school-sponsored co-curricular activities as a non-participant when the activity is open to the general public.]

For the purposes of this policy, "school grounds" means and includes land, portions of land, structures, buildings, and structures that support these buildings, including, but not limited to, administrative buildings, kitchens, maintenance shops, and garages. "School grounds" also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and other recreational places owned by the local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.

An ECRD used in violation of this Policy will be confiscated by a school staff member or Principal or designee and the student will be subject to appropriate disciplinary action.

A student shall not knowingly bring or possess any remotely activated paging device on any school grounds, including on a school bus or at a school-sponsored function, at any time and regardless of whether school is in session or other persons are present.

A student who is an active member in good standing of a volunteer fire company, first aid, ambulance or rescue squad may bring or possess a remotely activated paging device on school property only if the student is required to respond to an emergency and the student provides a statement to the building principal from the chief executive officer of the volunteer fire company, first aid, ambulance or rescue squad authorizing the possession of the device by the student at all times and that the student is required to respond to an emergency.

The Principal or designee will confiscate the remotely activated paging device, take appropriate disciplinary action and shall immediately notify the Superintendent of Schools and the appropriate criminal justice or juvenile justice agency if a student brings or possesses a remotely activated paging device in violation of N.J.S.A. 2C:33-19 and this Policy.

N.J.S.A. 2C:33-19

Adopted: 20 December 2010



# POLICY

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Nutley Public Schools  
STUDENTS

5519 DATING VIOLENCE AT SCHOOL (M)

Page 1-2

## 5519 DATING VIOLENCE AT SCHOOL (M)

The Board of Education believes a safe and civil environment in school is necessary for children to learn. A student who is a victim of dating violence suffers academically and the student's safety at school is jeopardized. Acts or incidents of dating violence at school whether they are verbal, sexual, physical, or emotional will not be tolerated and will be dealt with in accordance with the school's student code of conduct.

All school staff members (administrative staff, instructional staff, support staff, and volunteers) shall take all reasonable measures to prevent acts or incidents of dating violence at school involving a student. All acts or incidents of dating violence at school shall be reported to the Principal or designee in accordance with the provisions outlined in Regulation 5519. A verbal report shall be made to the Principal or designee as soon as possible, but no later than the end of the student's school day when the staff member witnesses or learns of an act or incident of dating violence at school. A written report regarding the act or incident shall be submitted to the Principal or designee by the reporting staff member no later than one day after the act or incident occurred.

School staff members are required to report all acts or incidents of dating violence at school they witness or upon receiving reliable information concerning acts or incidents of dating violence at school. Acts or incidents may include, but are not limited to: those characterized by physical, emotional, verbal, or sexual abuse; digital or electronic acts or incidents of dating violence; and/or patterns of behavior which are threatening or controlling.

The Board of Education, upon the recommendation of the Superintendent of Schools, shall adopt the guidelines and procedures outlined in Regulation 5519 for responding to acts or incidents of dating violence at school. The protocols outlined in Regulation 5519 have been established for any school staff member who witnesses or learns of an act or incident of dating violence at school and for school administrators to work with the victim and the aggressor of an act or incident of dating violence.

Dating violence statements and investigations shall be kept in files separate from student academic and discipline records to prevent the inadvertent disclosure of confidential information. Every act or incident of dating violence at school that is reported shall be documented in an appropriate manner. This should include statements, planning actions, and disciplinary measures as well as counseling and other support resources that are offered and prescribed to the victim or aggressor.

School administrators shall implement discipline and remedial procedures to address acts or incidents of dating violence at school consistent with the school's student code of conduct. The policies and procedures specific to acts or incidents of dating violence at school shall be used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved. The responses shall be tiered with consideration given to the



# POLICY

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Nutley Public Schools  
STUDENTS

## 5519 DATING VIOLENCE AT SCHOOL (M)

Page 2-2

seriousness and the number of previous occurrences of acts or incidents in which both the victim and alleged aggressor have been involved.

Consequences may include, but are not limited to: admonishment, temporary removal from the classroom, classroom or administrative detention, in-school suspension, out-of-school suspension, reports to law enforcement, and/or expulsion. Retaliation towards the victim of any act or incident of dating violence shall be considered when administering consequences to the alleged aggressor based on the severity of the act or incident.

Remediation/intervention may include, but is not limited to: parent conferences, student counseling (all students involved in the act or incident), peer support groups, corrective instruction or other relevant learning or service experiences, supportive student interventions (Intervention and Referral Services - I&RS), behavioral management plans, and/or alternative placements.

A pattern of behaviors may be an important sign a student is involved in an unhealthy or abusive dating relationship. The warning signs listed in Regulation 5519 shall educate the school community on the characteristics that a student in an unhealthy or abusive relationship may exhibit. Many of these warning signs make a connection to one student in the relationship asserting control and power over the other. Recognizing one or more signs of teen dating violence plays an important role in preventing, educating, and intervening in acts or incidents of dating violence.

The Board of Education shall make available to students and their families information on safe, appropriate school, family, peer, and community resources available to address dating violence.

The Board of Education shall incorporate age-appropriate dating violence education in grades seven through twelve through the health education curriculum in alignment with the New Jersey Core Curriculum Content Standards for Comprehensive Health and Physical Education. The educational program shall include, but is not limited to, a definition of dating violence, recognizing the warning signs of dating violence, and the characteristics of healthy relationships.

Upon written request to the school Principal, a parent/legal guardian of a student less than eighteen years of age shall be permitted, within a reasonable period of time after the request is made, to examine the dating violence education instruction materials developed by the school district.

Notice of Policy and Regulation 5519 shall appear in all district publications that set forth the comprehensive rules, procedures, and standards of conduct for students within the district and in any handbook.

N.J.S.A. 18A:35-4.23a.; 18A:37-33; 18A:37-34; 18A:37-35; 18A:37-37

New Jersey Department of Education Model Policy and Guidance for Incidents Involving Dating Violence – September 2011

Adopted: 12 March 2012



# POLICY

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Nutley Public Schools  
STUDENTS

5520 DISORDER AND DEMONSTRATION

Page 1-1

## 5520 DISORDER AND DEMONSTRATION

The Board of Education is responsible for providing a thorough and efficient system of education for students in this district and is authorized to preserve order so that the system may function properly. Students will not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that their activities do not infringe on the rights of others and do not interfere with the operation of the educational program.

The Board will not permit the conduct on school premises of any willful activity engaged in by an individual acting alone or by a group of individuals that interferes with the orderly operation of the educational program or offends the rights of others. The Board specifically prohibits any assembly or expression that materially disrupts instruction; is obscene, slanderous, or grossly prejudicial; advocates the use of dangerous or harmful materials; advocates the use of force or the violation of law or school rules; or advertises goods or services for unauthorized commercial gain.

Disorderly students will be disciplined in accordance with law and Board Policy No. 5600; staff members who assist students in disorderly conduct may be subject to disciplinary measures.

The Board directs all staff members to attempt to resolve student conflict and dissent by reason and arbitration. Students who express dissent should be made aware of the lawful procedures available to them for the resolution of their grievances.

The Superintendent shall establish procedures for the prompt resolution of any disorder that occurs on school premises. The Building Principal shall be responsible for the identification and resolution of disorders in any school building and may summon law enforcement officers as necessary.

N.J.S.A. 2C:12-3; 2C:33-1; 2C:33-2; 2C:33-8

N.J.S.A. 18A:6-1; 18A:37-1; 18A:37-2

Cross reference: Policy Guide Nos. 5700, 9150, 9320

Adopted: 03 May 2004

Revised:





# POLICY

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Nutley Public Schools  
PUPILS

## 5530.1 STUDENT RANDOM ALCOHOL AND DRUG - TESTING

Page 1-9

### 5530.1 STUDENT RANDOM ALCOHOL AND DRUG - TESTING

#### **POLICY STATEMENT**

It is the responsibility of the Nutley Board of Education to safeguard the safety of the pupils in the schools and promote an orderly learning environment. We, therefore, must maintain that the use of drugs and unlawful possession and use of alcohol is wrong and harmful. The Board recognizes that the misuse of drugs, alcohol or steroids threatens the safety of the pupils and the orderly learning environment of the entire school community. The Board of Education is committed to the prevention of drug, alcohol and steroid abuse.

The Nutley Board of Education convened a Task Force which, in part, conducted a survey, solicited public input from the community and parents and obtained law enforcement data. This information was obtained to gain an understanding of the current drug use among students.

The Board's Task Force found there was enough information of substance use/abuse by students that additional attention is warranted.

The Nutley Board of Education recognizes that the problem of illegal drugs and alcohol use presents a continuing challenge in its schools and a clear danger to the pupil population as a whole. The district's commitment to maintaining athletics and extra-curricular activities in a safe and secure environment requires a clear policy and supportive programs relating to the deterrence of substance use by pupils involved in athletics and extra-curricular activities.

Participation in athletics and extra-curricular activities is a privilege. Pupil participants, by virtue of their voluntary decision to participate in these extra-curricular and athletic activities, and because of their position as school leaders and role models in the school community, have a heightened responsibility to be drug and alcohol free. The district is committed to being proactive in ensuring the safety of all pupils participating in athletics and extra-curricular activities. Consistent with the U.S. Supreme Court Ruling, Board of Education of Independent School District No. 92 of Pottawatomie County et al v. Earls et al., 536 U.S. 822 (2002) and the New Jersey Supreme Court Ruling in Joye v. Hunterdon Central Regional High School Board of Education, 176 N.J. 568 (2003), the Board of Education directs the Chief School Administrator to implement and conduct a program of random drug testing of pupil participants in athletics, extracurricular activities, pupils who have violated the district substance abuse policy, and pupils who voluntarily elect to participate in the program with parental consent. Eligibility shall apply to the entire academic year. The Principal or his/her designee shall oversee the Policy and Procedure.





# POLICY

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Nutley Public Schools  
PUPILS

## 5530.1 STUDENT RANDOM ALCOHOL AND DRUG - TESTING

Page 2-9

Design of the program shall be consistent with the Nutley Board of Education's objectives, which are as follows:

- Promote safety;
- Deter drug use, thereby countering peer pressure which may encourage indulgence;
- Promote an orderly learning/environment; and
- Encourage and invite voluntary testing.

Primary emphasis in administering this program shall be directed toward deterrence and remediation rather than punishment of pupils who test positive for alcohol, non-prescribed medications, illegal drugs or their metabolites. Sanctions and corrective action shall be designed accordingly. This policy and its implementing regulations shall be made available annually, at the beginning of the school year, to all School employees, pupils and parent(s) or legal guardian(s). This Policy is NOT intended to be disciplinary or punitive in nature.

No pupil shall be expelled or suspended from school as a sole result of any verified positive test conducted by the school under the Random Drug Testing Program.

This Policy shall apply to all Nutley School District students in grades 9-12 who participate in any athletics or extra-curricular activities. This Policy shall also apply to all Nutley School District students in grades 9 to 12 who voluntarily elect to participate in the program with parental consent or who have violated the district substance abuse policy.

### DEFINITIONS OF TERMS USED:

**Drugs-** All controlled substances designated and prohibited as stated in the Nutley School District's Substance Abuse Policy and N.J.S.A. 23:21-2, N.J.S.A. 2A:170-25.9, N.J.S.A. 2C:35.2. For the purpose of this policy, a drug includes, but is not limited to, alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (alk/a Ecstasy), methadone, methamphetamine, opiates, oxycodone, PCP, anabolic steroids, tricyclic anti-depressants or any other substance which is defined as a controlled substance by New Jersey law or their metabolites.

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



# POLICY

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Nutley Public Schools  
PUPILS

## 5530.1 STUDENT RANDOM ALCOHOL AND DRUG - TESTING

Page 3-9

**Medications-** All medications, including over the counter drugs, must be properly registered with the school nurse. N.J.S.A. 18A:40 - 12.4.

**Extra-curricular activity -** Any activity sponsored or approved by the Nutley Board of Education but not required for graduation.

**Non-Negative -** A drug screen that indicates the presence of metabolites and needs to be sent to the laboratory for confirmatory testing.

**Confirmed Positive -** A positive result from confirmatory testing at the laboratory.

### **STUDENT RANDOM ALCOHOL AND DRUG TESTING REGULATIONS**

#### **TESTING COORDINATOR**

- The High School Principal or the designees will coordinate and supervise the Random Drug and Alcohol Testing Program for students.

#### **ELIGIBILITY FOR TESTING - NUTLEY HIGH SCHOOL**

- All students in Nutley High School who participate in any athletics, extra-curricular activities, or school clubs, have violated the district substance abuse policy and students who elect to participate in the Random Drug and Alcohol Testing Program (program) with parental consent will be eligible for the random drug testing pool (Testing Pool).
- For the High School, the Consent to Test Form must be completed and submitted to the appropriate coach, advisor, or testing coordinator for volunteers of the program.
- Student athletes at the high school must submit Consent to Test Forms on or before the first day they participate in practice. Failure to do so will result in ineligibility for athletic participation until the form is submitted. The Director of Athletics will oversee the collection of Consent to Test Forms by coaches.
- Students involved in extra-curricular activities or school clubs must submit the Consent to Test Form no later than their attendance at a second meeting of the club or activity. Failure to do so will result in ineligibility for participating in the club or activity.



# POLICY

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Nutley Public Schools  
PUPILS

## 5530.1 STUDENT RANDOM ALCOHOL AND DRUG - TESTING

Page 4-9

- Students who have violated the District Substance Abuse Policy will be required to submit a Consent to Test Form prior to their return to school following suspension. Failure to do so will result in the student being deemed in violation of the District Substance Abuse Policy.
- Students who volunteer to participate in the Program shall be allowed to enter the Testing Pool at any time once they submit a Consent to Test Form.
- Students remain eligible for random drug testing from the date the Consent to Test Form is turned in through an entire calendar year, whether or not they have been previously tested or are currently participating in athletics or extra-curricular activities 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 all athletics, extra-curricular activities or school clubs, he or she has the opportunity to submit to the Principal or administrative designee an Activity Drop Form. This 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. In order for a student's withdrawal to be effective and thereby remove him or her from the Testing Pool, the Activity Drop Form must be signed by both the student and a parent/guardian.
- Students who volunteer to be part of the testing pool may opt out of the program by submitting a drop form signed by the student and parent(s)/guardian(s).
- The district will test a minimum of 20% of the total number of students in the Testing Pool annually.

### TESTING PROCEDURES

- A confidential testing schedule will be created by the administration prior to the initiation of the program to ensure that the 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:



# POLICY

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Nutley Public Schools  
PUPILS

## 5530.1 STUDENT RANDOM ALCOHOL AND DRUG - TESTING

Page 5-9

- o The students eligible for testing will be assigned random identification numbers in order to maintain confidentiality and to ensure the integrity of the randomness of the testing program.
- o Periodically, the testing coordinator will arrange for the random selection of ID tags assigned to members of the Testing Pool.
- o The testing coordinator or designee will notify the individuals selected for testing (participants) and escort the participants to a secure testing site in the Nurse's Office or other bathroom facility in the building.
- o The Testing Site will have a secured bathroom that will maximize the privacy of the participant and ensure the integrity of the sample collection process. Water sources shall be turned off and toilet water will be blued to prevent adulteration of test specimens.
- o In the event of a student absence, an alternate selection will be made from the testing pool.
- o The names and/or any other personally identifiable information of the participant will remain confidential.

### **COLLECTION OF SAMPLES**

- All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and all personal and/or privacy rights of the participant to the maximum extent possible. The Policy treats a participant's test results 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 shall not share participant's individual test results with law enforcement authorities.



# POLICY

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Nutley Public Schools  
PUPILS

## 5530.1 STUDENT RANDOM ALCOHOL AND DRUG - TESTING

Page 6-9

- Any information transmitted to an approved outside agency for testing or processing will not contain any personally identifiable information of the participant. The approved outside agency will consult with and guide the school nurse in the collection of specimens in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards.
- 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, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/ka Ecstasy), methadone, methamphetamines, opiates, oxycodone, PCP, anabolic steroids, tricyclic anti-depressants, and/or any other substance defamed as a "controlled substance" by either New Jersey or Federal law.
- The participant shall submit a urine and/or saliva screen according to the Consent to Test Form.
- The participant shall complete a specimen control form that bears the assigned identification number. Only designated school personnel shall know the assigned number for each participant.
- The school nurse will collect specimens from the selected student and conduct an initial on-site test on the specimen. If the specimen produced is determined to be a "nonnegative", the specimen will be forwarded to a licensed laboratory for confirmatory testing. Any information transmitted to a licensed laboratory for testing or processing will not contain any personally identifiable information of the participant.
- Any attempt by a participant to tamper with the specimen collection process will deem and constitute the specimen as positive.
- Refusal of a participant to provide a sample will be interpreted as a: positive result.
- 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.



# POLICY

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Nutley Public Schools  
PUPILS

## 5530.1 STUDENT RANDOM ALCOHOL AND DRUG - TESTING

Page 7-9

### NOTIFICATION OF TESTING AND TESTING RESULTS

- A courtesy call will be made to contact the parent( s) or guardian( s) of students selected for testing prior to the testing procedure.
- The parent(s) or guardian( s) of students selected for testing will receive a phone call or message following a participant's completion of the Testing Process with information concerning the preliminary results.
- Where a participant's test is confirmed positive, 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 test and a decision will be made by the MRO regarding the legitimacy, validity, or accuracy of a positive test. The MRO will determine if that substance has been taken pursuant to a legal prescription.
- Results of the participant's test confirmed by the MRO will be provided to the designated personnel within twenty-four (24) hours of the MRO's consultation with the participant and his or her parent(s) or guardian(s).
- Participants' 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 oversee implementation of the Program or the consequences of 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.
- 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 parent(s) or guardian( s) of the student and the SAC (Student Assistance Counselor). 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 pupil and/or his/her parent/guardian without the written authorization from the pupil and/or his/her parent/guardian, in accordance with 42. C.F.R. - Part IT.



# POLICY

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Nutley Public Schools  
PUPILS

## 5530.1 STUDENT RANDOM ALCOHOL AND DRUG - TESTING

Page 8-9

### CONSEQUENCES

.Consequences will result from the following:

- A confirmed positive alcohol or drug test,
- Refusal to participate in testing when selected, and/or
- Tampering with the specimen collection process.

• Students will be ineligible for participation in any athletics, extra-curricular activities, or school clubs, unless they complete the Random Drug and Alcohol Testing Program: Consent to Test Form.

### CONSEQUENCES OF A CONFIRMED POSITIVE - NUTLEY HIGH SCHOOL

- The Principal or designee will contact the parent( s) or guardian( s) to remove the student from school and make arrangements for the mandatory medical examination pursuant to N.J.A.C. 18A:40A-12 and N.J.A.C. 6A:16-4.3.
- The Participant will be removed from any athletics, extra-curricular activities, or school clubs for a minimum period of one (1) week. The participant shall have a minimum of six (6) visits with the Student Assistance Counselor (SAC), one of which must occur within the week immediately following the confirmed positive test.
- The participant shall attend and complete an Early Intervention Program. If one is not available in school, the participant shall attend at an agency approved by the Department of Health and Senior Services as an appropriate substance abuse treatment center. The participant must enter an approved program within one (1) week of the receipt of the confirmed positive test result. Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.
- The parent(s)/guardian(s) are responsible for the cost of the treatment program.
- In 'accordance with NJ.A.C. 18A:40A-12 and N.J.A.C. 6A: 1 6-4.3, the participant must be evaluated by a physician before returning to school and a written report must be furnished to the school district certifying that substance use no longer interferes with the student's mental or physical ability to participate in school.



# POLICY

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Nutley Public Schools  
PUPILS

## 5530.1 STUDENT RANDOM ALCOHOL AND DRUG - TESTING

Page 9-9

- The participant must submit a negative drug test prior to returning to any athletics, extracurricular activities, or school clubs.
- If the participant submits a confirmed positive drug test a second time, the participant will forfeit the privilege of participation in any athletics, extra-curricular activities, or school clubs for a minimum of thirty (30) consecutive school days.
- A participant who submits a confirmed positive drug test a second time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services or Department of Education as an appropriate substance abuse treatment provider. Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.
- If the participant submits a confirmed positive drug test a third time, the participant will forfeit the privilege of participation in any athletics, extra-curricular activities, or school clubs for a minimum period of one (1) calendar year.
- A participant who submits a confirmed positive drug test a third time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by a substance abuse professional approved by the Department of Health and Senior Services or Department of Education as an appropriate substance abuse treatment provider. Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.
- **Failure to follow through on procedures as set forth herein will result in participant being deemed ineligible for any athletics, extra-curricular activities or school clubs.**

Adopted: 3 May 2004

Revised: 24 July 2006





# POLICY

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Nutley Public Schools  
STUDENTS  
5560 DISRUPTIVE STUDENTS  
Page 1-1

## 5560 DISRUPTIVE STUDENTS (M)

The Board of Education believes that the students of this district are entitled to an education free from undue disruption. Students who willfully disrupt the educational program shall be subject to the discipline procedures of this district. Every reasonable effort shall be made to determine and remediate the cause or causes of a chronically disruptive student's unacceptable conduct.

For the purposes of this policy, "disruptive student" means the student who has difficulty establishing good relationships with peers and adult authority figures and who exhibits a pattern of conduct which is in defiance of school rules or regulations and which hinders academic success for other students as well as for himself or herself.

Disruptive students may be disciplined in accordance with Policy No. 5600.

A disruptive student may be referred to the Intervention Referral Team (IRT) or the Child Study Team if deemed appropriate..

The Superintendent shall report regularly to the Board the incidence of acts of violence and vandalism in the school district and shall prepare a remedial plan whenever the report shows a significant increase in the number of such acts.

N.J.S.A. 18A:17-46 et seq.; 18A:37-1 et seq.  
N.J.A.C. 6A:14-1.1 et seq.

Cross reference: Policy Guide No. 8461

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
STUDENTS  
5610 SUSPENSION (M)  
Page 1-2

## 5610 SUSPENSION (M)

The Board of Education recognizes that even the temporary exclusion of a student from the educational program of this district is a severe sanction and one that cannot be imposed without due process.

Any student who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, the conduct as defined in N.J.S.A. 18A:37-2 and the school district's Student Discipline/Code of Conduct Policy and Regulation in accordance with the N.J.A.C. 6A:16-7.1 et seq.

For the purposes of this Policy, "suspension" means the temporary removal of a student from the regular instructional program.

For the purposes of this Policy, "short term suspension" means a suspension for one, but not more than ten consecutive school days and "long term suspension" means a suspension for more than ten consecutive school days.

In accordance with the provisions of N.J.S.A. 18A:37-4, a student may be suspended only by the Principal, who shall report any suspension to the Superintendent as soon as possible. The Superintendent shall report the suspension to the Board at its next regular meeting. The suspended student may be reinstated by the Principal or by the Superintendent prior to the second regular meeting of the Board following the suspension, unless the Board reinstates the student at the first regular meeting. No student suspended for reasons of assault upon a person in authority may be reinstated before the Board has held a hearing, within thirty calendar days of the suspension, to consider that student's expulsion from school. At its second regular meeting after the suspension and thereafter, the Board alone may reinstate the student or continue the suspension.

In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others. Students in preschool shall not receive an out-of-school suspension except as provided pursuant to the "Zero Tolerance for Guns Act," N.J.S.A. 18A:37-7 et seq.

The district shall implement an early detection and prevention program to identify students in preschool through grade two who are experiencing behavioral or disciplinary problems and provide behavioral supports for these students which may include, but not be limited to, remediation of



# POLICY

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Nutley Public Schools  
STUDENTS  
5610 SUSPENSION (M)

Page 2-2

problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

In each instance of a short-term suspension, the student will be provided oral or written notice of the charges and an informal hearing conducted by the Principal or designee in accordance with the procedures outlined in N.J.A.C. 6A:16-7.2. To the extent the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension.

In each instance of a long-term suspension, the district shall assure the rights of the student pursuant to N.J.A.C. 6A:16-7.3.

The district will comply with the requirements of N.J.A.C. 6A:16-7.2 and 7.3, in addition to all the procedural protections set forth in N.J.A.C. 6A:14, for each student with a disability who is subject to a short-term or long-term suspension.

In each instance of a short- or long-term suspension, the district shall provide academic instruction, either in school or out of school, that addresses the New Jersey Student Learning Standards pursuant to N.J.A.C. 6A:8-3.1 et seq., which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10. These services shall be provided within five school days of the suspension. Educational services provided to a student with a disability shall be provided consistent with the student's Individualized Education Program, in accordance with N.J.A.C. 6A:14.

Student records are subject to challenge by parents and adult students in accordance with N.J.A.C. 6A:32-7.7 and Policy and Regulation 8330. The name of a disciplined student will not appear in the agenda or minutes of a public meeting or in any public record of this district; any such student will be designated by code.

N.J.S.A. 18A:37-1; 18A:37-2 et seq.; 18A:37-4; 18A:37-5  
N.J.S.A. 18A:54-20g [**vocational districts**]  
N.J.A.C. 6A:16-7.2; 6A:16-7.3; 6A:32-7.7; 6A:14-2.8

Adopted: 18 June 2007



# POLICY

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Nutley Public Schools  
STUDENTS  
5700 STUDENT RIGHTS  
Page 1-1

## 5700 STUDENT RIGHTS

The Board of Education recognizes that students possess both the right to a free public education and the rights of citizenship. In granting students the educational opportunities to which they are entitled, the Board shall provide them with the nurture, counsel, and custodial care appropriate to students' ages and maturity. At the same time, the Board will respect the right of each student to equal treatment and equal access to the educational program, the due process of law, freedom of expression and association, and the privacy of his/her own thoughts.

Attendant on the rights guaranteed to each student are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the policies and regulations of this district.

As students differ in age and maturity, so they differ in the ability to assume both the rights and the concomitant responsibilities of citizenship. Accordingly, the exercise of each right will be granted with due regard for the degree of responsibility possessed by the student and the student's need for continuing guidance and control.

A student who has reached the age of majority possesses the full rights of an adult and may issue authorizations previously delegated to his/her parent(s) or legal guardian(s). The adult student is fully responsible for his/her educational performance, attendance, compliance with district regulations, and care of school property. The parent(s) or legal guardian(s) of each adult student will be informed of the rights of the student and will continue to be informed of the student's progress in school.

N.J.S.A. 9:17B-1  
N.J.S.A. 18A:36-20

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
STUDENT  
5721 INDEPENDENT PUBLICATIONS  
Page 1-2

## 5721 INDEPENDENT PUBLICATIONS

The Board of Education respects the right of students to express themselves in written word or picture, or video image or computer generated illustrations, and to distribute printed materials as part of that expression; at the same time, the Board recognizes that the exercise of that right is limited by the rights of other members of the school community.

For the purposes of this policy, “printed materials” include any written or printed cards, letters, circulars, books, pamphlets, notices, newspapers, and similar materials but do not include any publication that is sponsored by this Board.

Certain printed materials are not protected by a student’s right of free expression because they violate the rights of others. The Board may identify and prohibit the distribution on school premises of printed materials that are grossly prejudicial to an ethnic, national, religious, or racial group or gender; libel any person or persons; seek to establish the supremacy of a particular religious denomination, sect, or point of view over any other; advocate the use or advertise the availability of any substance or material that constitutes a direct and substantial danger to the health of students; contain obscenity or material otherwise deemed to be harmful to impressionable students; incite violence, advocate the use of force, or urge the violation of law or school regulations; advertise goods or services for the benefit of profit-making organizations; fail to identify the student responsible for distribution and the agent responsible for reproduction; solicit funds for non-school organizations when such solicitations have not been approved by the Board; or promote, favor, or oppose any candidate for election to the Board or the adoption of any bond issue, proposal, or questions submitted at any election.

No printed materials may be distributed on school premises that have not been submitted to the building principal for review in advance of their distribution. Where the building principal cannot show, within two school days, why the materials are unprotected, or where unprotected material is so modified as to be no longer unprotected, the printed material may be distributed. Appeal from the determination of the building principal may be made in accordance with Board policy on student grievance.

The Board requires that the distribution of printed material take place only at the places and during the times established by rule in order not to disrupt the orderly operation of the educational program.



# POLICY

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Nutley Public Schools  
STUDENT  
5721 INDEPENDENT PUBLICATIONS  
Page 2-2

N.J.S.A. 2C:34-3  
N.J.S.A. 18A:42-4

Cross reference: Policy Guide No. 2432

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
STUDENTS  
5841 SECRET SOCIETIES  
Page 1-1

## 5841 SECRET SOCIETIES

The Board of Education affirms the legislative prohibition of student organizations with closed membership practices as hostile to the democratic ideals of public education.

No social organization of students will be granted the use of school facilities or permitted the use of the name of the school or this school district unless that organization has first been approved by the Superintendent. The application for such approval will set forth the purposes, constitution, and bylaws of the organization; its membership qualifications; and the process by which a person becomes a member.

No organization will be approved if its purposes conflict with the authority and goals of this Board or the best interests of the students of this district; if membership is drawn from outside the currently enrolled student body; if membership qualifications are based on considerations of race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation or sex, social or economic status, disability or political beliefs, or any other consideration not appropriate to the purpose of the organization; or if any qualifying student who applies may be denied membership.

Nothing in this policy shall prevent or otherwise deny participation in constitutionally protected prayer consistent with protections of the First Amendment of the United States Constitution.

A student who seeks to form or is a member of a fraternity, sorority, or other secret organization formed in whole or in part of students enrolled in this district may be disciplined by this Board. The Board reserves the right to require that any student attest as to his/her membership in a secret organization.

N.J.S.A. 18A:42-5; 18A:42-6

Cross reference: Policy Guide No. 5512

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
STUDENTS  
5850 SOCIAL EVENTS AND CLASS TRIPS  
Page 1-2

## 5850 SOCIAL EVENTS AND CLASS TRIPS

The Board of Education recognizes the value of social events and class trips that will enhance and enrich the school experience for the students of this district.

For purposes of this policy, a "social event" is a party, celebration, or dance organized for the participation of students, and "class trips" are trips taken by students in a single graduating class, students who share a particular interest in an activity, or students who are enrolled in a particular subject area. Social events and class trips are not related or are only indirectly related to the curriculum.

The Board will make school facilities available and assign staff members as appropriate for the conduct of social events on school premises that have been approved by the Superintendent or designee and for social events and class trips away from school premises that have been approved by the Superintendent or designee. A social event or class trip may be considered to have been approved by this Board only when the Board has duly approved one or more assigned chaperones to supervise participating students. The Board will assume no responsibility for a student social event or trip that has not been approved in accordance with this policy.

The Board will not approve a social event or class trip that has the effect of reducing the school year for participating students to fewer than one hundred eighty days.

The Board reserves the right to cancel any scheduled trip.

Social events or class trips are not part of the thorough and efficient system of education provided by the Board. Participation in them is therefore not a right and may be denied to any student without the due process of notice and an opportunity to be heard. A student who demonstrates disregard for school rules may summarily be denied participation in social events and class trips.

Students who participate in approved social events and class trips are subject to district rules for student conduct and must submit to the authority of assigned chaperones. Infractions of the rules will be subject to discipline in the same manner as are infractions of rules during the regular school program.

A student who possesses or consumes alcohol or drugs in the course of an approved social event or class trip will be deemed to have placed all other participating students at risk and shall be immediately dismissed from the event or trip. Any such student will be returned home by appropriate and safe means of transportation in the company of a chaperone, the student's parent(s) or legal guardian(s), or a representative of the student's parent(s) or legal guardian(s). Any expenses incurred by the dismissal will be the responsibility of the student and/or the student's parent(s) or legal guardian(s).





# POLICY

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Nutley Public Schools  
STUDENTS  
5850 SOCIAL EVENTS AND CLASS TRIPS  
Page 2-2

The Board will permit persons not enrolled in this district to participate in social events and class trips

as guests of students, provided the building principal has approved the participation of guests in advance. Guests are subject to the same rules of conduct as are students enrolled in this district and may be removed from the social event or trip for persistent or flagrant disregard of those rules.

The Superintendent will develop regulations governing the conduct and safety of all participants in social events and class trips and will distribute them to student and adult participants.

Cross reference: Policy Guide No. 2340

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
FINANCES

6471 SCHOOL DISTRICT TRAVEL (M)

Page 1-4

## 6471 SCHOOL DISTRICT TRAVEL (M)

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

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

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

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

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



# POLICY

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Nutley Public Schools  
FINANCES

6471 SCHOOL DISTRICT TRAVEL (M)

Page 2-4

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

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

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

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

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

The Board of Education authorizes an annual maximum amount per employee for regular business travel only for which Board of Education approval is not required. The annual maximum shall not exceed \$250 (No more than \$ 1,500.00) and shall be subject to the approval requirements in N.J.S.A. 18A:19-1.



# POLICY

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Nutley Public Schools  
FINANCES

6471 SCHOOL DISTRICT TRAVEL (M)

Page 3-4

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

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

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

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

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



# POLICY

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Nutley Public Schools  
FINANCES

6471 SCHOOL DISTRICT TRAVEL (M)

Page 4-4

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

The Superintendent of Schools and the School Business Administrator are the final approval authorities for travel.

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

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

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

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

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

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

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

N.J.S.A. 18A:11-12

N.J.A.C. 6A:23A-5.9; 6A:23A-7

Adopted: 20 December 2010



# POLICY

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Nutley Public Schools  
PROPERTY  
7250 SCHOOL AND FACILITY NAMES  
Page 1-1

## 7250 SCHOOL AND FACILITY NAMES

School buildings and separate school facilities, both on school grounds and within school buildings, shall be named only by formal action of the Board of Education. This action will be at a public meeting properly advertised. Any action will require at least a 2/3 majority of the entire Board of Education in order to pass.

A school building or school facility may be named to memorialize the outstanding service of a school district employee or officer.

The Board welcomes the suggestions of members of the community in the naming of school buildings and facilities and may appoint a committee of interested persons to conduct appropriate studies and make recommendations for Board consideration.

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
PROPERTY  
7420 HYGIENIC MANAGEMENT (M)  
Page 1-3

## 7420 HYGIENIC MANAGEMENT (M)

The Board of Education recognizes that the health and physical well-being of the students and staff of this district depend in large measure upon the cleanliness and sanitary management of the schools.

The Board directs that a program of hygienic management be instituted in the schools and explained annually to all staff members. Each school shall be inspected for cleanliness and sanitation by the principal not less than once each year.

The Board will cooperate with the local board of health in the sanitary inspection of the schools' toilets, washrooms, food vending machines, water supply, and sewage disposal systems.

The Superintendent shall prepare, in consultation with the school medical inspector, regulations, first aid and emergency medical procedures that utilize universal precautions in the handling and disposal of blood and body fluids, whether or not students or staff members with HIV infection are present. School staff members and volunteers shall be provided the supplies for implementing the procedures. In particular, school nurses, custodians, and teachers shall be trained in proper handling procedures. These regulations and procedures will comply with the regulations of the State Department of Health and State Department of Labor (OSHA Standards for Occupational Exposure to Bloodborne Pathogens) and recommendations of the Centers for Disease Control and Prevention.

### Bloodborne Pathogens

The Board recognizes that school employees may in the performance of their duties reasonably anticipate contact with human blood or other potentially infectious body fluids that may expose them to bloodborne pathogens such as Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV). In accordance with federal OSHA regulations, the Board will establish a written Exposure Control Plan designed to eliminate or minimize employee exposure to such infection. The plan shall list all job classifications and tasks in which exposure occurs; describe and require the implementation of workplace controls to eliminate or minimize exposure; require the provision of hepatitis B vaccination to employees who have occupational exposure; and require the provision of a training program for employees who have occupational exposure. The plan shall be updated annually and as required to include new or revised employee positions with occupational exposure. A copy of the plan shall be made accessible to employees.

### Disposal of Medical Waste



# POLICY

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Nutley Public Schools  
PROPERTY  
7420 HYGIENIC MANAGEMENT (M)  
Page 2-3

The Superintendent shall prepare, in consultation with the school medical inspector, a medical waste disposal program to ensure all medical waste, including needles and sharps, are disposed of in accordance with the rules and regulations of the New Jersey Department of Health.

## Chemical Hygiene

The Board also recognizes that certain school employees who work in laboratories may be exposed to hazardous chemicals in the course of their duties. In accordance with federal OSHA regulations, the Board will establish practices that are capable of protecting employees from health hazards presented by hazardous chemicals used in the workplace. The plan shall contain the locations of hazardous chemicals and shall enunciate a plan capable of protecting employees from associated health hazards and keeping exposure of employees below specified limits. The Chemical Hygiene Plan shall be readily available to employees and shall contain at least the following elements:

1. Standard operating procedures for using hazardous chemicals in laboratory work;
2. Criteria that the Board will use to determine and implement control measures to reduce employee exposure;
3. The requirement that fume hoods and other protective equipment are functioning properly and that measures are taken to ensure adequate performance of such equipment;
4. Provision for employee information and training;
5. The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the building principal before implementation;
6. Provisions for medical consultation;
7. Designation of personnel responsible for implementation of the chemical hygiene plan; and
8. Provisions for additional employee protection for work with particularly hazardous substances.

The Board directs that the program of chemical hygiene be implemented by the Chemical Hygiene Officer. The director of buildings and grounds will serve as Chemical Hygiene Officer for all schools in the district and shall be responsible for the examination of all school facilities to determine where hazardous chemicals are used and to ensure compliance of all school facilities with the Chemical Hygiene Plan.





# POLICY

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Nutley Public Schools  
PROPERTY  
7420 HYGIENIC MANAGEMENT (M)  
Page 3-3

The Superintendent shall develop and supervise a program for the cleanliness and sanitary management of the school buildings, school grounds, and school equipment pursuant to statute, rules of the State Board of Education, and regulations of the State Board of Health.

The day to day monitoring of the cleanliness of each school building shall be the responsibility of the Building Principal.

29 C.F.R. 1910  
N.J.A.C. 6A:16-1.4; 6A:16-2.3(e); 6A:26-12.4

Cross reference: Policy Guide No. 8453

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
PROPERTY

## 7422 SCHOOL INTEGRATED PEST MANAGEMENT PLAN

Page 1-3

### 7422 SCHOOL INTEGRATED PEST MANAGEMENT PLAN

The New Jersey School Integrated Pest Management Act of 2002 requires school districts to implement a school integrated pest management policy that included an Integrated Pest Management Plan. In accordance with the requirements of the Act, the Board shall ensure implementation of Integrated Pest Management (IPM) procedures to control pests and minimize exposure of children, faculty, and staff to pesticides. These procedures shall be applicable to all school property in the Nutley School District.

#### IMP Coordinator (IPMC)

The Manager of Building and Grounds shall be designated as the district's Integrated Pest Management Coordinator (IPMC) and is responsible for the implementation of the school integrated pest management policy.

#### Integrated Pest Management Procedures in Schools

Implementation of the Integrated Pest Management (IPM) procedures will determine when to control pests and whether to use mechanical, physical, cultural, biological, or chemical methods. Applying IPM principles prevents unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment.

The Integrated Pest Management Coordinator (IPMC) shall consider the full range of management options, including no action at all. Non-pesticide pest management methods are to be used whenever possible. The choice of using a pesticide shall be based on a review of all other available options and a determination that these options are not effective or not reasonable. When it is determined that a pesticide must be used, low impact pesticides and methods are preferred and shall be considered for use first.



# POLICY

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Nutley Public Schools  
PROPERTY

7422 SCHOOL INTEGRATED PEST MANAGEMENT PLAN

Page 2-3

## Development of IPM plans

The Superintendent, in collaboration with the school Building Principal (s) and the IPMC, shall be responsible for the development of the IPM Plan for the school district. The school district's Integrated Pest Management (IPM) Plan is a blueprint of how the school district will manage pests through IPM methods. The school district's IPM Plan will state the school district's goals regarding the management of pests the use of pesticides for all school district property. The Plan will reflect the school district's site-specific needs and a description of how each component of the school district's Integrated Pest Management Policy and Regulation will be implemented for all school property.

## Education / Training

The school community will be educated about potential pest problems and IPM methods used to achieve the pest management objectives. The IPMC, other school staff, and pesticides applicators involved with the implementation of the district's IPM policy will be trained in appropriate components of IPM as it pertains to the school environment. Student and parents/legal guardians will be provided information on this policy and instructed on how they can contribute to the success of the IPM program.

## Recordkeeping

Records of pesticide use shall be maintained on site to meet the requirements of the State regulatory agency and the Board.

Records shall also include, but are not limited to, pest surveillance data sheets and other non-pesticide pest management methods and practices utilized.



# POLICY

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Nutley Public Schools  
PROPERTY

7422 SCHOOL INTEGRATED PEST MANAGEMENT PLAN

Page 3-3

## Notification/Posting

The Building Principals of each school, working with the IPMC, is responsible for timely notification to students, parents or legal guardians and the school staff of pesticide treatments pursuant to the School Integrated Pest Management Act.

## Re-entry

Re-entry to a pesticide treated area shall conform to the requirements of the School Integrated Pest Management Act.

## Pesticide Applicators

The IPMC shall ensure that applicators follow State regulations, including licensing requirements and label precautions, and must comply with all components of the School Integrated Pest Management Policy.

## Evaluation

The Superintendent will report annually to the Board on the effectiveness of the IPM Plan and make recommendations for improvement as needed.

N.J.S.A. 13:1F-19 through 13:1F-33

Adopted: 20 December 2005

Revised:



# POLICY

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Nutley Public Schools  
PROPERTY  
7433 HAZARDOUS SUBSTANCES  
Page 1-3

## 7433 HAZARDOUS SUBSTANCES

The Board of Education will enforce the law governing hazardous substances in the school district. Employees of this district shall be informed of the hazards related to the handling of certain substances and trained to work with hazardous substances.

Hazardous substance means any substance or substance in a mixture included on the hazardous substance list developed by the New Jersey Department of Health and Senior Services. Hazardous substances shall not include:

1. Any article containing a hazardous substance if the hazardous substance is present in a solid form which does not pose any acute or chronic health hazard to any person exposed to it;
2. Any hazardous substance constituting less than one percent of a mixture unless the hazardous substance is present in an aggregate amount of five hundred pounds or more in a container in a public or private school or child care center building;
3. Any hazardous substance which is a special health hazardous substance constituting less than the threshold percentage established by the Department of Health and Senior Services pursuant to P.L.1983, c.315 (C.34:5A-1 et seq.), for that special health hazardous substance when present in a mixture;
4. Any hazardous substance present in the same form and concentration as a product packaged for distribution and use by consumers and which is not a product intended primarily for commercial use;
5. Any fuel in a motor vehicle;
6. Tobacco or tobacco products;
7. Wood or wood products;
8. Foods, drugs, or cosmetics;



# POLICY

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Nutley Public Schools  
PROPERTY  
7433 HAZARDOUS SUBSTANCES  
Page 2-3

9. Hazardous substances which are an integral part of a building's structure or furnishings;
10. Products which are personal property and are intended for personal use; and
11. Any substance used in the routine maintenance of a public or private school or child care center building or its grounds, any substance used in a classroom science laboratory, any substance used in a school occupational training facility, including laboratories and shops, and any substance used in the normal operation of the classrooms or administrative offices of a public or private school or child care center, including any substance used in the heating or cooling of the school or child care center.

No person shall use or allow the use of any hazardous substance in or on any building or grounds used as a public school or child care center when children are expected to be present.

The Superintendent may delegate authority for the maintenance of hazardous substances and for the development of safety and training standards for the handling of such substances to a safety officer.

The director of buildings and grounds shall conduct periodic audits of hazardous substances in use in the district, ascertain that such substances are being handled in accordance with appropriate safety requirements, and determine that the employees who are required to handle hazardous substances are properly equipped to do so.

The director of buildings and grounds shall inform the Superintendent of all hazardous substances in use in the district, the purpose of each, and the precautions required for each. The Superintendent shall take such action as may be necessary and feasible to minimize the use of hazardous substances in the district.

The Superintendent shall report periodically to the Board on hazardous substances in district use and the purpose of each.

N.J.S.A. 34:5A-1 et seq.; 34:5A-10.1 et seq.  
N.J.A.C. 6A:16-1.4; 6A:19-10.5  
N.J.A.C. 8:59-1 et seq.



# POLICY

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Nutley Public Schools  
PROPERTY  
7433 HAZARDOUS SUBSTANCES  
Page 3-3

Cross reference: Policy Guide Nos. 2421, 3280

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
PROPERTY

7441 ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL  
GROUNDS (M)  
Page 1-1

7441 ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON  
SCHOOL GROUNDS (M)

The Board of Education authorizes the use of electronic surveillance systems in school buildings and on school grounds to enhance the safety and security for school district staff, students, community members, and other building occupants and to protect the school district's buildings and grounds.

The content produced by the surveillance system under certain circumstances may be considered a student record and if so it will be subject to the Board of Education policy and regulation regarding confidential student records. If the content of the surveillance system becomes the subject of a disciplinary proceeding, it shall be treated like other evidence in the proceeding.

In accordance with the provisions of N.J.S.A. 18A:41-9, if at least one school building of the school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board of Education shall enter into a Memorandum of Understanding (MOU) with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video. The MOU shall include the provisions of N.J.S.A. 18A:41-9 and any additional information required by law enforcement officials. In the event the parties to the MOU are unable to reach an agreement regarding any provision required to be included in the MOU as per N.J.S.A. 18A:41-9a, the County Prosecutor shall make the final determination regarding that provision. Nothing in N.J.S.A. 18A:41-9 shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site from a school building that does not have the ability to have live streaming video.

The Board of Education shall post signage in a prominent, public place in buildings and on school grounds where electronic surveillance equipment may be used.

In addition to posting, the district shall notify school staff members, parent(s), and students that electronic surveillance may be used in school buildings and on school grounds through publication in appropriate places.

N.J.S.A. 18A:41-9

Adopted: 26 March 2007





# POLICY

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Nutley Public Schools  
PROPERTY

7490 ANIMALS ON SCHOOL PROPERTY

Page 1-1

## 7490 ANIMALS ON SCHOOL PROPERTY

The Board of Education will make every reasonable effort to maintain school grounds in a condition appropriate for the activities of school pupils.

Pet animals are not permitted on school district grounds, except by the express permission of the building principal.

Without such permission , a pet owner who brings or permits his or her animal on school grounds has committed an act of trespass.

If an animal is found running at large on school grounds , its owner will be deemed to have permitted the animal to enter school property.

The Board directs the building principal to give notice regarding the prohibition of pets by posting appropriate signs on school property .

The Principal shall report to the appropriate municipal authorities any pet that runs at large on school property and any pet owner whose animal is present on school property is in violation of this policy.

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
PROPERTY  
7520 LOAN OF SCHOOL EQUIPMENT  
Page 1-1

## 7520 LOAN OF SCHOOL EQUIPMENT

The Board of Education believes that district owned equipment is a valuable resource that may be loaned for community use under certain conditions and when such use does not interfere with the educational program of the school.

The Board may lend specific items of equipment on the written request of the user when approval has been granted by Business Administrator or designee and when such equipment is unobtainable elsewhere.

School equipment may be removed from school property by students or staff members only when such equipment is necessary to accomplish a task arising from their school or job responsibilities. The consent of the Business Administrator or Designee is required for such removal. The removal of school equipment from school property by students or employees for personal use is prohibited.

The user of school owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, regardless of any assignment of negligence, and shall be responsible for its safe return. When equipment authorized for loan requires the services of a qualified operator, the user shall employ the services of a person designated by this district and shall pay such costs as may have been set for such services.

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
OPERATIONS  
8130 SCHOOL ORGANIZATION (M)  
Page 1-1

## 8130 SCHOOL ORGANIZATION (M)

The Board of Education directs the organization of the instructional program of this district in the following schools and grades:

Schools:	Grades:
Nutley High School	9-12
John H Walker Middle School	7-8
Lincoln Elementary School	K-6
Radcliffe Elementary School	K-6
Spring Garden Elementary School	PK-6
Washington Elementary School	K-6
Yantacaw Elementary School	K-6

The Superintendent shall continually monitor the effectiveness of the district organizational plan and recommend to the Board such modifications in the plan as may be in the best interest of students, make most effective use of district resources, and serve the educational goals of the Board.

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
OPERATIONS  
8464 MISSING CHILDREN  
Page 1-2

## 8464 MISSING CHILDREN (M)

The Board of Education directs the establishment and implementation of a program for the identification and reporting of children missing from the educational system .

Used in this policy , " parent " means the parent or parents or guardian having legal custody and control of a minor child .

The Superintendent shall develop and implement procedures to identify children who have been withdrawn from this district without enrollment in another school or school district or pupils who have been willfully or neglectfully removed from school by protracted absences without good cause.

Children so identified shall be reported promptly to the Nutley Police Department . The Board authorizes the release of the child 's name , age , gender , last known home address , and physical description and the parent's or legal guardian 's name and workplace , if known , to the Nutley Police Department . Reasonable attempts shall be made to determine the cause of a child 's unauthorized absence and to remediate the cause to the extent possible within the school setting . The Superintendent shall report periodically to the Board the results of the program for the identification of children missing from the educational program.

The Nutley Police Department ,pursuant to N.J. S . A. 52 : 17B- 9 . 8 b, must notify the Superintendent of a missing child, who is currently or was most recently enrolled in the school district , of the disappearance and provide the Superintendent with information concerning the identity of the missing child .The Nutley Police Department shall also notify the Superintendent if the child is located .



# POLICY

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Nutley Public Schools  
OPERATIONS  
8464 MISSING CHILDREN

Page 2-2

If the Superintendent is notified of a missing child by the Nutley Police Department, the Superintendent shall mark the child's school record. The mark will be a clearly identifiable and removable marking so in the event a copy or information regarding the record is requested, the school district will be aware the record is that of a missing child. Once the Nutley Police Department notifies the Superintendent that the child has been located, the Superintendent, or designee, will remove the mark from the child's school record. If a copy of a school record is requested that has been marked in accordance with this Policy, the Superintendent, or designee, will remove the marking from only the copy of the record to be provided to the requestor in accordance with Board Policy 8330, and without alerting the requestor to the fact that the record has been "marked". After supplying a copy of or information regarding the "marked" record, the Superintendent will immediately report the inquiry or any knowledge as to the whereabouts of the missing child to the Nutley Police Department.

N . J . S . A . 1 8 A : 3 6 - 2 4 ; 1 8 A : 3 6 - 2 5

N . J . S . A . 5 2 A : 1 7 B - 9 . 8 b .

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
COMMUNITY

## 9141 STUDENT REPRESENTATIVES TO THE BOARD OF EDUCATION

Page 1-2

### 9141 STUDENT REPRESENTATIVES TO THE BOARD OF EDUCATION (M)

In order to increase the communication between students and the Board of Education and to foster the understanding of the student body with regard to issues and concerns that affect the process of education in the school district, the Board invites a representative of the student body to attend regular meetings of the Board and to contribute to discussions.

The representative will be the President of the Student Council of Nutley High School with one other officer as an alternate. The term of office of the student representative will be one year in length.

The student representative will be entitled to sit at the Board table and to participate in discussions at all public Board meetings on all items of the agenda. The student representative will hold a non-voting position on the Board and will not attend closed conference sessions.

The student representative will be expected to adhere to the bylaws and policies adopted by the Board of Education as they affect the function of the representative. It is understood that this obligation includes compliance with the Code of Ethics promulgated by the New Jersey School Boards Association as adopted by this Board.

Other students may also be invited to committees of the Board as non-voting members. The procedures for selection of the student committee members shall be the responsibility of the Superintendent who shall consult with the high school Principal and the student government as needed.

The representative and alternate of each high school will be subject to the following guidelines:

1. May attend all open work sessions. The representative will take part in appropriate discussions prior to formal voting by the Board. Alternate will participate when the representative is absent.
2. Will be excused when the Board conducts personnel and contract business.



# POLICY

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Nutley Public Schools  
COMMUNITY

9141 STUDENT REPRESENTATIVES TO THE BOARD OF EDUCATION

Page 2-2

3. May give an opinion or indicate consensus but not be part of the Board's formal voting.
- 4 . Will attend an orientation provided by New Jersey School Boards Association .
- 5 . The term of office shall be one year ,corresponding with the term of office of Student Council President .
- 6 . The student representative will not have access to records of other students or any other information to which the general public is not entitled , nor shall they disseminate same .

N . J . A . C . 6 : 3 0 - 1 . 5 ; 6 : 3 1 - 1 . 14 ( b )  
2 0 U . S . C . A . 3 8 0 1 et seq .

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
COMMUNITY  
9161 CROWD CONTROL  
Page 1-1

## 9161 CROWD CONTROL

The Board of Education believes in order to achieve its goals for interscholastic competition, the student body and the general public attending an interscholastic event conduct themselves in such a manner as to make a positive contribution toward the educational objectives of this district.

The Board directs the Superintendent to prepare regulations for student and public behavior at interscholastic events and to publicly post such regulations and to devise procedures for the control of crowds.

The Board authorizes school officials to have expelled from any district event by the law enforcement officers on duty, any spectator who willfully violates the rules and regulations of the district or whose behavior jeopardizes the safe conduct of the event. Further, any spectator involved in continual violations of the rules and regulations shall be prohibited from attending further school events.

Adopted: 03 May 2004

Revised:





# POLICY

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Nutley Public Schools  
COMMUNITY  
9180 SCHOOL VOLUNTEERS  
Page 1-2

## 9180 SCHOOL VOLUNTEERS

The Board of Education recognizes that the services of volunteers can enrich the educational program, assist teaching staff members in the performance of their duties, and enhance the relationship between the school district and the community. The Board authorizes a program for the utilization of volunteer services in the school(s) of the school district.

An unpaid volunteer, as defined below, shall be required to complete a criminal history record check. The Board of Education shall reimburse the volunteer for the cost of the criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.2.

For the purpose of this Policy, a “volunteer” is a person who is not paid by the Board of Education, who assists with classroom or other school activities under the direct supervision of an appropriately certified or licensed school district employee, and provides assistance for school activities on a “regular basis” throughout the school year.

For the purpose of this Policy, “regular basis” means volunteering services more than e occasions during a school year.

For the purpose of this Policy, a “volunteer” is not a person who is invited into a school and provides occasional assistance for school activities, chaperones a class trip, or assists with classroom or other school activities less than 3 occasions during the school year.

The Superintendent or designee shall determine if a person meets or will meet the requirements to be a “volunteer” for the purpose of this Policy.

A volunteer must be approved by the Board upon the recommendation of the Superintendent.]

Volunteers must be persons of known character, responsibility, and integrity

Neither the Superintendent nor any Principal shall be obligated to utilize the proffered services of a volunteer whose abilities or interests do not serve the needs of students.

Each school volunteer shall be given a copy of this Policy and the rules of conduct.

The following guidelines shall govern the service of school volunteers:



# POLICY

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Nutley Public Schools  
COMMUNITY  
9180 SCHOOL VOLUNTEERS  
Page 2-2

1. Volunteers may serve only under the direction and supervision of an appropriately certified or licensed staff member;
2. Volunteers should clearly understand their duties and responsibilities and perform no service outside those duties;
3. Volunteers serve only in a support capacity; only appropriately certified or licensed staff members are responsible for educational planning and decisions and the teaching of new concepts;
4. Volunteers shall respect the individuality, dignity, and worth of each child;
5. Volunteers are not permitted access to student records;
6. Volunteers should exercise discretion in discussing their school activities with others in the community and must maintain confidential any information that if disclosed would violate Federal and State laws;
7. Volunteers may consult with the Principal regarding their duties and responsibilities; and
8. Volunteers shall receive no financial remuneration from the Board.

N.J.S.A. 18A:6-7.1; 18A:6-7.2

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
COMMUNITY

## 9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES

Page 1-1

### 9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES

The Board of Education recognizes that keeping students and staff safe and helping children understand and respect the law is best served by a close and cooperative relationship with local law enforcement.

The Board adopts this Policy and Regulation 9320 in accordance with N.J.A.C. 6A:16-6.1. to ensure cooperation between school staff and law enforcement authorities in all matters relating to the unlawful possession, distribution and disposition of controlled dangerous substances, including anabolic steroids, as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, drug paraphernalia as defined in N.J.S.A. 2C:36-1, alcoholic beverages; firearms, as defined in N.J.S.A. 2C:39-1.f.; and other deadly weapons as defined in N.J.S.A. 2C:39-1.r.

The Board adopts Policy and Regulation 9320 in accordance with N.J.A.C. 6A:16-6.1. to ensure cooperation between school district staff and law enforcement authorities in all matters relating to the planning and conduct of law enforcement activities and operations occurring on school grounds, including arrest procedures, undercover school operations, and mandatory reporting the offenses listed in the Memorandum of Agreement between Education and Law Enforcement Officials (MOA).

The Superintendent or designee shall institute a program of such communication and cooperation with law enforcement in accordance with N.J.A.C. 6A:16-6.1.

This Policy and Regulation 9320 shall be submitted for review and approval to the Executive County Superintendent in accordance with N.J.A.C. 6A:16-6.2(a)2.

The Superintendent or designee shall annually review the MOA as adopted by the Board to ensure this Policy and Regulation 9320 are in accordance with the requirements outlined therein.

N.J.A.C. 6A:16-6.1.; 6A:16-6.2; 6A:16-6.4.

Adopted: 03 May 2004

Revised:



# POLICY

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Nutley Public Schools  
FOREWORD  
Page 1-1

## FOREWORD

The Board of Education has authorized the Superintendent to promulgate administrative regulations except where approval by the Board is required by statute or administrative code for the orderly operations of the Nutley School District that are binding on all pupils, employees, and visitors to the district.

These administrative regulations are intended to give direction to staff members in carrying out Board policies, statutory mandates, and contractual obligations. The operations directed by these regulations should be efficient, amenable to assessment, and considerate of the needs and rights of pupils and employees. Any suggestions for additions or improvements that help attain these objectives are welcome.

These regulations apply to the entire school district. Principals may establish additional rules as necessary to apply these regulations to their school, provided that school rules do not exceed the authority set forth in these regulations. These regulations will be made available to each employee. Employees and pupils who violate these regulations are subject to disciplinary action.

Adopted: 03 May 2004

Revised:

