

HOPATCONG BOARD OF EDUCATION

The Chalkboard

Mr. Art DiBenedetto, Superintendent of Schools

Regular Meeting
February 25, 2019
7:00 P.M.

The Hopatcong Borough Schools Board of Education at its public meeting on February 25, 2019 approved the resolutions as follows:

I. Finance

- The Board accepted the donation of the steel “H” logo sculpture from artist Mr. Lawrence Unick which was presented to the Arrow TV news set on November 15, 2018. The piece is valued at \$500 in metal and labor.
- The Board approved a.the award of Field House Roof replacement job to Mak Group LLC, the lowest of two bidders:
 - 1.Mak Group LLC - \$29,100
 - 2.NJSB Construction - \$29,225
- The Board approved the replacement of the Field House Roof in the amount of \$29,100 to be transferred from Maintenance Reserve.
- The Board approved the clean up of mold at Hudson Maxim School by Servpro in the amount of \$20,649.12 to be transferred from Maintenance Reserve
- The Board accepted the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2018 and the Auditors’ Management Report as recommended by the Superintendent and as reviewed by the Finance Committee.

II. Personnel

- The Board approved the employment of Dawn Engle as a paraprofessional in the Hopatcong School District, as a rate of \$11.00 per hour, plus \$1.00 differential for toileting if applicable, effective February 5, 2019.

- The Board approved the employment of Jad Heuer as a Maternity Leave Replacement paraprofessional in the Hopatcong School District, at a rate of \$11.00 per hour, plus \$1.00 differential for toileting if applicable, effective February 4 to June 30, 2019.
- The Board approved the request of Candace Baldwin to extend her Maternity Leave of Absence from her position as a Paraprofessional to include the period from March 16, 2019 to June 30, 2019.
- The Board approved the change in assignment for Nancy Marinaro from In School Suspension Monitor to Study Center/Academic Enhancement position at the Hopatcong Middle School at a pro-rated annual salary of \$21,522, effective March 1, 2019.
- The Board approved the termination of employment of Employee #81479, effective February 6, 2019.
- The Board approved the following 2018-2019 Spring Athletic Coaches for the Hopatcong High School:

Name	Nature of Action	Position	Class	Level	Salary	Date Effective	Date Terminated
Mike Juskus	Appoint	Head Boys Track Coach	A	4	\$7,712	9/1/18	6/30/19
Pete Oesen	Appoint	Head Girls Track Coach	A	4	\$7,712	9/1/18	6/30/19
Patrick Neill	Appoint	Asst. Track Coach	A	4	\$5,034	9/1/18	6/30/19
Wilson Cusano	Appoint	Asst. Track Coach	A	4	\$5,034	9/1/18	6/30/19
Jamie Douglas	Appoint	Asst. Track Coach	A	4	\$5,034	9/1/18	6/30/19
Jason Mulvihill	Appoint	Head Baseball Coach	A	4	\$7,712	9/1/18	6/30/19

Dominic Spuckes	Appoint	Asst. Baseball Coach	A	4	\$5,034	9/1/18	6/30/19
Mike Farrell	Appoint	Asst. Baseball Coach	A	4	\$5,034	9/1/18	6/30/19
Paul Miller	Appoint	Head Softball Coach	A	4	\$7,712	9/1/18	6/30/19
Craig Vallaro	Appoint	Asst. Softball Coach	A	4	\$5,034	9/1/18	6/30/19
Julianne Brennan	Appoint	Asst. Softball Coach	A	2	\$3,666	9/1/18	6/30/19
Toby Richards	Appoint	Head Golf Coach	B	4	\$5,034	9/1/18	6/30/19
Traci Duffy	Appoint	Head Boys Tennis Coach	B	4	\$5,034	9/1/18	6/30/19
Heather DelBagno	Appoint	Asst. Boys Tennis Coach	B	4	\$3,287	9/1/18	6/30/19

- The Board approved the following as Athletic Event Staff Members for 2018-2019 athletic events, to be paid at the Board Approved rate of pay per position: Tabitha Kestenholz
- The Board approved the following as staff coverage for before-care located at the Hopatcong Middle School for Kindergarten and Grade 1 students, effective February 19, 2019 until such time that before-care coverage no longer needs to be provided by the district: Naomi Kuren - \$11.25 per hour; Kimberly Zeier - \$14.75 per hour; Jennifer Fox - \$11.00 per hour.
- The Board approved the following education students to conduct a field experience in the Hopatcong School District during the 2018-2019 school year:

Student Name	Semester	University	Experience	School	Cooperating Staff Member
Yvonne Mortello	Winter, Spring, Fall 2019	Ramapo College	Internship	District Wide	Mrs. Hensz
Paula Joana	Spring 2019	County College of Morris	Observation	High School	Various Staff

- The Board approved substitute teachers, paraprofessionals, custodians and van drivers. (Attachment 1)

III. **Students & Services**

- The Board approved field trip requests, as required by the New Jersey Department of Education. (Attachment 2)

IV. **Travel**

- The Board approved travel costs as related in this resolution, which are educationally necessary and fiscally prudent and are related to and within the scope of the employee's current responsibilities and promotes the delivery of instruction or furthers the efficient operation of the school district. The reimbursements listed in this resolution are in compliance with the state travel reimbursement guidelines as established by the Department of the Treasury and Board of Education policy in accordance with N.J.A.C. 6A:23B-1.1. seq. (Attachment 3)

V. **Policies & Regulations**

- The Board approved the modifications and additions to the policies and regulations of the Hopatcong Board of Education in accordance with statutory and regulatory changes for approval, as revised, for **FIRST READING**:

POLICY
P 2422

TITLE
Health and Physical Education (New/Revised)

P 2425

Abolished in March/Replaced with P 2422

P 2431.13

Practice and Pre-Season Heat-Acclimation for School Sponsored Athletics and Extra-Curricular Activities (Recommended, New)

P 4219	<i>Commercial Driver's License Controlled Substance and Alcohol Testing (M) (Revised)</i>
P 5111	<i>Eligibility of Resident/Nonresident Students (M) (Revised)</i>
P 5330.04	<i>Administering an Opioid Antidote (M) (Revised)</i>
P 5337	<i>Service Animals (Recommended, New)</i>
P 5756	<i>Transgender Students (M) (Revised)</i>
P 7440	<i>School District Security (M) (Revised)</i>
<u>REGULATION</u>	<u>TITLE</u>
R 5330.04	<i>Administering an Opioid Antidote (M) (New)</i>
R 7440	<i>School District Security (M) (Revised)</i>

(Attachment 4)

- The Board approved the modifications and additions to the policies and regulations of the Hopatcong Board of Education in accordance with statutory and regulatory changes for approval, as revised, for **SECOND READING:**

NONE

VI. Approved Addendums

1. It is recommended by the superintendent that the Hopatcong Board of Education approve the following resolution:

Approval of the employment of Amanda Maliszewski as a Special Education Teacher for Students with Behavioral Disabilities in the Hopatcong School District at a pro-rated annual salary of \$70,915 based upon the Salary Guide Level BA+30/Step 13, effect April 29, 2019 or sooner if possible.

2. It is recommended by the superintendent that the Hopatcong Board of Education approve the following course offerings:

Bioengineering / Biotechnology

Climatology and Human Adaptive Behavior, 2.5 credits 10-12

Students will study events in the Earth's climate history and research / discuss some of the theories regarding historical climate change. Major topics will include weather patterns

and forecasting, the impact of climate, energy and sustainability on agriculture, humans and other animal species. This STEAM integrated course will include using skills in qualitative and quantitative research, problem solving, and analytical cause and effect. The class will emphasize designing solutions to the real life problems related to the research.

Prerequisite - High School Biology

Bio-sustainability and Design, 5 credits 10-12

Students will explore sustainability in green energy, botany and agriculture, and bioethics as applied to real life social and scientific issues. Major topics will include recyclability, waste management, food production, environmental restoration and alternative energy production. This STEAM integrated course will focus on project-based learning. It will include laboratory exercises and real world problem solving techniques enabling students to design systems for creating healthier, cleaner and safer living environments.

Prerequisite - High School Biology

Engineering / Design

Design Process, 2.5 credits 9-12

This STEAM integrated course will explore the methodical series of steps that engineers use to create products and processes: research, conceptualization, problem solving, feasibility assessment, preliminary design and refinement, production planning, production, analysis and redesign. Using 21st Century Learning Skills, students will collaboratively create products / solutions for a real life targeted need based on the study and analysis of current business models, companies and products. *Prerequisite - none*

Robotics, 2.5 credits 9-12

This STEAM integrated course is designed to challenge students in robotics and mechanical engineering. Students will use problem solving skills to analyze electronic data from sensors and to program sequences to manipulate a robot in its environment. Students will collaboratively complete design challenges involving guided research and design documentation. Students will be encouraged to participate in extracurricular opportunities such as robotics competitions.

Prerequisite - Design Process

Visual Performing Arts

United States History Through the Arts, 5 credits (social studies / art) 11-12

This interdisciplinary humanities course explores the American experience through the lens of the arts. The arts serve as a vehicle for engaging students in the process of historical inquiry and the development of historical thinking. Artistic works and products, including theater, music, photography, architecture, fashion, film and other popular media, will be examined in the context of historical events and authentic time periods. *Prerequisite - US History I*

History of Popular Music from the Blues to Modern Day, 5 credits (social studies / art) 11-12

This interdisciplinary humanities course explores American popular music from the early African American experience through the Jazz Age, the 50's, and the Civil Rights Movement to modern day music. The arts serve as a vehicle for engaging students in the process of historical inquiry and development of historical thinking. Music and other

popular media will be examined in the context of the historical events and time periods to be studied. *Prerequisite - US History I*

AP Art History, 5 credits 9-12

This course is equivalent to a two-semester college survey course exploring the nature of art, art production, and aesthetic responses to art. By investigating specific works of art characterized by diverse artistic traditions from prehistory to the present, students will develop an in-depth, holistic understanding of the history of art from a global perspective. Students will become active participants in the global art world, engaging with its forms and content. They will experience, research, discuss, read, and write about art, artists, art production, critical responses to and interpretations of art. *Prerequisite - AP Criteria and mandatory summer assignment*

UPDATES

Digital Arts, 2.5 credits 10-12

Students will utilize software programs included in Adobe Creative Suite to engage in project-based learning. Projects may include business collateral, advertising design and image manipulation. All projects will focus on the principles of design and the process of critique.

Prerequisite - Art I or Sculpture

Survey of Calculus (CP), 5 credits 11-12

Calculus is the mathematical study of continuous change. This course is an introduction to calculus with emphasis upon solution, techniques, and applications rather than abstract theory. It includes elements of analytic geometry, important pre-calculus topics, differential calculus for elementary functions; optimization, curve sketching, and other applications of derivatives to physical and social sciences; introduction to integral calculus; and use of graphing calculators. *Prerequisite: Pre-calculus*

AP Calculus AB, 5 credits 11-12

This course is roughly equivalent to a first semester college calculus course devoted to topics in differential and integral calculus. The course covers topics in these areas, including concepts and skills of limits, derivatives, integrals, and the Fundamental Theorem of Calculus. The course teaches students to approach calculus concepts and problems when they are represented graphically, numerically, analytically, and verbally, and to make connections amongst these representations. Students learn how to use analytic methods and technology to help solve problems, experiment, interpret results, and support conclusions. *Prerequisite: Pre-calculus*

COUNTY: Sussex

DISTRICT: Hopatcong

DISTRICT: Hopatcong
Date adopted by Local Board of Education Subject to Criminal Background Check February 25, 2019

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NAME	INSTITUTIONS ATTENDED	DATES OF ATTENDANCE	DEGREE RECEIVED	MAJOR	CERTIFICATE(S)
Patrick Neil	East Stroudsburg Univ.	1990-1995	BS	Exercise Science	Substitute Certificate
Martin Volz	Bloomsburg Univ Rowan University	2011-2012 2012-2015	BS Teacher Cert	Sec. Ed Earth Science Health & PE	Teacher Cert
Emily Stoev	CCSF	2005-2009 2015-2016 2018-2019	AS	Math	Substitute Certificate
SUBSTITUTE PARAPROFESSIONALS Melissa Vater Jariely Rodriguez Joan Kressman	SUBSTITUTE CUSTODIANS/ MECHANIC	SUBSTITUTE VAN/BUS DRIVERS	SUBSTITUTE School Nurse	SUBSTITUTE DAY PLUS	HOME INSTRUCTION

Field Trips Feb. 2019			Cost	
Submitted by	Activity Title	Date	Per Student	
Munoz, Christina	Lake Hopatcong Historical Museum - State Park, Landing, NJ 07850	3/5/2019	\$0.00	
Olsen, Kenneth	Sea Grass Planting Island Beach State Park - 2207 SW Central Ave, Seaside Park, NJ 08752	3/10/2019	\$0.00	
Olsen, Kenneth	Community Service Club Beach Sweeps 2019 - Sandy Hook Beach, 128 South Hartshorne Drive, Highlands, NJ 07732	4/13/2019	\$0.00	
Olsen, Kenneth	Quest Hike- Paterson Great Falls, stop for food on way home - McBride Ave Paterson NJ	03/28/2019 - 02/28/2019	\$0.00	
Olsen, Kenneth	Quest Hike- Great Swamp - Pleasant Plains Road Harding NJ	03/21/2019 - 02/21/2019	\$0.00	
Martinez, Steph...	Forensics Trip to Liberty Science Center and Escape the Room - Jersey City and Fairfield	4/1/2019	\$58.09	

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Conferences Feb. 2019			
Submitted by	Activity Title	Date	All Expens
DiBrienza-Cikov...	Sussex Warren Association for School Psychologists Best Practices in Special Education	5/17/2019	\$36.70
Anthes, Leticia	Visitation to Crossroads	1/23/2019	\$23.18
Pallotta, Susan	IEP meeting for DN	1/24/2019	\$11.22
Anthes, Leticia	Visit to Spectrum 360, Verona, NJ	1/29/2019	\$19.47
Collins, Brian	NJASPERD Annual Convention	02/25/2019 - 02/26/2019	\$358.06
Anthes, Leticia	Tour of Northern Hills Academy	2/6/2019	\$10.42
Anthes, Leticia	Reentry meeting at Northern Hills Academy	2/11/2019	\$10.42
Manisa, Danielle	Sussex County School Counselors Association	2/12/2019	\$24.78
Anthes, Leticia	Future Fair at Celebrate the Children	4/11/2019	\$0.00
Pallotta, Susan	Future Fair	4/11/2019	\$9.11
Anthes, Leticia	Meeting at Mt Olive Middle School	2/8/2019	\$5.39
Geary, Matthew	2019 NJSBGA Conference/Expo	03/10/2019 - 03/12/2019	\$519.38
Canizaro, Joanne	NJ DOE Assessment Outreach Phase II: Design, Session 1	1/23/2019	\$41.36
Canizaro, Joanne	NJ DOE Assessment Outreach Phase II: Design Working Group	2/11/2019	\$49.83
DiBrienza-Cikov...	Out of District Visit/Intake	2/15/2019	\$81.22
DiBrienza-Cikov...	Out of District Visitation/Shepard	2/13/2019	\$62.88
DiBrienza-Cikov...	Out of District Visitations/Montgomery	2/11/2019	\$87.25
Talmadge, Tracey	Getting Ready for your 2019 Audit	4/11/2019	\$100.00
Padula, Linda	William Paterson University Counselor Reception	3/29/2019	\$21.70
		Total	\$1,472.37

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Health and Physical Education
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2422 HEALTH AND PHYSICAL EDUCATION

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

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

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



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Health and Physical Education

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



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Health and Physical Education

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

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

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

In accordance with N.J.S.A. 18A:35-4.31, the Board of Education shall provide a daily recess period of at least twenty minutes for students in grades Kindergarten through five. A recess period is not required on a school day in which the day is substantially shortened due to a delayed opening or early dismissal. The recess period shall be outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the school district's Code of Student Conduct, including a harassment, intimidation, or bullying (HIB) investigation pursuant to N.J.S.A. 18A:37-13 et seq. Students may not be denied recess more than twice per week for a violation of the Code of Student Conduct or HIB investigation and these students shall be provided restorative justice activities during the recess period. Restorative justice activities mean activities designed to improve the socioemotional and behavioral responses of students through the use of more appropriate and less punitive interventions thereby establishing a more supportive and inclusive school culture. The student's recess period should be scheduled in a manner that does not interfere with the implementation of a student's Individualized Education Program (IEP). School staff may deny recess for a student on the advice of a medical professional, school nurse, or the provisions of a student's IEP and/or 504 Plan.



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Health and Physical Education

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

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

Adopted: February 2019



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Practice and Pre-Season Heat-Acclimation for
School-Sponsored Athletics
and Extra-Curricular Activities

Jan 19

[See Policy Alert Nos. 190 and 217]

2431.3 PRACTICE AND PRE-SEASON HEAT-ACCLIMATION FOR SCHOOL-SPONSORED ATHLETICS AND EXTRA-CURRICULAR ACTIVITIES

The Board of Education adopts this Policy as a measure to protect the safety, health, and welfare of students participating in school-sponsored athletic programs and extra-curricular activities. The Board believes practice and pre-season heat-acclimation guidelines for students will minimize injury and enhance a student's health, performance, and well-being.

Therefore, the Board of Education requires the implementation of the practice and pre-season heat-acclimation procedures as recommended by the New Jersey State Interscholastic Athletic Association (NJSIAA) for students participating in all school-sponsored athletic programs and extra-curricular activities during warm weather months. The Superintendent of Schools or designee shall ensure the implementation of the Practice and Pre-Season Heat-Acclimation Procedures.

The Superintendent of Schools or designee may reduce practice times or adjust other provisions that would reduce a student's exertion if weather and/or temperature warrant such action.

This Policy and the school district's practice and pre-season heat-acclimation procedure shall be approved by the school district's physician prior to implementation.

Adopted: March 2019



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Commercial Driver's License Controlled Substance
and Alcohol Use Testing

Jan 19

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[See POLICY ALERT Nos. 130, 162 and 217]

4219 COMMERCIAL DRIVER'S LICENSE CONTROLLED SUBSTANCE AND ALCOHOL USE TESTING

The Board of Education is committed to a safe, efficient, and alcohol and drug-free workplace, that protects the district's students as well as the health and safety of its employees and the general public. The Board requires all **employees of the Board** drivers performing any safety-sensitive function **are to be free of drugs and alcohol** and will test those employees who operate a commercial motor vehicle in accordance with 49 ~~CFR~~ ~~C.F.R.~~ 382 et seq. and 49 ~~CFR~~ ~~C.F.R.~~ 40 et seq. For the purpose of this Policy "employee" means a person required to have a Commercial Driver's License (CDL) in the performance of their job responsibilities. Safety-sensitive functions as defined by 49 ~~CFR~~ ~~C.F.R.~~ 382.107 means any all time from the time an **employee driver** begins to work or is required to be in readiness to work until the time the **employee driver** is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at the terminal, facility, **or other property, or on** any public property, waiting to be dispatched, unless relieved from duty;
2. All time inspecting equipment as required by Federal law **or otherwise inspecting, servicing, or conditioning any commercial motor vehicle, at any time;**
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon the commercial motor vehicle except **time spent resting** in an area defined as a sleeping berth;
5. All time loading **or** and unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded and unloaded; and



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Commercial Driver's License Controlled Substance and Alcohol Use Testing

6. ~~All time spent performing driver requirements related to accidents;~~
**and All time repairing, obtaining assistance, or remaining in
attendance upon a disabled vehicle.**
7. ~~All time repairing, obtaining assistance, or remaining in attendance
with the vehicle.~~

The Omnibus Transportation Employee Testing Act of 1991 requires all operators of commercial motor vehicles subject to the **CDL** ~~Commercial Drivers License~~ requirements to be tested for controlled substances and alcohol. Federal regulations of the U.S. Department of Transportation require that **any school bus employee drivers using a CDL** ~~as well as drivers of private carriers of passengers contracted by the Board~~ be required to submit to alcohol and controlled substance testing in accordance with 49 **CFR** ~~C.F.R.~~ Part 40.

The Board designates the Transportation Coordinator as the Designated Employer Representative (DER) of the Board of Education. The Board may contract with a service agent to provide the testing services as required by Federal law Regulations. **In the event the Board contracts with a service provider for transportation, the Board designee will ensure all transportation contractors comply with the drug and alcohol testing requirements of Policy 4219 pursuant to 49 CFR 382 et seq. and 49 CFR 40 et seq.**

No **employee driver** at any work site will possess, manufacture, use, sell, or distribute any quantity of any controlled substance, lawful or unlawful, which in sufficient quantity could result in impaired performance, with the exception of substances administered by or under the instructions of a physician. No **employee driver** shall perform safety-sensitive functions within four hours after using alcohol and the district will not permit an **employee driver** that used alcohol within four hours of performing safety-sensitive functions to perform such functions if the district has actual knowledge of the use, **in accordance with 49 CFR 392.5.**

Violations

Any violation of this Policy may result in discipline, up to and including termination.



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Commercial Driver's License Controlled Substance
and Alcohol Use Testing

Prohibited Substances

The presence of any of the following controlled substances, listed in 49 CFR 40.87, in the body, as evidenced by the results of the initial screening and subsequent confirmatory analysis provided in this Policy, is prohibited for any employee assigned to a classification covered by this Policy. All cutoff concentrations shall be in accordance with are as per 49 CFR C.F.R. 40.87 and are expressed in nanograms per milliliter (ng/mL). All test results shall be measured against the cutoff concentrations outlined in 49 CFR 40.87.

Type of Drug or Metabolite Initial Test Confirmation Test

Marijuana metabolites	50	
Delta-9 tetrahydrocanna-		
Binol-9-carboxylic acid (THC)		15
Cocaine metabolites	300	150
(Benzoylecgonine)		
Phencyclidine (PCP)	25	25
Amphetamines	1000	
Amphetamine		500
Methamphetamine		500*

(*Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/mL.)

Opiate metabolites	2000	
Codeine		2000
Morphine		2000
6-acetylmorphine (6-AM)		10**

(**Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.)

Alcohol	.02 or higher	.02 or higher
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Commercial Driver's License Controlled Substance
and Alcohol Use Testing

Testing Procedures

All testing for controlled dangerous substances will be conducted in accordance with 49 ~~CFR C.F.R.~~ Part 40, Subparts A, B, C, D, E, F, G, H and I. The district will only test for the above-stated five drugs or classes of drugs in accordance with 49 ~~CFR C.F.R.~~ 40.85. Testing for alcohol will be conducted in accordance with 49 ~~CFR C.F.R.~~ Part 40, Subparts J, K, L, M and N.

Definitions

"Alcohol use" means the drinking or swallowing of any beverage, liquid mixture or preparation (including medication), containing alcohol.

"Aliquot" means a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

"Confirmatory ~~dDrug tTest~~" means a second analytical procedure performed on a urine specimen ~~an aliquot of the original specimen~~ to identify and quantify the presence of a specific drug or drug metabolite.

"Confirmed ~~dDrug tTest~~" means a confirmation ~~drug test result~~ received by a Medical Review Officer (MRO) from a ~~certified~~ laboratory.

"Controlled substances" means those substances identified in 49 ~~CFR C.F.R.~~ 40.85.

"CCF" means the Federal Drug Testing Custody and Control Form.

"Designated Employer Representative (DER)" is an employee of the district authorized to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The ~~Designated Employer Representative (DER)~~ shall receive test results and other communications for the employer, consistent with the requirements of this Policy and 49 ~~CFR C.F.R.~~ 40. Service agents cannot act as a DER.

"FMCSA" means Federal Motor Carrier Safety Administration.

"Initial ~~dDrug tTest~~ (also known as a "Screening drug test")" means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.



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Commercial Driver's License Controlled Substance and Alcohol Use Testing

"Initial specimen ~~v~~Validity test Screening" means the first test used to determine if a **urine** specimen is adulterated, diluted, or substituted, or **invalid**.

"Medical Review Officer (MRO)" is a licensed physician responsible for receiving and reviewing laboratory results generated by the district's drug testing program and evaluating medical explanations for certain drug test results.

"Possess" **includes, but is not limited to**, means either in or on the driver's person, personal effects, motor vehicle, or areas substantially entrusted to the control of the driver.

"Service agent" is any person or entity, other than an employee of the Board, who provides services specified under 49 ~~CFR C.F.R.~~ 40 to the Board.

"Substance Abuse Professional (SAP)" is a person who evaluates employees who have violated a **Federal or State** drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. **An** individuals permitted to act as a SAP substance-abuse professionals must possess the credentials as outlined in 49 ~~CFR C.F.R.~~ 40.281.

"Work Site" means any motor vehicle, office, building, yard, or other location at which the driver is to perform work; **or any other school district property or at any school district event.**

Categories of Testing

For the purpose of this ~~P~~policy, the occurrence of the following circumstances/instances shall require an employee to submit to a controlled substance and alcohol screening:

1. Pre-Employment Testing

An individual who has applied for and has been selected to operate a Board vehicle shall, before beginning employment with the Board, submit to a controlled substance screening in conjunction with any required physical examination as per Policy No. 4160. Such screening shall be conducted in accordance with the procedures set forth in this ~~P~~policy and 49 ~~CFR C.F.R.~~ 40. No individual receiving a positive confirmed test result will be employed by the Board.



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An employer is not required to administer a controlled substances test required by 49 CFR 382.301(a) if exception to the pre-employment screening may be made if the prospective employee:

- a. The employee ~~h~~Has participated in a controlled substances testing program that met the requirements of 49 CFR ~~C.F.R.~~ 382 et seq. within the previous thirty days; and
- b. The employee while participating in that program either:
 - (1) Was tested for controlled substances within the past six months (from the date of application ~~with the employer to the commission~~);; or
 - (2) Participated in the random controlled substances testing program for the previous twelve months (from the date of application ~~with the employer. to the commission~~); and
- c.(3) The DER must ensure that no prior employer, to the DER's knowledge, has records of a violation of a controlled substances testing program within the previous six months.

If an individual is so exempted, the Designated Employer Representative (DER) shall contact the alcohol and/or controlled substances testing programs in which the **individual driver** participated and shall obtain and retain from the testing program(s) the following information in accordance with 49 CFR ~~C.F.R.~~ 382.301(c):

- a. Name and address of the program;
- b. Verification of the **individual's driver's** participation;
- c. Verification that the program conforms to Federal guidelines;
- d. Verification the **individual driver** qualified under the law and did not refuse to be tested for controlled substances;



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- e. The date the **individual** driver was last tested for controlled substances; and
- f. The results of any tests taken within the **previous** last six months and any other violations.

In accordance with 49 ~~CFR C.F.R.~~ 382.301(d), the ~~commission~~ **Board** will conduct pre-employment alcohol tests before the first performance of safety-sensitive functions by a new ~~covered~~ employee or someone who has transferred to a position involving the performance of safety-sensitive functions. The alcohol test will be conducted after making a contingent offer of employment or transfer, subject to the **employee individual** passing the pre-employment alcohol test. All alcohol testing will be completed in accordance with 49 ~~CFR C.F.R.~~ 40 et seq. An ~~covered~~ employee will not begin working unless the result of the test indicates an alcohol concentration of less than 0.04.

An **employee individual** who has applied for and has been selected to operate a Board vehicle or any existing employee transferring into a new position **requiring the employee** ~~now required~~ to operate a Board vehicle, shall submit a written consent authorizing the ~~commission~~ **Board** to obtain the following information from other employers who have employed the employee during any period during the two years before the date of the **employee's individual's** application date or transfer into the new position. The written consent from the **employee individual** will permit the ~~Designated Employer Representative~~ (DER) to obtain the following information from previous **Division of Transportation** (DOT)-regulated employers:



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- a. Alcohol tests with a result of 0.04 or higher alcohol concentration;
- b. Verified positive drug tests;
- c. Refusals to be tested (including verified adulterated or substituted drug test results);
- d. Other violations of DOT agency drug and alcohol testing regulations; and
- e. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If this information is not available from the previous employer, the DER must seek to obtain this information from the **employee individual**.

The DER will obtain and review this information before the employee first performs any ~~driving and/or~~ safety-sensitive functions. If this is not feasible, the DER will not permit the **employee individual to perform safety-sensitive functions** work after thirty days from the individual's first date ~~the employee first performed safety-sensitive functions, of employment in the position~~ unless the DER has obtained or made and documented a good faith effort to obtain this information.

2. Random Testing

Every A-covered employee shall be subject to submit to random alcohol and controlled substance testing on an unannounced and random basis resulting from the selection by a random generation methodology in accordance with 49 ~~CFR~~ **CFR** 383.305(i). Random testing will be spread reasonably throughout any given calendar year.



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The minimum annual percentage rate for random alcohol testing shall be ~~ten percent~~ 10% of the average number of drivers ~~positions~~. The minimum annual percentage rate for ~~of~~ random controlled substances testing shall be ~~twenty-five percent~~ 50% of the average number of drivers ~~positions~~. These ~~minimum annual percentage~~ rates may be adjusted as determined by the ~~FHWA~~ (Federal Highway Administration) ~~FMCSA~~ Administrator in accordance with 49 ~~CFR C.F.R.~~ 382.305.

~~Employees Drivers~~ shall only be random tested when performing safety-sensitive functions or immediately prior to or immediately following the performance of safety-sensitive functions.

3. Post-Accident Testing

The involvement by an employee in a motor vehicle collision while operating a Board vehicle when such accident results in property damage or personal injury, may trigger a post-accident drug and alcohol test.

As soon as practical following an occurrence, the DER will require post-accident alcohol screening for each of the surviving drivers:

- a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or
- b. Who receives a citation within eight hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (1) Bodily injury to any person, who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.



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- c. If the alcohol test is not administered within two hours following the accident, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, the DER shall cease attempts to administer the alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

As soon as possible following an occurrence, the district will require post-accident controlled substance screening for each of the surviving drivers:

- a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or
- b. Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
- (1) Bodily injury to any person; who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- c. If the controlled substance test is not administered within thirty-two hours following the accident, the DER shall cease attempts to administer the controlled substance test and shall prepare and maintain **on file a record stating the reasons the test was not promptly administered** the same record. Records shall be submitted to the FMCSA upon request.



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An **employee driver** who is subject to post-accident testing shall remain readily available for such testing or **may** be deemed by the **employer** to have refused to submit for testing. (An **employee driver** who is injured in an accident and requires medical care, shall submit to post-accident drug and controlled substance testing by the medical care facility providing the treatment or a designee of the Board if the facility is unable to provide the testing.) Nothing herein shall be construed to prevent the **employee driver** from leaving the scene of the accident for the period required to obtain necessary assistance or to obtain emergency medical care.

4. Reasonable Suspicion Testing

The DER **may** **shall** require an **employee driver** to submit to an alcohol and/or controlled substance test when the **employee driver** is observed by a supervisor or school official who is trained in accordance with 49 **CFR** ~~C.F.R.~~ 382.603 and causes the observer to have reasonable suspicion to believe the **employee driver** has violated 49 **CFR** ~~C.F.R.~~ 382 et seq. Reasonable suspicion must exist to require the **employee driver** to undergo a test and must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the **employee driver**. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Reasonable suspicion alcohol testing is authorized only if the required observations are made during, just preceding, or just after the period of the work day the **employee driver** is required to be in compliance with the testing requirements of 49 **CFR** ~~C.F.R.~~ 382 et seq.

Reasonable suspicion testing may be required of an **employee driver** while the **employee driver** is performing, just before the **employee driver** will perform, or just after the **employee driver** has ceased performing safety-sensitive functions.



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If the alcohol test is not administered within two hours following the determination a reasonable suspicion test is required, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the determination, the DER shall cease attempts to administer the alcohol test and shall state in the record the reasons for not administering the test.

No ~~employee driver~~ shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the ~~employee driver~~ is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse. The ~~employee driver~~ will also not be able to perform or continue to perform safety-sensitive functions until an alcohol test is administered and the ~~employee's driver's~~ concentration measures less than 0.02 or twenty-four hours have elapsed following the determination that reasonable suspicion existed to require an alcohol test.

A written record of the observations leading to a reasonable suspicion test shall be made and signed by the supervisor and/or school official that made the observations. This record shall be made within twenty-four hours of the observed behavior or before the results of the test are released, whichever is earlier.

5. Return to Duty Testing

The district is not required to return an employee to a safety-sensitive position upon receipt of a confirmed drug and/or alcohol test.

The ~~Designated Employer Representative (DER)~~ may recommend to the Superintendent of Schools the ~~employee's individual's~~ employment be terminated depending on the circumstances.



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~~In the event the DER does not recommend termination,~~ The DER shall ensure that before an **employee driver** returns to duty requiring the performance of a safety-sensitive function, the **employee driver** shall undergo a return to duty alcohol test indicating a breath alcohol concentration of less than 0.02 and a controlled substances test with a result indicating a verified negative result for controlled substances use as required in 49 CFR ~~C.F.R.~~ 40.305.

Employees Drivers permitted to return to duty are required to take return-to-duty tests and shall be evaluated by a Substance Abuse Professional (SAP). These **employees individuals** must participate in an assistance program prescribed by the SAP and as required in 49 CFR ~~C.F.R.~~ 40 Subpart O.

The SAP will determine a written follow-up testing plan for any **employee individual** who has been permitted to return to work and has successfully complied with the SAP's recommendations for education and/or treatment. Such employees are subject to a minimum of six unannounced, follow-up drug screenings and alcohol tests over the following twelve months. The testing shall not exceed ~~sixty~~ **forty-eight additional** months. Alcohol follow-up testing shall be performed only when the **employee driver** is performing safety-sensitive functions or immediately prior to performing or immediately after performing safety-sensitive functions. All follow-up testing will be completed in accordance with 49 CFR ~~C.F.R.~~ 40.307. The SAP will comply with all reporting requirements of 49 CFR ~~C.F.R.~~ 40.311.

The Board shall make the ultimate determination to return or not return an employee to a safety-sensitive position subject to any collective bargaining agreements, if any, or other legal requirements.



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Medical Review Officer (MRO) Notifications

The Board shall employ or contract with a **MRO** ~~medical review officer~~ who is a licensed physician (M.D. or D.O.) and shall designate the **MRO** ~~Medical Review Officer~~ as the individual responsible for receiving laboratory results generated by the testing program. The **MRO** ~~medical review official~~ shall have knowledge of **controlled** substances abuse disorders and have appropriate medical training to interpret and evaluate the **employee's** ~~individuals~~ confirmed **drug test results** ~~positive test~~ together with his/her medical history and other biomedical data. The **MRO** ~~Medical Review Officer~~ will perform all functions and responsibilities as required in 49 **CFR** ~~C.F.R.~~ 49 **40.121** Subpart G.

Employer Notification

The **MRO** ~~Medical Review Officer~~ may report controlled substances test results to the DER by any means of communication; however, a signed, written notification must be forwarded within three business days of the completion of the **MRO's** ~~Medical Review Officer's~~ evaluation. The **MRO** ~~Medical Review Officer~~ must report all drug test results to the employer. The MRO may use a signed or stamped and dated legible photocopy of Copy 2 of the CCF to report test results or a written report that must include, at a minimum, the information required in 49 **CFR** ~~C.F.R.~~ 40.163.

Split Specimen Tests

Split specimen testing will be conducted in accordance with 49 **CFR** ~~C.F.R.~~ 40 Subpart H. **The MRO will notify the Superintendent of Schools or designee if split specimen testing is requested by the employee.** Under split sample collection procedures, ~~the driver has seventy-two hours from the time of notification of a positive result to request the MRO to order a test of the split specimen.~~ If the driver does not request a split specimen test within seventy-two hours, the driver may present to the MRO information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the individual from making a timely request.



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~~If the split specimen is unavailable or appears insufficient, the laboratory will continue the testing process of the primary specimen as the laboratory would normally. The laboratory will report the results for the primary specimen without providing the MRO information regarding the unavailable split specimen. In the event the MRO requests the split specimen be forwarded to another laboratory, the laboratory will report to the MRO the split specimen is unavailable for testing and the laboratory will provide the MRO with as much information as possible about the cause of the unavailability.~~

Designated Collection Facility

The Board shall designate the facility to be used for the collection of the specimen; provided, however, that the designated facility shall possess all required licenses and permits. The collection site will take place in a facility meeting the requirements of 49 ~~CFR C.F.R.~~ 40 Subpart D. The DER will ensure the collection site meets the security requirements of 49 ~~CFR C.F.R.~~ 40.43.

Designated Screening Laboratory

The Board shall designate the laboratory to which collected fluid samples will be forwarded for drug/alcohol screening. Drug testing laboratories must be certified by the Department of Health and Human Services (HHS) under the National Laboratory Certification Program (NLCP) for all testing required under 49 ~~CFR C.F.R.~~ 40. The laboratory will perform all responsibilities as required in accordance with 49 ~~CFR C.F.R.~~ 40 Subpart F.

Specimens

The normal screening methodology for controlled substances shall be urinalysis, collected by a **trained** representative of the Board **with appropriate documentation at a site designated and approved by the Board** ~~designated site~~. The presence of alcohol will be determined by an Alcohol Screening Device (ASD) or an Evidential Breath Testing Device administered by an individual certified in accordance with 49 ~~CFR C.F.R.~~ 40.211 and 49 ~~CFR C.F.R.~~ 40.213.



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Refusal to Submit

An ~~employee driver~~ will be deemed as refusing to take a drug test as described in 49 ~~CFR C.F.R.~~ 40.191. As per 49 ~~CFR C.F.R.~~ 40.191, an ~~employee individual~~ refuses to take a drug test if he/she:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the DER, consistent with applicable DOT agency regulations, after being directed to do so by the DER;
2. Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
3. Fails to provide a urine specimen for any drug test required by this Policy. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
4. Fails to permit the observation or monitoring of providing a specimen in the case of a directly observed or monitored collection in a drug test;
5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take an **additional drug** ~~second~~ test the DER or collector has directed the ~~employee individual~~ to take;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under ~~See~~ 49 ~~CFR~~ 40.193(d). In the case of a pre-employment drug test, the ~~employee individual~~ is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;



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8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, **fails to wash hands after being directed to do so by the collector**); or
9. ~~If the MRO reports the driver had a verified adulterated or substituted test result.~~
9. Fails to follow the collection observer(s) instructions of which could be used to interfere with the collection process;
10. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process; or
11. Admits to the collector or MRO he/she has adulterated or substituted the specimen.

If the MRO reports the employee had a verified adulterated or substituted test result, the result will be deemed refusal to take a drug test.

If an **employee** individual refuses to participate in a part of the testing process, the collector or MRO, must terminate the portion of the testing process, document the refusal on the CCF (including in the case of the collector, printing the employee's name on Copy 2 of the CCF), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. A referral physician (e.g., physician evaluating a "shy bladder" condition or a claim of a legitimate medical explanation in a validity testing situation) must notify the MRO, who in turn will notify the DER. In addition, the collector must note the refusal in the "Remarks" line (Step 2), and sign and date the CCF. The MRO must note the refusal by checking the "Refused to Test because" box (Step 6) on Copy 2 of the CCF, and add the reason on the "Remarks" line. The MRO must then sign and date the CCF. When the **employee driver** refuses to take a non-DOT test or to sign a non-DOT form, the **employee driver** has not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.



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Record of Negative Screening

An employee required to submit to an alcohol and/or controlled substance screening as provided in this Policy and whose screening results are negative may, at their option, have their personnel file documented to reflect the negative result.

Prescription Drugs

All bus drivers shall notify the DER of the use of any prescription drugs. The Board may require certification from the prescribing physician that the use of the prescription drug will not have an adverse affect on the driver's ability to properly perform safety-sensitive functions.

Consequences to **Employees Drivers** Engaging in Prohibited Conduct

An employee whose screening produces a positive result for a prohibited substance **who is permitted to return to work:**

1. Shall not be permitted to perform safety-sensitive functions;
2. Shall be advised by the DER of resources available to them in evaluating and resolving problems associated with the misuse of alcohol or the use of controlled substances;
3. Shall be evaluated by a **SAP** ~~substance-abuse professional~~ who shall determine what assistance, if any, is needed to resolve problems with alcohol or controlled substance use;
4. Undergo, before returning to duty, a return to duty alcohol test indicating a breath level of less than 0.02 if the conduct involved alcohol or a controlled substance test with a verified negative result;
5. If assistance was required, the employee must be evaluated by a **SAP** ~~substance-abuse professional~~ to determine that the **employee driver** has followed the rehabilitation program prescribed;
6. Be subject to unannounced follow-up alcohol and/or controlled substance abuse testing;
7. Be subject to the disciplinary **Ppolicy** and **Rregulations** of the Board.



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Return-to-Work Agreement

An employee who has been permitted to returned to work and who fails to comply with any of the terms of a **Return to Work Agreement, if provided at the employer's discretion, the return to Work Agreement** shall be subject to **disciplinary action which may include termination.**

Maintenance and Retention of Records

The DER shall maintain and retain all records as required by Federal regulation. Records shall include at least the following:

1. Records Related to the Collection Process
 - a. Collection logbooks (if used);
 - b. Documents related to the random selection process;
 - c. Calibration documentation for Evidential Breath Testing Devices (EBT's);
 - d. Documentation of Breath Alcohol Technician (BAT) training;
 - e. Documentation of reasoning for reasonable suspicion testing;
 - f. Documentation of reasoning for post-accident testing;
 - g. Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing; and
 - h. Consolidated annual calendar year summaries.
2. Records Related to the **Employee's Driver's Test Results**
 - a. Employer's copy of the alcohol test form, including results;
 - b. Employer's copy of the **drug controlled substance** test chain of custody and control form;
 - c. Documents sent to the employer by the **MRO Medical Review Officer**;



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- d. Documentation of any **employee's driver's** refusal to submit to a required alcohol or controlled substance test; and
- e. Documents provided by an **employee driver** to dispute results of test.
- 3. Documentation of any Other Violations of Controlled Substance Use or Alcohol Misuse **Policies Rules**
- 4. Records Related to Evaluations and Training
 - a. Records pertaining to ~~the Substance Abuse Professional's (SAP's)~~ determination of **an employee's driver's** need for assistance;
 - b. Records concerning an **employee's driver's** compliance with ~~the~~ SAP's recommendations, and records related to education and training;
 - c. Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol misuse;
 - d. Documentation of compliance with ~~the~~ requirement to provide **employees drivers** with educational material, including **an employee's driver's** signed receipt of materials;
 - e. Documentation of supervisor training; and
 - f. Certification that training conducted under this **Policy rule** complies with all requirements of the **Policy rule**.
- 5. Records Related to Drug Testing
 - a. Agreements with collection site facilities, laboratories, **MROs, Medical Review Officers (MRO's)** and consortia;
 - b. Names and positions of officials and their role in the employer's alcohol and controlled substance testing program;
 - c. Monthly statistical summaries of urinalysis; and
 - d. The employer's drug testing policy and procedures.



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6. Required Period of Retention

Document to be maintained	Period required to be maintained
Alcohol test results indicating a breath alcohol concentration of 0.02 or greater	5 Years
Verified positive controlled substance test results	5 Years
Documentation of refusals to submit to required alcohol or controlled substance tests (including substituted or adulterated test results)	5 Years
Required Calibration documentation of Evidential Breath Testing Devices (EBT's)	5 Years
Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations All follow-up tests and schedules for follow-up tests	5 Years
Driver Substance Abuse Professional's (SAP's) evaluations and referrals	5 Years
A copy of each Annual calendar year summary	5 Years
Records obtained from previous employers concerning alcohol and drug testing	3 Years
Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) and required training	2 Years



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Document to be maintained	Period required to be maintained
Records related to n Negative and canceled controlled substance test results	1 Year
Alcohol test results indicating a breath alcohol concentration less than 0.02	1 Year
Records obtained from previous employers concerning alcohol and drug testing	3 Years
Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions	Indefinite time period

Other specific types of records shall be maintained in accordance with 49 CFR 382.401.

7. Location of Records

All required records shall be maintained in accordance with Policy No. 8320. Records shall be made available for inspection at the Board Offices within two business days after a request has been made by an authorized representative of the Federal Highway Administration FMCSA.



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Commercial Driver's **License** Controlled Substance
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8. Annual Calendar Year Summary

The DER shall prepare and maintain an annual calendar year summary of the results of its alcohol and substance abuse testing programs. The summary shall be completed no later than March 15 of each year covering the previous calendar year. The DER upon request of the **FMCSA** Federal Highway Administration (FHWA) will provide the annual summary to that agency in the required format.

9. Employee Information Program

The Board will provide an employee information program. The DER will be responsible for implementing the program and shall ensure that each **employee driver** receives information in the manner specified below:

- a. By receiving a copy of this **Ppolicy** and any subsequent revisions.
- b. ~~Through attendance at a meeting~~ The DER will provide **written notice to employees of the following information** at which a detailed discussion of the following is conducted:
 - (1) The identity of the person designated by the employer to answer **employee driver** questions about the materials;
 - (2) Which **employees drivers** are subject to the alcohol misuse and controlled substance requirements;
 - (3) Explanation of what constitutes a safety-sensitive function, so as to make clear what period of the workday the **employee driver** is required to be in compliance;
 - (4) Specific information concerning **employee driver** conduct that is prohibited;



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- (5) The circumstances under which an **employee driver** will be tested for alcohol and/or controlled substances;
- (6) The procedures that will be used to test for the presence of alcohol and controlled substances;
- (7) The requirement that an **employee driver** submit to alcohol and controlled substance tests;
- (8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substance test;
- (9) The consequences for **employees drivers** found to have violated the prohibitions of this **Policy** rule, including the immediate removal of the **employee driver** from safety-sensitive functions;
- (10) The consequences for **employees drivers** found to have an alcohol concentration level of 0.02 or greater but less than 0.04;
- (11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life. Signs and symptoms of an alcohol or controlled substances problem, and available methods of intervening when an alcohol or a control substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

Omnibus Transportation **Employee Testing** Act of 1991

49 **CFR** ~~C.F.R.~~ 40 et seq.

49 **CFR** ~~C.F.R.~~ 382 et seq.

49 **CFR** ~~C.F.R.~~ 395.2

Adopted:



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Hopatcong Board of Education
District Policy

5111- ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS (M)

Section: Students
Date Created: June, 1992
Date Edited: April, 2018

M

The Board of Education shall admit to its schools, free of charge, persons 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.

Eligibility to Attend School

The Board shall admit students eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1.

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 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. 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.

The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child in accordance with N.J.A.C. 6A:22-3.2. A student is only eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 if the student's parent or guardian files, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student must file, if so required by the Board of Education, a sworn statement that he or she: is domiciled within the school district; is supporting the child without remuneration and intends to do so for a time longer than the school term; will assume all personal obligations for the student relative to school requirements; and provides a copy of his or her 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. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school in this school district free of charge 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. Eligibility under this provision shall cease at the end of the current school year during which the parent or guardian returns from active military duty.

A student is eligible to attend school in this school district free of charge 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 attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of a student attending the school district of temporary residence. When one of a student's parents or guardians temporarily resides in the school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with the criteria of N.J.A.C. 6A:22-3.1(a)1.i.

A student is eligible to attend this school district free of charge:

1. 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;
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;
3. If the student previously resided in the school district and if the parent or guardian is a member of the New Jersey 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, pursuant to N.J.S.A. 18A:38-3.b. The school district shall not be obligated for transportation costs; and
4. If the student resides on Federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

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). If the student remains enrolled in the school district for the remainder of the school year, the school district shall provide transportation services to the student, provided the student lives remote from school, and the State shall reimburse the school district for the cost of the transportation services. Nothing in N.J.S.A. 18A:38-1.1 shall be construed to affect the rights of homeless students pursuant to N.J.S.A. 18A:7B-12, N.J.S.A. 18A:7B-12.1, or any other applicable State or Federal law.

A student's eligibility to attend this school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.

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 and the school district shall not condition enrollment in the school district on immigration status. A 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.

Proof of Eligibility

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 school district in accordance with the provisions of N.J.A.C. 6A:22-3.4. The Board of Education 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.

The Board of Education 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 as outlined in N.J.A.C. 6A:22-3.4(d). The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) or pertinent parts thereof if voluntarily disclosed by the applicant. The Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment. However, 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 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 provision of N.J.S.A. 18A:38-1.3.

Registration Forms and Procedures for Initial Assessment

Registration and initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1. The Board of Education shall use Commissioner-provided registration forms or locally developed forms that are consistent with the forms provided by the Commissioner. 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.

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. 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.

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. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.

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 this written statement, 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 the purposes of ensuring compliance with compulsory education law, 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.

Enrollment or attendance at the school shall not be conditioned on advance payment of tuition when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information. The Board of Education 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. Enrollment or attendance in the school district shall not be denied based upon the absence of the certified copy of the student's birth certificate or other proof of a student's identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.

Enrollment in the school district shall not be denied based upon 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.

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.

Notice of Ineligibility

When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4 et seq. 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. Notices of ineligibility shall include information as outlined in N.J.A.C. 6A:22-4.2.

Removal of Currently Enrolled Students

Nothing in N.J.A.C. 6A:22 et seq. and this Policy 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.

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 of Education for the student's removal in accordance with the provisions of N.J.A.C. 6A:22-4.3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student" (as defined in N.J.A.C. 6A:22-1.2) has been informed of his or her entitlement to a hearing before the Board of Education. 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 of Education 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. 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(s) is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. No student may 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.

Appeal to the Commissioner

An applicant may appeal to the Commissioner of Education the school district's 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. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of "affidavit student" eligibility determinations shall be filed by the resident keeping the student.

Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed 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. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 et seq. If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.

If an appeal to the Commissioner is filed 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 in accordance with the provisions of N.J.A.C. 6A:22-6.2(a). Upon the Commissioner's finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2.

Nonresident Students

The admission of a nonresident student to school free of charge must be approved by the Board. No student otherwise eligible shall be denied admission on the basis of the student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship and discipline.

Children Who Anticipate Moving to or from the District

A nonresident student otherwise eligible for attendance whose parent or guardian anticipates school district residency and has entered a contract to buy, build, or rent a residence in this school district may be enrolled without payment of tuition for a period of time not greater than four months prior to the anticipated date of residency. If any such student does not become a resident of the school district within four months after admission to school, tuition will be charged for attendance commencing the beginning of the fifth month and until such time as the student becomes a resident or withdraws from school.

Students whose parent or guardian have moved away from the school district on or after April 1 and twelfth grade students whose parent or guardian have moved away from the school district on or after April 1 will be permitted to finish the school year in this school district without payment of tuition.

Children of District Employees

Children of Board of Education employees who do not reside in this school district may be admitted to school in this district without payment of tuition, provided that the educational program of such children can be provided within school district facilities.

Other Nonresident Students

Other nonresident students, otherwise eligible for attendance may be admitted to this school district with payment of tuition and Board approval. However, the Board may allow students whose parents/guardians moved out of the district to be permitted to finish their education without paying tuition. This decision shall be within the sole discretion of the Board and based on any relevant factors as determined by the Board, which may include the number of years the individual has been a student within the Hopatcong School District, the number of years necessary for the student to graduate, and/or the student's disciplinary record.

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

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Administering an Opioid Antidote

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[See POLICY ALERT Nos. 210 and 217]

5330.04 ADMINISTERING AN OPIOID ANTIDOTE

N.J.S.A. 18A:40-12.24.a requires schools to adopt a Policy for the emergency administration of an opioid antidote to a student, staff member, or other person who is experiencing an opioid overdose.

N.J.S.A. 18A:40-12.24.a.(1) requires schools with any of the grades nine through twelve to comply with the provisions of the law and permits schools with students in other grades to comply with the provisions of N.J.S.A. 18A:40-12.24.a.(1). Therefore, the Board extends the provisions of N.J.S.A. 18A:40-12.23 through 12.27 to schools with any of the grades 8 through 12.

N.J.S.A. 18A:40-12.24 requires a school to obtain a standing order for opioid antidotes pursuant to the "Overdose Prevention Act" - N.J.S.A. 24:6J-1 et seq. The school shall maintain a supply of opioid antidotes under the standing order in a secure, but unlocked and easily accessible location. The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building.

The school nurse and a designated employee who volunteers to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c, are required to be trained for the administration of an opioid antidote in accordance with N.J.S.A. 18A:40-12.25.b. The school nurse or a designated employee who volunteers to administer an opioid antidote shall be promptly available on site at the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time.



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Administering an Opioid Antidote

N.J.S.A. 18A:40-12.24 permits the school nurse or a designated trained employee to administer an opioid antidote to any person whom the nurse or the trained designated employee who in good faith believes is experiencing an opioid overdose.

An overdose victim shall be transported to a hospital emergency room by emergency medical responders after the administration of an opioid antidote, even if the person's symptoms appear to have resolved.

In accordance with N.J.S.A. 24:6J-4.a.(1)(f), a prescriber or other health care practitioner, as appropriate, may prescribe or dispense an opioid antidote directly or through a standing order to a school, school district, or school nurse. In accordance with N.J.S.A. 24:6J-4.a.(2)(c), whenever the law expressly authorizes or requires a school or school district to obtain a standing order for opioid antidotes, the school nurse(s) employed or engaged by the school or school district shall be presumed by the prescribing or dispensing health care practitioner to be capable of administering the opioid antidote, consistent with the express statutory requirement.

Notwithstanding the provisions of N.J.S.A. 24:6J-4.a.(3)(b) to the contrary, if the law expressly authorizes or requires a school, school district, or school nurse to administer or dispense opioid antidotes pursuant to a standing order under N.J.S.A. 24:6J-4 et seq., the standing order issued shall be deemed to grant the authority specified by the law, even if such authority is not specifically indicated on the face of the standing order.

In accordance with the provisions of N.J.S.A. 18A:40-12.26, no school employee, including a school nurse or any other officer or agent of a Board of Education or charter school, or a prescriber of opioid antidotes for a school through a standing order, shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.23 et seq. Good faith shall not include willful misconduct, gross negligence, or recklessness.

Any school, school district, school nurse, school employee, or any other officer or agent of a Board of Education or charter school who administers or permits the administration of an opioid antidote in good faith in accordance with the provisions of N.J.S.A. 18A:40-12.24 and pursuant to a standing order issued under N.J.S.A. 24:6J-4 shall not, as a result of any acts or omissions, be subject to any criminal or civil liability or any disciplinary action for administering, or permitting the administration of, the opioid antidote in accordance with N.J.S.A. 24:6J-1 et seq.



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Administering an Opioid Antidote

Notwithstanding the provisions of any law, rule, regulation, ordinance, or institutional or organizational directive to the contrary, any person or entity authorized to administer an opioid antidote pursuant to N.J.S.A. 24:6J-4, may administer to an overdose victim, with full immunity: a single dose of any type of opioid antidote that has been approved by the United States Food and Drug Administration for use in the treatment of opioid overdoses; and up to three doses of an opioid antidote that is administered through an intranasal application, or through an intramuscular auto-injector, as may be necessary to revive the overdose victim. Prior consultation with, or approval by, a third-party physician or other medical personnel shall not be required before an authorized person or entity may administer up to three doses of an opioid antidote, as provided in N.J.S.A. 24:6J-4, to the same overdose victim.

A school district may enter into a shared services arrangement with another school district for the provision of opioid antidotes pursuant to N.J.S.A. 18A:40-12.27 if the arrangement will result in cost savings for the districts.

This Policy and Regulation 5330.04 shall be reviewed and approved by the school physician prior to Board adoption and whenever this Policy is revised. This Policy shall be made available to school staff members, parents, and students in handbooks, on the school district's website, or through any other appropriate means of publication.

N.J.S.A. 18A:40-12.23; 18A:40-12.24; 18A:40-12.25;

18A:40-12.26; 18A:40-12.27

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

Adopted:



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[See POLICY ALERT Nos. 207 and 217]

5337 SERVICE ANIMALS

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 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. (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. (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).



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- 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. Generally

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 service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g. voice control, signals, or other effective means). (28 CFR §35.136(d))
3. 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. (28 CFR §35.136(b))
4. 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.
5. Unless the need for a service animal is readily apparent, the individual with a disability or his/her parent will be required to provide the district with information that:
 - a. The service animal is required because of a disability; and
 - b. What work or task the animal has been trained to perform.



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6. 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. (28 CFR §35.136(f))
7. Individuals with a disability who have service animals are not exempt from local animal control or public health requirements.
8. Service animals must be licensed and registered in accordance with State and local laws.

C. Delegation of Responsibility

1. The district is not responsible for the care or supervision of a service animal, in accordance with 28 CFR §35.136(e).
 - 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 district is responsible to provide assistance to an individual with a disability in performing the tasks required of the individual for the care and maintenance of the service animal.
2. If the district normally charges individuals for damage they cause, an individual with a disability may be charged for damage caused by his or her service animal. (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:



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- 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;
 - (4) Do not hesitate to ask the handler if he or she 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.

28 CFR §35.136
28 CFR §36.104

Adopted:



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[See POLICY ALERT Nos. 204, 206 and 217]

5756 TRANSGENDER STUDENTS

The Board of Education is committed to providing a safe, supportive, and inclusive learning environment for all students. The New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-12(11)(f), generally makes it unlawful for schools to subject individuals to differential treatment based on gender identity or expression. Title IX of the Education Amendments of 1972 ("Title IX") specifically prohibits discrimination on the basis of sex in Federally-funded education programs and activities [20 U.S.C. § 1681(a)].

N.J.S.A. 18A:36-41 directs the Commissioner of Education to establish guidelines outlined in this Policy to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.

Definitions/Terms

A safe and supportive environment within a school begins with understanding and respect. The Board believes students, teachers, and administrators should be provided with common terminology associated with gender identity. The terms listed below are commonly used by advocacy and human rights groups, however students may prefer other terms to describe their gender identity, appearance, or behavior. It is recommended school personnel discuss with the student the terminology and pronouns each student has chosen.

"Gender identity" means a person's internal, deeply held sense of gender. All people have a gender identity, not just transgender people. For transgender people, the individual's internal gender identity is not the same as the gender assigned at birth.

"Gender expression" means external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture.



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Transgender Students

"Assigned sex at birth (ASAB)" refers to the biological sex designation recorded on a person's birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.

"Gender assigned at birth" refers to the gender a child is assigned at birth or assumed to be, based on their biological sex assigned at birth.

"Sexual orientation" describes a person's enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. A transgender person may be straight, lesbian, gay, bisexual, or asexual. For example, a person who transitions from male to female and is attracted solely to men may identify as a straight woman.

"Transgender" is a term for an individual whose gender identity and/or gender expression differs from those typically associated with the sex and gender assigned at birth.

"Transition" is the process by which a transgender person recognizes that their authentic gender identity is not the same as the gender assigned at birth, and develops a more affirming gender expression that feels authentic. Some individuals socially transition, for example, through dress, use of names and/or pronouns. Some individuals may undergo physical transition, which might include hormone treatments and surgery. School district personnel should avoid the phrase "sex change," as it is an inaccurate description of the transition process; the process is more accurately described as "gender-confirming."

"LGBTQ" is an acronym for "lesbian, gay, bisexual, transgender, and queer/questioning."

"Gender nonconforming" describes a person whose gender expression does not conform to the gender expectations of their family or community. Gender nonconformity is not necessarily an indication that a youth is transgender; many non-transgender youth do not conform to stereotypical expectations.

"Gender expansive, Gender diverse, Gender fluid, Gender non-binary, A gender, Gender queer" are terms that convey a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. For example, students who identify as gender queer or gender fluid might not identify as boys or girls; for these students, the non-binary gender identity functions as the student's gender identity.

"Cisgender" refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.



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Student-Centered Approach

The school district shall accept a student's asserted gender identity; parental consent is not required. A student need not meet any threshold diagnosis or treatment requirements to have his or her gender identity recognized and respected by the school district, school, or school staff members. In addition, a legal or court-ordered name change is not required. There is no affirmative duty for any school district staff member to notify a student's parent of the student's gender identity or expression.

There may be instances where a parent of a minor student disagrees with the student regarding the name and pronoun to be used at school and in the student's education records. In the event a parent objects to the minor student's name change request, the Superintendent or designee should consult the Board Attorney regarding the minor student's civil rights and protections under the NJLAD. School staff members should continue to refer to the student in accordance with the student's chosen name and pronoun at school and may consider providing resource information regarding family counseling and support services outside of the school district.

School districts should be mindful of disputes between minor students and parents concerning the student's gender identity or expression. Many support resources are available through advocacy groups and resources from the New Jersey Department of Children and Families and New Jersey Department of Education's "Child Abuse, Neglect, and Missing Children" webpage.

The Principal or designee should have an open, but confidential discussion with the student to ascertain the student's preference on matters such as chosen name, chosen pronoun to use, and parental communications. A transgender student shall be addressed at school by the name and pronoun chosen by the student, regardless of whether a legal name change or change in official school records has occurred. The school shall issue school documentation for a transgender student, such as student identification cards, in the name chosen by the student. A transgender student shall be allowed to dress in accordance with the student's gender identity.

The Principal or designee should also discuss with the student, and any other individuals at the student's request, the risks associated with the student's transgender status being inadvertently disclosed. For example, the Principal or designee should inform the student the transgender status may be revealed due to other students' discussions at home. The Principal or designee should work with the transgender student to ensure awareness of activities and events that may inadvertently disclose the transgender student's status.



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Safe and Supportive Environment

The Board developed and adopted this Policy to ensure that its schools provide a safe and supportive learning environment that is free from discrimination and harassment for transgender students, including students going through a gender transition. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are gender nonconforming or not.

The Superintendent or designee shall review and update existing policies and procedures, including those regarding classroom activities, school ceremonies, school photographs, and dress codes, to verify transgender students are not excluded. In addition, the school district shall take the following steps to establish and maintain a nondiscriminatory environment for all students, including transgender and transitioning students:

- The school district must comply with N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7, which prohibit harassment, intimidation, and bullying. The Board is required to develop, adopt, and implement a Policy in accordance with N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7 that prohibits harassment, intimidation, or bullying on school property, at a school-sponsored function, or on a school bus. If harassment, intimidation, or bullying based on gender identity creates a hostile environment, the school must take prompt and effective steps to end the harassment, intimidation, or bullying, prevent its recurrence, and, as appropriate, remedy its effects.
- The Superintendent or designee should ensure training is provided to school staff members on sensitivity and respect towards transgender students.
- Social and Emotional Learning (SEL) concepts should be incorporated into school culture and curricula.
- The school district may seek a variety of professionals, including counselors and school psychologists, to provide emotional supports for all students who demonstrate a need. The Superintendent or designee shall ensure school counselors are knowledgeable regarding issues and concerns relevant to transgender students, students facing other gender identity issues, or students who may be transitioning.



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- Student dress codes should not be enforced more strictly for transgender and gender nonconforming students than for other students.
- The school district shall honor and recognize a student's asserted gender identity, and shall not require any documentation or evidence in any form, including diagnosis, treatment, or legal name change.
- A school's obligation to ensure nondiscrimination on the basis of gender identity requires schools to provide transgender students equal access to educational programs and activities, even in circumstances in which other students, parents, or community members raise objections or concerns.

Confidentiality and Privacy

School staff members may not disclose information that may reveal a student's transgender status except as allowed by law. The Principal or designee is advised to work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status.

The school district shall keep confidential a current, new, or prospective student's transgender status. Schools should address the student using a chosen name and the student's birth name should be kept confidential by school and school staff members.

Due to a specific and compelling need, such as the health and safety of a student or an incident of bias-related crime, the school district may be obligated to disclose a student's status. In this event, the Principal or designee should inform the student the school or school district intends to disclose the student's transgender status for the student's protection and well-being. Prior to disclosure, the student should be given the opportunity to personally disclose that information. The school district should make every effort to ensure any disclosure is made in a way that reduces or eliminates the risk of re-disclosure and protects the transgender student from further harassment. Those measures may include the facilitation of counseling for the student and the student's family to facilitate the family's acceptance and support of the student's transgender status.



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During a harassment, intimidation, or bullying investigation the school district is obligated to develop a procedure to report, verbally and in writing, an act of harassment, intimidation, and bullying committed by an adult or youth against a student, pursuant to N.J.A.C. 6A:16-7.7(a)2viii. In this instance, the Principal or designee should inform the student of the school's obligation to report the findings of the harassment, intimidation, and bullying investigation pursuant to N.J.S.A. 18A:37-15(d), which permits the parents of the students who are parties to the investigation to receive information about the investigation in accordance with Federal and State law and regulation. Under harassment, intimidation, and bullying legal requirements, parents are entitled to know the nature of the investigation; whether the district found evidence of harassment, intimidation, or bullying; or whether disciplinary action was imposed or services provided to address the incident of harassment, intimidation, or bullying.

The Principal or designee shall take into account the circumstances of the incident when providing notification to parents of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense, pursuant to N.J.A.C. 6A:16-7.7(a)2viii(2).

Disclosure of personally identifiable information from a student's education record to other school officials within the school district, whom the school district has determined have a legitimate educational interest in the information, may be permissible under Family Educational Rights and Privacy Act (FERPA) (34 C.F.R. § 99.31(a)(1)). The school district shall make a concerted effort to ensure school officials obtain access to only those education records in which they have legitimate educational interests.

The school district shall comply with all laws and regulations regarding the confidentiality of student records and student privacy, including the requirements set forth at 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs, and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7917, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by pupils, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil Records, creation, maintenance and



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retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records; as well as all other existing Federal and State laws and rules pertaining to student records and confidentiality.

School Records

If a student has expressed a preference to be called by a name other than their birth name, permanent student records containing the student's birth name should be kept in a separate, confidential file. This file should only be shared with appropriate school staff members after consultation with a student. A separate file containing records bearing the student's chosen name may also be kept. If the student has previously been known at school or in school records by a birth name, the Principal or designee should direct school staff members to use the student's chosen name and not the student's birth name.

To ensure consistency among teachers, school administrators, substitute teachers, and other school staff members, every effort should be made to immediately update student education records (for example, attendance records, transcripts, Individualized Education Programs (IEP), etc.) with the student's chosen name and gender pronouns, consistent with the student's gender identity and expression, and not circulate records with the student's birth name, unless directed by the student.

- The school district shall report to the New Jersey Department of Education (NJDOE) through NJ SMART a student's name or gender based upon that student's chosen name and corresponding gender identity. Changing the name or gender identity from what was reported in previous years will not affect the reliability of the data reported.
- If the school district changes a student's name or gender identity, it must also maintain locally a separate record reflecting the student's legal name and sex assigned at birth until receipt of documentation of a legal change of name or gender.

Activities

With respect to gender-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity.



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The school district shall:

- Provide transgender students with the same opportunities to participate in physical education as other students in accordance with their gender identity;
- Permit a transgender student to participate in gender-segregated school activities in accordance with the student's gender identity;
- Permit and support the formation of student clubs or programs regarding issues related to lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth; and
- Offer support in the creation of peer led educational groups.

Use of Facilities

All students are entitled to have access to restrooms, locker rooms, and changing facilities in accordance with their gender identity to allow for involvement in various school programs and activities.

In all cases, the Principal or designee must work with the student and school staff members so all parties are aware of facility policies and understand the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want this arrangement, others may be uncomfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may be uncomfortable using the changing facilities that correspond to the student's gender identity. Non-transgender students should also be afforded the option to use a private facility, such as a unisex facility or the nurse's restroom, should they feel uncomfortable.

- The school district shall allow a transgender student to use a restroom or locker room based on the student's gender identity.
- Reasonable alternative arrangements shall be made if needed to ensure a student's safety and comfort. This direction for accommodations should come from the student.



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The Superintendent or designee will make available to school staff members a variety of resources regarding professional development opportunities as sourced by the NJDOE as well as developmentally appropriate information for students regarding LGBTQ issues.

The Board adopts this Policy to help school and district administrators take steps to create an inclusive environment in which transgender and gender nonconforming students feel safe and supported, and to ensure each school provides equal educational opportunities for all students, in compliance with N.J.A.C. 6A:7-1.1 et seq.

N.J.S.A. 18A:36-41; 18A:37-15
N.J.A.C. 6A:7-1.1 et seq.; N.J.A.C. 6A:16-7.7
New Jersey Department of Education – October 2018
Transgender Student Guidance for School Districts

Adopted:



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[See **POLICY ALERT** Nos. 96, 214 and 217]

7440 SCHOOL DISTRICT SECURITY

The Board of Education believes the buildings and facilities of the school district represent a substantial community investment. The Board directs the development and implementation of a plan for school district security to protect the school community's investment in the school buildings and facilities.

The school district security program will include: maintenance of facilities that are secure against unwelcome intrusion; protection against fire hazards and faulty equipment; and compliance with safe practices in the use of electrical, plumbing, heating, and other school building equipment. The Board directs close cooperation of district officials with law enforcement, fire officials, and other emergency agencies.

The Superintendent of Schools shall designate a school administrator, or a school employee with expertise in school safety and security, as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist certification in accordance with the provisions of N.J.S.A. 18A:17-43.2. The School Safety Specialist shall also serve as the school district's liaison with local law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

Access to school buildings and grounds outside the hours school is in session shall be limited to personnel whose employment requires their presence in the facility. An adequate key control system will be established to limit building access to authorized personnel and guard against the potential of intrusion by unauthorized persons who have obtained access improperly.

Building records and funds shall be kept in a safe place and secured as appropriate and necessary.



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Protective devices designed to be used as safeguards against illegal entry and vandalism may be installed when appropriate. The Board may approve the employment of school resource officers, school security officers, and/or law enforcement officers in situations in which special risks are involved.

N.J.S.A. 18A:17-43.1; 18A:17-43.2; 18A:17-43.3

Adopted:



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Administering an Opioid Antidote

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[See POLICY ALERT No. 217]

R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE

A. Definitions

1. "Opioid antidote" means any drug, regardless of dosage amount or method of administration, which has been approved by the United States Food and Drug Administration (FDA) for the treatment of an opioid overdose. "Opioid antidote" includes, but is not limited to, naloxone hydrochloride, in any dosage amount, which is administered through nasal spray or any other FDA-approved means or methods.
2. "Opioid overdose" means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid drug or another substance with which an opioid drug was combined, and that a layperson would reasonably believe to require medical assistance.
3. "School-sponsored function" means any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized or supported by the school.

B. Acquisition, Maintenance, Accessibility, and Documentation of an Opioid Antidote

1. The school nurse in each school that includes any of the grades designated by the Board in Policy 5330.04 shall obtain a standing order for opioid antidotes pursuant to the "Overdose Prevention Act" – N.J.S.A. 24:6J-1 et seq.
2. The school nurse shall be responsible to:
 - a. Maintain a supply of opioid antidotes that have been prescribed under a standing order in a safe and secure, but unlocked and easily accessible location in the school:



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- (1) The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building.
 - b. Document the administration of an opioid antidote on a student's health record;
 - c. Monitor the on-site inventory and replacement of the opioid antidote supply; and
 - d. Plan for the disposal of administered opioid antidote and expired opioid antidote.
3. Opioid antidotes shall be maintained by a school pursuant to N.J.S.A. 18A:40-12.24.b.(1) in quantities and types deemed adequate by the Board, in consultation with the New Jersey Department of Education (NJDOE) and the Department of Human Services.

C. Authorization and Training for Administering an Opioid Antidote

1. The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote.
2. However, the Board upon the recommendation of the Superintendent shall designate additional employees who volunteer to administer an opioid antidote in the event that a person experiences an opioid overdose when the nurse is not physically present at the scene.



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3. The school nurse and designated employees shall only be authorized to administer opioid antidotes after receiving the training required under N.J.S.A. 18A:40-12.25.b.
 - a. Each school nurse and each employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall receive training on standardized protocols for the administration of an opioid antidote to a person who experiences an opioid overdose. The training shall include the overdose prevention information described in the "Overdose Prevention Act" – N.J.S.A. 24:6J-5. The school district will provide training by an appropriate entity or entities as specified by the NJDOE's guidelines. A school nurse shall not be solely responsible to train the employees designated pursuant to N.J.S.A. 18A:40-12.24.c.
4. In the event a licensed athletic trainer volunteers to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.23 through 12.27, it shall not constitute a violation of the "Athletic Training Licensure Act" – N.J.S.A. 45:9-37.35 et seq.

D. Administration of an Opioid Antidote

1. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be authorized to administer an opioid antidote to any person whom the nurse or trained employee in good faith believes is experiencing an opioid overdose.
 - a. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be promptly available on site at the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time.
 - b. Upon receiving a report or observing a possible opioid overdose in the school or at a school-sponsored function that takes place in a school or on school grounds adjacent to the school building at any time, the Principal or designee or any staff member present will immediately call the school nurse, if present, or a designated staff member who



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volunteered and was trained to administer an opioid antidote, and emergency medical responders.

2. A staff member shall keep the individual who may be experiencing an opioid overdose comfortable until emergency medical responders arrive on the scene.
3. An overdose victim shall be transported to a hospital emergency room by emergency medical responders after the administration of an opioid antidote, even if the person's symptoms appear to have resolved.
4. The Principal or designee shall notify the Superintendent or designee whenever an opioid antidote is administered.
5. The Principal or designee shall notify, as soon as practical, the parent of any student or a family member or other contact person for a staff member who may be experiencing an opioid overdose or has been administered an opioid antidote.

E. Use of Controlled Dangerous Substances

1. Any student or staff member who is found to be under the influence of a controlled dangerous substance shall be subject to the provisions of any applicable statutes and administrative codes and Board Policies and Regulations prohibiting the use of a controlled dangerous substance.

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[See POLICY ALERT Nos. 96, 214 and 217]

R 7440 SCHOOL DISTRICT SECURITY

A. Definitions

"Access" means authorized access to a school building or school grounds through the use of a Board-approved key control system.

"Key control system" means the use of a key, card, code, or any other means to disengage a locking mechanism to provide entry to a school building or school grounds.

"School buildings" and "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 and structures that support these 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 buildings" and "school grounds" also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; 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 such as 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 in accordance with N.J.A.C. 6A:16-1.3 and 6A:26-1.2.

B. Access to School Buildings and School Grounds

1. Access to school buildings and grounds during the school day will be permitted to all students enrolled in the school, all authorized school staff members, and visitors pursuant to Policy and Regulation 9150.
2. Access to school buildings and grounds before and after the school day will be permitted to:
 - a. Members of the Board of Education;



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- b. Administrative and supervisory staff members, teaching staff members, and support staff members assigned to a school building or grounds in the performance of their duties;
 - c. Other school staff members in the performance of their professional responsibilities;
 - d. Students involved in interscholastic athletics, co-curricular or extra-curricular activities, and authorized spectators;
 - e. Members of organizations granted the use of school premises pursuant to Policy and Regulation 7510;
 - f. Police officers, fire fighters, health inspectors, and other agents of Federal, State, and local government in the performance of their official duties;
 - g. Members of the public present to attend a public Board of Education or public school-related function; and
 - h. Others authorized by the Superintendent or designee and/or by Board Policy.
3. All visitors to a school building during a school day will be required to register their presence in the school and comply with the provisions of Policy and Regulation 9150. The school's registration and sign-in procedures may include the use of a school visitor management system requiring the visitor to present acceptable identification to access the school building.
4. Signs will be conspicuously posted to inform visitors of the requirement to register their presence into the building.
- C. Key Control System for Access to School Buildings and Facilities
- 1. School staff members will be provided access to a school building using the school's key control system as follows:
 - a. Teaching staff members and support staff members will be provided access using the school's key control system to the school building and to other facilities on school grounds to which they require access for the performance of their professional duties.



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- (1) The Building Principal will determine the school staff members who shall be provided access to facilities within the school building and on school grounds.
 - (2) The Superintendent or designee will determine the district administrators, supervisors, and other staff members who shall be provided access to facilities within the school building and on school grounds.
2. School staff members provided access to a school building or other facilities on school grounds shall be responsible for ensuring their key control system authorization is not shared with another individual without prior approval of the Principal or designee for school staff members, or the Superintendent or designee for district staff members. Staff members are prohibited from permitting their key control system authorization to be used by another person unless prior approval is obtained from the Principal or designee at the building level and Superintendent or designee at the district level or in the event of an emergency.
 3. A staff member's loss of a key, card, or any other device authorizing the staff member access to a school building or a facility on school grounds must be immediately reported to the Principal or Superintendent or designee. The staff member who loses a key, card, or any such access device may be responsible for the replacement cost.

D. Staff Member Responsibilities

1. Staff members should not bring to school valuable personal items that cannot be in the staff member's personal possession at all times. The Board of Education is not responsible for a staff member's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed.
2. In the event a staff member observes a student has a valuable item in school, the staff member will report it to the Principal or designee. A valuable item may include, but is not limited to, an unusually large amount of money, expensive jewelry or electronic equipment, or any item that is determined by the Principal or designee to be valuable to a student based on the student's age.



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- a. The Principal or designee may contact the student's parent and request the parent come to school to retrieve the valuable item;
 - b. The Principal or designee may secure the valuable item and return it to the student at the end of the school day and inform the student and the parent not to bring the valuable item to school in the future; or
 - c. The Principal or designee will permit the student to maintain the valuable item and inform the student and the parent not to bring the valuable item to school in the future.
 - d. The Board of Education is not responsible for a student's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed when in the possession of the student.
3. Teaching staff members shall close classroom windows and shut and lock classroom doors when leaving at the end of the school day; shut and lock classroom doors during the school day when the room is not going to be in use after their assignment, and report immediately to the Principal or designee any evidence of tampering or theft.
 4. Custodians shall, at the end of the work day, conduct a security check of the building to make certain that all windows are closed and all office, classroom, and building doors are shut and locked, except as such doors may be required to be open for persons with access.
 5. Office personnel shall take all reasonable precautions to ensure the security of all school and district records and documents against unauthorized access, deterioration, and destruction.
- E. School Safety Specialist
1. The Superintendent of Schools shall designate a school administrator as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3.



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2. The School Safety Specialist shall:
 - a. Be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district;
 - b. Ensure that these policies and procedures are in compliance with State law and regulations; and
 - c. Provide the necessary training and resources to school district staff in matters relating to school safety and security.
3. The School Safety Specialist shall also serve as the school district's liaison with law enforcement and national, State, and community agencies and organizations in matters of school safety and security.
4. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist Certification in accordance with the provisions of N.J.S.A. 18A:17-43.2.

F. Summoning Law Enforcement Authorities

1. Law enforcement authorities will be summoned promptly whenever evidence is discovered that indicates: a crime has been committed on school premises or in the course of staff or student transportation to or from school; a break and entry may have occurred on school grounds; a deadly weapon is on school premises; a breach of the peace has occurred on school premises; for any reason required in the Memorandum of Understanding between the Board of Education and Law Enforcement and in accordance with Policy and Regulation 9320; or for any other reason there is concern about the health, safety, and welfare of persons on school grounds or school property.
2. A call to law enforcement agents will be reported to the Superintendent as soon as possible, along with the reason(s) for which the call was made and the outcome of the incident.

Issued:

