



## **LIVINGSTON BOARD OF EDUCATION VOTING MEETING AGENDA**

March 18, 2025

Executive Session - Administration Building - 6:00 p.m.

Public Session - Administration Building - 7:00 p.m.

### **I. OPEN SESSION**

#### **A. Call to Order – Seth Cohen, President**

#### **B. Reading of Meeting Notice**

Adequate notice of this meeting has been provided by amendment to notice approved at the Board's reorganization meeting on January 2, 2025 and posted at the Board of Education office and communicated to *The Star Ledger*, *West Essex Tribune*, *TAPinto Livingston* and the Livingston Township Clerk.

#### **C. Executive Session**

**Whereas**, the Open Public Meetings Act, N.J.S.A. 10:4-11, permits the Board of Education to meet in closed session to discuss certain matters; now, therefore be it

**Resolved**, that the Livingston Board of Education adjourns to closed session to discuss:

- student matters, legal and contract negotiations

Action may be taken upon return to the public session. The full length of the meeting is anticipated to be approximately 60 minutes; and be it

**Further Resolved**, the minutes of this closed session be made public when the need for confidentiality no longer exists.

### **ROLL CALL VOTE**

#### **D. Pledge of Allegiance / Roll Call**

#### **E. Public Hearing on Bond Refunding**

1. Presentation
2. Discussion
3. Questions and Comments from Public
  - Speakers are asked to stand and state name for the board and public
  - Speakers may raise their hand, state their name for the board and speak through the webinar

- Each person may speak once with a three (3) minute time limit until all who wish to be heard have had an opportunity to speak

**F. RESOLUTION OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF LIVINGSTON IN THE COUNTY OF ESSEX, NEW JERSEY, AUTHORIZING CERTAIN ACTIONS NECESSARY IN CONNECTION WITH THE SALE AND ISSUANCE OF NOT TO EXCEED \$39,000,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING SCHOOL BONDS AND AUTHORIZING THE APPROPRIATE OFFICIALS TO DO ALL ACTS AND THINGS DEEMED NECESSARY AND ADVISABLE IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SAID BONDS**

**Resolved**, that the Livingston Board of Education approves the resolution as set forth in ***Attachment A***.

**ROLL CALL VOTE**

**G. Superintendent's Report**

1. Budget Presentation/Discussion

**H. Board Reports**

**I. Student Representative's Report**

**J. Approval of Minutes**

The Superintendent recommends the following:

1. Voting Meeting Minutes of February 25, 2025
2. Workshop/Voting Meeting Minutes of March 11, 2025
3. Executive Session Meeting Minutes of December 11, 2024; January 2, 2025; January 14, 2025; January 28, 2025; February 11, 2025; February 25, 2025 and March 11, 2025

**ROLL CALL VOTE**

**K. Public Comment**

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest. To protect the privacy of all students and staff, concerns regarding individual students and staff members should generally be addressed by first meeting with the appropriate administrative staff.

In order to permit the fair and orderly expression of such comment, the Board shall provide a period for public comment at every meeting of the Board.

Public participation shall be permitted only as indicated in accordance with Board Bylaw No. 0167.

Public participation shall be extended to residents of this district, persons having a legitimate interest in the actions of this Board, persons representing groups in the community or school district, representatives of firms eligible to bid on materials or services solicited by the Board, and employees and pupils of this district, except when the issue addressed by the participant is subject to remediation by an alternate method provided for in policies or contracts of the Board.

Public participation is not an opportunity to engage in a dialogue with the Board and shall be governed by the following rules:

1. A participant must be recognized by the presiding officer and must preface comments by an announcement of his/her name, municipality of residence, and group affiliation, if appropriate;
2. A participant is limited to three (3) minutes' duration; elapsed time will be determined through the use of a timing device operated by the Board Secretary;



3. No participant may speak more than once and there shall be no yielding of time among speakers;
4. All statements shall be directed to the presiding officer; no participant may address or question Board members individually;
5. There shall be no cross dialogue between the participant and the Board and/or Administration;
6. Upon conclusion of a participant's remarks, the presiding officer will acknowledge the individual's remarks and may respond and/or direct a member of the Administration to respond to an inquiry following the participant's remarks or at the conclusion of the public participation session.

The presiding officer may:

- a. Interrupt, warn, or terminate a participant's statement when the statement is too lengthy, abusive, obscene, or irrelevant;
- b. Request any individual to leave the meeting when that person does not observe reasonable decorum;
- c. Request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
- d. Call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action; and
- e. Waive these rules when necessary for the protection of privacy or the efficient administration of the Board's business.

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

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

## **II. RECOMMENDATIONS FOR APPROVAL**

### **1. PROGRAM/CURRICULUM**

The Superintendent recommends the following:

#### **1.1 Field Trips**

**Resolved**, that the Livingston Board of Education approves the field trips as shown on ***Attachment B***.

## **ROLL CALL VOTE**

### **2. STUDENT SERVICES**

The Superintendent recommends the following:

#### **2.1 Out of District Placements**

**Resolved**, that the Livingston Board of Education approves placement for the academic year 2024-2025 for one (1) Livingston student with disabilities, as classified and recommended by the Child Study Team, in facilities with tuition costs to be determined within the limits established by the New Jersey Board of Education as shown on ***Attachment C***.

## **ROLL CALL VOTE**

### **3. BUSINESS**

The Superintendent recommends the following:

#### **3.1 Adoption of the Tentative Budget for School Year 2025-2026**

**Resolved**, that tentative budget be approved for the 2025-2026 school year using the 2025-2026 State Aid figures and the School Business Administrator/Board Secretary be authorized to submit the following tentative budget to the Executive County Superintendent for approval in accordance with N.J.S.A.18A:7F-5 and 18A:7F-6:

	<u>General Fund</u>	<u>Special Revenues</u>	<u>Debt Service</u>	<u>Total</u>
2025-2026 Total Appropriations	\$147,356,084	\$2,427,966	\$7,344,550	\$157,128,600
Less: Anticipated Revenues	\$18,898,242	\$2,427,966	\$1,624,699	\$22,950,907
Taxes to be Raised	\$128,457,842	-0-	\$5,719,851	\$134,177,693

And, to advertise said budget in the West Essex Tribune in accordance with the form suggested by the State Department of Education and according to law; and

**Be It Further Resolved**, that a public hearing will be held at the Administration Building, 11 Foxcroft Drive, Livingston, New Jersey, on April 29, 2025 at 7:00 p.m. in a hybrid format for the purpose of conducting a public hearing on the budget for the 2025-2026 school year.

### **3.2 Appropriation of Budgeted Fund Balance**

**Resolved**, that the Livingston Board of Education includes in the tentative budget an appropriation of Budgeted Fund Balance in the amount of \$1,883,745.

### **3.3 Use of Banked Cap**

**Whereas**, the Livingston Board of Education is authorized to utilize banked cap in the amount of \$842,473 in the 2025-2026 budget year; and now

**Be it Resolved**, that the Livingston Board of Education includes in the tentative budget the adjustment for banked cap in the amount of \$842,473. The additional funds are included in the base budget and will be used to maintain class sizes as per district policy.

### **3.4 Adjustment for Health Care Costs**

**Resolved**, that the Livingston Board of Education includes in the final budget the adjustment for increased costs of health benefits in the amount of \$1,387,390. The additional funds will be used to pay for the additional increases in health benefit premiums.

### **3.5 Capital Reserve Withdrawal**

**Resolved**, that the Livingston Board of Education includes in the tentative 2025-2026 budget a capital reserve withdrawal in the amount of \$5,158,831 for:

Boiler Replacement ROD Grant Projects (MPM, HIL)	\$2,430,650
Milling & Paving sidewalks (HMS, MPM, MPE, BHE, CES, HAR, HES, RHE)	\$670,000
LHS VAT Replacement	\$15,000

LHS Auto Shop floor replacement	\$30,000
LHS FWC Stair replacement	\$35,000
LHS Auditorium Plaster replacement	\$40,000
LHS Grinder Pump replacement	\$50,000
LHS FWC Roof repair	\$30,000
DW Storage sheds	\$12,000
MC Renovations	\$40,000
HMS RTU & mini split replacement	\$90,000
MPM Path rail replacement	\$16,000
MPM Walk in box refrigerator	\$16,000
MPE Skylight cap and repair	\$5,000
MPE gymnasium refresh	\$29,000
MPE & CES hallway painting	\$24,000
BHE Playground fence	\$48,540
Card Readers	\$16,000
HAR classroom floor replacement	\$50,000
Cafeteria tables	\$38,090
HAR office relocation	\$30,000
HIL fascia repair	\$50,000
RHE railing installation	\$14,000
CO RTU replacement	\$30,000
CO property survey	\$40,000
Johnson Controls Metasys Version 12.x installation	\$30,000
Capital Lease Principal Payment	\$1,279,551
Total	\$5,158,831

### **3.6 Travel and Related Expense Reimbursement**

The Livingston Board of Education recognizes school staff and Board members will incur travel expenses related to and within the scope of their current responsibilities and for

travel that promotes the delivery of instruction or furthers the efficient operation of the school district;

**And**, N.J.A.C. 6A:23A Subchapter 7 requires Board members to receive approval of these expenses by a majority of the full voting membership of the Board and staff members to receive prior approval of these expenses by the Superintendent of Schools and a majority of the full voting membership of the Board;

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

**And**, travel and related expenses not in compliance with N.J.A.C. 6A:23A Subchapter 7 but deemed by the board of education to be necessary and unavoidable as noted on the approved Board of Education Out of District Travel and Reimbursement Forms;

**Be it Resolved**, the Livingston Board of Education approves all travel not in compliance with N.J.A.C. 6A:23A Subchapter 7 as being necessary and unavoidable as noted on the approved Board of Education Out of District Travel and Reimbursement Forms; and

**Be it Further Resolved**, the Livingston Board of Education includes in the tentative budget travel and related expense reimbursements in accordance with N.J.A.C. 6A:23A Subchapter 7, to a maximum expenditure of \$168,550 for all staff and board members for the 2025-2026 school year. The maximum travel expenditure amount for the 2024-2025 school year is \$202,780, of which, \$54,686.07 has been spent and \$29,683.38 is encumbered to date.

The School Business Administrator/Board Secretary shall track and record these costs to ensure that the maximum amount is not exceeded.

### **3.7 Payment of Bills**

**Whereas**, the Board Secretary has audited certain vendor claims as required by N.J.S.A. 18A:19-2 and Board Policy 6470 and presented them to the Livingston Board of Education with the recommendation they be paid, now therefore be it

**Resolved**, that the Livingston Board of Education approves the payment of the following bills in the amounts listed and attach a complete copy of these bills to the minutes of this meeting.

<b><u>Fund</u></b>	<b><u>Name</u></b>	<b><u>Amount</u></b>
10,11,12	Operating Budget (checks 110987-111299; adv 281-291)	\$12,012,789.33
20	Grants (checks 110987-111299; adv 281-291)	\$251,252.67
60	Cafeteria (checks 60091)	\$220,244.57
	<b>TOTAL</b>	\$12,484,286.57

### **3.8 Transfers**

**Whereas**, the Superintendent of Schools recommends certain transfers among accounts in the 2024-2025 budget for February pursuant to Board of Education Policy 6422, now therefore be it

**Resolved**, that the Livingston Board of Education ratify transfers pursuant to N.J.S.A. 18A:22-8.1 and N.J.A.C. 6:20-2A.10 as shown on **Attachment D**.

### **3.9 Conferences and Overnight Trips**

**Resolved**, that the Livingston Board of Education approves the conferences and overnight trips as shown on **Attachment E**.

**Resolved**, that the Livingston Board of Education approves *David Richards, Ryan Karpack* and *Julianne Caccavale* in chaperoning approximately 8 students participating in the Shell Eco-marathon Americas 2025 at the Indianapolis Motor Speedway in Indianapolis, Indiana from April 2 to 6, 2025.

**Resolved**, that the Livingston Board of Education approves *Katie Baach* to join *Marjorie Duffy, Val Desamours* and *Mike Buonomo* in chaperoning approximately 30 students participating in the New Jersey Key Club District Educational Conference (DECON) in Asbury Park, New Jersey, from April 3 to 5, 2025.

**Resolved**, that the Board of Education approves *Paul Raiz* and *Samantha Aaron* to accompany four students from the Biotechnology Pathway to present their work at the ATEC AlgaePrize Competition in Golden, Colorado, from April 10 through April 13, 2025.

**Resolved**, that the Livingston Board of Education approves the addition of *Katie Baach* to accompany *Guy Rabner* and *Brynn Smith* in chaperoning approximately 16 students participating in the History Bowl National Tournament in Arlington, Virginia from April 24 to 27, 2025.

**Resolved**, that the Livingston Board of Education approves *Daniel Quackenbush, Katherine Collins* and *Michael Buonomo* in chaperoning approximately 23 students participating in the DECA International Competition in Orlando, Florida, from April 26 to 30, 2025.

**Resolved**, that the Livingston Board of Education approves *Adam Berryann, Catherine Steege* and *Nicole Rothman* in chaperoning approximately 18 students attending Construction Industry Career Day in Edison, New Jersey on May 28, 2025.

### **3.10 Academic Calendar - 2026-2027**

**Resolved**, that the Livingston Board of Education approves the 2026-2027 Academic Calendar as shown on **Attachment F**.

### **3.11 Student Safety Data System**

**Resolved**, that the Livingston Board of Education, accepts the Student Safety Data System report as presented for Report Period 1 of the 2024-2025 school year as shown on **Attachment G**.



### **3.12 Bylaws, Policies and Regulations**

Resolved, that the Livingston Board of Education approves the following policies and regulations for first reading:

Policy #1110 - Organizational Chart (with revisions)  
Policy #5111 - Eligibility of Resident/Nonresident Students (M) (with revisions)  
Regulation #5111 - Eligibility of Resident/Nonresident Students (M) (with revisions)  
Policy #5337 - Service Animals (new to district)  
Policy #8600 - Student Transportation (M) (with revisions)  
Regulation #8600 - Student Transportation (M) (with revisions)

**Resolved**, that the Livingston Board of Education approves the following Bylaws, Policies & Regulations for second reading and adoption:

Policy #5512 - Harassment, Intimidation, or Bullying (M) (Revised)  
Policy #5516 - Use of Electronic Communication Devices (Revised)  
Policy #5530 - Substance Abuse (M) (Revised)  
Regulation #5530 - Substance Abuse (M) (Revised)  
Policy #5533 - Student Smoking (M) (Revised)  
Regulation #5533 - Student Smoking (New to District)  
Policy #7441 - Electronic Surveillance In School Buildings and On School Grounds (M) (Revised)  
Regulation #7441 - Electronic Surveillance In School Buildings and On School Grounds (M) (Revised)  
Policy #9320 - Cooperation with Law Enforcement Agencies (M) (Revised)  
Regulation #9320 - Cooperation with Law Enforcement Agencies (M) (Revised)

### **ROLL CALL VOTE**

#### **4. PERSONNEL**

The Superintendent recommends the following:

##### **4.1 Resignations & Retirements**

**Resolved**, that the Livingston Board of Education accepts the resignations of:

<b>Name</b>	<b>Position</b>	<b>Reason</b>	<b>Location</b>	<b>Last Day of Employment</b>
<i>Mary Dyer</i>	Elementary School Teacher	Resignation	MPE	June 30, 2025
<i>Fiona Matear</i>	TOSD	Resignation	MPE	June 30, 2025

*\*as amended from a previous agenda*

##### **4.2 Leaves of Absences**

**Resolved**, that the Livingston Board of Education approves the leaves of absences of:

<b>Name</b>	<b>Location</b>	<b>Position</b>	<b>LOA w/pay and benefits</b>	<b>LOA w/o pay, but with benefits (if applicable)</b>	<b>Extended LOA w/o pay or benefits</b>	<b>Return Date</b>
<i>Veronica Terrana</i>	LHS	Teacher of Italian	8/25/2025-9/3/2025	9/4/2025-11/28/2025**	NA	12/1/2025

<i>Daniel King</i>	LHS	Teacher of Music	3/26/2025-4/4/2025 & 4/22/2025-4/30/2025**	NA	NA	4/7/2025 5/1/2025
<i>Emily DeStefano</i>	HMS	SAC	6/3/2025-6/30/2025 & 8/25/2025-9/8/2025**	9/9/2025-11/14/2025**	11/17/2025-2/4/2026	2/5/2026
<i>Diane Miranda-Evangelista*</i>	HMS	School Nurse	3/3/2025-4/16/2025 & 8/25/2025-8/29/2025**	4/17/2025-6/30/2025**	NA	9/2/2025
<i>Jessica D'Annunzio *</i>	Collins	Elementary School Teacher	3/17/2025-5/19/2025	5/20/2025-5/22/2025 & 5/23/2025-10/16/2025**	10/17/2025-6/30/2026	9/1/2026 (or the first day for staff for 2026-2027 school year)
<i>Diane Sigalas*</i>	LHS	Teacher of Biology	2/12/2025-4/18/2025	4/21/2025-6/30/2025**	NA	8/25/2025
<i>Neeraja Rao</i>	Transportation	Bus Aide	2/21/2025-3/3/2025(.5)	NA	3/3/2025(.5)-5/21/2025	5/22/2025
<i>Andrew Greenberg*</i>	LHS	Teacher of Math	6/16/2025-6/24/2025 & 8/25/2025-11/07/2025**	NA	NA	11/10/2025
<i>Tucker, Erica*</i>	Harrison	Instructional Aide	1/2/2025-1/8/2025	NA	1/9/2025-4/4/2025	4/7/2025
<i>Ann Marie Mansfield*</i>	RHE	Kindergarten Aide	1/21/2025-1/27/2025(.5)	1/27/2025(.5)-4/18/2025**	NA	4/21/2025

\*as amended from a previous agenda

\*\*Designates time counted toward NJFLA/FMLA

### 4.3 Appointments

**Resolved**, that the Livingston Board of Education approves the applications indicated below (\*) for emergent hiring for the following appointments under the requirements of N.J.S.A. 18A:16-1 et. seq., N.J.S.A. 18A:39.17 et. seq.; N.J.S.A. 18A:6-4.13 et. seq. All appointments are contingent upon reference checks in accordance with P.L. 2018, c.5.

Name	Location	Title	Tenure Track/LOA or LT Replacement	Replacing	Guide	Step	Salary	Effective Date
<i>Sabina Sessa</i>	LHS	LDT-C	First Year Tenure Track	A. Herekar	MA	15	\$98,000 (prorated) **	4/28/2025
<i>Limuele Jonathan Recio</i>	COL	Elementary School Teacher	Leave Replacement	V. Kenney	BA	1	\$55,390 (prorated)	4/7/2025
<i>Axel Marrero*</i>	HMS/LHS	Teacher of Spanish	Leave Replacement	C. Netti & C. Hendricks	BA	3	\$57,090 (prorated)	3/3/2025-4/18/2025
<i>Axel Marrero</i>	LHS	Teacher of Spanish	First Year Tenure Track	C. Hendricks	BA	3	\$57,090 (prorated)	4/21/2025-6/30/2025

\*as amended from a previous agenda

\*\*salary will remain the same for the 2025-26 SY

**Resolved**, that the Livingston Board of Education approves the appointment of the ABA Discrete Trial TAs and Instructional Aides as listed on **Attachment H**.

#### **4.4 Substitutes**

**Resolved**, that the Livingston Board of Education approves the appointment of the individuals listed below to serve as substitutes on an as-needed basis for the 2024-2025 school year:

##### **Teachers**

*Jacob Bernstein*  
*Fiona Cummings*  
*Molly Cullim*  
*Oi Ling Ellen Tam*  
*James Brandt*

##### **Custodial**

*Paul Jost (\$18.50/hr)*  
*Victoria Santos (\$18.50/hr)*  
*Vasil Pashollari (\$18.50/hr)*

##### **IT Support for LBOE Meetings**

*Robert McConnon (\$250 per meeting)*

**Resolved**, that the Livingston Board of Education approves the appointment of the individual(s) listed below to serve as long-term substitutes as reflected below:

<b>Name</b>	<b>Location</b>	<b>Title</b>	<b>Leave Replacement or Long Term Sub</b>	<b>Replacing</b>	<b>Salary</b>	<b>Effective Date</b>
<i>Colleen Cornell</i>	LHS	Cooperative Education Coordinator	Long-Term Sub	NA	\$200/day	4/21/2024-6/20/2024
<i>Elizabeth Crocker</i>	LHS	Cooperative Education Coordinator	Long-Term Sub	NA	\$200/day	4/21/2024-6/20/2024
<i>Bettina Plesnitzer</i>	LHS	Teacher of Health & PE	Long-Term Sub	T. Mantone	\$345/day	4/21/2025-5/2/2025
<i>Suzanne DiTacconi</i>	MPE	Elementary School Teacher	Long-Term Sub	I. Gardner	\$317/day**	3/24/2025-6/30/2025
<i>Meghan Dufford*</i>	RHE	Kindergarten Aide	Long-Term Sub	A. Mansfield	\$141/day	1/22/2025-4/11/2025

*\*amended from previous agenda*

*\*\*to be paid the difference between their current daily rate and the rate quoted above*

#### **4.5 Extra Period Assignments**

**Resolved**, that the Livingston Board of Education approves the extra period assignments as listed on **Attachment I**.

#### **4.6 Contract Adjustments**

**Resolved**, that the Livingston Board of Education approves the contract adjustments as listed on **Attachment J**.

#### **4.7    Stipends**

**Resolved**, that the Livingston Board of Education approves the individuals on **Attachment K** for athletic stipends at Livingston High School for the 2024-2025 school year in accordance with the contract between the LBOE and the LEA.

**Resolved**, that the Livingston Board of Education rescinds the appointment of *Robert Gillo* to the Spring Strength Training stipend at Livingston High School for the 2024-2025 school year.

**Resolved**, that the Livingston Board of Education approves the individuals on **Attachment L** for co curricular stipends at Livingston High School for the 2024-2025 school year in accordance with the contract between the LBOE and the LEA.

#### **4.8    Mentor Fees**

**Resolved**, the Livingston Board of Education amends the individuals on **Attachment M** listed as assigned mentors to receive payment in accordance with the schedule listed.

#### **4.9    NJDOE High Intensity Tutoring Grant**

**Resolved**, that the Livingston Board of Education approves the individuals listed on **Attachment N** to be paid for work performed in the High Intensity Tutoring program at the rate of \$64.94 per hour (not to exceed 2 hours per person per day for the duration of the program). The program will run from January 15, 2025 - June 12, 2025. These positions are funded through the NJDOE High Intensity Tutoring Grant (acct #20-451-100-100-1033-12)

#### **4.10   Job Descriptions**

**Resolved**, that the Livingston Board of Education approves the following job descriptions:

Head Custodian  
Custodian  
Maintenance Worker

### **ROLL CALL VOTE**

#### **5.   MISCELLANEOUS**

The Superintendent recommends the following:

##### **5.1    HIB Report**

**Resolved**, that the Livingston Board of Education accepts the findings of HIB cases.

##### **5.2    Suspension Report**

**Resolved**, that the Livingston Board of Education approves the Suspension Report for the months of December 2024, January 2025, and February 2025.

### **ROLL CALL VOTE**

#### **L.   Old Business**

#### **M.   New Business**

### **III. ADJOURNMENT**

#### **EXECUTIVE SESSION**

**Whereas**, N.J.S.A. 10:4-1 et seq., also known as the "Sunshine Law," authorizes a public body to meet in executive or private session under certain limited circumstances, and

**Whereas**, said law requires the Board to adopt a resolution at a public hearing before it can meet in such an executive or private session, now, therefore, be it

**Resolved**, by the Livingston Board of Education that:

- (A) It does hereby determine that it is necessary to meet in executive session on March 18, 2025 to discuss the matters stipulated, in conformance with the subsections of said act which are indicated.
1. Matter rendered confidential by federal law, state statute or rule of court.
  2. Matter in which the release of information would impair a right to receive federal funds.
  3. Matter, the disclosure of which would constitute an unwarranted invasion of individual privacy unless the individual concerned shall request in writing that the same be disclosed publicly.
  4. Collective bargaining matters.
  5. Matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates, etc. where it would adversely affect the public interest if discussion were disclosed.
  6. Tactics and techniques utilized in protecting public property where disclosure could impair protection.
  7. Investigation of violations or possible violations of law.
  8. Pending or anticipated litigation or contract negotiation other than collective bargaining agreement.
  9. Personnel matters unless the individual employees or appointees affected requested that such matter be discussed at a public meeting.
  10. Deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty.
- (B) The matters discussed will be made public when confidentiality is no longer required and formal action pursuant to said discussion shall take place only at a meeting to which the public has been invited.
- (C) No action will be taken.



**EXTRACT** from the minutes of a regular meeting of The Board of Education of the Township of Livingston in the County of Essex, New Jersey held at the \_\_\_\_\_, Livingston, New Jersey on March 18, 2025, at \_\_\_\_ p.m.

PRESENT:

ABSENT:

\*\*\*\*\*

\_\_\_\_\_ introduced and moved the adoption of the following resolution and \_\_\_\_\_ seconded the motion:

**RESOLUTION OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF LIVINGSTON IN THE COUNTY OF ESSEX, NEW JERSEY, AUTHORIZING CERTAIN ACTIONS NECESSARY IN CONNECTION WITH THE SALE AND ISSUANCE OF NOT TO EXCEED \$39,000,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING SCHOOL BONDS AND AUTHORIZING THE APPROPRIATE OFFICIALS TO DO ALL ACTS AND THINGS DEEMED NECESSARY AND ADVISABLE IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SAID BONDS**

**WHEREAS**, on September 24, 2015, The Board of Education of the Township of Livingston in the County of Essex, New Jersey (the "Board" when referring to the governing body and the "School District" when referring to the territorial boundaries governed by the Board) issued \$61,010,000 aggregate principal amount of tax-exempt Refunding School Bonds, dated September 24, 2015 (the "2015 School Bonds"); and

**WHEREAS**, the Board has determined that the current interest rate environment may enable it to realize going-forward debt service savings for property taxpayers residing in the School District through the issuance by the Board of Refunding School Bonds (the "Refunding School Bonds") to refund all or a portion of the \$38,025,000 aggregate principal amount of the outstanding 2015 School Bonds maturing on July 15 in the years 2026 through 2037, inclusive (the "Refunded Bonds"); and

**WHEREAS**, the Board introduced a refunding school bond ordinance (the "Refunding Bond Ordinance") on first reading by resolution of the Board on February 25, 2025; and

**WHEREAS**, on the date hereof, the Board held a public hearing on the Refunding Bond Ordinance; and

**WHEREAS**, the Board has determined to issue and sell such Refunding School Bonds; and

**WHEREAS**, the Board now desires to authorize certain actions in connection with the sale and issuance of the Refunding School Bonds.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF LIVINGSTON IN THE COUNTY OF ESSEX, NEW JERSEY (by not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:**

**SECTION 1.** The Refunding Bond Ordinance is hereby adopted and shall take effect immediately.

**SECTION 2.** The \$39,000,000\* Refunding School Bonds, Series 2025 (the principal amount shall not exceed \$39,000,000) (the "Refunding Bonds") of The Board of Education of the Township of Livingston in the County of Essex, New Jersey (the "Board" when referring to the governing body and the "School District" when referring to the territorial boundaries governed by the Board) authorized by virtue of (i) Title 18A of the New Jersey Statutes, as amended and supplemented; (ii) a refunding bond ordinance enacted and adopted by the Board on March 18, 2025; and (iii) this resolution adopted by the Board on March 18, 2025 (the "Authorization Proceedings"). The Refunding Bonds will consist of serial bonds maturing on July 15, commencing in 2025, as indicated on the maturity schedule set forth below:

<u>Year</u>	<u>Principal Amount*</u>
2025	\$ 500,000
2026	3,210,000
2027	3,300,000
2028	3,350,000
2029	3,385,000
2030	3,400,000
2031	3,525,000
2032	3,580,000
2033	3,750,000
2034	3,850,000
2035	3,800,000
2036	1,700,000
2037	1,650,000

\*Preliminary, subject to change

The Refunding Bonds shall be subject to optional redemption prior to maturity as set forth therein. The Refunding Bonds shall be thirteen (13) in number, with one certificate being issued for each year of maturity and shall be numbered R-1 through R-13 inclusive. The Refunding Bonds are entitled to the benefits of the New Jersey School Bond Reserve Act, 1980 N.J. Laws c. 72, as amended and supplemented.

**SECTION 3.** The Refunding Bonds will be issued in fully registered book-entry form, without certificates. One certificate shall be issued for the aggregate

principal amount of Refunding Bonds maturing in each year. Both principal of and interest on the Refunding Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of and held by Cede & Co., as nominee of The Depository Trust Company, Brooklyn, New York ("DTC"), which will act as securities depository for the Refunding Bonds (the "Securities Depository"). The certificates will be on deposit with DTC. DTC will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records regarding the beneficial ownership interests in the Refunding Bonds on behalf of individual purchasers of such beneficial interests. Individual purchases of the beneficial interests in the Refunding Bonds may be made in the principal amount of \$1,000 each or any integral multiple thereof with a minimum purchase of \$5,000 required, through book entries made on the books and the records of DTC and its participants.

Individual purchasers of the Refunding Bonds will not receive certificates representing their beneficial ownership interest in the Refunding Bonds, but each book-entry Bond owner will receive a credit balance on the books of its nominee, and this credit balance will be confirmed by an initial transaction statement stating the details of the Refunding Bonds purchased.

The Refunding Bonds will be dated their date of delivery and will bear interest from such date, which interest shall be payable, commencing July 15, 2025 and semiannually thereafter on the fifteenth day of January and July in each year until maturity or prior redemption, at a rate or rates per annum, expressed in a multiple of one-eighth ( $1/8$ ) or one-twentieth ( $1/20$ ) of one per centum (1%), as proposed by the successful bidder in accordance with the Notice of Sale authorized and defined herein. The principal of and interest on the Refunding Bonds will be paid to the Securities Depository by the Board on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of DTC as of each next preceding January 1 and July 1 (the "Record Dates" for the Refunding Bonds). The Refunding Bonds shall be executed by the manual or facsimile signature of the Board President under the official seal (or facsimile thereof) affixed, imprinted, engraved or reproduced thereon and attested by the manual signature of the Business Administrator/Board Secretary. The following matters are hereby determined with respect to the Refunding Bonds:

Date of Refunding Bonds:	Date of Delivery
Principal Payment Dates:	July 15, 2025 and each July 15 thereafter until maturity or prior redemption
Interest Payment Dates:	Semiannually on each January 15 and July 15 of each year beginning July 15, 2025 until maturity or prior redemption

Place of Payment:

Cede &amp; Co., Brooklyn, New York

**SECTION 4.** The Refunding Bonds shall be substantially in the form set forth in Exhibit A attached hereto, with such additions, deletions and omissions as may be necessary for the Board to market the Refunding Bonds in accordance with the requirements of DTC.

**SECTION 5.** The Notice of Sale (the "Notice of Sale") shall be substantially in the form set forth in Exhibit B with such additions, deletions and omissions as may be necessary for the Board to market the Refunding Bonds in accordance with the requirements of DTC. The Notice of Sale shall be posted on PARITY, as defined herein.

**SECTION 6.** The Refunding Bonds shall be sold upon receipt of electronic bids on April 9, 2025 at 11:00 a.m. by the Business Administrator/Board Secretary of the Board on i-Deal's Bidcomp®/PARITY® electronic competitive bidding system ("PARITY") in accordance with the Notice of Sale authorized herein. The use of the services provided by PARITY and the fees associated therewith are hereby approved. The Business Administrator/Board Secretary or Wilentz, Goldman & Spitzer, P.A., Bond Counsel ("Bond Counsel") is hereby authorized and directed to arrange for posting of the Notice of Sale on PARITY. The Board hereby delegates to and designates the Business Administrator/Board Secretary as the officer authorized to sell and to award the Refunding Bonds in accordance with the Notice of Sale authorized herein, and the Business Administrator/Board Secretary shall report in writing the results of the sale to this Board as required by law. **Furthermore, the Board hereby delegates to the Business Administrator/Board Secretary the authority to postpone and reschedule the sale of the Refunding Bonds, upon consultation with Bond Counsel, in accordance with the Notice of Sale authorized herein and to adjust the maturity schedule of the Refunding Bonds up to twenty-four (24) hours prior to the date of sale indicated herein and/or within twenty-four (24) hours after the award, which adjustment shall not exceed ten percent (10%) of the principal amount of any maturity or in the aggregate, the overall issue.**

The Board President, the Business Administrator/Board Secretary, Bond Counsel, the Municipal Advisor, Phoenix Advisors, a division of First Security Municipal Advisors, Inc. (the "Municipal Advisor"), the Board Auditor and the Board Attorney, are each hereby further authorized and directed to do and accomplish all matters and things necessary or desirable to effectuate the offering and sale of the Refunding Bonds.

**SECTION 7.** The Refunding Bonds shall have affixed thereto a copy of the written opinion with respect to the Refunding Bonds that is to be rendered by Bond Counsel to the Board.

**SECTION 8.** The Official Statement to be distributed in preliminary form on or about April 2, 2025 (the "Preliminary Official Statement"), prepared in connection with the offering and sale of the Refunding Bonds, is hereby "deemed final" for the purposes of Rule 15c2-12, as amended and supplemented (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the provisions of the Securities



and Exchange Act of 1934, as amended and supplemented, with the exception of certain information permitted to be omitted thereby and is hereby approved and authorized for the information of purchasers of the Refunding Bonds, with such changes and corrections not inconsistent with the substance thereof, including those required to reflect the effect of the sale of the Refunding Bonds, as are deemed necessary and advisable by the Business Administrator/Board Secretary in consultation with Bond Counsel.

**SECTION 9.** Bond Counsel is hereby authorized and directed to arrange for the printing of the Preliminary Official Statement and the Official Statement. Bond Counsel is hereby authorized and directed to arrange for the distribution of the Preliminary Official Statement on behalf of the Board to those financial institutions that customarily submit bids for such Refunding Bonds. The Board President or the Business Administrator/Board Secretary is hereby authorized and directed to deliver the Official Statement to the purchaser of the Refunding Bonds for its use in connection with the sale, resale and distribution of the Refunding Bonds, where and if applicable. Bond Counsel is hereby authorized and directed to prepare the Preliminary Official Statement and the Official Statement as necessary in connection with the issuance of the Refunding Bonds, and the Board President or the Business Administrator/Board Secretary is hereby authorized and directed to execute the Official Statement and any certificates necessary in connection with the distribution of the Official Statement. Bond Counsel is hereby further authorized and directed to arrange for the printing of the Refunding Bonds.

**SECTION 10.** The Board hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Refunding Bonds, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Refunding Bonds.

**SECTION 11.** The Business Administrator/Board Secretary, Bond Counsel, the Municipal Advisor and the Board Attorney are hereby authorized and directed to make representations and warranties, to enter into agreements and to make all arrangements with DTC, as may be necessary in order to provide that the Refunding Bonds will be eligible for deposit with DTC and to satisfy any obligation undertaken in connection therewith.

**SECTION 12.** In the event that DTC may determine to discontinue providing its service with respect to the Refunding Bonds or is removed by the Board and if no successor securities depository is appointed, the Refunding Bonds which were previously issued in book-entry form shall be converted to registered Refunding Bonds (the "Registered Refunding Bonds") in denominations of \$1,000, or any integral multiple thereof with a minimum purchase of \$5,000 required. The beneficial owner under the book-entry system, upon registration of the Refunding Bonds held in the beneficial owner's name, will become the registered owner of the Registered Refunding Bonds. The Board shall be obligated to provide for the execution and delivery of the Registered Refunding Bonds in certified form.



**SECTION 13.** The Board hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate (the "Certificate") which will set forth the obligation of the Board to file budgetary, financial and operating data and notices of certain enumerated events deemed material in accordance with the provisions of the Rule. The Business Administrator/Board Secretary is hereby authorized and directed to execute and deliver the Certificate evidencing the Board's undertaking with respect to the Rule. Notwithstanding the foregoing, failure of the Board to comply with the Certificate shall not be considered a default on the Refunding Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance to cause the Board to comply with its obligations hereunder.

**SECTION 14.** The Board President and the Business Administrator/Board Secretary are each hereby authorized and directed to determine all matters in connection with the issuance of the Refunding Bonds by the Board not determined by this or a subsequent resolution, all in consultation with Bond Counsel and the manual or facsimile signature of the Board President or the Business Administrator/Board Secretary upon any documents shall be conclusive as to all such determinations. The Board President and the Business Administrator/Board Secretary and any other Board representative, including but not limited to, Bond Counsel and the Board Attorney, are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to consummate the transaction contemplated by the issuance of the Refunding Bonds by the Board and any and all such actions or inactions heretofore taken by the Board President and the Business Administrator/Board Secretary and any other Board representative, including, but not limited to Bond Counsel and the Board Attorney, are hereby ratified and confirmed. Wherever herein the Board President is authorized and directed to act or execute and deliver documents, including the Refunding Bonds, the Board Vice President is hereby authorized and directed to do same in the Board President's place.

**SECTION 15.** The Business Administrator/Board Secretary, in consultation with Bond Counsel and the Municipal Advisor, is hereby authorized and directed to approve the Escrow Deposit Agreement (the "Escrow Deposit Agreement") with an escrow agent (the "Escrow Agent") to be selected by the Business Administrator, in consultation with Bond Counsel and the Municipal Advisor, with respect to the Refunded Bonds, to be dated the date of the closing on the Refunding School Bonds. The President and Vice President of the Board are hereby authorized and directed to execute and deliver the Escrow Deposit Agreement in the name of the Board and the corporate seal (or facsimile thereof) shall be thereunto affixed, imprinted, engraved or otherwise reproduced thereon. The Board Secretary is hereby authorized and directed to attest to such signature and to the affixing of said seal to the Escrow Deposit Agreement. The Municipal Advisor is hereby authorized to act as the agent and representative of the Board for the purpose of subscribing for the purchase of United States Treasury Securities – State and Local Government Series to be held by the Escrow Agent. In the alternative, if United States Treasury Securities – State and Local Government Series are not available, the Municipal Advisor is hereby authorized to seek bids for the acquisition of United States Treasury Securities – Open Market Securities.

**SECTION 16.** The Business Administrator/Board Secretary is hereby authorized and directed to select a verification agent (the "Verification Agent"), if required, in consultation with Bond Counsel and the Municipal Advisor, with respect to the Refunded Bonds. The Verification Agent shall prepare the verification report required to verify the sufficiency of the escrowed monies to refund the Refunded Bonds.

**SECTION 17.** The Refunding Bonds will not be designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3)(B)(ii) of the Code.

**SECTION 18.** This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote on March 18, 2025.

**Recorded Vote**

**AYES:**

**NAYS:**

**ABSTENTIONS:**

**ABSENT:**

**CERTIFICATION**

I, JESSICA RAPP, Business Administrator/Board Secretary of The Board of Education of the Township of Livingston in the County of Essex, New Jersey (the "Board"), DO HEREBY CERTIFY that the annexed resolution entitled, **"RESOLUTION OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF LIVINGSTON IN THE COUNTY OF ESSEX, NEW JERSEY, AUTHORIZING CERTAIN ACTIONS NECESSARY IN CONNECTION WITH THE SALE AND ISSUANCE OF NOT TO EXCEED \$39,000,000 AGGREGATE PRINCIPAL AMOUNT OF REFUNDING SCHOOL BONDS AND AUTHORIZING THE APPROPRIATE OFFICIALS TO DO ALL ACTS AND THINGS DEEMED NECESSARY AND ADVISABLE IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SAID BONDS"**, is a copy of a resolution which was duly adopted by the Board at a meeting duly called and held on March 18, 2025, in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended and supplemented, at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of the Board and is a true, complete and correct copy thereof and the aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this \_\_\_\_ day of \_\_\_\_\_, 2025.

(SEAL)

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**JESSICA RAPP,  
Business Administrator/  
Board Secretary**

**FIELD TRIPS**

<b>SCHOOL</b>	<b>GRADE/COURSE</b>	<b>MONTH</b>	<b>DESTINATION</b>
Elementary	Kindergarten	April	Cora Hartshorn Arboretum
Elementary	Grade 3	April	Sterling Hill Mine
Secondary	eSports	March	Georgian Court University
Secondary	Sports & Entertainment Marketing	March	MetLife Stadium
Secondary	English/Humanities	March	Broadway Theater
Secondary	Lancer Jazz Band	March	West Essex High School
Secondary	Dance	March	South Mountain Recreation Complex
Secondary	Technology Student Association	April	TCNJ
Secondary	Life Skills Grade 7 and 8	June	Turtle Back Zoo

			School Year 2024-2025			Extraordinary Services			Extended School Year			
<u>School</u>	<u>Program Type</u>	<u>Type</u>	<u># of Stud</u>	<u>Tuition 2024-2025</u>	<u>Total Tuition</u>	<u># of Stud</u>		<u>Aide(s)</u>	<u># of Stud</u>	<u>ESY Tuition</u>	<u>Total ESY Tuition</u>	<u>Total School</u>
Shepard School	Emotional Regulation Impairment	N	1	\$ 21,550.32	\$ 21,550.32							\$ 21,550.32
Total			1		\$ 21,550.32							\$ 21,550.32

Type

Renewal (R) indicates that the student has been at that OOD school and is continuing to be placed there.

New (N) indicates that the student is a newly placed OOD student or an additional service has been added.

Transfer (T) indicates that the student has been OOD, but has transferred to another OOD school.

New to District (ND) indicated that the student moved in and was already placed OOD.



# Appropriation Adjustment Journal for 2024-25 February

Attachment D

Account Number	Act Description	Tx Id	Date	Tx Description	Current Appropriation	Adjustment	New Appropriation
11-000-240-590-6066-07	Misc Purch Services - RHE	57482	2/3/2025	Adjustment - Budget Transfer request from 7231 Distasio, Michelle need to move funds into our supplies and materials account to purchase student planners for next year	4,000.00	-1,260.00	2,740.00
11-000-240-600-6066-07	Supplies And Materials - RHE	57482	2/3/2025	Adjustment - Budget Transfer request from 7231 Distasio, Michelle need to move funds into our supplies and materials account to purchase student planners for next year	9,028.60	1,260.00	10,288.60
						.00	
11-190-100-423-7073-12	Software Maintenance Ins	57483	2/3/2025	Adjustment - Budget Transfer request from 7543 Kang, Erhya J R#25-002418 Extra 50 IXL licenses for HMS	835,752.36	220.00	835,972.36
11-190-100-610-0001-90	Instructional Supp - 7-12 ELA & English Secondary	57483	2/3/2025	Adjustment - Budget Transfer request from 7543 Kang, Erhya J R#25-002418 Extra 50 IXL licenses for HMS	16,249.00	-220.00	16,029.00
						.00	
11-190-100-610-0001-91	Instructional Supplies - 7-12 Math	57538	2/4/2025	Adjustment - Budget Transfer request from 6330 Matheus, Antonio Transfer of funds needed to make one final supply order for 7-12 math. Thank you.	22,304.00	55.00	22,359.00
11-190-100-890-0001-91	Other Objects - 7-12 Math	57538	2/4/2025	Adjustment - Budget Transfer request from 6330 Matheus, Antonio Transfer of funds needed to make one final supply order for 7-12 math. Thank you.	900.00	-55.00	845.00
						.00	
11-000-262-420-7076-12	Clean/Repair/Maint Servs - DW	57761	2/12/2025	Adjustment - Budget Transfer request from 4348 Held, Nancy Salt / Supplies	129,164.00	-10,000.00	119,164.00
11-000-262-610-7076-12	General Supplies - DW	57761	2/12/2025	Adjustment - Budget Transfer request from 4348 Held, Nancy Salt / Supplies	702,500.00	10,000.00	712,500.00
						.00	
11-000-262-300-7076-12	Purch Pro & Tech Service - DW	57770	2/12/2025	Adjustment - Budget Transfer request from 4348 Held, Nancy EXPO Conference	42,162.00	700.00	42,862.00
11-000-262-610-7076-12	General Supplies - DW	57770	2/12/2025	Adjustment - Budget Transfer request from 4348 Held, Nancy EXPO Conference	712,500.00	-700.00	711,800.00
						.00	
11-000-262-420-7076-12	Clean/Repair/Maint Servs - DW	57895	2/13/2025	Adjustment - Budget Transfer request from 4348 Held, Nancy Supplies // Home Depot	119,164.00	-20,000.00	99,164.00
11-000-262-610-7076-12	General Supplies - DW	57895	2/13/2025	Adjustment - Budget Transfer request from 4348 Held, Nancy Supplies // Home Depot	711,800.00	20,000.00	731,800.00
						.00	
11-000-261-420-7074-09	Clean/Repair/Maint Servs - HMS	57896	2/13/2025	Adjustment - Trfr money to LHS for carpet installation	53,960.00	-4,813.00	49,147.00
11-000-261-420-7074-11	Clean/Repair/Maint Servs - LHS	57896	2/13/2025	Adjustment - Trfr money to LHS for carpet installation	84,560.00	4,813.00	89,373.00
						.00	

### Appropriation Adjustment Journal for 2024-25 February

Account Number	Act Description	Tx Id	Date	Tx Description	Current Appropriation	Adjustment	New Appropriation
20-503-100-800-8003-12	Esl	58400	2/18/2025	Adjustment - chapter 192/193 addl funding	.00	1,589.00	1,589.00
						<b>1,589.00</b>	
11-000-100-566-9091-13	Tu To Pri Scl Hndcp W/I	58409	2/18/2025	Adjustment - Reverse BSR January transfers	6,187,946.32	100,000.00	6,287,946.32
11-000-219-104-4060-12	Salariess-Other Prof Staf	58409	2/18/2025	Adjustment - Reverse BSR January transfers	4,126,673.00	200,000.00	4,326,673.00
11-000-240-103-0008-12	Salariess-Prin/Astnt Prin	58409	2/18/2025	Adjustment - Reverse BSR January transfers	2,132,325.00	100,000.00	2,232,325.00
11-000-251-100-7079-12	Personal Services-Salaries	58409	2/18/2025	Adjustment - Reverse BSR January transfers	1,326,037.00	100,000.00	1,426,037.00
11-000-262-420-7076-12	Clean/Repair/Maint Servs - DW	58409	2/18/2025	Adjustment - Reverse BSR January transfers	99,164.00	600,000.00	699,164.00
11-000-291-241-7079-12	Other Retirement Cont-Re	58409	2/18/2025	Adjustment - Reverse BSR January transfers	2,770,000.00	807,837.16	3,577,837.16
12-000-400-450-7071-12	Construction Services - DW	58409	2/18/2025	Adjustment - Reverse BSR January transfers	5,321,262.00	-1,907,837.16	3,413,424.84
						<b>.00</b>	
11-190-100-610-0001-99	Instructional Supplies 7-12 Soc. Stud.	58840	2/20/2025	Adjustment - Budget Transfer request from 6031 Homberg, Catherine	3,710.00	100.00	3,810.00
11-190-100-640-0001-99	Textbooks 7-12 Soc. Stud.	58840	2/20/2025	Adjustment - Budget Transfer request from 6031 Homberg, Catherine	20,540.00	-100.00	20,440.00
						<b>.00</b>	
11-000-262-420-7076-12	Clean/Repair/Maint Servs - DW	58841	2/20/2025	Adjustment - Budget Transfer request from 4348 Held, Nancy Wetlands Survey	699,164.00	-14,000.00	685,164.00
12-000-400-334-7079-20	Architectural/Engineering Services	58841	2/20/2025	Adjustment - Budget Transfer request from 4348 Held, Nancy Wetlands Survey	.00	14,000.00	14,000.00
						<b>.00</b>	
20-280-200-300-1033-12	Title IV Purch Pro & Tech Service	58972	2/26/2025	Adjustment - TITLE IV Amendment	9,555.00	-2,035.00	7,520.00
20-280-200-500-1033-13	Title IV Conferences & Workshop Registration Fees	58972	2/26/2025	Adjustment - TITLE IV Amendment	.00	2,035.00	2,035.00
						<b>.00</b>	
11-000-240-590-6066-02	Misc Purch Services - Collins	58982	2/27/2025	Adjustment - Budget Transfer request from 7935 Cebula, Michelle A PD for teachers	3,000.00	1,700.00	4,700.00
11-190-100-610-6066-02	Instructional Supplies - Principal - Collins	58982	2/27/2025	Adjustment - Budget Transfer request from 7935 Cebula, Michelle A PD for teachers	12,450.00	-1,700.00	10,750.00
						<b>.00</b>	
11-000-213-600-4062-12	Supplies And Materials - Nurses	58988	2/27/2025	Adjustment - Nurse Other Objects account	28,000.00	-600.00	27,400.00
11-000-213-800-050-12	Other Objects Nurses	58988	2/27/2025	Adjustment - Nurse Other Objects account	.00	600.00	600.00
						<b>.00</b>	
11-000-218-105-4061-12	Salariess-Sec/Cler Assist	59215	2/28/2025	Adjustment - February transfers	203,803.00	354.20	204,157.20
11-000-218-600-4061-12	Supplies And Materials - Guidance DW - SS	59215	2/28/2025	Adjustment - February transfers	3,000.00	-354.20	2,645.80
11-000-219-104-4060-12	Salariess-Other Prof Staf	59215	2/28/2025	Adjustment - February transfers	4,326,673.00	-998.03	4,325,674.97
11-000-219-105-4060-12	Salariess-Sec/Cler Assist	59215	2/28/2025	Adjustment - February transfers	303,463.00	998.03	304,461.03
11-000-221-102-0010-12	Salariess Of Sup Of Instc	59215	2/28/2025	Adjustment - February transfers	2,125,678.00	-1,180.90	2,124,497.10
11-000-221-105-0010-12	Salariess-Sec/Cler Assist	59215	2/28/2025	Adjustment - February transfers	327,103.00	1,180.90	328,283.90
11-000-222-100-5065-12	Personal Services-Salaries	59215	2/28/2025	Adjustment - February transfers	972,152.00	900.00	973,052.00
11-000-222-600-5060-11	Supplies And Materials - LHS - Media	59215	2/28/2025	Adjustment - February transfers	37,000.00	-900.00	36,100.00
11-000-240-103-0008-12	Salariess-Prin/Astnt Prin	59215	2/28/2025	Adjustment - February transfers	2,232,325.00	-2,853.20	2,229,471.80

### Appropriation Adjustment Journal for 2024-25 February

Account Number	Act Description	Tx Id	Date	Tx Description	Current Appropriation	Adjustment	New Appropriation
11-000-240-105-0008-12	Salariess-Sec/Cler Assist	59215	2/28/2025	Adjustment - February transfers	1,649,888.00	2,853.20	1,652,741.20
11-000-266-100-0001-12	Ue S Sals Of Sec G & Inv	59215	2/28/2025	Adjustment - February transfers	373,986.00	4,349.09	378,335.09
11-000-266-100-0002-12	Security Guards - Facilities Use	59215	2/28/2025	Adjustment - February transfers	.00	2,675.42	2,675.42
11-000-266-300-7079-20	Security Consultants	59215	2/28/2025	Adjustment - February transfers	.00	-7,024.51	-7,024.51
11-000-270-160-7078-12	Salariess For Pupil Trans	59215	2/28/2025	Adjustment - February transfers	1,378,213.00	-50,000.00	1,328,213.00
11-000-270-514-7078-12	Cntrct Svcs (Sped) Vendo - Transportation	59215	2/28/2025	Adjustment - February transfers	2,258,587.00	50,000.00	2,308,587.00
11-000-291-241-7079-12	Other Retirement Cont-Re	59215	2/28/2025	Adjustment - February transfers	3,577,837.16	-20,845.62	3,556,991.54
11-000-291-299-0000-12	Payouts	59215	2/28/2025	Adjustment - February transfers	261,193.00	20,845.62	282,038.62
11-140-100-101-0001-12	Salariess Of Teachers	59215	2/28/2025	Adjustment - February transfers	15,164,330.00	-11,424.19	15,152,905.81
11-190-100-106-0005-12	Othr Salariess-Instructio	59215	2/28/2025	Adjustment - February transfers	528,189.00	16,106.28	544,295.28
11-190-100-320-5068-18	Purchased Prof Subs	59215	2/28/2025	Adjustment - February transfers	10,000.00	-10,000.00	.00
11-190-100-610-0002-12	Instructional Supplies C&I	59215	2/28/2025	Adjustment - February transfers	36,000.00	-6,106.28	29,893.72
11-216-100-101-3049-12	Salariess Of Teachers	59215	2/28/2025	Adjustment - February transfers	245,270.00	150.00	245,420.00
11-216-100-320-4060-13	PURCHASED PROF SERVICES - SS	59215	2/28/2025	Adjustment - February transfers	15,300.00	-150.00	15,150.00
11-424-100-179-0001-12	Salariess Of Reading Spec	59215	2/28/2025	Adjustment - February transfers	1,155,038.00	11,424.19	1,166,462.19
						.00	
11-000-251-330-7079-20	Other Purch Prof Service	59257	2/28/2025	Adjustment - Pitney Bowes postage	171,000.00	-3,563.74	167,436.26
11-000-251-600-7079-20	Supplies And Materials	59257	2/28/2025	Adjustment - Pitney Bowes postage	40,000.00	3,563.74	43,563.74
						.00	

**Appropriation Adjustment Journal for 2024-25 February**

**Summary Page**

<b>Fund</b>	<b>Program</b>	<b>Current Appropriation</b>	<b>Adjustment</b>	<b>New Appropriation</b>
11 General Current Expense	000 Undistributed Expenditures	71,025,400.48	-776,545.25	70,248,855.23
	105 Regular Programs- Preschool	92,135.00	93,004.66	185,139.66
	110 Regular Programs - Kindergarten	1,941,208.00	-179,994.00	1,761,214.00
	120 Regular Programs - Grades 1-5	13,256,238.00	103,828.00	13,360,066.00
	130 Regular Programs - Grades 6-8	10,415,314.00	-170,978.60	10,244,335.40
	140 Regular Programs - Grades 9-12	15,517,630.00	48,024.81	15,565,654.81
	150 Regular Programs - Home Instruction	191,000.00	.00	191,000.00
	190 Regular Programs - Undistributed	3,795,499.33	-203,377.66	3,592,121.67
	204 Special Education - Learning and/or Language Disabilities	5,146,734.00	24,096.00	5,170,830.00
	207 Special Education - Auditory Impairments	3,000.00	2,000.00	5,000.00
	209 Special Education - Behavioral Disabilities	.00	10,000.00	10,000.00
	212 Special Education - Multiple Disabilities	2,339,708.00	136,846.05	2,476,554.05
	213 Special Education - Resource Room/Resource Center	6,453,347.00	119,111.19	6,572,458.19
	215 Special Education - Preschool Disabilities - Part-Time	.00	119,374.25	119,374.25
	216 Special Education - Preschool Disabilities - Full-Time	308,117.00	-119,224.25	188,892.75
	230 Basic Skills/Remedial - Instruction	1,464,870.00	29,185.00	1,494,055.00
	240 Bilingual Education - Instruction	959,774.00	-60,090.00	899,684.00
	301 Vocational Programs - Local	58,808.00	.00	58,808.00
	401 School - Sponsored Co-curricular and Extra-curricular Activities	622,877.00	50,600.00	673,477.00
	402 School - Sponsored Athletics	1,300,690.00	5,651.61	1,306,341.61
	403 Other Instructional Programs	45,900.00	-10,000.00	35,900.00
	424 Other Supplemental/At-Risk Programs	1,155,038.00	11,386.19	1,166,424.19
		<b>136,093,287.81</b>	<b>-767,102.00</b>	<b>135,326,185.81</b>
12 Capital Outlay	000 Undistributed Expenditures	6,786,747.00	754,666.60	7,541,413.60
	120 Regular Programs - Grades 1-5	51,145.37	397.42	51,542.79
	130 Regular Programs - Grades 6-8	57,283.16	-397.42	56,885.74
	140 Regular Programs - Grades 9-12	14,766.20	-3,747.32	11,018.88
		<b>6,909,941.73</b>	<b>750,919.28</b>	<b>7,660,861.01</b>
13 Special Schools	422 Summer School	45,978.00	16,182.72	62,160.72
		<b>45,978.00</b>	<b>16,182.72</b>	<b>62,160.72</b>
20 Special Revenue Fund	001 Other Local Projects	16,000.00	.00	16,000.00
	231 ESSA Title I, Part A	118,709.00	25,530.00	144,239.00
	241 ESSA Title III	25,783.00	10,193.00	35,976.00
	242 ESSA Title III	15,787.00	4,332.00	20,119.00
	252 IDEA Part B	1,409,531.00	236,528.00	1,646,059.00
	270 ESSA Title IIA / IID	63,215.00	26,996.00	90,211.00
	280 ESSA Title IV	9,555.00	1,028.00	10,583.00
	451 Other Federal Projects	.00	149,662.51	149,662.51

## Appropriation Adjustment Journal for 2024-25 February

<b>Fund</b>	<b>Program</b>	<b>Current Appropriation</b>	<b>Adjustment</b>	<b>New Appropriation</b>
	501 Nonpublic Textbooks Aid	38,623.00	2,187.00	40,810.00
	502 Nonpublic Aux Services - Basic Skills/Remedial	50,698.00	9,123.00	59,821.00
	503 Nonpublic Aux - English as a Second Language	.00	2,472.00	2,472.00
	506 Nonpublic Hand - Supplemental Instruction	119,357.00	73,101.00	192,458.00
	507 Nonpublic Hand - Handicapped Services	131,121.00	4,628.00	135,749.00
	508 Nonpublic Hand - Corrective Speech	42,332.00	18,118.00	60,450.00
	509 Nonpublic Nursing Services	147,900.00	49,180.00	197,080.00
	510 Nonpublic Technology Initiative Program	60,601.00	11,184.00	71,785.00
	511 Nonpublic Security Aid Program	262,421.00	48,359.00	310,780.00
		<b>2,511,633.00</b>	<b>672,621.51</b>	<b>3,184,254.51</b>
30 Capital Projects Fund	000 Undistributed Expenditures	1,619,600.00	.00	1,619,600.00
		<b>1,619,600.00</b>	<b>.00</b>	<b>1,619,600.00</b>
40 Debt Service Fund	701 Debt Service - Regular	7,420,363.00	.00	7,420,363.00
		<b>7,420,363.00</b>	<b>.00</b>	<b>7,420,363.00</b>
60 Enterprise Fund	910 Food Services	1,881,000.00	.00	1,881,000.00
		<b>1,881,000.00</b>	<b>.00</b>	<b>1,881,000.00</b>
62 Lease Fund	000 Undistributed Expenditures	1,848,045.04	.00	1,848,045.04
		<b>1,848,045.04</b>	<b>.00</b>	<b>1,848,045.04</b>

<b>Conference</b>	<b>Attendee(s)</b>	<b>Date(s)</b>	<b>Location</b>	<b>Cost not to exceed</b>
AP Reader	Hongkai Zhang	June 11-19,2025	Cleveland, Ohio	\$0.00
AP Reader	Cheryl Coursen	June 10-19,2025	Kansas City, Missouri	\$0.00
AP Reader	Ernie Cuneo	June 1-8,2025	Kansas City, Missouri	\$0.00
AP Reader	Michelle Sipe	June 2-10,2025	Cleveland, Ohio	\$0.00
SLE/OSHA Training	Christina Marie Ness	March 3-June 25, 2025	Virtual	\$825.00
AASPA Annual Conference	Susan Burman	October 6-10, 2025	Nashville, TN	\$3,600.00





# Livingston PUBLIC SCHOOLS

## 2026-2027 ACADEMIC CALENDAR

For LBOE Approval: 3/18/2025

July 2026						
S	M	T	W	T	F	S
			1	2	3	
	6	7	8	9	10	
	13	14	15	16	17	
	20	21	22	23	24	
	27	28	29	30	31	

2-3 - Independence Day; District Closed  
10, 17, 24, 31 - District Closed

August 2026						
S	M	T	W	T	F	S
	3	4	5	6	7	
	10	11	12	13	14	
	17	18	19	20	21	
	24	25	26	27	28	
	31					

7, 14, 21 - District Closed  
26-27 - Professional Development Days  
31 - First Day for Students

September 2026						
S	M	T	W	T	F	S
	31	1	2	3	4	
	7	8	9	10	11	
	14	15	16	17	18	
	21	22	23	24	25	
	28	29	30			

31 - First Day for Students  
7 - Labor Day - District Closed  
12-13 - Rosh Hashanah - on weekend  
21 - Yom Kippur - District Closed  
22 - Delayed Opening for Students/Staff PD

October 2026						
S	M	T	W	T	F	S
				1	2	
	5	6	7	8	9	
	12	13	14	15	16	
	19	20	21	22	23	
	26	27	28	29	30	

12 - Columbus Day, No school for Students  
Staff PD

November 2026						
S	M	T	W	T	F	S
	2*	3*	4*	5	6	
	9	10	11	12	13	
	16	17	18	19	20	
	23	24	25	26	27	
	30					

2-4\* - Par/Teach Conf, Early Dismissal Elem  
5-6 - NEA Convention - District Closed  
8 - Diwali - on weekend  
25 - Early Dismissal for all  
26-27 - Thanksgiving Recess - District Closed  
30 - Delayed Opening for Students/Staff PD

December 2026						
S	M	T	W	T	F	S
		1	2	3	4	
	7	8	9	10	11	
	14	15	16	17	18	
	21	22	23	24	25	
	28	29	30	31		

23 - Early Dismissal for all  
24-25 - Christmas - District Closed  
28-31 - Winter Recess - District Closed

January 2027						
S	M	T	W	T	F	S
					1	
	4	5	6	7	8	
	11	12	13	14	15	
	18	19	20	21	22	
	25	26	27	28	29	

1 - New Years Day - District Closed  
18 - MLK Jr. Day - District Closed  
19 - Delayed Opening for Students/Staff PD  
25 - Early Dismissal LHS Only - Semester Chg

February 2027						
S	M	T	W	T	F	S
	1	2	3	4	5	
	8	9	10	11	12	
	15	16	17	18	19	
	22	23	24	25	26	

6 - Lunar New Year - on weekend  
15 - Presidents Day - District Closed  
16-19 - Feb Break, Schools Closed

March 2027						
S	M	T	W	T	F	S
	1*	2*	3*	4	5	
	8	9	10	11	12	
	15	16	17	18	19	
	22	23	24	25	26	
	29	30	31			

1-3\* - Par/Teach Conf, Early Dismissal Elem  
9 - Early Dismissal for Students/Staff PD  
10 - Eid - District Closed  
26 - Good Friday - District Closed

April 2027						
S	M	T	W	T	F	S
				1	2	
	5	6	7	8	9	
	12	13	14	15	16	
	19	20	21	22	23	
	26	27	28	29	30	

19-23 - Spring Recess - Schools Closed  
22 - Early Dismissal for all - Passover  
23 - Passover - District Closed

May 2027						
S	M	T	W	T	F	S
	3	4	5	6	7	
	10	11	12	13	14	
	17	18	19	20	21	
	24	25	26	27	28	
	31					

24 - Memorial Day - District Closed

June 2027						
S	M	T	W	T	F	S
		1	2	3	4	
	7	8	9	10	11	
	14	15	16	17	18	
	21	22	23	24	25	
	28	29	30			

18 - Juneteenth - District Closed  
21-22 - Early Dismissal for Students  
22 - Last day of school/Graduation

This calendar allows for: - 183 Student Days, 186 Staff Days

- Professional Development Time: (3) full days - 8/26, 8/27, and 10/12 and (4) partial days - 9/22, 11/30, 1/19, & 3/9

- Inclement Weather Days - (3) days are allocated, if add'l days are needed, they will be taken in the following order: April 19, 20, 21

- Give Back Days If the Inclement Weather Days are not needed, school days will be taken off the calendar in the following order: May 25, March 29, May 26



**2024-25 INCIDENTS**
**Report Period 1**

School	Incident Total	Violence	Vandalism	Substances	Weapons	HIB Confirmed	Other Incidents Leading to Removal	HIB Alleged
(050) Livingston High School	19	13	1	3	0	2	0	16
(055) Heritage Middle School	10	6	0	0	0	5	0	6
(060) Mount Pleasant Middle School	4	0	0	0	0	4	1	1
(070) Burnet Hill Elementary School	3	2	0	0	0	1	0	0
(080) Collins Elementary School	1	1	0	0	0	0	0	1
(090) Harrison Elementary School	0	0	0	0	0	0	0	0
(100) Hillside Elementary School	0	0	0	0	0	0	0	1
(110) Mount Pleasant Elementary School	1	1	0	0	0	0	0	0
(118) Riker Hill Elementary School	2	1	0	0	0	1	0	1
<b>Total</b>	<b>40</b>	<b>24</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>13</b>	<b>1</b>	<b>26</b>

**Report Period 2**

School	Incident Total	Violence	Vandalism	Substances	Weapons	HIB Confirmed	Other Incidents Leading to Removal	HIB Alleged
(050) Livingston High School	0	0	0	0	0	0	0	0
(055) Heritage Middle School	0	0	0	0	0	0	0	0
(060) Mount Pleasant Middle School	0	0	0	0	0	0	0	0
(070) Burnet Hill Elementary School	0	0	0	0	0	0	0	0
(080) Collins Elementary School	0	0	0	0	0	0	0	0
(090) Harrison Elementary School	0	0	0	0	0	0	0	0
(100) Hillside Elementary School	0	0	0	0	0	0	0	0
(110) Mount Pleasant Elementary School	0	0	0	0	0	0	0	0
(118) Riker Hill Elementary School	0	0	0	0	0	0	0	2
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

**2024-25 School Year**

School	Incident Total	Violence	Vandalism	Substances	Weapons	HIB Confirmed	Other Incidents Leading to Removal	HIB Alleged
(050) Livingston High School	19	13	1	3	0	2	0	16
(055) Heritage Middle School	10	6	0	0	0	5	0	6
(060) Mount Pleasant Middle School	4	0	0	0	0	4	1	1
(070) Burnet Hill Elementary School	3	2	0	0	0	1	0	0
(080) Collins Elementary School	1	1	0	0	0	0	0	1
(090) Harrison Elementary School	0	0	0	0	0	0	0	0
(100) Hillside Elementary School	0	0	0	0	0	0	0	1
(110) Mount Pleasant Elementary School	1	1	0	0	0	0	0	0
(118) Riker Hill Elementary School	2	1	0	0	0	1	0	3
<b>Total</b>	<b>40</b>	<b>24</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>13</b>	<b>1</b>	<b>28</b>

Incident Total = Violence, Vandalism, Substances, Weapons, HIB Confirmed

Violence = Assault, Fight, Kidnapping, Robbery/Extortion, Sexual Assault, Sexual Contact, Threat/Simple, Threat/Criminal

Vandalism = Arson, Computer Trespass, Damage to Property, False Public Alarm, Theft, Trespass

Incident category totals may differ from total incidents due to multiple offenses selected for one incident.

<b>Location</b>	<b>Name</b>	<b>Position</b>	<b>Guide</b>	<b>Step</b>	<b>Salary</b>	<b>Effective Date</b>
BHE	Larissa Gomes de Toledo	Instructional Aide	I&KA	1	\$27,481 (prorated)	3/17/2025
HIL	Barbara Ann Casale	Instructional Aide	I&KA	1	\$27,481 (prorated)	2/10/2025
MPMS	Nicholas Doblovosky	Instructional Aide	I&KA	5	\$30,402 (prorated)	2/24/2025

<b>Name</b>	<b>Position</b>	<b>Location</b>	<b># Classes</b>	<b>Effective Date</b>
Pefanis, Alexandra*	Teacher of Art	MPMS	0.08	8/28/2024 - 4/11/2025
Greenberg, Julia	Teacher of Art	MPMS	0.08	4/1/2025 - 6/30/2025
Roberts, Delaney	Teacher of Business Education	LHS	0.2	5/12/2025 - 6/19/2025
Marzulla, Alexandra*	Supervisor	HMS	0.4	11/21/2024 - 3/12/2025
LeBlanc, Lisa *	Teacher of World Language	HMS	0.4	11/21/2024 - 3/12/2025
Morrison, Ruth *	Teacher of World Language	HMS	0.2	11/21/2024 - 3/12/2025
Charney, Jason*	Teacher of Special Education	LHS	0.25	9/1/2024-6/30/2025
Poposki, Nick*	Teacher of Special Education	LHS	0.25	9/1/2024-6/30/2025
Santos, Grisel*	Teacher of Special Education	LHS	0.25	9/1/2024-6/30/2025
Torres, Niobel*	Teacher of Special Education	LHS	0.25	9/1/2024-6/30/2025
Fischer, Amanda*	Teacher of Special Education	LHS	0.2	9/1/2024-6/30/2025
Mann, Emily*	Teacher of Special Education	LHS	0.2	9/1/2024-6/30/2025
Martin, Daria*	Teacher of Special Education	LHS	0.2	9/1/2024-6/30/2025
Perrine, Emily*	Teacher of Special Education	LHS	0.2	9/1/2024-6/30/2025
Shaffer, Anne*	Teacher of Special Education	LHS	0.2	9/1/2024-6/30/2025
Dugan, Laura	Intervention/Enrichment Specialist	Hillside	0.2	3/17/2025-6/30/2025
Nikirk, Lauren	Intervention/Enrichment Specialist	BHE	0.14	3/17/2025-6/30/2025

*\*amended from previous agenda*

<b>LastFirst</b>	<b>Primary LOC</b>	<b>This Year Column</b>	<b>This Year Step</b>	<b>This Year Base Salary</b>	<b>This Year Longevity</b>	<b>ACE</b>	<b>This Year Total Salary</b>	<b>Effective Date</b>
Connolly, Katherine	HMS	Admin Secy 10-mo	OG	\$66,495	\$2,540	\$1,200 \$250	\$70,487	2/1/2025

<b>Stipend</b>		<b>Last Name</b>	<b>First Name</b>	<b>24-25 Amount</b>
Boys Volleyball	Assistant	Terranova (OD)	Christopher	\$8,382
Boys Track Spring	Assistant	Gillo	Robert	\$8,382
Spring Strength Training	Head	Boffa	Nicholas	\$3,287
Boys Lacrosse	VOLUNTEER	DeBiasse (OD)	Matthew	
Golf	VOLUNTEER	Gill (OD)	Joseph	

Position	# of Positions	2024-2025 Amount	Recommended
* Computer Lab Extended Hours (Art, Business, Math, Tech & Photoshop) - 2 hours per week, 34 weeks*		\$39.85/hour	Jeffrey Lapidus (Math) 8/28/24 - 3/14/2025 Leonardo Zeoli (Math) 3/20/2025 - 6/30/2025
Detention AM/PM		\$26.76	Tina Renga

\*amended from previous agenda



Last Name	First Name	Position	School	Mentor	Fee	Notes
Ehrmann	Marisa	Health & PE	LHS	Cara Dlugo	\$275	first 15 weeks

*\*amended from previous agenda*

**NJDOE High Intensity Tutoring Grant**

**COL**

Brianna Torrisi

**HAR**

Sara Chabora

**HMS**

Anthony Rappa

Brittany Boykas

**LIVINGSTON SCHOOL DISTRICT**  
**Livingston, New Jersey 07039**

**HEAD CUSTODIAN**

**QUALIFICATIONS:**

1. Possession of a high school diploma or GED.
2. Working knowledge of basic computer software, ( i.e., Word, Excel, Internet, etc. )
3. Ability to understand, implement and follow basic operating instructions, and issue reports.
4. Ability to work with minimum direct supervision and simultaneously and effectively direct and supervise other custodians and manage the custodial care of school buildings and grounds.
5. Minimum of three (3) years of experience in plant operation and maintenance; cleaning methods and procedures; repairs; security; heating and ventilation.
6. Possess demonstrated knowledge of fire/safety laws and proper handling of hazardous materials.
7. Hold a New Jersey State Fireman's License of at least Black Seal grade.
8. Ability to perform the essential functions of the position, with or without reasonable accommodation, pursuant to 42 U.S.C. 12101 and in accordance with N.J.A.C. 6:3-4A.4.
9. Such alternatives to the above qualifications as the Board may find appropriate and acceptable.

**REPORTS TO:** School Principal or School Administrator, in cooperation with the Manager of Buildings and Grounds and Assistant Manager of Buildings and Grounds.

**JOB GOALS:** To provide students, staff, and community members with a safe, attractive, comfortable, clean, and efficient facility in which to learn, play, and develop.

**JOB RESPONSIBILITIES:**

1. Coordinate and direct all aspects of routine building and grounds maintenance, including general cleaning, snow removal and lawn mowing
2. Function as a working supervisor of the custodians within his/her school.
3. Operate and maintain the heating system and boiler room in an efficient and safe manner.
4. Make minor repairs and assist in making major repairs if needed.
5. Receive and distribute school supplies as required by the building principal.
6. Service the use of school facilities for after-school activities.
7. Instruct custodians in the proper use of custodial supplies and equipment.
8. Perform ground maintenance by mowing, watering, sweeping and weeding
9. Recommend and oversee all maintenance and repair work in the building.
10. Complete custodial reports, building condition reports and other records as required.
11. Ensure that all fire/safety and environmental laws and regulations relating to plant maintenance and operation are enforced.
12. Perform and maintain preventive maintenance logs and other records as required.
13. Plan and coordinate setup and custodial coverage required for all after-school and weekend activities

14. Respond to emergency calls for the building.
15. Maintain an adequate inventory on all custodial supplies, tools and equipment and be prepared to make timely recommendations when additional supplies, tool and equipment are necessary or required
16. Understand the operation of the Fire Detection System, assists with fire and other emergency drills, and report any deficiencies in the fire detection system.
17. Make written requests to the principal for maintenance service on items not capable of being handled at the building level.
18. This position will also be responsible for assuming responsibility for all duties included in the job description for custodians and all other duties as assigned by the supervisor.

### **PRE-EMPLOYMENT PHYSICAL:**

The person selected for this position must meet all requirements of the physical examination administered by a medical service selected by the Livingston Board of Education.

### **EMPLOYEE SAFETY:**

The Head Custodian is responsible for directing and training assigned custodians in the use of safety devices and protective equipment in order to minimize the opportunity for and occurrence of work-related accidents. The head custodian is also required to direct and supervise custodians in the safe operation of equipment and in the safe practices and methods related to their particular job. This employee is further responsible for correcting any conditions within the building or on the grounds that may be hazardous to employees, students, staff or community assigned to the building and reporting same to the appropriate administrator.

### **PHYSICAL REQUIREMENTS:**

- Lifting & Carrying: Regularly lift and transport objects weighing 50-75 lbs.
- Standing & Walking: Extended periods of standing, walking, and climbing stairs/ladders.
- Bending & Stooping: Frequent bending, kneeling, crouching, and crawling.
- Reaching & Pulling: Overhead reaching and extended arm work.
- Grip Strength & Dexterity: Operation of hand tools, power tools, and equipment requiring fine motor skills.
- Environmental Exposure: Work in varying temperatures, including extreme heat, cold, and outdoor conditions.
- Safety & Sensory Factors: Use of personal protective equipment (PPE); exposure to chemicals, noise, and strong odors
- Equipment usage: The operation, handling, and maintenance of tools, machinery, and devices necessary for performing job-related tasks safely and efficiently. This includes, but is not limited to:
  - Hand Tools: Wrenches, screwdrivers, pliers, hammers, etc.
  - Power Tools: Drills, saws, grinders, impact wrenches, etc.
  - Heavy Machinery: Forklifts, cranes, hoists, and other mechanical lifting equipment.
  - Operational Safety: Following manufacturer guidelines, workplace safety protocols, and proper handling procedures to minimize risk of injury or equipment damage.

**TERMS OF EMPLOYMENT:**

This is a twelve month position with compensation to be negotiated with the Superintendent and approved by the Board.

**EVALUATION:**

The performance of this position will be evaluated annually in accordance with the provisions of the Board's policy on evaluation.

Board approval date: July 1993

Revised: May 15, 2017

Revised: March 18, 2025

**LIVINGSTON SCHOOL DISTRICT**  
**Livingston, New Jersey 07039**

**CUSTODIAN**

**QUALIFICATIONS:**

1. Ability to communicate effectively with all stakeholders.
2. Ability to understand, implement and follow basic operating instructions, and issue reports.
3. Hold a New Jersey State Fireman's License of at least Black Seal grade upon hire or is willing to obtain one within eighteen months of initial employment.
4. Ability to perform the essential functions of the position, with or without reasonable accommodation pursuant to 42 U.S.C. 12101 and in accordance with N.J.A.C. 6:3-4A.4.
5. Such alternatives to the above qualifications as the Board deems appropriate and acceptable.

**REPORTS TO:** Head Custodian, School Principal or School Administrator, in cooperation with the Manager of Buildings and Grounds and Assistant Manager of Buildings and Grounds.

**JOB GOALS:** To provide students, staff, and community members with a safe, attractive, comfortable, clean, and efficient facility in which to learn, play, and develop.

**JOB RESPONSIBILITIES:**

1. Keep building and premises, including sidewalks, driveways, and play areas neat, clean, and safe at all times.
2. Regulate heat, ventilation, and air conditioning systems where necessary to provide temperatures appropriate to the season and to ensure economical usage of fuel, water, and electricity.
3. Shovel, plow, and/or salt walks, driveways, parking areas, and steps, as appropriate.
4. Check daily to ensure that all exit doors are open and all panic bolts are working properly during the hours of building occupancy.
5. Raise the United States flag in the morning on each school day and lower it on or after 3:30pm.
6. Sweep classrooms, dust furniture, and clean corridors after school each day, and sweep corridors during the day when their condition requires it.
7. Scrub, hose down, and disinfect toilet floors daily, and clean all sanitary fixtures and drinking fountains daily according to prescribed procedures and policies.
8. Unload, store, and distribute supplies and materials.
9. Wash all windows on both the inside and outside at least once a year, and more frequently if necessary.
10. Keep all floors in a clean and attractive condition and in a good state of preservation.
11. Clean all whiteboards as needed.
12. Make such minor building repairs as she/he is capable of and promptly report needed major repairs to the head custodian.
13. Arrange rooms, transport equipment and furniture; manage storage and delivery tasks within the school.
14. Move furniture or equipment within buildings as required for various activities and as directed by designated supervisor.



15. Perform maintenance, safety and security checks.
16. Assume responsibility for the general security of the building. Responsibilities include opening and/or closing of the building each day and determining that all doors and windows are secured and all lights, except those left on for security, are turned off.
17. Periodically change all HVAC filters in classrooms and rooftop units.
18. Understand the operation of the Fire Detection System, assist with fire and other emergency drills, and report any deficiencies in the fire detection system.
19. Comply with local laws and procedures for the storage and disposal of trash, rubbish, and waste.
20. Attend required meetings and complete all mandatory training and tutorials in a timely fashion.
21. Immediately report to the head custodian all damage to school property.
22. This position will also be responsible for all other duties as assigned.

### **PRE-EMPLOYMENT PHYSICAL:**

The person selected for this position must meet all requirements of the physical examination administered by a medical service selected by the Livingston Board of Education.

### **PHYSICAL REQUIREMENTS:**

- Lifting & Carrying: Regularly lift and transport objects weighing 50-75 lbs.
- Standing & Walking: Extended periods of standing, walking, and climbing stairs/ladders.
- Bending & Stooping: Frequent bending, kneeling, crouching, and crawling.
- Reaching & Pulling: Overhead reaching and extended arm work.
- Grip Strength & Dexterity: Operation of hand tools, power tools, and equipment requiring fine motor skills.
- Environmental Exposure: Work in varying temperatures, including extreme heat, cold, and outdoor conditions.
- Safety & Sensory Factors: Use of personal protective equipment (PPE); exposure to chemicals, noise, and strong odors
- Equipment usage: The operation, handling, and maintenance of tools, machinery, and devices necessary for performing job-related tasks safely and efficiently. This includes, but is not limited to:
  - - Hand Tools: Wrenches, screwdrivers, pliers, hammers, etc.
    - Power Tools: Drills, saws, grinders, impact wrenches, etc.
    - Heavy Machinery: Forklifts, cranes, hoists, and other mechanical lifting equipment.
    - Operational Safety: Following manufacturer guidelines, workplace safety protocols, and proper handling procedures to minimize risk of injury or equipment damage.

**TERMS OF EMPLOYMENT:**

This is a twelve month position with compensation to be negotiated with the Superintendent and approved by the Board.

**EVALUATION:**

The performance of this position will be evaluated annually in accordance with the provisions of the Board's policy on evaluation.

Board approval date: July 1993

Revised: May 15, 2017

Revised: March 18, 2025

**LIVINGSTON SCHOOL DISTRICT**  
**Livingston, New Jersey 07039**

**MAINTENANCE WORKER**

**QUALIFICATIONS:**

1. Possession of a high school diploma or GED.
2. Working knowledge of basic computer software, (i.e., Word, Excel, Internet, etc. )
3. Ability to communicate effectively with all stakeholders.
4. Ability to understand, implement and follow basic operating instructions, and issue reports.
5. Ability to understand and interpret plans, blueprints, and specifications.
6. Able to bend, kneel and lift/carry up to 50 lbs.
7. Able to ascend ladders and perform overhead work.
8. Demonstrate knowledge, a minimum of three years of experience, and proficiency in one or more areas of maintenance (e.g plumbing, painting, carpentry, masonry/concrete/tile, electrical, mechanical, HVAC systems, roof repair, plastering/spackling, painting, field/playground maintenance, furniture repair, small engine repair, etc.)
9. Ability to diagnose, plan, and execute work.
10. Evidences knowledge and use of current, accepted methods and procedures.
11. Demonstrated interpersonal skills.
12. Working knowledge of fire/safety laws and proper handling of hazardous materials.
13. Holds valid New Jersey Motor Vehicle License.
14. Holds New Jersey Fireman's License of at least Black Seal grade.
15. Ability to perform the essential functions of the position, with or without reasonable accommodation pursuant to 42 U.S.C. 12101 and in accordance with N.J.A.C. 6:3-4A.4.
16. Such alternatives to the above qualifications as the Board may find appropriate and acceptable.

**REPORTS TO:**       Manager of Buildings and Grounds, in cooperation with the Assistant Manager of Buildings and Grounds.

**JOB GOALS:**       To keep the district's schools in proper repair so as to provide students with an attractive and safe environment in which to learn, play, and develop.

**JOB RESPONSIBILITIES:**

1. Perform general maintenance and repair tasks throughout the district as assigned by the Manager of Buildings and Grounds in accordance with all applicable codes and regulations.
2. Perform regular and periodic inspections of equipment and systems in the schools to ensure their safe condition, reporting any abnormalities
3. Make recommendations for improvement in the effectiveness and efficiency of the maintenance operations in the district.
4. Respond to emergency situations and perform necessary repairs.
5. Ensure that all applicable fire, safety, health and environmental regulations and laws are observed.

6. Operate and maintain all motorized vehicles, equipment and tools in a safe and efficient manner.
7. Ensure that appropriate supplies, equipment and tools are available at work sites to complete assignments.
8. Complete work correctly, in a timely manner and in compliance with departmental performance standards and applicable building codes.
9. Assist in maintaining an up-to-date inventory of maintenance supplies, tools and equipment.
10. Work cooperatively with maintenance workers and provide directions and assistance to maintenance helpers
11. Report damaged or deficient building systems in need of replacement or repairs to the building principal and the Manager of Buildings and Grounds.
12. Perform snow removal activities as required.
13. Attend required meetings and complete all mandatory training and tutorials in a timely fashion.
14. This position will also be responsible for all other duties as assigned by the supervisor.

### **PRE-EMPLOYMENT PHYSICAL:**

The person selected for this position must meet all requirements of the physical examination administered by a medical service selected by the Livingston Board of Education.

### **PHYSICAL REQUIREMENTS:**

- Lifting & Carrying: Regularly lift and transport objects weighing 50-75 lbs.
- Standing & Walking: Extended periods of standing, walking, and climbing stairs/ladders.
- Bending & Stooping: Frequent bending, kneeling, crouching, and crawling.
- Reaching & Pulling: Overhead reaching and extended arm work.
- Grip Strength & Dexterity: Operation of hand tools, power tools, and equipment requiring fine motor skills.
- Environmental Exposure: Work in varying temperatures, including extreme heat, cold, and outdoor conditions.
- Safety & Sensory Factors: Use of personal protective equipment (PPE); exposure to chemicals, noise, and strong odors
- Equipment usage: The operation, handling, and maintenance of tools, machinery, and devices necessary for performing job-related tasks safely and efficiently. This includes, but is not limited to:
  - Hand Tools: Wrenches, screwdrivers, pliers, hammers, etc.
  - Power Tools: Drills, saws, grinders, impact wrenches, etc.
  - Heavy Machinery: Forklifts, cranes, hoists, and other mechanical lifting equipment.
  - Operational Safety: Following manufacturer guidelines, workplace safety protocols, and proper handling procedures to minimize risk of injury or equipment damage.

### **TERMS OF EMPLOYMENT:**

This is a twelve month position with compensation to be negotiated with the Superintendent and approved by the Board.

**EVALUATION:**

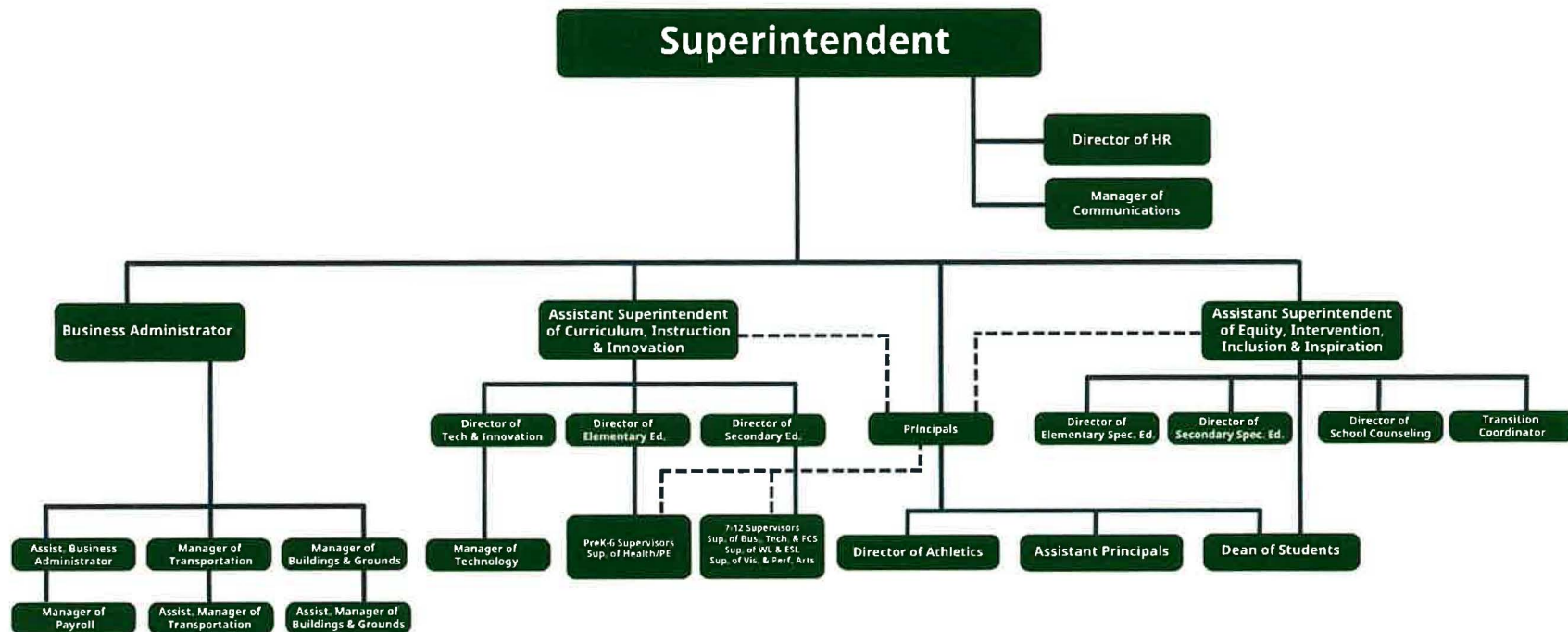
The performance of this position will be evaluated annually in accordance with the provisions of the Board's policy on evaluation.

Board approval date: July 1993

Revised: May 15, 2017

Revised: March 18, 2025

# LPS ORGANIZATIONAL CHART





## 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

The Livingston Board of Education will admit to its schools, free of charge, persons who are eligible to be admitted pursuant to N.J.S.A. 18A:38-3, or such younger or older student as is otherwise entitled by law to a free public education.

Eligibility to Attend School – N.J.A.C. 6A:22-3.1, 3.2, and 3.3.

The Board will admit students eligible to attend school free of charge who are domiciled within the district as defined in N.J.A.C. 6A:22-3.1 and Regulation 5111 – Section B.

The Board will also admit any student that is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were their own child in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111-Section C. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use their residence and is not the primary financial supporter of that child; and any person who fraudulently claims to have given up custody of their child to a person in another district commits a disorderly person's offense.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A 18A:38-1 if the student's parent or guardian temporarily resides within the district and elects to have the student attend school in the school district of temporary residence, notwithstanding the existence of a domicile elsewhere pursuant to N.J.A.C. 6A:22-3.1(a)4 and Regulation 5111 -Section B.

A student is eligible to attend school in the district free of charge in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 – Section C.

Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year in pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h) and Regulation 5111 – Section C.

Except as set forth in N.J.A.C. 6A:22-3.3(b)1, immigration/visa status shall not affect eligibility to attend school. Any student who is domiciled in the school district or otherwise eligible to attend school in the school district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status. A



## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

student's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111 – Section D.

### Proof of Eligibility – N.J.A.C. 6A:22-3.4

The Board of Education shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the district in accordance with N.J.A.C. 6A:22.3.4 and Regulation 5111 – Section E.

In the case of a dispute between the school district and the parent or guardian of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.S.A. 18A:38-1.3.

### Registration Forms and Procedures for Initial Assessment – N.J.A.C. 6A:22-4.1

Registration and procedures for initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1 and Regulation 5111 – Section F.

Initial eligibility determinations will be made upon presentation of an enrollment application and enrollment shall take place immediately except in cases of clear, uncontested denials. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2 and Regulation 5111 – Section F.

When a student appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education in accordance with N.J.A.C. 6A:22-4.1(c)2 and Regulation 5111 – Section F.

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised that they shall comply with compulsory education laws in accordance with N.J.A.C. 6A:22-4.1(d) and Regulation 5111 – Section F.

Enrollment or attendance in the school district will not be conditioned or denied pursuant to N.J.A.C. 6A:22-4.1 (e) through (i) and Regulation 5111 – Section F.



## Notice of Ineligibility – N.J.A.C. 6A:22-4.2

When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22, or **if** the student's initial application is found to be deficient upon subsequent review or investigation, notice will immediately be provided to the applicant consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4.2 and Regulation 5111 – Section G.

## Removal of Currently Enrolled Students – N.J.A.C. 6A:22-4.3

Nothing in N.J.A.C. 6A:22-4, this Policy, and Regulation 5111 shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, students enrolled in the district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information pursuant to N.J.A.C. 6A:22-4.3 and Regulation 5111 – Section H.

When a student, enrolled and attending school in the district based upon an initial determination of eligibility, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the student in accordance with N.J.A.C. 6A:21-4.3 and Regulation 5111 -Section H.

## Appeal to the Commissioner – N.J.A.C. 6A:22-5.1

An applicant may appeal to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools in accordance with N.J.A.C. 6A:22-5.1 and Regulation 5111 – Section I. Assessment and Calculation of Tuition - N.J.A.C. 6A:22-6

If no appeal to the Commissioner is filed by the parent, guardian, adult student, or district resident keeping an affidavit student following notice of an ineligibility determination, the Board of Education may assess tuition for up to one year of a student's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner in accordance with N.J.A.C. 6A:22-6.1 and Regulation 5111 – Section J. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 and Regulation 5111 – Section J.

## Nonresident Students - N.J.S.A. 18A:38-3.a.





Any person not resident in the school district, if eligible except for residence, may be admitted to the schools of the district with the consent of the Board of Education upon such terms, and with payment of tuition, as the Board prescribes. The Board of Education, with the approval of the Executive County Superintendent, shall establish a uniform tuition amount for any nonresident student admitted to the schools of the district pursuant to N.J.S.A. 18A:38-3.a. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship, discipline, attendance, and payment of tuition.

#### Future Residents

Parents or guardians of children who are future residents shall be required to demonstrate proof of the anticipated residency. The Board reserves the right to verify such claims, and to remove from school a nonresident student whose claim cannot be verified.

Parents or guardians will be required to deposit with the secretary of the Board of Education one month's tuition as a security deposit. If the parents or guardians present paperwork establishing residency within the first thirty (30) school days the child is in attendance, the Board will return the security deposit. After this period of thirty (30) days, tuition shall be charged based on the specified annual rate set by the Board.

Pursuant to the provisions of N.J.S.A. 18A:3B-3 non- resident students may be accepted into the Livingston Public Schools providing there is space available, and the school program is considered appropriate for the child. Procedures for the acceptance of such children shall include but not be restricted to the following:

1. The parents or guardians shall submit the appropriate application form as early as possible but no later than July 1 for September admission and thirty days prior to other dates of enrollment.
2. For the purposes of reviewing the application, the parents or guardians shall make available to Livingston Public Schools confirmation of the student's satisfactory attendance progress including the latest report card as well as all standardized test information and complete health records. Parents will be required to sign release forms allowing the district to obtain academic and behavioral records.



3. The parents or guardians and student will make themselves available for an interview with the Principal or designee of the building to which he/she may be assigned.
4. The Superintendent or designee shall be responsible for making the final decision acceptance and assignment of the student appropriate school and grade in consultation with the Building Principal.
5. The Board may reject a student's application for enrollment if the student's IEP could not be implemented in the district, if the enrollment of the student would require the district to alter the nature of its educational program, if the student's enrollment would impose an additional financial burden on the district, or if the student's enrollment may create a disruptive or unsafe learning environment for the student himself/herself or for other students.

Tuition rates will be determined annually by the Superintendent in consultation with the Board of Education. Payments shall be made monthly throughout the school year on or before the first day of each month.

Students entering the Livingston schools at times other than the beginning of a semester shall pay proportionate tuition.

The parents or guardians will be responsible for transportation to and from the school of attendance.

The Livingston Public Schools is not obligated to enroll students in ensuing years and therefore application must be made on an annual basis. Building assignment may be revised depending on enrollments.

The Livingston Board of Education retains the unilateral right to terminate enrollment of any non-resident tuition student for cause at any time. Tuition will be refunded proportionately.

## Home Construction

Families domiciled in the school district for a minimum of 12 months and attending the Livingston Public Schools prior to major home renovations where the family must vacate the premises, must obtain Board of Education approval to continue attending the district schools free of charge for a period of 18 months with proof of building permits/documentation. After 18 months, a one-time extension for a period of 6 months



can be obtained and will necessitate additional proof of building status and progress. The Board of Education will assess tuition for students after the initial 24-month period. The Board of Education will require proof of occupancy when residence is reoccupied.

Families who purchase a home and renovate that home without being domiciled in the district for at least 12 months shall be considered tuition students until they move in the permanently.

## F-1 Visa Students & J-1 Visa Students

F-1 & J-1 Visa students will not be admitted to this school district.

## Former Residents

The Board shall consider any student (except high school seniors) whose parents or guardians move from the municipality prior to and including January 31 of an academic year to be of non-resident status and, therefore, expected to transfer from the Livingston Public Schools. These students may remain until the end of the school year on payment of prorated tuition in advance and on recommendation of the Principal with approval of the Superintendent. Students whose parents or guardians move out of the municipality after January 31 may remain in Livingston Public Schools on a tuition-free basis for the remainder of the academic year on recommendation of the Principal with approval of the Superintendent. If unusual conditions prevail, the family may apply to the Superintendent for special consideration of residency.

The Board shall allow a student registered and enrolled for the senior year whose parents or guardians have resided in Livingston continuously for a minimum of one year and who are residents of Livingston on the opening day of school to graduate without tuition payment, should his/her parents or guardians move from the municipality prior to the student's graduation, provided his record of residency and achievement is satisfactory to the Principal and the Superintendent.

## Children of Nonresident Staff Members

Children of nonresident employees of the Board may be enrolled in the schools of this district in accordance with the terms and conditions of their respective collective bargaining agreements.





Because it is a term or condition of employment, allowing nonresident staff members to send their children to district schools for anything less than full tuition must be negotiated.

N.J.S.A. 18A:38-1 et seq. 18A:38-1.3; 18A:38-3; 18A:38-3.1

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.

8 CFR 214.3

Adopted: 21 June 2004

Revised: 07 April 2008

Revised: 18 July 2011

Revised: 25 April 2016

Revised: May 13, 2019

Revised: August 12, 2020

Revised: June 21, 2022

Revised: March 19, 2024





# REGULATION

## R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

### A. Definitions – N.J.A.C. 6A:22-1.2

1. "Affidavit student" means a student attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1.b and N.J.A.C 6A:22-3.2(a).
2. "Appeal" means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
3. "Applicant" means a parent, guardian, or a resident supporting an affidavit student who seeks to enroll a student in a school district; or an unaccompanied homeless youth or adult student who seeks to enroll in a school district.
4. "Commissioner" means the Commissioner of Education or their designee.
5. "Guardian" means a person to whom a court of competent jurisdiction has awarded guardianship or custody of a child, provided that a residential custody order shall entitle a child to attend school in the residential custodian's school district unless it can be proven that the child does not actually live with the custodian. "Guardian" also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1.e.

### B. Students Domiciled in the District - – N.J.A.C. 6A:22-3.1

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the student is domiciled within the district:
  - a. A student is domiciled in the school district when the student is the child of a parent or guardian whose domicile is located within the school district.
    - (1) When a student's parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the school district of the parent or guardian with whom the student lives for the majority of the school year. N.J.A.C. 6A:22-3.1 (a) 1 and B.1.a. above shall apply regardless of which parent has legal custody.



# REGULATION

## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

- (2) When a student's physical custody is shared on an equal-time, alternating week/month or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.
  - (a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.
  - (b) When the domicile of the student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such student's out-of-district placement.
- (3) When a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's right to attend school in the parent or



# REGULATION

## ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22, Policy 5111, and this Regulation.

- (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.
  - b. A student is domiciled in the school district when the student has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.
  - c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition) and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.
  - d. A student is domiciled in the school district when the student's parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
  - e. A student is domiciled in the school district if the Department of Children and Families is acting as the student's guardian and has placed the student in the school district.
2. When a student's dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling's physical



# REGULATION

LIVINGSTON STUDENTS  
**BOARD OF EDUCATION**  
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ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

location within a municipality, the school district of domicile for school attendance purposes shall be the municipality to which the majority of the dwelling's or unit's property tax is paid.

- a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs of eligibility provided pursuant to N.J.A.C. 6A:22-3.4 and E. below.
- b. N.J.A.C. 6A:22-3.1 (b) and B.2. above shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.
3. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.
4. Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other section of law to the contrary, a child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.



# REGULATION

C. Other Students Eligible to Attend School – N.J.A.C. 6A:22-3.2

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if that student is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were their own child.
  - a. A student is not eligible to attend this school district pursuant to – N.J.A.C. 6A:22-3.2 (a) and C.1. above unless:
    - (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that the parent or guardian is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and
    - (2) The person keeping the student has filed, if so required by the Board of Education:
      - (a) A sworn statement that the person is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and
      - (b) A copy of their lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.
  - b. A student shall not be deemed ineligible under N.J.A.C. 6A:22-3.2 because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).



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- c. A student shall not be deemed ineligible under N.J.A.C. 6A:22-3.2 when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the student's parent or guardian but is acting as the sole caretaker and supporter of the student.
  - d. A student shall not be deemed ineligible under N.J.A.C. 6A:22-3.2 solely because a parent or guardian gives occasional gifts or makes limited contributions, financial or otherwise, toward the student's welfare provided the resident keeping the student receives from the parent or guardian no payment or other remuneration for regular maintenance of the student.
  - e. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use their residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of their child to a person in another school district commits a disorderly persons offense.
2. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency.
- a. Eligibility under N.J.A.C. 6A:22-3.2 (b) and C.2. above shall cease at the end of the school year during which the parent or guardian returns from active military duty.
3. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.d if the student's parent or guardian temporarily resides within the school district and elects to have the student





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attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere.

- a. When required by the Board, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of the student attending the school district of temporary residence;
  - b. When one of a student's parents or guardians temporarily resides in a school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with N.J.A.C. 6A:22-3.1(a)1.i. However, no student shall be eligible to attend school based upon a parent or guardian's temporary residence in a school district unless the parent or guardian demonstrates, if required by the Board, the temporary residence is not solely for purposes of a student's attending the school district.
4. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.f if the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2, Education of Homeless Children.
  5. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-2 if the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2. As used in this section, "court order" shall not encompass orders of residential custody under which claims of entitlement to attend a school district are governed by provisions of N.J.S.A. 18A:38-1 and the applicable standards set forth in N.J.A.C. 6A:22.
  6. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-3.b if the student previously resided in the school district and if the parent or guardian is a member of the New Jersey





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National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district. A school district admitting a student pursuant to N.J.S.A. 18A:38-3.b shall not be obligated for transportation costs.

7. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend the school district pursuant to N.J.S.A. 18A:38-7.7 et seq. if the student resides on Federal property within the State.
8. In accordance with N.J.S.A. 18A:38-1.1, a student who is not considered homeless under N.J.S.A. 18A:7B-12 and who moves to a new school district during the academic year as a result of a family crisis shall be permitted to remain enrolled in the original school district of residence for the remainder of the school year without the payment of tuition. A student attending an academic program during the summer, who is otherwise eligible except for the timing of the move, shall be permitted to remain in the school district for the remainder of the summer program if it is considered an extension of the preceding academic year.
  - a. For purposes of N.J.A.C. 6A:22-3.2(h), Policy 5111, and this Regulation, "family crisis" shall include, but not be limited to:
    - (1) An instance of abuse such as domestic violence or sexual abuse;
    - (2) A disruption to the family unit caused by death of a parent or guardian; or
    - (3) An unplanned displacement from the original residence such as fire, flood, hurricane, or other circumstances that render the residence uninhabitable.
  - b. Upon notification of the move by the parent or guardian, the original school district of residence shall allow the student to continue attendance and shall provide transportation services to and from the student's new domicile in accordance with N.J.S.A. 18A:39-1. The original school district of residence may request



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from the parent or guardian and may review supporting documentation about the reason(s) for the move; however, any such review shall not interrupt the student's continued enrollment in the school district and in the current school of attendance with the provision of transportation.

- (1) Examples of documentation include, but are not limited to, newspaper articles, insurance claims, police or fire reports, notes from health professionals, custody agreements, or any other legal document.
- c. If the parent or guardian or the relevant documentation indicates the child is homeless pursuant to N.J.S.A. 18A:7B-12, the school district liaison shall assume the coordination of enrollment procedures pursuant to N.J.A.C. 6A:17-2.5 and the student shall not be eligible for enrollment under N.J.S.A. 18A:38-1.1.
  - d. If the original school district of residence determines the situation does not meet the family crisis criteria outlined in C.8.a. above, the Superintendent or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of their right to appeal the decision within twenty-one calendar days of the parent's or guardian's receipt of the notification, and shall state that if such appeal is denied, the parent or guardian may be assessed the costs for transportation provided to the new residence during the period of ineligible attendance. It shall also state whether the parent or guardian is required to withdraw the student by the end of the twenty-one day appeal period in the absence of an appeal.
    - (1) The parent or guardian may appeal by submitting the request in writing with supporting documentation to the Executive County Superintendent of the county in which the original school district of residence is situated.
    - (2) Within thirty calendar days of receiving the request and documentation, the Executive County Superintendent shall issue a determination whether the situation meets the family crisis criteria at C.8.a. above. The original school district of residence shall continue to enroll the student and



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provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued.

- (3) If the Executive County Superintendent determines the situation does not constitute a family crisis, the school district may submit to the Executive County Superintendent for approval the cost of transportation to the ineligible student's new domicile. The Executive County Superintendent shall certify the transportation costs to be assessed to the parent or guardian for the period of ineligible attendance.
- e. When the original school district of residence determines the situation constitutes a family crisis pursuant to N.J.S.A. 18A:38-1.1, the Superintendent or designee shall immediately notify the parent or guardian in writing.
- (1) When the original school district of residence anticipates the need to apply for reimbursement of transportation costs, it shall send to the Executive County Superintendent a request and documentation of the family crisis for confirmation the situation meets the criteria at C.8.a. above.
  - (2) Within thirty days of receiving the school district's request and documentation, the Executive County Superintendent shall issue a determination of whether the situation meets the criteria for a family crisis. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued and shall not be reimbursed for additional transportation costs unless the Executive County Superintendent determines the situation is a family crisis or as directed by the Commissioner upon appeal.
- f. In providing transportation to students under N.J.S.A. 18A:38-1.1, the Board shall use the most efficient and cost-effective means



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available and in conformance with all laws governing student transportation.

- g. At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.
  - (1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.
  - (2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the New Jersey Department of Education's Office of School Facilities and Finance for reimbursement payment(s) to the school district.
  - (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).
- h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, their decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.

## D. Home Construction

Families domiciled in the school district for a minimum of 12 months and attending the Livingston Public Schools prior to major home renovations where the family must vacate the premises, must obtain Board of Education approval to





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continue attending the district schools free of charge for a period of 18 months with proof of building permits/documentation. After 18 months, a one-time extension for a period of 6 months can be obtained and will necessitate additional proof of building status and progress. The Board of Education will assess tuition for students after the initial 24-month period. The Board of Education will require proof of occupancy when residence is reoccupied.

## E. Housing and Immigration Status – N.J.A.C. 6A:22-3.3

1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or their compliance with local housing ordinances or terms of lease.
2. Except as set forth in D.2.a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 and C. above shall be enrolled without regard to, or inquiry concerning, immigration status.
  - a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the school district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1" Visa).
3. F-1 Visa Students

F-1 Visa students will not be admitted to this school district.
4. J-1 Visa Students

J-1 Visa students will not be admitted to this school district.

## EF. Proof of Eligibility – N.J.A.C. 6A:22-3.4



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1. The Board of Education shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district:
  - a. Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
  - b. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;
  - c. Court orders; State agency agreements; and other evidence of court or agency placements or directives;
  - d. Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location, or to support the student;
  - e. Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
  - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, guardian, person keeping an "affidavit student," adult student, person(s) with whom a family is living, or others, as appropriate;
  - g. Documents pertaining to military status and assignment; and
  - h. Any other business record or document issued by a governmental entity.
2. The Board may accept forms of documentation not listed in N.J.A.C. 6A:22-3.4 (a) and E.1. above, and shall not exclude from consideration any documentation or information presented by an applicant.



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3. The Board shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.
4. The Board shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. They include, but are not limited to:
  - a. Income tax returns;
  - b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b) and D.2. above;
  - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
  - d. Social security numbers.
5. The Board may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) and E.4. above, or pertinent parts thereof if voluntarily disclosed by the applicant. However, the Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.
6. In the case of a dispute between the school district and the parents or guardians of a student in regard to a student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent's name and address for use in verifying a student's eligibility for enrollment in the school district. The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that





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the NJMVC does not have the name or address of the parent on file.

**FG.** Registration Forms and Procedures for Initial Assessment – N.J.A.C. 6A:22-4.1

1. The Board of Education shall use Commissioner-provided registration forms pursuant to N.J.A.C. 6A:22-4.1(a), or locally developed forms that:
  - a. Are consistent the Commissioner-provided forms;
  - b. Do not seek information prohibited by N.J.A.C. 6A:22-4 or any other provision of statute or rule;
  - c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, and specify the nature and form of any sworn statement(s) to be filed;
  - d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and
  - e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation, and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.
2. The Board shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt eligibility determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a student's attendance at school.
  - a. If the school district uses separate forms for affidavit student applications rather than a single application form for all types of enrollment, affidavit student forms shall comply in all respects with N.J.A.C. 6A:22-4.1 (a) and G.1. above. When affidavit student forms are used, the school district shall provide them to any person attempting to register a student of whom they are not the parent or guardian, even if not specifically requested.



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- (1) The Board or its agents shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a student living with a person other than the parent or guardian since such student may qualify as an affidavit student.
  - (2) The Board or its agents shall not demand or suggest that an applicant seeking to enroll a student of whom the applicant has guardianship or custody produce affidavit student proofs.
- b. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.
3. Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials.
  - a. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2 and G. below.
  - b. When a student appears ineligible based on information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the school district's determination and intent to appeal to the Commissioner.
    - (1) An applicant whose student is enrolled pursuant to N.J.A.C. 6A:22-4.1 (c) 2.i. and F.3.b.above shall be notified that the student will be removed without a hearing before the Board



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if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.

4. When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of the applicant's written statement that the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for purposes of ensuring compliance with compulsory education laws, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.
5. Enrollment or attendance in the school district shall not be conditioned on advance payment of tuition in whole or part when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.
6. The Board shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the school district shall not be denied based upon absence of a certified copy of the student's birth certificate or other proof of their identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.



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8. Enrollment in the school district shall not be denied based upon the absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.
9. When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.

## **GH.** Notices of Ineligibility – N.J.A.C. 6A:22-4.2

1. When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22, Policy 5111, and the Regulation or the student's initial application is found to be deficient upon subsequent review or investigation, the school district shall immediately provide notice to the applicant that is consistent with Commissioner-provided sample form(s) and meets the requirements of N.J.A.C. 6A:22-4.2 and F. above and H. below.
  - a. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:
  - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made:
    - (1) The description shall be sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal; and
    - (2) The description shall identify the specific subsection of N.J.S.A. 18A:38-1 under which the application was decided.



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- b. In cases of provisional eligibility, a clear description of the missing documents or information that still must be provided before a final eligibility status can be attained under the applicable provision of N.J.S.A. 18A:38-1;
- c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the notice date, along with an informational document provided by the Commissioner describing how to file an appeal;
- d. A clear statement of the student's right to attend school for the twenty-one day period during which an appeal can be made to the Commissioner. It also shall state the student will not be permitted to attend school beyond the twenty-first day following the notice date if missing information is not provided or an appeal is not filed;
- e. A clear statement of the student's right to continue attending school while an appeal to the Commissioner is pending;
- f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the student's right to attend the school district, or the applicant withdraws the appeal, fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
- g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, J.2. and J.3 below, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:
  - (1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.





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- h. The name of a contact person in the school district who can assist in explaining the notice's contents; and
- i. When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school, or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1. For purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25), staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.

### **HI.** Removal of Currently Enrolled Students – N.J.A.C. 6A:22-4.3

- 1. Nothing in N.J.A.C. 6A:22-4, Policy 5111, and this Regulation shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.
- 2. When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for the student's removal.
  - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2 and G. above. However, the notice shall also provide for a hearing before the Board prior to a final decision on removal.
- 3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an affidavit student, has been informed of their entitlement to a hearing before the Board.



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4. Once the hearing is held, or if the parent, guardian, adult student, or resident keeping an affidavit student, does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2 and G. above.
5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

**H.** Appeal to the Commissioner – N.J.A.C. 6A:22-5.1

1. An applicant may appeal to the Commissioner of Education a school district determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition, which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3.
  - a. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of affidavit student ineligibility determinations shall be filed by the resident keeping the student.

**K.** Assessment and Calculation of Tuition – N.J.A.C. 6A:22-6

1. If no appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an affidavit student following notice of an ineligibility determination, the Board of Education may assess tuition for up to one year of a student's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.
  - a. If the responsible party does not pay the tuition assessment, the Board may petition the Commissioner pursuant to N.J.A.C. 6A:3





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for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.

2. If an appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an affidavit student and the petitioner does not sustain the burden of demonstrating the student's right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition for the period during which the hearing and decision on appeal were pending, and for up to one year of a student's ineligible attendance in a school district prior to the appeal's filing and including the twenty-one day period to file an appeal.
  - a. Upon the Commissioner's finding that an appeal has been abandoned, the Board may remove the student from school and seek tuition for up to one year of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) and J.1.above plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of their decision. In doing so, the Commissioner shall consider whether the ineligible attendance was due to the school district's error. If the record does not include such a calculation and the Board has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.
  - b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.
3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and



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LIVINGSTON STUDENTS  
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ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.

4. Nothing in N.J.A.C. 6A:22, Policy 5111, and the Regulation shall preclude an equitable determination by the Board or the Commissioner that tuition shall not be assessed for all or part of any period of a student's ineligible attendance in the school district when the particular circumstances of a matter so warrant. In making the determination, the Board or Commissioner shall consider whether the ineligible attendance was due to the school district's error.

Adopted: April 25, 2016

Revised: May 13, 2019

Revised: August 12, 2020

Revised: March 19, 2024



## 5337 SERVICE ANIMALS (M)

In compliance with Title II of the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act of 2008, it is the Policy of the Board of Education to permit use of a service animal by an individual with a disability in all areas of the district where the public is normally permitted: in district buildings; on district property; and on vehicles owned, leased, or controlled by the district in accordance with 28 CFR §35.136.

### A. Definitions

1. “Act” means the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act of 2008.
2. “Designated administrator” means Principal or person designated by the Principal to coordinate these activities.
3. “District” means this school district.
4. “Handler” means the animal’s owner who is an individual with a disability or a person, such as a trainer, assisting the owner with control of the service animal.
5. “Service animal” means a dog individually trained to do work or perform a specific job or task for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability in accordance with 28 CFR §36.104.
  - a. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
  - b. The work or tasks performed by a service animal must be directly related to the individual’s disability (e.g. navigation, alerting physical support and assistance, preventing or interrupting impulsive or destructive behaviors).
  - c. Work or tasks for the purposes of this definition do not include the provision of emotional support, well-being, comfort, therapy, companionship, or crime deterrence.



B. General Rules

1. The district shall permit the use of a service animal by an individual with a disability unless:
  - a. The animal is out of control and the animal's handler does not take effective action to control it;
  - b. The animal is not housebroken.
2. A student with a disability, including autism, shall be permitted access for a service animal in school buildings, including the classroom, on school buses, and on school grounds.
3. The service animal shall be under a handler's control at all times by use of a leash, tether, voice control, signal, or other suitable means in accordance with N.J.S.A. 18A:46-13.3 and 28 CFR §35.136(d).
4. If an animal is properly excluded, the district shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises in accordance with 28 CFR §35.136(b).
5. If there are places in the district where it is determined to be unsafe for a handler and service animal, reasonable accommodations will be provided to assure the individual with a disability has equal access to the activity.
6. A school official may inquire as to whether the service animal is required due to a disability and what task or work the service animal has been trained to perform, unless the student's disability and the work or task that the service animal will perform are readily apparent in accordance with N.J.S.A. 18A:46-13.3.
7. The district may not require documentation, including proof that the animal has been certified, trained, or licensed as a service animal; nor that the dog demonstrates its ability to perform the work or task in accordance with 28 CFR §35.136(f).
8. Individuals with a disability who have service animals are not exempt from local animal control or public health requirements.



9. A school official may require:

- a. Certification from a veterinarian that the service animal is properly vaccinated and does not have a contagious disease that may harm students or staff; and
- b. Documentation that any license required by the municipality in which the student resides has been obtained for the service animal.

C. Delegation of Responsibility

1. The school shall not be responsible or liable for the care or supervision of the service animal.
  - a. The district is not responsible to pay for or provide a handler to aid the individual with a disability in the control of the service animal.
  - b. The school shall provide reasonable accommodations to allow the handler to provide for the care and feeding of the service animal while on school grounds or at a school function.
2. If the district normally charges individuals for damage they cause, an individual with a disability may be charged for damage caused by their service animal in accordance with 28 CFR §35.136(h).
3. The district will designate relief areas for the service animal which will be included in mobility training and orientation of students and animals new to the school.

D. Notification and Responsibilities

1. In the event a service animal will be introduced as part of the school community, the designated administrator will develop a comprehensive implementation plan prior to introduction of the service animal into the school to include:
  - a. Notification to parents of students who may be in contact with the service animal;



- b. Appropriate accommodations:
    - (1) For students who are allergic to the service animal; and/or
    - (2) For students who have fears regarding the service animal.
  - c. Appropriate etiquette regarding service animals to include:
    - (1) Never pet a service animal while it is working;
    - (2) Never feed a working service animal;
    - (3) Do not deliberately startle, tease, or taunt a service animal;  
and
    - (4) Do not hesitate to ask the handler if they would like  
assistance regarding directions for navigating the facility.
  - 2. The use of a service animal introduced as part of the school community  
will require inclusion into the student's Individualized Education Plan  
(IEP) or the student's Section 504 Accommodation Plan.
  - 3. The district may request, but cannot require, the owner of a service animal  
introduced as part of the school community and, as included in the  
student's IEP or Section 504 Accommodation Plan, maintain liability  
insurance for the service animal. The School Business  
Administrator/Board Secretary will ensure the school district has  
appropriate insurance in the event a service animal is introduced as part of  
the school community.
- E. Miniature Horses
- 1. Miniature horses, although not included in the Act under the definition of  
"service animal," may only be permitted if individually trained to do work  
or perform tasks for the benefit of the individual with a disability and if  
they meet the assessment factors outlined in 3. below in accordance with  
28 CFR §35.136(i).
  - 2. Ponies and full size horses are not considered miniature horses.



3. Assessment factors to determine whether the district can reasonably modify its policies, practices, and procedures to allow for the use of miniature horses on its property, facilities, or vehicles include:
  - a. Type, size, and weight of the miniature horse and whether the facility can accommodate those features;
  - b. Whether the handler has sufficient control of the miniature horse;
  - c. Whether the miniature horse is housebroken; and
  - d. Whether the miniature horse's presence compromises legitimate safety requirements necessary for safe operation.
4. All requirements for the use of service animals also apply to the use of miniature horses.

N.J.S.A. 18A:46-13.3  
28 CFR §35.136  
28 CFR §36.104

Adopted:





## 8600 STUDENT TRANSPORTATION (M)

The Board of Education shall transport eligible students to and from school and school related activities in accordance with N.J.S.A. 18A:39-1 et seq., N.J.A.C. 6A:27-1 et seq. and Board policy. Transportation shall be provided only to eligible public and nonpublic school students, authorized school staff members, and adults serving as approved chaperones.

Nonpublic school transportation or aid in lieu of transportation shall be provided for resident students in accordance with N.J.S.A. 18A:39-1 et seq. and N.J.A.C. 6A:27-2.1 et seq.

Charter or renaissance school transportation or aid in lieu of transportation shall be provided for resident students in accordance with N.J.S.A. 18A:39-1 et seq. and N.J.A.C. 6A:27-3.1 et seq.

**Proof of residency shall be required annually for those attending non-public, charter or renaissance schools.**

The Board may provide transportation to and from school for public school students less than remote for a fee and provided there is already an existing bus route in the area.

The Board will provide transportation to and from school for public school students in grades K-8 who live more than 2 miles from the school they attend and in grades 9-12 who live more than 2.5 miles from the school they attend. A student may be excluded from transportation because of disorderly conduct as provided for by statute. Parents of those students suspended from using district provided transportation will be notified in advance by the Principal.

The Board may transport students certified by a physician as temporarily disabled regardless of the distance between their home and school. All requests must be approved by the district physician.

Students with special needs shall be provided transportation in accordance with N.J.S.A. 18A:39-1 et seq., and with their Individualized Education Program (IEP) pursuant to N.J.A.C. 6A:27-5.1.

The Board will not be responsible for the transportation of nonresident students to or from school, except that transportation to and from school will be provided for homeless students; students residing in group homes; students residing in resource family



homes; and students residing in shared custody homes pursuant to N.J.A.C. 6A:27-6.2, 6.3, 6.4, and 6.5.

The Board may require the compilation of a list of the names of students being transported by a school bus to a school-sponsored activity, including but not limited to, field trips or interscholastic sports programs. The staff member(s) supervising the school-sponsored activity shall create a list of students on each school bus and submit it to the Principal or designee, and the Principal or designee shall maintain the list for use in the case of an emergency in accordance with N.J.A.C. 6A:27-11.5.

Vehicles used to transport students to and from school or school related activities shall meet standards, registration and inspection requirements of the New Jersey Departments of Education (NJDOE) , the NJ Motor Vehicle Commission (NJMVC), and any applicable Federal regulations. The operation and fiscal management of the district's transportation system shall be conducted in strict accordance with rules of the NJ State Board of Education and the NJDOE.

In addition to the provisions of any State law, rule, or regulation containing more stringent requirements, provided that those requirements are compatible with Federal law, and notwithstanding the provisions of any State law, rule, or regulation to the contrary, school bus operations in the State shall comply with the requirements outlined in N.J.S.A. 39:3B-27.

N.J.S.A. 18A:18A-1 et seq.; 18A:39-1 et seq.; 18A:39-11.1 et seq.

N.J.S.A. 27:15-16

N.J.S.A. 39:3B-1 et seq.; 39:3B-2.1; 39:3B-10; 39:3B-27

N.J.A.C. 6A:27-1.1 et seq.; 6A:27-2.1 et seq.;

6A:27-3.1 et seq.; 6A:27-4.1 et seq.; 6A:27-5.1;

6A:27-6.2 through 6.5;

6A:27-7.1 et seq.; 6A:27-9.1 et seq.;

6A:27-10.1 et seq.; 6A:27-11.1 et seq.;

6A:27-12.1 et seq.

Adopted: 10 May 2010



# POLICY

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LIVINGSTON  
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Revised: February 24, 2020

Revised: May 24, 2022



# REGULATION

## R 8600 STUDENT TRANSPORTATION (M)

### General Requirements - Students Remote From School

#### A. The Board will transport:

1. Students who reside remote, as defined in N.J.S.A. 18A:39-1. and N.J.A.C. 6A:27-1.4(a)1. and (a)2., from their assigned district school of attendance;
2. Nonpublic school students who reside remote from their school of attendance and meet the eligibility criteria of N.J.A.C. 6A:27-2.1 et seq.;
3. Charter school or renaissance school students pursuant to N.J.A.C. 6A:27-3.1 et seq.;  
  
a. Proof of residency shall be required annually for those attending non-public, charter and renaissance schools. Parents will be required to furnish a deed, valid lease agreement, property tax bill and a utility bill.
- 
4. Students with special needs shall be provided transportation in accordance with N.J.S.A. 18A:39-1 et seq. and with their Individualized Education Program (IEP) pursuant to N.J.A.C. 6A:27-5.1;
5. School choice students pursuant to N.J.A.C. 6A:27-4.1 et seq.; and
6. Special population students pursuant to N.J.A.C. 6A:27-6.2 through 6.5.



# REGULATION

## Cooperative/Coordinated Transportation Services

- A. The Board shall utilize cooperative/coordinated transportation services in accordance with the provisions of N.J.S.A. 18A:39-11.1 et seq. and N.J.A.C 6A:27-10.1 et seq.

## School Bus Use and Standards

- A. All school buses bid or purchased shall be equipped in accordance with the requirements of N.J.S.A. 39:3B-10 – School Bus Safety Equipment.
- B. School bus drivers and all school bus passengers shall be required to wear seat belts when transported in school buses so equipped. Seat belts shall be fastened when the driver and passengers board the vehicle and they shall be kept fastened at all times while on board the vehicle. Seat belts may be unfastened only when the individual is departing the vehicle. The Board further requires that drivers and passengers using private vehicles to transport students wear seat belts in the same manner.
- C. There shall be displayed on every bus subject to the provisions of N.J.S.A. 39:3B-1, signs or legends which will, insofar as practicable, inform the driver of any vehicle concerning the duty imposed upon him/her by law with respect to passing a bus, while it is loading or unloading. The signs or legends shall be in a color, form, and designs will meet the requirements prescribed by the State Board of Education.





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An agency, Board of Education, nonpublic school, or school bus contractor operating a school bus subject to the provisions of N.J.S.A. 39:3B-1 shall display across the rear of the school bus a telephone number, website address, or other identifying information which shall allow the public to report a bus driver's misconduct while operating the school bus to the Board of Education or nonpublic school for which the school bus provides transportation. The lettering shall be of a color that contrasts with the color of the school bus.

The Board of Education or nonpublic school shall comply with New Jersey Department of Education (NJDOE) regulations regarding: the appropriate Board of Education or nonpublic school official or designee to address and respond to a complaint of school bus driver misconduct; the appropriate actions which a Board of Education or nonpublic school may take to respond to a complaint of school bus driver misconduct; and the time period during which a Board of Education or nonpublic school may act to respond to a complaint of school bus driver misconduct in accordance with the provisions of N.J.S.A. 39:3B-2.1.

- D. The Board requires every school bus bid or purchased that is used to transport public, non-public, charter, and/or renaissance school students will be equipped with a crossing control arm at the right front corner of the bus. The arm must open and extend out from the bus at least five feet each time the bus door is opened.
- E. School bus purchase, use, and standards must meet Federal and State standards and must be in accordance with N.J.A.C. 6A:27-7.1 et seq. and N.J.S.A. 18A:18A-1 et seq. – Public School Contracts Law.

## Operation and Management of Transportation System

- A. The Manager of Transportation shall





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1. Prepare a map of the district on which each bus stop and bus route is indicated or, alternatively, prepare an itinerary of bus routes that may be used in conjunction with a map of the school district;
  2. Prepare and promulgate procedures to be followed in the event of a bus emergency, bus safety, bus driver training and rules governing the conduct of all students transported by the Board in accordance with N.J.A.C. 6A:27-11.1 et seq. and 6A:27-12.1 et seq.;
  3. Maintain such records and make such reports regarding school transportation as are required by the State Board of Education; and
  4. Prepare the specifications for each bus route or contract for which proposals will be sought by the Board in accordance with N.J.A.C. 6A:27-9.1 et seq.
- B. The operation and fiscal management of the district's transportation system shall be conducted in strict accordance with rules of the State Board of Education and the NJDOE.

Approved: February 24, 2020



# POLICY

## POLICY #5512 - HARRASMENT, INTIMIDATION OR BULLYING (M)

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# POLICY

## HARRASMENT, INTIMIDATION or BULLYING (M)

### A. Prohibiting Harassment, Intimidation or Bullying

The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. The Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), resource family parent(s), or ~~parent surrogate(s)~~ surrogate parents of a student. When parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

### B. Definition of Harassment, Intimidation, or Bullying

“Harassment, intimidation, or bullying” means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:

1. Is reasonably perceived as being motivated by either any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that
  - a. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to their person or damage to their property; or

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- b. Has the effect of insulting or demeaning any student or group of students; or
- c. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

The Board of Education recognizes that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. Recognizing "a real or perceived power imbalance" may assist school officials in identifying harassment, intimidation, or bullying within the context and relative positions of the alleged aggressor and target.

"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or remotely activating paging device in accordance with (N.J.A.C. 6A:16-1.3).

In accordance with the Board of Education's Code of Student Conduct and this Policy, all acts of harassment, intimidation, or bullying that occur off school grounds, such as "cyber-bullying" (e.g., the use of electronic means to harass, intimidate, or bully) ~~is~~are addressed in this Policy.

## C. Student Behavior

The Board of Education expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the Code of Student Conduct.

The Board believes that standards for student behavior must be set cooperatively through interaction among the parents and other community representatives, school administrators, school employees,, school volunteers, and students of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of students, staff, and community members.

Students are expected to behave in a way that creates a supportive learning environment. The Board believes the best discipline is self-imposed, and that it is

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the responsibility of staff to use instances of violations of the Code of Student Conduct as opportunities for helping students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.

The Board expects that students will act in accordance with the student behavioral expectations and standards regarding harassment, intimidation, or bullying, including:

1. Student responsibilities (e.g., requirements for students to conform to reasonable standards of socially accepted behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority);
2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
3. Student rights; and
4. Sanctions and due process for violations of the Code of Student Conduct.

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members, including parents, school employees, volunteers, students, and community representatives in the development of this Policy.

Pursuant to N.J.A.C. 6A:16-7.1, the Board developed guidelines for student conduct, taking into consideration the nature of the behavior, the nature of the student's disability, if any and to the extent relevant; the developmental ages of students; severity of the offenses and students' histories of inappropriate behaviors; and the mission and physical facilities of the individual school(s) in the district. This Policy requires all students in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to N.J.A.C. 6A:16-7.1, the Superintendent shall annually provide to students and their parents the rules of the district regarding student conduct. Provisions shall be made for informing parents whose primary language is other than English.

The district prohibits active or passive support for acts of harassment, intimidation, or bullying. The school district will support students who:



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1. Walk away from acts of harassment, intimidation, and bullying when they see them;
2. Constructively attempt to stop acts of harassment, intimidation, or bullying;
3. Provide support to students who have been subjected to harassment, intimidation, or bullying; and
4. Report acts of harassment, intimidation, or bullying to the designated school staff member.

## D. Consequences and Remedial Actions

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of Student Conduct and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation or bullying.

In every incident found to be harassment, intimidation, or bullying, the school Principal, in consultation with appropriate school staff, may apply disciplinary consequences and/or remedial actions, such as the provision of counseling, behavioral interventions, or other measures.

Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses; consider the developmental ages of the student offenders; the nature of the student's disability, if any and to the extent relevant; and students' histories of inappropriate behaviors, per the Code of Student Conduct and N.J.A.C. 6A:16-7.

The following factors, at a minimum, shall be given full consideration by the school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students.

### Factors for Determining Consequences

- Age, disability (if any and to the extent relevant), developmental and maturity levels of the parties involved and their relationship to the school district;



- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of the behaviors;
- Incidences of past or continuing patterns of behavior;
- Relationships between the parties involved; and
- Context in which the alleged incidents occurred.

## Factors for Determining Remedial Measures

### Personal:

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation;
- Academic performance;
- Relationship to peers; and
- Relationship between student/family and the school district.

### Environmental:

- School culture;
- School climate;
- Student-staff relationships and staff behavior toward the student;
- General staff management of classrooms or other educational environments;
- Staff ability to prevent and manage difficult or inflammatory situations;
- Availability of programs to address student behavior;
- Social-emotional and behavioral supports;
- Social relationships;
- Community activities;

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- Neighborhood situation; and
- Family situation.

## Examples of Consequences and Remedial Measures

The consequences and remedial measures may include, but are not limited to, the examples listed below:

### Examples of Consequences:

- Admonishment;
- Temporary removal from the classroom (any removal of .5 days or more must be reported in the Student Safety Data System);
- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to disciplinarian;
- In-school suspension during the school week or the weekend;
- Out-of-school suspension (short-term or long-term);
- Reports to law enforcement or other legal action;
- Expulsion; and
- Bans from receiving certain services, participating in school-district-sponsored programs or being in school buildings or on school grounds.

### Examples of Remedial Measures

#### Personal:

- Restitution and restoration;
- Peer support group;
- Recommendations of a student behavior or ethics council;
- Corrective instruction or other relevant learning or service experience;
- Supportive student interventions, including participation of the Intervention and Referral Services Team, pursuant to

N.J.A.C. 6A:16-8;

- Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
- Behavioral management plan, with benchmarks that are closely monitored;
- Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- Involvement of school "disciplinarian;"
- Student counseling;
- Parent conferences;
- Alternative placements (e.g., alternative education programs);
- Student treatment; and
- Student therapy.

Environmental (Classroom, School Building, or School District):

- School and community surveys or other strategies for determining the conditions contributing to HIB;
- School culture change and school climate improvement;
- Adoption of research-based, systemic bullying prevention programs;
- School policy and procedures revisions;
- Modifications of schedules;
- Adjustments in hallway traffic;
- Modifications in student routes or patterns traveling to and from school;
- Supervision of student before and after school, including school transportation;
- Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- Teacher aides;
- Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- General professional development programs for certificated and non-certificated staff;

# POLICY

- Professional development plans for involved staff;
- Disciplinary action for school staff who contributed to the problem;
- Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
- Parent conferences;
- Family counseling;
- Involvement of parent-teacher organizations;
- Involvement of community-based organizations;
- Development of a general bullying response plan;
- Recommendations of a student behavior or ethics council;
- Peer support groups;
- Alternative placements (e.g., alternative education programs);
- School transfers; and
- Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board's approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.

The Principal, in consultation with appropriate school staff, shall develop an individual student intervention plan

when a student is found to be an offender in three harassment, intimidation, or bullying incidents and each subsequent incident occurring within one school year. The student intervention plan may include disciplinary consequences and/or remedial actions and may require the student, accompanied by a parent, to satisfactorily complete a class or training program to reduce harassment, intimidation, or bullying behavior. Each student intervention plan must be approved by the Superintendent.

While the majority of incidents may be addressed solely by school officials, the Superintendent or designee and the Principal shall report a harassment, intimidation,

or bullying incident to law enforcement officials if the conduct rises to the level of a mandatory report as outlined in the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.

## Consequences and Appropriate Remedial Actions – Adults

The district will also impose appropriate consequences and remedial actions to an adult who commits an act of harassment, intimidation, or bullying of a student. The consequences may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

### E. Reporting Harassment, Intimidation, or Bullying

The Board of Education requires the Principal at each school to be responsible for receiving all complaints alleging harassment, intimidation or bullying committed by an adult or youth against a student. All Board members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged acts of harassment, intimidation or bullying to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident. All Board members, school employees, and contracted service providers who have contact with students, also shall submit a New Jersey Department of Education approved HIB 338 Form to the Principal within two school days of the verbal report. Failure to make the required report(s) may result in disciplinary action. The HIB 338 Form shall be kept on file at the school, but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal Law.

The district may not fail to initiate an investigation of harassment, intimidation, or bullying solely because written documentation was not provided. Failing to conduct a harassment, intimidation, or bullying investigation solely because a parent or student did not submit written documentation violates the Anti-Bullying Bill of Rights Act and this Policy. If a parent makes a verbal allegation of harassment, intimidation, or bullying to a district staff member, but does not complete and submit the HIB 338 Form, the staff member or a designee must complete and submit the HIB 338 Form.

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The Principal or designee is required to inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. Pursuant to N.J.A.C. 6A:16-7.7(a)2.viii.(2), when providing notification to the parents of all students involved, the Principal or designee shall take into account the circumstances of the incident when conveying the nature of the incident, including the actual or perceived category motivating the alleged offense. The Principal or designee shall keep a written record of the date, time, and manner of notification to the parents.

The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

Students, parents, and visitors are encouraged to report alleged acts of harassment, intimidation or bullying this Policy to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident.

The school district shall provide a person an online means to complete the HIB 338 Form to anonymously report an act of harassment, intimidation, or bullying. Formal action for violations of the Code of Student Conduct may not be taken solely on the basis of an anonymous report.

A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

The Principal shall promptly submit a copy of each completed HIB 338 Form to the Superintendent.

The district may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, in addition to making the HIB 338 Form available online, the district may consider locked boxes located in areas of a school where reports can be submitted without fear of being observed.

A school administrator who receives a report of harassment, intimidation, or bullying or who determines a reported incident or complaint, assuming all facts presented are



true, is a report within the scope of N.J.S.A. 18A:37-14 and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action. The district also should consider procedures and disciplinary action when it is found that someone had information regarding a harassment, intimidation, or bullying incident, but did not make the required report(s).

F. Anti-Bullying Coordinator, Anti-Bullying Specialist, and School Safety/School Climate Team(s)

1. The Superintendent shall appoint a district Anti-Bullying Coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position.

The district Anti-Bullying Coordinator shall:

- a. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, or bullying of students;
  - b. Collaborate with school Anti-Bullying Specialists in the district, the Board of Education, and the Superintendent to prevent, identify, and respond to harassment, intimidation, or bullying of students in the district;
  - c. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of students;
  - d. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent; and
  - e. Meet at least twice a school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, or bullying in the district.
2. The Principal in each school shall appoint a school Anti-Bullying Specialist. The Anti-Bullying Specialist shall be a guidance counselor, school

# POLICY

psychologist, or other certified staff member trained to be the Anti-Bullying Specialist from among the currently employed staff in the school.

The school Anti-Bullying Specialist shall:

- a. Chair the School Safety/School Climate Team as provided in N.J.S.A. 18A:37-21;
  - b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and
  - c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.
3. A School Safety/School Climate Team shall be formed in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going systemic operational procedures and educational practices in the school, and to address issues such as harassment, intimidation, or bullying that affect school climate and culture. Each School Safety/School Climate Team shall meet, at a minimum, two times per school year. The School Safety/School Climate Team shall consist of the Principal or the Principal's designee who, if possible, shall be a senior administrator in the school and the following appointees of the Principal: a teacher in the school; a school Anti-Bullying Specialist; a parent of a student in the school; and other members to be determined by the Principal. The school Anti-Bullying Specialist shall serve as the chair of the School Safety/School Climate Team.

The School Safety/School Climate Team shall:

- a. Receive records of all complaints of harassment, intimidation, or bullying of students that have been reported to the Principal;
- b. Receive copies of all reports prepared after an investigation of an incident of harassment, intimidation, or bullying;
- c. Identify and address patterns of harassment, intimidation, or bullying of students in the school;

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## HARRASMENT, INTIMIDATION or BULLYING (M)

- Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety/School Climate Team shall not participate in the activities of the team set forth in 3. a., b., or c. above or any other activities of the team which may compromise the confidentiality of a student, consistent with, at a minimum, the requirements of the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232 and 34 CFR Part 99), N.J.A.C. 6A:32-7, Student Records and N.J.A.C. 6A:14-2.9, Student Records.

Prior to initiating an investigation regarding a reported incident or complaint, the Principal or designee, in consultation with the ~~a~~Anti-bullying ~~s~~Specialist, shall make a preliminary determination as to whether a reported incident or complaint, assuming all facts are presented as true, is a report within the scope of N.J.S.A. 18A:37-14.

Should the Principal or designee, in consultation with the ~~Anti-Bullying~~ **Anti-Bullying Specialist**, determine that a reported incident or complaint, assuming all facts presented are true, is not a report within the scope of N.J.S.A. 18A:37-14, the incident will be addressed through the Board's Code of Student Conduct policy. The HIB 338 Form shall be completed, even if a preliminary determination is made not to conduct an investigation of harassment, intimidation, or bullying because the reported incident

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or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying, and must be submitted to the Superintendent. The Principal will provide the parents of the alleged offender(s) and victim(s) with formal notice of the decision not to initiate a harassment, intimidation, or bullying investigation.

The HIB 338 Form shall be kept on file at the school and will only be added to a student record if the alleged incident is founded, disciplinary action is imposed or is otherwise required to be contained in a student's record under State or Federal law.

The Superintendent may require the Principal to conduct a harassment, intimidation, or bullying investigation of the incident if the Superintendent determines that the incident is within the scope of harassment, intimidation, or bullying and shall notify the Principal of this determination in writing. Should the Superintendent require the Principal to conduct a harassment, intimidation, or bullying investigation, the Principal will immediately initiate an investigation of harassment, intimidation, or bullying by referring the matter to the school ~~a~~Anti-~~b~~Bullying ~~s~~Specialist.

Additionally, any preliminary determination that finds the incident or complaint is a report outside the scope of N.J.S.A. 18A:37-14 may be appealed to the Board, pursuant to the Board policies and procedures governing student grievances, and thereafter to the Commissioner in accordance with (N.J.A.C. 6A:16-7.7(a)ix(1) and (a)ix(1)(A)). Should the preliminary determination not to conduct an investigation of harassment, intimidation, or bullying be overturned, the Principal will immediately initiate an investigation of harassment, intimidation, or bullying by referring the matter to the school ~~a~~Anti-~~b~~Bullying ~~s~~Specialist.

The Board requires a thorough and complete investigation to be conducted for each reported incident or complaint, assuming all facts presented are true, that is determined to be a report within the scope of N.J.S.A. 18A:37-14. The investigation shall be initiated by the Principal or designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school ~~a~~Anti-~~b~~Bullying ~~s~~Specialist appointed by the Principal. The Principal may appoint additional personnel who are not school ~~a~~Anti-~~b~~Bullying ~~s~~Specialists to assist the school anti-bullying specialist in the investigation. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation. The anti-bullying specialist may not participate in an investigation regarding their supervisor or staff at a higher administrative level.



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## HARRASMENT, INTIMIDATION or BULLYING (M)

A parent may request a hearing before the Board after receiving the information. Any request by the parents for a hearing before the Board concerning the written information about a harassment, intimidation, or bullying investigation, pursuant to N.J.S.A. 18A:37-15(b)(6)(d), must be filed with the Board Secretary no

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later than sixty calendar days after the written information is received by the parents. The hearing shall be held within ten business days of the request. Prior to the hearing, the Superintendent shall confidentially share a redacted copy of the HIB 338 Form that removes all student identification information with the Board. The Board shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the Board may hear testimony from and consider information provided by the school ~~a~~Anti-~~b~~Bullying ~~s~~Specialist and others, as appropriate, regarding the alleged incident; the findings from the investigation of the alleged incident; recommendations for consequences or services; and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled Board meeting following its receipt of the report or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, no later than ninety days after the issuance of the Board's decision.

A school administrator who receives a report of harassment, intimidation, or bullying and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

The Board also requires the thorough investigation of complaints or reports of harassment, intimidation, or bullying, occurring on district school buses, at district school-sponsored functions, and off school grounds involving a student who attends an approved private school for students with disabilities. The investigation will be conducted by the Board's ~~a~~Anti-~~b~~Bullying ~~s~~Specialist in consultation with the approved private school for students with disabilities.

## H. Responding to Harassment, Intimidation, or Bullying

The Board of Education authorizes the Principal of each school to define the range of ways in which school staff will respond once an incident of harassment, intimidation, or bullying is confirmed, and the Superintendent shall respond to confirmed harassment, intimidation, or bullying, according to the parameters described below and in this Policy. The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring that the school officials respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or



bullying that they require a response either at the classroom, school building, or school district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term suspensions, and N.J.A.C. 6A:16-7.4, Expulsions.

In considering whether a response beyond the individual is appropriate, school officials shall consider the nature and circumstances of the act; the degree of harm; the nature and severity of the behavior; past incidences or past or continuing patterns of behavior; and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based harassment, intimidation, or bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including safe schools resource officers.

For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, school, or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:

1. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion, law enforcement report or other legal action).
2. Classroom responses can include class discussions about an incident of harassment, intimidation, or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects, and skill-building lessons in courtesy, tolerance, assertiveness, and conflict management.
3. School responses can include theme days, learning station programs, parent programs, and information disseminated to students and parents, such as fact sheets or newsletters, explaining acceptable uses of electronic and

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wireless communication devices, or strategies for fostering expected student behavior.

4. District-wide responses can include community involvement in policy review and development; professional development programs; adoption of curricular and school-wide programs with community-based organizations (e.g., mental health, health services, health facilities, law enforcement officials, faith-based organizations),

and disseminating information on the core ethical values adopted by the Board's Code of Student Conduct, per N.J.A.C. 6A:16-7.1(a)2.

In providing support for victims of harassment, intimidation, or bullying, the district should identify a range of strategies and resources, which may include, but is not limited to, the following actions for individual victims:

- Counseling;
- Teacher Aides;
- Hallway and playground monitors;
- Schedule changes;
- Before and after school supervision;
- School transportation supervision;
- School transfers; and
- Therapy.

## I. Reprisal or Retaliation

The Board of Education prohibits a Board member, school employee, contracted service provider who has contact with students, school volunteer, or student from engaging in reprisal, retaliation, or false accusation against a victim, witness, or any other person who has reliable information about an act of harassment, intimidation, or bullying or who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act, in accordance with case law, Federal and State statutes and regulations, and district policies and procedures.

## J. False Accusations of Harassment, Intimidation or Bullying

The Board of Education prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying.

1. Students - Consequences and appropriate remedial action for a student could range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Students and as set forth in N.J.A.C. 6A:16-7.3, Short-term suspensions, N.J.A.C. 6A:16-7, Long-term suspensions and N.J.A.C. 6A:16-7.4, Expulsions;
2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students could entail discipline in accordance with district policies, procedures, and agreements; and
3. Visitors or Volunteers - Consequences and appropriate remedial action for a visitor or volunteer could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with students or the provision of student services.

## K. Additional Policy Requirements

The Board of Education requires the Superintendent to annually disseminate this Policy to all school employees, contracted service providers who have contact with students, school volunteers, students and parents who have children enrolled in a school in the school district, along with a statement explaining that this Policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14, that occur on school property, at school-sponsored functions or on a school bus and, as appropriate, acts that occur off school grounds.

The Superintendent shall post a link to this Policy that is prominently displayed on the home page of the school district's website. The Superintendent shall ensure that notice of this Policy appears in the student handbook and all other publications of the school district that set forth the comprehensive rules, procedures, and standards for schools within the school district.

The Superintendent shall post the name, school phone number, school address and school email address of the district ~~a~~Anti-bBullying ~~c~~Coordinator on the home page of the school district's website. Additionally, the Superintendent shall post the

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contact information for the School Climate State Coordinator on the school district home page alongside this Policy.

Each Principal or designee shall post the name, school phone number, school address, and school email address of both the school ~~a~~Anti-~~b~~Bullying ~~s~~Specialist and the district ~~a~~Anti-~~b~~Bullying ~~c~~Coordinator on the home page of each school's website.

The Superintendent shall post the New Jersey Department of Education's Guidance for Parents on the Anti-Bullying Bill of Rights Act on the district homepage and on the homepage for each school in the district with a website.

The Superintendent and the Principals shall provide training on the school district's harassment, intimidation, or bullying policies to school employees contracted service providers and volunteers who have significant contact with students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying. The school district's employee training program shall include information regarding the school district policy against harassment, intimidation, or bullying, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with students.

The Superintendent shall develop and implement a process for annually discussing the school district policy on harassment, intimidation, or bullying with students. The Superintendent and the Principal(s) shall annually conduct a re-evaluation, reassessment, and review of this Policy and any report(s) and/or finding(s) of the school safety/school climate team, with input from the school ~~a~~Anti-~~b~~Bullying ~~s~~Specialists, and recommend revisions and additions to this Policy as well as to harassment, intimidation, or bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

## L. Harassment, Intimidation, or Bullying Training and Prevention Programs

Each public school teacher and educational services professional shall be required to complete at least two hours of instruction ~~in~~on harassment, intimidation, or bullying prevention within each five year professional development period as part of the professional development requirement pursuant to N.J.S.A. 18A:37-22.d. The required two hours of suicide prevention instruction ~~must shall~~ include information on the risk of suicide and incidents of harassment, intimidation, or bullying and



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information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

Each newly elected or appointed Board member must complete, during the first year of the member's first term, a training program on harassment, intimidation, or bullying in accordance with the provisions of N.J.S.A. 18A:12-33.

A school leader shall complete school leader training that shall include information on the prevention of harassment, intimidation, or bullying as required in N.J.S.A. 18A:26-8.2.

The school district shall annually observe a “Week of Respect” beginning with the first Monday in October. In order to recognize the importance of character education, the school district ~~shall will~~ observe the week by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, or bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year the district ~~shall will~~ provide ongoing age-appropriate instruction on preventing harassment, intimidation, or bullying, in accordance with the New Jersey Student Learning Standards, pursuant to N.J.S.A. 18A:37-29.

The school district and each school in the district ~~shall~~will annually establish, implement, document, and assess harassment, intimidation, or bullying prevention programs or approaches, and other initiatives in consultation with school staff, students, administrators, volunteers, parents, law enforcement, and community members. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent and address harassment, intimidation, or bullying in accordance with the provisions of N.J.S.A. 18A:37-17.

## M. Reports to Board of Education and New Jersey Department of Education

The Superintendent shall report two times each school year, between September 1 and January 1 and between January 1 and June 30 at a public hearing all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46.

## N. School and District Grading Requirements

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Each school and each district shall receive a grade for the purpose of assessing their efforts to implement policies and programs consistent with the provisions of N.J.S.A. 18:37-13 et seq. The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

## O. Reports to Law Enforcement

The Superintendent or designee and the Principal shall consult law enforcement, as appropriate, pursuant to the provisions of the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials, if the student's behavior may constitute a possible violation of the New Jersey Code of Criminal Justice.

Law enforcement officials may request a suspension or stay of the district's harassment, intimidation, or bullying investigation if the conduct is being investigated by law enforcement. If law enforcement officials request a suspension or stay of a harassment, intimidation, or bullying investigation, school officials will follow the provisions of the MOA regardless of where the district is in the harassment, intimidation, or bullying investigation timeline.

School officials will immediately memorialize the request, in writing, from law enforcement and advise the parent(s) of the alleged perpetrator(s) and alleged victim(s) of law enforcement's request. The notice to parents must include notice that the district is obligated under New Jersey's Law Against Discrimination to address student-on-student bias-based harassment and the statute of limitations for filing a complaint in the Division of Civil Rights will not be extended due to law enforcement's request.

If law enforcement has not affirmatively requested a stay or suspension of a harassment, intimidation, or bullying investigation, but the school district believes the action(s) involved may constitute a criminal offense(s), school officials will contact law enforcement to inquire as to whether law enforcement may want to investigate the matter.

Some acts of harassment, intimidation, or bullying may be bias-related acts and school officials must report to law enforcement officials any bias related acts, in accordance with N.J.A.C. 6A:16-6.3.(e), and pursuant to the provisions of the



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~~Memorandum of Agreement Between Education and Law Enforcement Officials~~  
~~MOA.~~

## P. Collective Bargaining Agreements and Individual Contracts

Nothing in N.J.S.A. 18A:37-13.1 et seq. ~~shall~~~~may~~ be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the Anti-Bullying Bill of Rights Act's effective date (January 5, 2011): ~~pursuant to~~ N.J.S.A. 18A:37-30.

The Board of Education prohibits the employment of or contracting for school staff positions with individuals whose criminal history record check reveals a record of conviction for a crime of bias intimidation or conspiracy to commit or attempt to commit a crime of bias intimidation.

## Q. Students with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. ~~may~~~~shall~~ alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special education services and supports ~~pursuant to~~ N.J.S.A. 18A:37-32.

The school district shall submit all subsequent amended Harassment, Intimidation, or Bullying Policies to the Executive County Superintendent of Schools within thirty days of Board adoption.

N.J.S.A. 18A:37-13 through 18A:37-37

N.J.A.C. 6A:16-7.1 through 6A :16-7.9.;

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses – August 2022 – New Jersey Department of Education

~~A •Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials – 2023 Revisions~~

Adopted: 03 March 2003

Revised: 04 February 2008

Revised: 20 June 2011

Revised: 20 October 2014

Revised: 08 December 2014

Revised: 28 September 2016

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HARRASMENT, INTIMIDATION or BULLYING (M)

Revised: August 15, 2018  
Revised: November 22, 2022  
Revised: May 23, 2023

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

To support school environments in which students can fully engage with their classmates and their teachers, and to focus attention upon instruction, the Board of Education has determined the use of cell phones and other electronic communication devices by students for personal use during the school day and school activities should be limited.

The Board of Education believes pupils and/or school staff members should not be subject to having a video or audio recording taken of any pupil(s) or school staff member(s) for any purpose without the consent of the pupil, the pupil's parent or guardian, and/or the school staff member. In addition to protecting the privacy rights of pupils and school staff members, the Board recognizes such recordings can be disruptive to the educational program. In addition, inappropriate recordings of educational material, pupil assessment instruments, and/or pupil 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 pupils. Therefore, the Board of Education adopts this Policy regarding pupil use of electronic communication and recording devices.

As used in this Policy, "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 with others. An electronic communication device ECRD includes, but is not limited to, any type of cameras, cellular and wireless telephones, pagers/beepers, laptop computers, electronic readers, watches, personal digital assistants (PDAs), any audio or video broadcasting devices, ear buds, headphones, two-way radios, portable fax machines, video broadcasting devices, and any other device that allows a person to audio and/or video record and/or transmit, in either a real time or delayed basis, sound, video or still images, text, audio recordings or other information.

The Board adopts Regulation 5516 and this Policy to address student use of an electronic communication device for personal use on school grounds during the school day, to also include, but not be limited to: during before and after school programs; during any co-curricular activity; and on a school bus.

Nothing in Regulation 5516 and this Policy shall prohibit a student from using an electronic communication device for a purpose documented in a classified student's Individualized Education Plan (IEP) or a plan developed under Section 504 of the "Rehabilitation Act of 1973," 29 USC 794. A student may use an electronic





communication device to monitor or address a health condition with prior permission from the Principal, in consultation with the school nurse to be documented in the student's Individual Health Plan.

In addition, the Board believes students and/or school staff members should not be subject to having any type of recording taken of any student(s) or school staff member(s) for any purpose without the consent of the student and the student's parent 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. 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.

~~A pupil is not permitted to record sound, video, still images or other information using an ECRD on school grounds during the school day or when the pupil is participating in a curricular or school-sponsored co-curricular activity. A pupil's personal ECRD may only be used on school grounds in an emergency situation or with the permission of a school staff member supervising the pupil in a curricular or school-sponsored co-curricular activity. Any audio and/or video recording by a pupil using their personal ECRD with permission of a school staff member while participating in a curricular or school-sponsored activity where other pupils or staff members are present shall require the permission for such recording from any other pupil and their parents or guardians 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, and athletic events and drama production filming. A pupil 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 pupil access by the school district's acceptable use of computers and networks policy. Nothing in this Policy is intended to prevent a pupil 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~~





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~~individuals during those times when the school district has exclusive use of a portion of such land. It also includes use on school buses.~~

~~▪~~

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

~~▪~~

### ~~Remotely Activating Paging Devices~~

~~▪~~

~~Pupils are not permitted to bring or possess a remotely activating paging device on any school district property at any time regardless of whether school is in session or other persons are present, except as provided below~~

~~▪~~

~~The Building Principal may grant permission for a pupil to bring or possess a remotely activating communication device on any school property only if the pupil provides a written request to the Building Principal.~~

~~▪~~

~~The pupil must establish to the satisfaction of the Building Principal a reasonable basis for the possession of the device. The written request must include the purpose for the pupil possessing and/or bringing the device on school property and the date or dates in which the pupil requests to possess and/or bring the device on school property. The written request must also include the date in which the pupil will no longer need to bring and/or possess the device on school property.~~

~~▪~~

~~The Building Principal, upon reviewing the request from the pupil, will make a determination. The determination will be in writing and if approved, written permission for the pupil to bring and/or possess a remotely activating paging device will be provided to the pupil. Permission will only be provided for an appropriate period of time.~~

~~▪~~

~~The pupil must submit a new request if the time in which permission is given to bring and/or possess a device expires. The pupil that is granted permission to possess and/or bring the device must be in the possession of the device at all times.~~

~~▪~~

~~In the event a pupil violates this policy as to paging devices, the Building Principal, or designee, will confiscate the device, take appropriate disciplinary action and immediately notify the Superintendent and the local law enforcement agency.~~

~~▪~~

### ~~Cellular Phones~~

~~▪~~

~~Cellular phones may only be used as described in the District's Code of Conduct and school handbooks.~~





# POLICY

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USE OF ELECTRONIC COMMUNICATION

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

~~N.J.A.C. 6A:16-5.8~~

Adopted: 17 July 2006

Revised: 23 January 2012

Reviewed: 21 March 2016

Revised: February 25, 2025



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## District Policy

### 5530 - SUBSTANCE ABUSE (M)

Section: Students  
 Date Created: June 2007  
 Date Edited: July 2023

#### 5530 SUBSTANCE ABUSE (M)

The fundamental purpose of our educational process is to foster the intellectual, emotional, social, and physical well-being of each child. In fulfilling this purpose, the Livingston Board of Education ~~accepts~~ **recognizes the responsibility to provide** for a safe environment, free of drugs, within our schools and to assist our students to learn how to lead drug-free lives.

Accordingly, the Board will establish and maintain a comprehensive substance abuse intervention, prevention and treatment referral program in the schools of this district. The intent of the policy is preventative and therapeutic, but the Board will take the necessary and appropriate steps to protect the school community from harm and from exposure to harmful substances.

The Board prohibits the use, possession, and/or distribution of a substance on school ~~premises~~ **grounds, including on at any event away from the school premises that is sponsored by this Board, and on any transportation vehicle provided by this Board or at school sponsored functions according to N.J.S.A. 18A:40A-9, 10, and 11.** A pupil who uses, possesses or distributes a substance, on or off school premises, ~~at any event away from the school premises that is sponsored by the Board, and on any transportation vehicle provided by the Board during or after school hours~~ will be subject to discipline.

~~This following P~~ **olicy** and its accompanying ~~R~~ **egulation** will outline the steps the district will take in relation to:

1. A comprehensive program of drug, alcohol, tobacco and steroid education;
2. The identification and remediation of pupils involved with drugs, alcohol, tobacco and steroids;
3. The examination and treatment of pupils suspected of being under the influence of drugs, alcohol, tobacco or steroids to determine the extent of the pupil's drug or alcohol use or dependency;
4. The treatment and discipline of pupils who use, possess or distribute drugs, alcohol, tobacco and steroids in violation of law or this policy through referral to an appropriate drug/alcohol abuse program as recommended by the department of health and the student assistance counselor;
5. ~~Supportive services for pupils returning from treatment. The readmission to school and treatment of pupils who have been convicted of drug, alcohol, tobacco and/or steroid offenses.~~

#### Definitions

"Sample" means a non-dilute, non-adulterated sample. A diluted urine screen is a presumptive positive test result. Appropriate disciplinary action will be taken for a positive test result.

"Substance" means alcoholic beverages, controlled dangerous substances as defined at N.J.S.A. 24:21-2 and ~~N.J.S.A. 2C:35-2~~, anabolic steroids, any chemical or chemical compound that releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined at ~~§~~

N.J.S.A. 2C:35-10.4, or over-the counter prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

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

"Evaluation" means ~~those~~ procedures used by a certified or licensed professional ~~trained to assess alcohol and other drug abuse which to make a positive determination of a student/pupil's need for an educational program and services or treatment that extends beyond the regular general school program by virtue of the use of substances~~ learning, behavior, or health difficulties of the ~~by the student/pupil or a member of the student/pupil's family.~~

"Intervention and referral to treatment" means those programs, ~~and services, and actions taken to identify and offered to help to a pupil-student at risk for learning, behavior, or health difficulties. because of the use of substances by the pupil or a member of the pupil's family.~~

"Referral for treatment" means those programs and services suggested to a student or to the student's family to help implement the recommendations of an evaluation; in response to a positive alcohol or other drug test results; or in response to the family's request for assistance with a learning, behavior, or health difficulty.

"School grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider. School grounds also includes school buses, school-sponsored functions, structures that support the buildings, such as school district wastewater treatment facilities; generating facilities; and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

### **Discipline**

The Board prohibits the use, possession, and/or distribution of alcohol or other drugs on school grounds, including on any transportation vehicle provided by this Board or at school sponsored functions. A pupil who uses, possesses, or distributes a substance, on or off school premises, will be subject to discipline in accordance with this Policy and Regulation 5530. Discipline will be graded to the severity of the offenses, the nature of the problems and the pupil's needs. Discipline may include suspension or expulsion.

The Board directs the Superintendent to establish consequences for a pupil not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors.

The Board may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment, in accordance with N.J.A.C. 6A:16-7.1(d). Any student to be disciplined shall be provided the due process procedures for students and their families as set forth in N.J.A.C. 6A:16-7.

### **Prevention/Instruction**

In keeping with the Board's intent to provide preventative and therapeutic assistance to all pupils, an education curriculum for grades K-12, emphasizing primary prevention of alcohol, drug, and substance abuse shall be used, providing students with information and developmental exercises regarding chemical substances. Pupils will receive education, including tobacco and anabolic steroids, appropriate for the pupil's age, maturity, and grade level.

The Board will provide intervention and treatment referral services by teaching staff members who are properly and appropriately certified and trained to render such services.

Such services include instruction, counseling and related services to a pupil who is receiving medical or therapeutic care for diagnosed substance abuse, referral to a community agency approved by the County Local Advisory Council on alcoholism or Drug Abuse or the State Department of Health; support services for pupils who are in care or returning from care for substance dependency; and/or a special class or course designed to meet the needs of pupils with problems of substance abuse.

A ~~substance-abuser~~pupil who has also been identified as potentially disabled shall be evaluated by the Child Study Team to determine ~~his/her~~their eligibility for special education and/or related services.



## Outreach to Parents

The Board will provide a program of outreach to parent(s) or legal guardian(s) of pupils that includes information on the district's substance abuse curriculum, the identification of substance abusers and rehabilitation organizations and agencies. The Superintendent is directed to develop the program in consultation with local agencies recommended by the Commissioner and to offer the program at times and in places convenient to parent(s) legal guardian(s) on school premises or in other suitable facilities.

## Building-Based Programs

In keeping with the district's preventative and early intervention efforts, building-based programs will be developed district-wide, to provide services to students whose academic careers are being adversely affected. The purpose of these programs will be to address individual learning difficulties, behavioral problems, emotional well-being and alcohol/drug dependency issues. These programs include all building-based intervention teams, such as the CORE Team or Intervention & Referral Services (I&RS). The membership of these teams shall include, but are not limited to: the Building Principal or designee, regular education teacher(s) and a school staff member selected from one of the following professional titles:

- school counselor
- learning disabilities teacher-consultant
- school social worker
- school nurse
- school psychologist
- speech-language specialist
- substance awareness coordinator/student assistance counselor

The function of the building-based intervention programs is to develop educational/behavioral strategies and to provide crisis intervention, assessment, and referral.

There are instances where substance abuse may be suspected by a certified staff member and reported to the CORE Team, as per N.J.A.C. 6A:16-4.1(b). The CORE Team may recommend a referral for a medical evaluation through one of the following resources:

1. By a district approved medical facility.
2. Private practitioners certified by an appropriate drug and alcohol licensing board.
3. Out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services; or
4. Appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b).

When such a recommendation is being made, the Principal or ~~his/her~~their designee shall consult with the pupil's parent(s) or legal guardian(s) and the Superintendent.

~~If the written report of the medical evaluation verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall remain in school. If there is a positive determination from the medical examination indicating that the student's alcohol or drug use interferes with his/her physical and mental ability to perform in school, or the student is non-compliant with this policy, attendance at school will not resume until a written report has been submitted to the parent, Principal and Superintendent from a physician who has examined the student which states that the student's alcohol or other drug use no longer interferes with his/her physical and mental ability to perform in school.~~

All drug/alcohol assessment, counseling and treatment programs not provided by staff members of the district or not recommended or required under the district policy shall be at the sole cost and expense of the parent/guardian and not be paid in whole or in part by the Board of Education.

## Substance Abuse - Identification, Evaluation, and Intervention ~~-During School Hours and School Events~~

~~All staff members shall be alert to signs of substance abuse by pupils in school and shall respond to those signs in accordance with administrative regulations. Any staff member to whom it appears that a pupil may be under the influence of a substance on school grounds, including on any transportation vehicle provided by this Board or at school sponsored functions, property, at a school function or on any transportation vehicle provided by this board shall report the matter as soon as possible to at least one of the following:~~

1. The Principal or ~~his/her~~their designee
2. The School Nurse
3. The Substance Awareness Counselor

The Principal and/or ~~his/her~~their designee, in response to this report will:

1. Notify the parent(s) or legal guardian
2. Notify the Superintendent
3. Arrange for an immediate ~~medical~~ examination of the pupil at a Board approved facility. "Immediate" is defined in the following way:

The child shall receive a medical examination with a drug test within two hours of being reported. The sample provided must be a non-dilute, non-adulterated sample. A diluted urine screen is a presumptive positive test result. Appropriate disciplinary action will be taken for a positive test result.

4. ~~The parent(s) or guardian(s) may have the immediate medical examination conducted by a physician other than at the school approved facility who is licensed to practice medicine or osteopathy. This examination will be at the expense of the parent(s) or guardian(s) and not the Board. The medical examination must meet Board approved standards for toxicity.~~
5. If parent(s) or guardian(s) are not available or cannot meet the time frames established in this policy, the school shall arrange for transportation of the student to the approved testing facility

or to the emergency room of the nearest hospital.

- a. The district reserves the right to contact the police or emergency services to transport the student. In this case, a staff member will accompany the student.
- b. Any expense for transporting the child will be borne by the parent or guardian.



5. ~~If the parent is transporting the child, he parent(s) or legal guardian may request the examination be conducted by a physician other than at the school approved facility. This examination will not be at the district's expense and must meet Board approved standards for toxicity.~~
6. ~~A written report will be furnished by the examining physician to the parent(s) or legal guardian, Principal and the Superintendent within one school day24 hours of the referral of the student for suspected alcohol or other drug use. If the parent or child refuses to be screened or fails to produce the required report within one school day24 hours, the appropriate disciplinary procedures will be implemented.~~
7. ~~If the written report of the medical evaluation verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall remain in school.~~
8. ~~If there is a positive determination from the medical examination indicating that the student's alcohol or drug use interferes with their physical and mental ability to perform in school, or the student is non-compliant with this policy, attendance at school will not resume until a written report has been submitted to the parent, Principal and Superintendent from a physician who has examined the student which states that the student's alcohol or other drug use no longer interferes with their physical and mental ability to perform in school. Removal of a student with a disability shall be in accordance with N.J.A.C. 6A:14.~~
9. ~~Whenever any teaching staff member, certified or non-certified school nurse, or other educational personnel shall have reason to believe a pupil has used or may be using anabolic steroids, that person shall report the matter in accordance with Regulation 5530 and N.J.A.C. 6A:16-4.3(b)1.~~

### **ConsequencesReporting Pupils to Law Enforcement Authorities**

The Superintendent, or designee, will report pupils to law enforcement authorities if the staff member has reason to believe a pupil is unlawfully, under the influence of, possessing, or in any way is involved in the distribution of controlled dangerous substances, anabolic steroids, or drug paraphernalia, ~~on school grounds, including on any transportation vehicle provided by this Board or at school sponsored functions or on or within 1,000 feet of the outermost boundary of school property, pursuant to N.J.A.C. 6A:16-6.3(a).~~

The Superintendent ~~will~~ shall not report pupils who have voluntarily sought treatment or counseling for a substance abuse problem provided the pupil is not involved or implicated in a drug distribution activity.

¶

### **Consequences for Possession/Under the Influence of Drugs/Alcohol during school hours or at school events**

#### **1st offense**

- ~~Notify Superintendent and Police~~
- ~~Four (4) days out of school suspension~~
- ~~Parent meeting with administration~~

#### **2nd offense**

- ~~Notify Police and Superintendent~~
- ~~Ten (10) days out of school suspension~~
- ~~Parent meeting with administration~~

#### **3rd offense**

- ~~Notify Police and Superintendent~~
- ~~Parent meeting with administration~~
- ~~Out of school suspension pending Superintendent review and/or hearing for expulsion with the Board of Education~~

### **Consequences for Distribution of Drugs/Alcohol**

- ~~Notify Police and Superintendent~~
- ~~Parent meeting with administration~~
- ~~Out of school suspension pending Superintendent review and/or hearing for expulsion with the Board of Education~~

### **Conditions for Re-Entry for all Offenses**

- ~~Mandatory full evaluation from a state approved facility~~
- ~~Agreement to follow the recommendations of the assessment and evidence towards meeting the treatment goals~~
- ~~Agreement to be subject to continued drug screenings~~
- ~~Parent meeting (re-entry conference) with administration~~
- ~~Agreement to submit to periodic drug testing~~

~~The Board directs the Superintendent to establish consequences for a pupil not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors. The sanctions, established pursuant to N.J.A.C. 6A:16-4.4, shall be graded according to the severity of the offense, the nature of the problems and the student's individual needs.~~

~~The Superintendent shall develop administrative regulations for this policy on Substance Abuse.~~

### **Civil Immunity**

No civil action of any kind shall lie against any employee, officer or agent of the Board because of actions taken under the education statutes on substance abuse, N.J.S.A. 18A:40A-1 et seq., provided the skill and care given is that ordinarily required and exercised by other such employees, officers and agents of the Board.

Any educational or non-educational school staff member who in good faith reports a pupil to the Building Principal or designee in compliance with N.J.A.C. 6A:16-4.3 shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A. 18A:40A-13 and 14.

The Superintendent shall develop administrative regulations for this policy on Substance Abuse.

N.J.S.A. 18A:40A-1 et seq. ; 18A:40A-5; 18A:40A-7.1 et seq. ; 18A:40A-7.2; 18A:40A-9 through 18A:40A-17;

~~N.J.A.C. N.J.A.C. 6A:16-1.1 et seq. ; 6A:16-1.3; N.J.A.C. 6A:16-3.1 et. seq. ; 6A:16-4.1 et seq; 6A:16-4.2; 6A:16-4.3 N.J.A.C. 6A:16-3.2; 6A:16-6.1 et seq. ; 6A:16-6.3; 6A:32-7.1 et seq.~~

Adopted: 04 June 2007  
Revised: 18 July 2011  
Revised: 08 December 2014  
Revised: July 11, 2023





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## District Regulation

### 5530 - SUBSTANCE ABUSE (M)

Section: Students  
 Date Created: June 2019  
 Date Edited: July 2023

#### R 5530 SUBSTANCE ABUSE (M)

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

- Definitions
  - "Evaluation" means procedures used by a certified or licensed professional to make a positive determination of a pupil's need for programs and services which extend beyond the general school program by virtue of learning, behavior, or health difficulties of the pupil or the pupil's family.
  - "Other drugs" mean substances as defined in N.J.S.A. 18A:40A-9 and substances as defined in N.J.A.C. 6A:16-4.1(a).
- "Parent" means the natural parent(s), adoptive parent(s), legal guardian(s), resource family parent(s) or surrogate parent(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
- "Referral for evaluation" means programs and services suggested to a student or the student's family to make a positive determination regarding a student's need for services that extend beyond the general school program.
- "Referral for treatment" means programs and services suggested to a student or to the student's family to help implement the recommendations resulting from an evaluation, pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6; in response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4; or in response to the family's request for assistance with a learning, behavior, or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.
- "Sample" means a non-dilute, non-adulterated sample. A diluted urine screen is a presumptive positive test result. Appropriate disciplinary action will be taken for a positive test result.
- "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, owned, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider. School grounds also includes school buses, school-sponsored functions, structures that support the buildings, such as school wastewater treatment facilities, generating facilities, and other central facilities including, but not limited to, kitchens and maintenance shops. "School grounds" also include other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.
- "Substance" as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages, controlled dangerous substances as defined at N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, anabolic steroids, any chemical or chemical compound that releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined at N.J.S.A. 2C:35-10.4, or over-the-counter prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
- "Substance abuse", also called "substance use", means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.
- "Under the influence" of substances means that the student is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.
- Discipline
  - Any violation of Board rules prohibiting the use, possession, and/or distribution of a substance is a serious offense, and the student who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Students who violate the substance abuse rules will be disciplined as follows:

#### Consequences for the Use or Possession of Drugs/Alcohol

##### 1st offense\*\*

- Notify the Superintendent of Schools
- Notify the Police in accordance with the Memorandum of Agreement
- Four (4) to Ten (10) days out-of-school suspension
- Parent meeting with administration

- The Board may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment, in accordance with N.J.A.C. 6A:16-7.1(d).

- 

2nd offense\*\*

- Notify the Superintendent of Schools
- Notify the Police in accordance with the Memorandum of Agreement



- Ten (10) days Long-Term out-of-school suspension
- Parent meeting with administration

The Board may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment, in accordance with N.J.A.C. 6A:16-7.1(d).

#### 3rd offense\*\*

- Notify the Superintendent of Schools
- Notify the Police in accordance with the Memorandum of Agreement
- Parent meeting with administration
- Long-Term Out-of-school suspension pending Superintendent review and/or hearing for expulsion with the Board of Education

The Board may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment, in accordance with N.J.A.C. 6A:16-7.1(d).

#### Consequences for Distribution of or Intent to Distribute Drugs/Alcohol\*\*

- Notify the Superintendent of Schools
- Notify the Police in accordance with the Memorandum of Agreement
- Parent meeting with administration
- Long-Term Out-of-school suspension pending Superintendent review and/or hearing for expulsion with the Board of Education

The Board may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment, in accordance with N.J.A.C. 6A:16-7.1(d).

\*\*Interventions can be higher in cases with aggravating factors. In certain cases, legal action may also be required.

#### Conditions for Re-Entry for all Offenses

- Mandatory full evaluation from a state approved facility
- Agreement to follow the recommendations of the assessment and evidence towards meeting the treatment goals
- Parent meeting (re-entry conference) with administration
- The results of the physical examination and urine screen along with physician determination regarding whether the student is mentally and physically able to return to school. If the urine screen is not available for within 24 hours, the students shall be allowed to return to school pending receipt of the report.
- ~~Agreement to submit to periodic drug testing.~~

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

- Student will be suspended from school until he/she/they are/is compliant with recommendations.
- Division of Child Protection and Permanency will be contacted should the parents refuse to follow the recommendations of the facility.

#### C. Intervention, Referral for Evaluation, and Referral for Treatment Services

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

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

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

- (1) Provisions for a program of instruction, counseling, and related services provided by the district Board of Education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;
- (2) Referral to a community agency, as defined in N.J.A.C. 6A:16-4.1(b), out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;
- (3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or
- (4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.

D. Reporting, Notification, and Examination Procedures

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

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

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

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

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



(i) A positive test will be subject to the use consequences as defined above. Results will be considered positive when a negative urine drug screen indicating an atypical specimen resulting from water dilution or other tampering is received from the laboratory.

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

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

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

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

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

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

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

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

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

(2) When a student is found to be under the influence, it will be reported in accordance with State mandates.

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

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

(2) Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids. The exam must take place within two hours of initial contact with the parent; and

(i) A positive test will be subject to the use consequences as defined above. Results will be considered positive when a negative urine drug screen indicating an atypical specimen resulting from water dilution or other tampering is received from the laboratory.

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

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

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

d. The medical examination shall be performed by ~~the Board contracted facility or by a physician licensed to practice medicine or osteopathy who is selected by the parent and agreed upon by the District Administration.~~

(1) The parent will be provided, in writing, the minimum requirements for the immediate medical examination and the screening, which will include, but not be limited to, the substances to be tested by the physician, the cut-off levels of each substance to be tested, the time period the immediate medical examination must be conducted, and any other requirements of the examination.

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



e. If the physician chosen by the parent is not immediately available or should the parent follow the District's recommendation, the medical examination shall be conducted by the Board approved facility or hospital.

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

(2) The student's parent, if available, shall accompany the student in place of school personnel.

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

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

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

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

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

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

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

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

(1) The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in this Policy will be provided. If the physician does not use the District's form for the examination, the report must indicate whether or not the student is cleared to return to school.

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

i. If the written report of the screening results are not submitted to the parent, Principal, and Superintendent within twenty-four hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the Code of Student Conduct.

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

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

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

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

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

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

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



- (1) Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, support services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs. ~~The student is required to have mandatory full evaluation from a state approved facility, agreement to follow the recommendations of the assessment and evidence towards meeting the treatment goals, agree to be subject to continued drug screenings, have a parent meeting (re-entry conference) with administration, and agreement to submit to periodic drug testing.~~

~~"Evaluation" means those procedures used by a certified or licensed professional trained to assess alcohol and other drug abuse which determine a pupil's need for an educational program or treatment that extends beyond the regular school program by virtue of the use of substances by the pupil or a member of the pupil's family~~

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

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

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

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

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

n. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.

#### E. Handling of Alcohol or Other Drugs

1. A student's person, effects, or school storage places may be searched for substances in accordance with Board Policy and applicable laws regarding searches in schools.
2. A school employee who seizes or discovers a substance, or an item believed to be a substance or drug paraphernalia, shall immediately notify and turn it over to the Principal or designee.
  - a. The Principal or designee shall immediately notify the Superintendent or designee who in turn shall notify the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.
  - b. In accordance with the provisions of N.J.A.C. 6A:16-6.4(a), the school employee, Principal or designee shall safeguard the alcohol, other drug, or paraphernalia against further destruction and shall secure the alcohol, other drug, or paraphernalia until it can be turned over to the County Prosecutor or designee.
  - c. The Principal or designee shall provide to the County Prosecutor or designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:
    - (1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and
    - (2) The identity of the student believed to have been in possession of the substance or paraphernalia.

#### F. Reporting Students to Law Enforcement Agencies

1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of ~~his or her~~their employment, has reason to believe that a student has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal or, in the absence of the Principal, to the staff member responsible at the time of the alleged violation.
2. The Principal or ~~their~~his/her designee shall notify the Superintendent and the law enforcement official designated by the County Prosecutor to receive such information.
3. The Superintendent or designee shall provide to the law enforcement official all known information concerning the matter, including the identity of the student involved.
4. The Superintendent or designee; however, shall not disclose the identity of a student who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem, provided the student is not reasonably believed to be involved or implicated in drug-distribution activities.



5. For the purpose of N.J.A.C. 6A:16-6.3, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

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

G. Parent Training Program/Outreach Programs

1. A substance abuse training program will be offered to the parents of students enrolled in the district. The program will be offered at times and places convenient to parents and on school premises or in other suitable facilities.
2. The program shall, at a minimum, provide:
  - a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year, with recommendations as to the ways in which the parent may enhance, reinforce, and supplement that program;
  - b. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;
  - c. Instruction to assist the parent in the identification of the symptoms and behavioral patterns that might indicate a child may be involved in substance abuse;
  - d. Information on the State, local, and community organizations which are available for the prevention, early intervention, treatment, and rehabilitation of individuals who show symptoms of substance abuse; and
  - e. A review of the Board Policy and Regulation on substance abuse with attention to the role of parents.
3. The Board will establish an outreach program to provide substance abuse education for the parents of students in the district. In establishing the program, the Board shall consult with such local organizations and agencies as are recommended by the Commissioner. The Board shall insure the program is offered at times and places convenient to the parents of the district on school premises, or at other suitable facilities.
  - a. In addition to the substance abuse education program required pursuant to N.J.S.A. 18A:40A-17, the Board shall provide assistance to parents who believe that their child may be involved in substance abuse.

H. Records and Confidentiality of Records

1. Notations concerning a student's involvement with substances may be entered on ~~his/her~~their records, subject to N.J.A.C. 6A:32-7.1 et seq. and Policy 8330.
2. Information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, and N.J.A.C. 6A:16-3.2.
3. If a student involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session which indicates the student's parent or other person residing in the student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:
  - a. Subject to the student's written consent, to another person or entity whom the student specifies in writing in the case of a secondary student, or to a member of the student's immediate family or the appropriate school personnel in the case of an elementary student;
  - b. Pursuant to a court order;
  - c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the student or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or
  - d. To the Division of Child Protection and Permanency (DCP&P) or to a law enforcement agency, if the information would cause a person to reasonably suspect that the student or another child may be an abused or neglected child in accordance with statute or administrative code.

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

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

The prohibition on the disclosure of information provided by a student shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

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

4. Each incident of substance abuse shall be reported to the Commissioner on the Student Safety Data System (SSDS).



## 5533 STUDENT SMOKING (M)

The Board of Education recognizes the use of tobacco presents a health hazard that can have serious implications both for the smoker and the nonsmoker and that smoking habits developed by young people may have lifelong harmful consequences.

For the purpose of this Policy, "smoking" means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device pursuant to N.J.S.A. 26:3D-5.7. For the purpose of this Policy, "smoking" also includes the use of smokeless tobacco and snuff.

For the purpose of this Policy, "electronic smoking device" means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or any cartridge or other component of the device or related product pursuant to N.J.S.A. 2A:170-51.4.

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

N.J.S.A. 2A:170-51.4 prohibits the sale or distribution to any person under twenty-one years old of any cigarettes made of tobacco or any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco; and any electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or any cartridge or other component of the device or related product. Consequences for a student possessing such an item will be in accordance with the Student Code of Conduct.



# POLICY

## LIVINGSTON BOARD OF EDUCATION

Students

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STUDENT SMOKING (M)

The Board prohibits smoking at any time in school buildings or on school grounds, at school-sponsored events away from school, or on a school bus.

The Board also prohibits the possession of any item listed in N.J.S.A. 2A:170-51.4 at any time in school buildings or on school grounds, at school-sponsored events away from school, or on a school bus. Such items will be confiscated and may be returned to the parent, upon request.

If it appears to an educational staff member or other professional, upon confiscating such item(s), that the student may currently be under the influence of alcohol or other drugs, the staff member shall inform the Principal or designee. The Principal or designee ~~will~~ shall immediately notify the parent and the Superintendent or designee. The Principal or designee ~~will~~ shall arrange for an immediate medical examination of the student and shall comply with all of the provisions of N.J.A.C. 6A:16-4.3, ~~and Policy and Regulation 5530, and this Policy—~~ Substance Abuse.

In the event the Principal or designee, after inspection of the confiscated item(s), has reason to believe the item(s) may have contained or may contain a controlled dangerous substance, ~~or a controlled substance dangerous analog, or other drugs~~ pursuant to N.J.S.A. 2C:35-2, the Principal or designee ~~shall~~ will immediately notify the parent and the Superintendent or designee. The Principal or designee ~~shall~~ will arrange for an immediate medical examination of the student and shall comply with all of the provisions of N.J.A.C. 6A:16-4.3, ~~and Policy and Regulation 5530, and this Policy—~~ Substance Abuse. Principals and designees ~~shall~~ will be trained to identify controlled dangerous substances in electronic smoking devices.

When the Principal or designee has reasonable suspicion to believe a confiscated electronic smoking device is being used as a nexus for marijuana or other controlled dangerous substances or cannabis, the Principal or designee shall immediately notify the Superintendent or designee and law enforcement in accordance with the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.

Notice that smoking is prohibited on school grounds as defined above will be posted at each public entrance in accordance with ~~N.J.S.A. 26:3D-61~~ law. The sign shall also indicate violators are subject to a fine. Students who violate the provisions of this policy shall be subject to appropriate disciplinary measures and may be subject to fines in accordance with law.

Students who violate the provisions of this policy shall be subject to appropriate disciplinary measures in accordance with the district's Student Discipline/Code of Conduct and may be subject to fines in accordance with law. In the event a student is found to have violated this Policy and the law, the Principal or designee may file a complaint with the appropriate Municipal Court or other agency with jurisdiction as defined in N.J.A.C. 8:6-9.1(c).



A student found to have violated this Policy and the law may be required to participate in additional educational programs to help the student understand the harmful effects of smoking and to discourage the use of tobacco products. These programs may include, but are not limited to, counseling, smoking information programs, and/or smoking cessation programs sponsored by this school district or available through approved outside agencies.

The Board directs that the health curriculum include instruction in the potential hazards of the use of tobacco. All school staff members shall make every reasonable effort to discourage students from developing the habit of smoking.

The Board ~~of Education~~ will comply with any provisions of a municipal ordinance which provides restrictions on or prohibitions against smoking equivalent to, or greater than, those provided in N.J.S.A. 26:3D-55 through N.J.S.A. 26:3D-63.

N.J.S.A. 2A:170-51.4

N.J.S.A. 2C:35-2

N.J.S.A. 18A:40A -1

N.J.S.A. 26:3D-55 through 26:3D-63

N.J.A.C. 6A:16-4.3

N.J.A.C. 8:6-7.2; 8:6-9.1 through 8:6-9.5

*A Uniform State Memorandum of Agreement Between Education and Law  
Enforcement Officials – 2023 Revisions*

Adopted: 12 May 2008

Revised: 18 July 2011

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# REGULATION

## LIVINGSTON BOARD OF EDUCATION

Students

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STUDENT SMOKING (M)

### 5533 STUDENT SMOKING (M)

The Board of Education is committed to maintaining a smoke-free environment on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board. The school administration and all school staff members shall strictly enforce this smoking prohibition and will work together to ensure students do not smoke in violation of Board Policy 5533 and N.J.S.A. 26:3D-56.

#### A. Notice Provisions

1. A sign shall be posted in every school building indicating smoking is prohibited in any school building or on school grounds. The sign shall also indicate violators will be subject to a fine.
2. Each school's student handbook will indicate smoking is prohibited on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board.
3. A public address announcement will be made, when practicable, at school-sponsored events indicating smoking is prohibited in school buildings and on school grounds.

#### B. Reporting Procedures

1. Any teaching staff member who observes a student smoking in violation of Policy 5533 shall inform the student to cease smoking and report the violation to the Principal or designee.
2. Any support staff member who observes a student smoking in violation of Policy 5533 shall either inform a teaching staff member, who shall report the violation to the Principal or designee or the support staff member may report the violation directly to the Principal or designee.
3. The Principal or designee will investigate each report received from a staff member and make a determination whether the student has violated Board Policy 5533.
4. In the event there is reasonable suspicion to believe a confiscated electronic smoking device is being used as a nexus for marijuana or other controlled dangerous substances or cannabis, the Principal or designee shall notify law enforcement in accordance with the district's Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials and follow the procedure outlined in Regulation 5530.

# REGULATION

## LIVINGSTON BOARD OF EDUCATION

Students  
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STUDENT SMOKING (M)

### C. Violation Consequences

1. In the event the Principal or designee determines a student has violated Policy 5533, the student will be assigned appropriate discipline in accordance with the district's Student Discipline/Code of Conduct.
2. The Principal or designee will notify the student's parent(s) when discipline is being imposed for a violation of Policy 5533.

Issued:

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

### 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, on school grounds and on school vehicles 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, grounds and, vehicles and school-provided electronic equipment ("hardware"), software, networks and cloud accounts.

To maintain safe and secure conditions for all students and staff transported on school vehicles, the Board may use electronic surveillance devices to monitor student and staff behavior, school bus driver discipline procedures and/or school bus driver driving techniques.

To maintain a safe and secure environment for students and staff, the Board may use electronic surveillance devices and/or software to monitor the use of school-provided electronic equipment by students and staff. Such protection includes but is not limited to the protection of student's privacy, the academic integrity of the content they develop, integrity of the "system" (the school- provided electronic equipment ("hardware"), its software, school computer networks and cloud accounts), compliance with appropriate policies, and system management and planning (to assess how equipment is being used to guide future decisions). Such protection may include monitoring of websites visited, resources used, and the IP addresses used to connect school-provided electronic equipment to the internet (to ensure network security and assist in device recovery in the event of loss or theft).

With regard to school-provided electronic equipment, in the event of a conflict between this Policy and Policy 5516, Policy 5516 shall take precedence.

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 **during an emergency** situation. 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.



# POLICY

## LIVINGSTON BOARD OF EDUCATION

Property

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

The ~~Livingston Board of Education~~ will provide access to our electronic surveillance systems to the Livingston Police Department (LPD). The LPD will utilize the system only in emergency situations or upon request of district administration. In the event the LPD has a need to monitor the electronic surveillance system in a non-emergency situation, they will notify the LBOE every time monitoring takes place.

The content produced by the surveillance system including content developed and stored on the school-provided electronic equipment and the school-provided networks and cloud accounts, under certain circumstances may be considered a personnel or student record, in which it will be subject to the Board of Education policy and regulations regarding confidential 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, and the district declares such use to be a legitimate educational interest.

The following statement shall be posted in a prominent, public place in buildings and on school grounds where electronic surveillance equipment may be used:

The Board of Education authorizes the use of electronic surveillance monitoring devices in school buildings, on school grounds and on school vehicles. Therefore, all school buildings and school grounds within this school district may be monitored using such devices in accordance with Board Policy. In addition, school-provided electronic equipment may be monitored even when used in any location (i.e. at home, not just on school grounds and on school vehicles).

In addition to posting, the district shall notify school staff members, parent(s) and students that electronic surveillance may be used in school buildings, on school grounds, on school vehicles and on school-provided electronic equipment ("hardware"), software and networks through publication in student and staff handbooks, school calendars, notice sent home with students, or any other effective means to publish the district's use of electronic surveillance equipment in school buildings, on school grounds and on school vehicles. Such notice may additionally be provided through the use of a "login banner", a notice which appears upon start-up of school-provided electronic equipment before the student first logs-in.

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

Adopted: 09 November 2009

Reviewed: 09 January 2012

Revised: 06 May 2013

Revised: 11 April 2016

Revised: June 18, 2018

A Uniform State Memorandum of Agreement Between Education and Law Enforcement  
Officials – 2023 Revisions



# REGULATION

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

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

In order to enhance a safe and secure environment, the Board authorizes electronic surveillance devices to be used in school district buildings and on school grounds.

#### A. Recording and Notice

1. Surveillance devices may include, but are not limited to, sound/video cameras, audio recording devices, and other appropriate devices.
2. Recordings may be used to monitor and observe the conduct of school district staff, students, community members, and other person(s) in school buildings or on school grounds.
3. Signage will be posted in a prominent public place in school buildings and on school grounds where electronic surveillance equipment may be used.

#### B. Student Records and Notice

School district personnel will comply with the provisions of applicable law regarding student record requirements including the Family Educational Rights and Privacy Act (FERPA) and the Individual with Disabilities Education Act (IDEA). Recordings considered for retention, as a part of a student's behavioral record, will be maintained in accordance with established student record procedures governing access, review, and release of student records.

#### C. Staff Records and Notice

1. Recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations, applicable law, and any labor agreements governing access, review, and release of employee personnel records.
2. The district will provide notice to students, parent(s) or legal guardian(s), and school staff members that surveillance devices may be used in school buildings and on school grounds.

#### D. Storage/Security

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1. All recordings will be stored by the Superintendent or designee, and secured to ensure confidentiality.
2. Recordings will be retained in accordance with the New Jersey Department of the Treasury – Records Management Services Retention Schedules and will be erased or discarded, unless there is a legitimate reason for retaining such recording for review, upon receiving prior authorization from Records Management Services.

### E. Use

1. The determination of the location of surveillance devices shall be made by the Superintendent or his/her designee.
2. Tampering with or otherwise interfering with surveillance equipment is prohibited. Any individual found tampering with equipment shall be subject to discipline.

### F. Viewing or Listening

1. Initial viewing or listening to recordings will be done by the Building Principal or designee.
2. Requests for viewing or listening will be limited to persons with a direct interest in any proceedings, disciplinary or otherwise, resulting from the recordings, as deemed appropriate by the Building Principal or designee.
3. Only the portion of the recording concerning a specific incident will be made available for viewing.
4. Viewing or listening to the recording will be permitted on school property or as otherwise required by law.
5. All viewing will be in the presence of the Building Principal or designee.
6. A written log will be maintained by the Building Principal or designee of those viewing video recordings including date of viewing, reason for viewing, the date the recording was made, and the signature of the viewer.

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7. Video recordings remain the property of the district and may be reproduced only in accordance with law, including applicable district student records policy and procedures and district personnel records policy, procedures and applicable labor agreements.
- G. Law Enforcement Memorandum of Understanding (MOU) (N.J.S.A. 18A:41-9)
1. 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 MOU with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video **during an emergency situation**. The MOU shall include, but need not be limited to, the following:
    - a. A list of designated persons, including contact information, position, rank, and supervisor's contact information, of those who are authorized to activate the equipment to view the live streaming video. The list may be executed as a confidential attachment to the MOU;
    - b. Description of the emergency circumstances under which the designated individuals could activate and view live streaming video; and
      - ~~a. The designation of individuals who shall be authorized to view live streaming video;~~
      - ~~b. The circumstances under which the designated individuals would view live streaming video; and~~
    - c. A detailed plan for preventing and detecting unauthorized access to live streaming video.
  2. In the case of a school building that is located in a municipality in which there is no municipal police department, the Board shall enter into a MOU with an entity designated by the Superintendent of the State Police.
  3. In the event the district and law enforcement authority are unable to reach an agreement regarding any provision required to be included pursuant to G.1.a.-c. above, the County Prosecutor shall make the final determination.

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4. 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 is not equipped with such equipment.
- H. Purchase, Maintenance, Replacement of Equipment/Supplies
1. The Superintendent of Schools or designee will be responsible for the purchase, maintenance, and replacement of all electronic surveillance devices.

Issued: December 9, 2016

Revised: June 18, 2018



## COOPERATION WITH LAW ENFORCEMENT AGENCIES (M)

### 9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES (M)

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 or other drugs, 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.

~~The Livingston Board of Education has entered into a Memorandum of Understanding (MOU) with the local law enforcement agency, a copy of which will serves the district's policy and regulation in this area. Copies of this document are available at the Board of Education Office.~~

Adopted: 08 January 2007





# POLICY

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Revised: February 25, 2025



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## BOARD OF EDUCATION

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#### R 9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES (M)

A. Policy 9320 and this Regulation shall be in accordance with the provisions of N.J.A.C. 6A:16-6.2, the Uniform State Memorandum of Agreement between Education and Law Enforcement Officials (MOA), and shall be:

1. Developed, implemented, and revised, as necessary, in consultation with the county prosecutor and other law enforcement officials as may be designated by the county prosecutor;
2. Reviewed and approved by the Executive County Superintendent;
3. Made available annually to all school district staff, students, and parents;
4. Consistent with reporting, notification, and examination procedures of students suspected of being under the influence of alcohol and other drugs pursuant to N.J.A.C. 6A:16-4.3; and
5. Consistent with N.J.A.C. 6A:16-7, as appropriate.

B. The school district's policies and procedures for cooperation with law enforcement agencies shall include the following components:

1. The Superintendent has designated school district staff as liaisons to law enforcement agencies in accordance with the MOA. The MOA includes a description of the liaisons' roles and responsibilities;
2. Specific procedures for and responsibilities of school district staff in summoning appropriate law enforcement authorities onto school grounds, for the purpose of conducting law enforcement investigations, searches, seizures, or arrests shall be in accordance with the MOA;
3. Specific procedures and responsibilities of school district staff for notifying parents in instances of law enforcement interviews involving their children shall be consistent with the MOA and the following:
  - a. School officials shall not notify the student's parent(s) in instances of suspected child abuse or neglect;



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b. School officials shall notify the student's parent(s) when the student is the target of the law enforcement investigation; and

c. In all other instances, school authorities shall permit law enforcement authorities to determine whether or when a student's parent should be contacted;

4. Specific procedures for and responsibilities of school district staff in cooperating with arrests made by law enforcement authorities on school grounds shall be in accordance with the MOA;

5. Specific procedures for and responsibilities of school district staff in initiating or conducting searches and seizures of students, their property, and their personal effects shall be in accordance with the MOA and the following:

a. All searches and seizures conducted by school district staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

b. Questions concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.

c. School officials may request that law enforcement authorities assume responsibility for conducting a search or seizure.

d. No school district staff member shall impede a law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.

e. School district staff shall permit law enforcement authorities, upon their arrival, to assume responsibility for conducting a search or seizure.

f. All inspections of lockers, desks, or other objects or personal property on school grounds involving the use of law enforcement drug-detection canines may be undertaken with only the express permission of the county prosecutor or the Director of the Division of Criminal Justice or the Director's designee in the New Jersey Department of Law and Public Safety.

g. Questions concerning the legality of a contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school grounds shall be directed to the county prosecutor or in the case of a search, seizure, or arrest undertaken by the Division





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of Criminal Justice's designee in the New Jersey Department of Law and Public Safety, to the assigned Assistant Attorney General;

6. The procedures for and responsibilities of school district staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance; including anabolic steroids, drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530 and the MOA;

7. Procedures for planning, approving, and conducting undercover school operations shall be in accordance with the MOA and the following:

a. The Superintendent and Principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent shall approve undercover operations without prior notification to the Board of Education.

b. All information concerning requests to undertake an undercover school operation, information supplied by law enforcement authorities to justify the need for and explain a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the Superintendent and Principal.

c. The Superintendent and Principal shall not divulge information concerning an undercover school operation to any person without the prior express approval of the county prosecutor or designee.

d. The Superintendent, Principal, or any other school district staff or Board member who may have been informed regarding the existence of the undercover school operation shall immediately communicate to the county prosecutor or designee if they subsequently learn of information that suggests the undercover officer's true identity has been revealed, the undercover officer's identity or status as a bona fide member of the school community has been questioned, or the integrity of the undercover school operation has been in any other way compromised;

8. The procedures for and responsibilities of school district staff concerning the safe and proper handling of a seized controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of the items to appropriate law enforcement authorities shall be in accordance with N.J.A.C. 6A:16-6.2, Policy and Regulation 5530, and the MOA;





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9. The procedures for and responsibilities of school district staff in notifying authorities of a suspected violation of laws prohibiting the possession; sale or other distribution of a controlled dangerous substance, including anabolic steroids; drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530 and the MOA;

10. Provisions for requesting uniformed police attendance at extracurricular school events shall be in accordance with the MOA;

11. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a law prohibiting the possession; sale or other distribution of a controlled dangerous substance, including anabolic steroids; drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530;

12. Provisions for in-service training of school district staff concerning policies and procedures established in N.J.A.C. 6A:16-6, and the exchange of information regarding the practices of the school district and law enforcement agencies shall be in accordance with the MOA;

13. A MOA with appropriate law enforcement authorities in accordance with N.J.A.C. 6A:16-6, Policy 9320, and this Regulation;

14. An annual process for the Superintendent and appropriate law enforcement officials to discuss the implementation and need for revising the MOA, and to review the effectiveness of policies and procedures implemented pursuant to N.J.A.C. 6A:16-6.2 and the MOA;

15. Provisions for contacting the Chief Executive Officer of the involved law enforcement agency, county prosecutor, and/or Division of Criminal Justice, as necessary, to resolve disputes concerning law enforcement activities occurring on school grounds shall be in accordance with the MOA;

16. Provisions for directing inquiries or complaints received by school district staff regarding interviews, investigations, arrests, or other operations conducted by sworn law enforcement officers to the appropriate law enforcement agency shall be in accordance with the MOA; and

17. The Superintendent or designee shall designate a point of contact for each school building who shall be responsible for receiving all "Handle With Care" notices for





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students enrolled in that school building and for disseminating the notices to the appropriate school staff, in accordance with the New Jersey Attorney General Directive 2020-09 and the MOA.

#### C. Mandatory Reporting

1. There are seven offenses that must be reported to law enforcement if they qualify as mandatory reports, as set forth and explained in further detail in the MOA. These mandatory reports include:

a. Whenever any school district staff has reason to believe a student is in unlawful possession of a controlled dangerous substance, related paraphernalia, cannabis, or is involved or implicated in distribution activities regarding controlled dangerous substances or cannabis, pursuant to N.J.A.C. 6A:16-6.3;

b. Whenever any school district staff in the course of their employment develops reason to believe that a firearm or other dangerous weapon has unlawfully been possessed on or off school grounds, a weapon was used in an assault against a student or other school personnel, or that any student or other person has committed an offense with, or while in possession of, a firearm, whether or not such offense was committed on school grounds or during school operating hours, pursuant to N.J.A.C. 6A:16-5.5, 6A:16-5.6(d)4, and 6A:16-6.3(b);

c. Whenever any school district staff in the course of their employment develops reason to believe that anyone has threatened, is planning, or otherwise intends to cause death, serious bodily injury, or significant bodily injury to another person under circumstances in which a reasonable person would believe that the person genuinely intends at some time in the future to commit the violent act or to carry out the threat, pursuant to N.J.A.C. 6A:16-6.3(c) through (e);

d. Whenever any school district staff in the course of their employment develops reason to believe that a crime involving sexual penetration or criminal sexual contact has been committed on school grounds, or by or against a student during school operating hours or during school-related functions or activities, pursuant to N.J.A.C. 6A:16-6.3(d);

e. Whenever any school district staff in the course of their employment develops reason to believe that an assault upon a teacher, administrator, other school Board employee, or district Board of Education member has been committed, with or without a weapon, pursuant to N.J.A.C. 6A:16-5.7(d)5;



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f. Whenever any school district staff in the course of their employment develops reason to believe a "bias-related act" has been committed or is about to be committed on or off school grounds, pursuant to N.J.A.C. 6A:16-6.3(e); and

g. Whenever any school employee in the course of their employment develops reason to believe a student is potentially missing, abused, or neglected, pursuant to N.J.A.C. 6A:16-11.1(a)3i. through iii.

D. Nothing in the policies and procedures required under N.J.A.C. 6A:16-6 and Policy 9320 and this Regulation shall be construed to prohibit school district staff from disclosing information, pursuant to N.J.A.C. 6A:32-7.2 and 7.5(f), if necessary, to protect the immediate health or safety of a student or other persons.

E. The Superintendent or designee shall annually review Policy 9320 and this Regulation as adopted by the Board to ensure each are in accordance with the requirements outlined in the MOA.

## **M**

### ~~Agreement or Memorandum of Understanding With Law Enforcement~~

- ~~1. The Superintendent and Police Department will meet on a regular basis, or at least annually, to discuss the implementation and need for revising the Agreement or Memorandum of Understanding and to review the effectiveness of the policies and procedures implemented in accordance with N.J.A.C. 6A:16-6.1 et seq.~~
- ~~2. The annual Memorandum of Understanding between the Board of Education and Law Enforcement Officials will be approved by the Board of Education and will be submitted to the Police Department, County Superintendent of Schools and the County Prosecutor.~~

Approved: Jan. 23, 2017

Revised: February 25, 2025

