

MISSINGR 7102 SITE SELECTION AND ACQUISITION**[See POLICY ALERT No. 213]**

The school district may need to select and acquire new sites for school district facilities. Site acquisition for school purposes and every acquisition of land will be made pursuant to N.J.A.C. 6A:26-3.12 and N.J.A.C. 6A:26-7.1 through 7.3.

A. Acquisition of Land by School Districts - N.J.A.C. 6A:26-3.12

Every acquisition of land, whether by purchase, condemnation, or by gift or grant, to be used as a school site shall comply with N.J.A.C. 6A:26-7 and receive approval.

B. Approval of the Acquisition of Land - N.J.A.C. 6A:26-7.1**1. Voter Approval - N.J.A.C. 6A:26-7.1(a)**

The school district may obtain voter approval for funding of land acquisition prior to the Division of Administration and Finance (Division) approval of the land acquisition. The school district shall not take any action to acquire the land prior to obtaining Division approval.

2. Submission to the Division of Administration and Finance - N.J.A.C. 6A:26-7.1(b)

The school district, or the New Jersey Schools Development Authority (Development Authority) on behalf of the district, shall submit to the Division the following information to obtain approval under B.1. above for land in connection with a school facilities project. The following requirements do not address requirements of other State agencies having approval or permitting jurisdiction over land acquisition:

a. The following information shall be provided by the school district:

(1) A written request that shall include a statement, signed by the Board President and the Superintendent, indicating the immediate and ultimate proposed uses of the site, in terms of building use, grade organization, and potential maximum enrollment, and whether the land is, or will be, part of a school facilities project indicated in the district's LRFP;

(2) A map of the school district showing the location of the land, the location of existing schools in the school district, the attendance

area to be served by the school, and the number of students who reside within the attendance area;

- (3) Data regarding the impact of the acquisition upon racial balance within the school district's public schools;
- (4) A full, detailed appraisal of the market value of the property prepared by a licensed professional;
- (5) A title report on the property produced by any reputable title insurer licensed in the State of New Jersey evidencing that title is good and marketable;
- (6) A feasibility study evidencing that school district-owned land within the attendance area to be served by the school is not available, suitable, or sufficient to be used for school purposes, but only if the school district is required to use the Development Authority and seeking approval for a new acquisition of land and not merely a new use for already school district-owned land; and
- (7) For a school district required to use the Development Authority and seeking approval for the acquisition of land, evidence that the school district has not indemnified the seller of the land for the costs arising from the environmental remediation required for the property to be used for school purposes; acquired the land in its "as is" condition; or acquired the land under terms and conditions that would invalidate the statutory immunity of the school district from liability for the remediation costs associated with pre-existing contamination, whether discovered pre-closing or post-acquisition, under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

b. The following information shall generally be provided by a licensed architect, professional engineer, or professional planner in accordance with N.J.A.C. 6A:26-7.1(b)(2):

- (1) A statement from the licensed architect, professional engineer, or professional planner indicating whether the land is subject to regulation under the Coastal Wetlands Act - N.J.S.A. 13:9A-1 et seq.; the Freshwater Wetlands Act - N.J.S.A. 13:9B-1 et seq.; the Pinelands Protection Act - N.J.S.A. 13:18A-1 et seq.; the Waterfront Development Act - N.J.S.A. 12:5-3; the Green Acres Acts - N.J.S.A. 13:8A-1 et seq., N.J.S.A. 13:8A-19 et seq., N.J.S.A. 13:8A-35 et seq., and N.J.S.A. 13:8C-1 et seq.; or other

statutes, regulations or executive orders administered by agencies of State or Federal government;

- (a) If so subject, the statement shall address the steps necessary to obtain approval from the agencies, and include adequate documentation to demonstrate to the Division the approvals will be obtained and not affect the educational adequacy of the site, as set forth in B.4. and B.5. below.
- (2) A statement from a New Jersey licensed architect, professional engineer, or professional planner indicating whether the proposed use of the land to be acquired is consistent with the goals and strategies of the New Jersey State Development and Redevelopment Plan (State Plan). If inconsistent with such goals and strategies, the statement shall include adequate documentation to demonstrate to the Division there are no alternative suitable sites available in the school district that are consistent with the State Plan's goals and strategies;
- (3) A statement from a New Jersey licensed architect, professional engineer, or professional planner indicating the land to be acquired is suitable for the proposed use;
- (4) A completed, signed, and sealed plot plan of the land to be acquired showing topographical and contour lines; adjacent properties indicating current land uses; access roads; deed restrictions; easements; protective covenants; right of ways; and environmentally sensitive areas such as waterways and wetlands. The acreage and dimensions of the tract proposed for acquisition shall be included as per the application of the standards for minimum acceptable school site sizes in B.4. below;
- (5) If existing buildings or structures are located on the land to be acquired, the intended use, and/or disposition of these buildings. Any building to be acquired and used shall comply with the requirements of the Uniform Construction Code (UCC) for educational occupancy and N.J.A.C. 6A:26-5 that apply to the construction of a new building;
- (6) Adequate documentation to demonstrate to the Division that soil conditions for structural integrity and drainage have been examined by the New Jersey licensed architect or professional engineer; and

- (7) Adequate documentation to demonstrate to the Division that soil and groundwater conditions have been examined by a New Jersey licensed architect or professional engineer for suitability for septic systems, if applicable.
- c. The following shall be submitted by the school district in accordance with N.J.A.C. 6A:26-7.1(b)3:
- (1) A statement from a local or regional water purveyor or alternatively, a statement from a geologist or professional engineer if the source of water is groundwater, certifying that:
 - (a) The land can be adequately provided with the necessary water for the proposed maximum enrollment, and if the source of water is groundwater, that there will be sufficient groundwater available for the proposed maximum enrollment; and
 - (b) Potable water infrastructure is, or is not, in place to service the site.
 - (2) A statement from a local or county sewerage agency certifying that:
 - (a) The land can be adequately provided with the necessary and acceptable sewage disposal system for the proposed maximum enrollment, as evidenced, for example, by consistency with the locally approved wastewater management plan; and
 - (b) Sewer infrastructure is, or is not, in place to service the site. If such infrastructure is not in place, adequate documentation from a professional engineer or licensed geologist to demonstrate that soil and groundwater conditions are suitable for a septic system or discharge to groundwater.
 - (3) Recommendations from the New Jersey Department of Environmental Protection (NJDEP) that there are no substantial reasons why the land acquisition should not proceed within forty-five days of its receipt of an environmental site report submitted by the school district or the Development Authority on behalf of the school district addressing the items below, or evidence that forty-five days have passed since the NJDEP's receipt of the environmental site report, whichever is earlier:

- (a) A sewer service consistency determination;
 - (b) Potable water supply;
 - (c) Coastal and freshwater wetlands;
 - (d) Green Acres land;
 - (e) Stream encroachment;
 - (f) Historical or archeological resources;
 - (g) Endangered plant species;
 - (h) Threatened or endangered animal species; and
 - (i) An environmental site assessment to determine whether there is potential contamination on the land, submitted on a form provided by the New Jersey Department of Education (NJDOE).
- d. The following shall be submitted by the school district in accordance with N.J.A.C. 6A:26-7.1(b)4:
- (1) Recommendations of the planning board or the municipality in which the land is situated, and that has an approved master plan as required by N.J.S.A. 40:55D-31 and N.J.S.A. 18A:18A-16, or evidence that the applicable forty-five days or fifty-five days have passed, whichever is earlier, from the planning board's receipt of the land acquisition application. The recommendations shall be sent to the Division of Administration and Finance, Office of School Facilities, PO Box 500, Trenton, NJ 08625-0500, and forwarded promptly to the Division at the above address if received by the school district or its architect;
 - (2) The recommendation of the Executive County Superintendent based on the requirements specified in N.J.A.C. 6A:26-7; and
 - (3) Prior approvals of other agencies, such as the New Jersey Department of Agriculture, NJDEP, and the Pinelands Commission, where such approval is reasonably obtainable prior to acquisition.

3. Land Acquisition for Non-School Facility Project - N.J.A.C. 6A:26-7.1(c)

- a. A school district that intends to acquire land not in connection with a school facilities project shall submit all of the information required under N.J.A.C. 6A:26-7.1(b) except N.J.A.C. 6A:26-7.1(b)1.ii and N.J.A.C. 6A:26-7.1(b)1.iii, and shall further be excepted from the requirements of N.J.A.C. 6A:26-7.1(d) and N.J.A.C. 6A:26-7.1(e). If the school district later intends to change the use of the land and use as a school site, the school district shall be required to submit all of the information required under N.J.A.C. 6A:26-7.1 and the aforementioned exceptions shall no longer apply.

4. School Site Size - N.J.A.C. 6A:26-7.1(d)

School site sizes shall be directly related to the acreage required for the structures and activities to be situated thereon. Except where specifically noted for multiple or shared use, the acreage shall be considered for single use.

5. School Site Size Requirements - N.J.A.C. 6A:26-7.1(e)

All school sites require sufficient acreage for the following:

- a. The placement of the school facility;
- b. Expansion of the building to its maximum potential enrollment;
- c. The placement of all other structures such as greenhouses, storage buildings, school bus maintenance buildings or garages, and any other above or below ground structure, which is to be placed thereon;
- d. Multi-purpose physical education and, for preschool through grade five school facilities, a playground required to support the achievement of the New Jersey Student Learning Standards as defined by the number of physical education teaching stations applicable to the school facility pursuant to the facilities efficiency standards and the approved programmatic model;
- e. Disabled-accessible pedestrian walkways, roadways, and parking areas on which people and vehicles access the building;
- f. Public and service access roads onto the site including, where warranted, a one-way school bus road of thirty foot width and a two-way road of thirty-six foot width; a school bus drop-off area; and eighteen foot wide posted fire lanes for fire apparatus; and
- g. A thirty-foot wide access around the entire building.

6. Land owned by the Board of Education that does not meet the standards of N.J.A.C. 6A:26-7.1 may be supplemented by adjacent municipally owned land if it is formally leased on a long-term basis to the Board for exclusive use during school hours and there are no deed restrictions that prohibit school district use.
 7. The Division's approval shall remain effective for three years, after which time Division approval shall again be required to be obtained prior to acquiring land.
- C. Approval of the Acquisition of Land in Certain School Districts Under the Development Authority's Auspices - N.J.A.C. 6A:26-7.2
1. The Development Authority may acquire land on behalf of a school district eligible for one hundred percent State support of final eligible costs for school facilities projects that are consistent with the school district's approved LRFP. For such school districts, the NJDOE shall require submission of all information set forth in N.J.A.C. 6A:26-7.1(b) to demonstrate compliance with N.J.A.C. 6A:26-7.1. The Development Authority may submit the required information on behalf of such school districts.
- D. Approval for the Acquisition of Existing Facilities - N.J.A.C. 6A:26-7.3
1. The Board planning to acquire an existing facility through purchase, gift, lease, or otherwise shall comply with all procedures and rules pertaining to the appropriation and use of capital funds as required by N.J.S.A. 18A:20-4 and 4.2. The school district shall also have the facility approved in accordance with N.J.A.C. 6A:26-3, which applies to the acquisition of a school site and for the construction of a new facility.
 2. Facilities to be procured for temporary use shall comply with N.J.A.C. 6A:26-8 if subject to educational-adequacy review pursuant to N.J.A.C. 6A:26-5.4(c) because the facilities will house students.

Issued:

ABOLISH

R 7300.1 DISPOSITION OF INSTRUCTIONAL PROPERTY

A. Definition

“Instructional property” means textbooks as defined in Policy No. 2510 and resource materials as defined in Policy No. 2530, excluding textbooks and resource materials purchased with federal funds.

B. Review

1. The Principal shall appoint committees comprised of teachers, administrators, and librarians, as appropriate to the grade level and subject matter to assess periodically the continuing usefulness of instructional property in the school or program.
2. The committees will recommend for removal or replacement instructional property that:
 - a. Is so worn and/or damaged as to preclude effective use and economical repair or restoration,
 - b. Is so outdated as to no longer serve as worthy instructional tools,
 - c. Violates federal, state, or district affirmative action standards for nondiscriminatory materials, pursuant to Policy No. 2260, or
 - d. Although still useful, has been superseded by superior replacement materials.
3. The Principal will receive and review the committee's recommendations. A list of textbooks and materials approved for disposal will be sent to the Superintendent.
4. Approval by the Board of Education is required for disposing of instructional property. Any such recommendation must comply with Policy Nos. 2530 and 9130, which require that the reason for disposal accompany the recommendation. No material may be removed and



disposed of solely because it presents ideas that may be unpopular or offensive to some.

C. Disposal

1. Instructional property approved for disposal will be offered at no cost to any educational institution, public or private, willing to accept the property and pay the costs of packing and delivery.
2. Any remaining instructional property will be offered for sale to pupils, parent(s) or legal guardian(s) and community residents. Prices will reflect the reduced value of the property to the district by covering only the cost to the district of conducting the sale.
3. Any property remaining after offer of sale has been made will be donated to the parent-teacher organization or other community organization for sale in a book fair.
4. Any property remaining after offer of sale and donation has been made will be sold for scrap or, if unsalable, offered for recycle.

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UPDATE**R 7300.2 DISPOSITION OF LAND****[See POLICY ALERT Nos. 159 and 213]**

The Board of Education by a recorded roll call majority vote of its full membership may dispose, by sale or otherwise, of any lands or any rights or interest therein, owned by it, which cease to be suitable or convenient for the use for which they were acquired or which are no longer needed for school purposes, whether acquired through purchase or through condemnation proceedings and the purchaser shall acquire title free from any use of purpose for which it may have been acquired by the Board in accordance with N.J.S.A. 18A:20-5 through 18A:20-7, N.J.A.C. 6A:26-7.4, and Policy 7100.

A. Written Request for Approval for Disposal – N.J.A.C. 6A:26-7.4(a)

The district shall make to the Division of Administration and Finance (Division) a written request for school district-owned land to be altered or disposed of through sale, transfer, or exchange of all or part of the total acreage, including rights or interest therein and/or improvements thereon, such as facilities, if applicable.

1. The district will send a copy of the request to the Executive County Superintendent who shall make recommendations to the Division. The Executive County Superintendent shall provide a copy of the recommendations to the Board.
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2. The request shall indicate whether the district intends to convey the site, rights, or interest therein, and/or improvements thereon, under an exception to the public sale requirements of N.J.S.A. 18A:20-6.
3. The request shall indicate whether the school district intends to convey the site, rights, or interest therein, and/or improvements thereon that had been conveyed to the school district from the New Jersey Schools Development Authority (Development Authority) or funded in whole or in part by the State share under Educational Facilities Construction and Financing Act (EFCFA).
4. If the land, rights, or interest therein, and/or improvements thereon have been conveyed to the school district from the Development Authority, the request shall provide evidence acceptable to the New Jersey Department of Education that the property has not reverted to the Development Authority as authorized under N.J.A.C. 19:34-3.6.
5. If a school district seeks to dispose of land, rights, or interest therein, and/or improvements thereon funded in part with debt service aid pursuant to N.J.S.A. 18A:7G-9 or 10, and the land and/or improvements are either not needed or not being used for the purposes for which the bonds were issued, any proceeds from

the disposal shall be used by the school district first to reduce the outstanding principal amount at the earliest call date or to annually reduce the debt service principal payments. The Board may request approval from the Commissioner to apply the proceeds over the term of the outstanding debt or by some other distribution mechanism if, for example, it is beneficial to stabilizing the school district's debt service tax levy.

B. Disposal – N.J.A.C. 6A:26-7.4(b)

The Division shall determine whether the disposal is consistent with the district's approved Long-Range Facilities Plan (LRFP) or has a negative impact on the educational adequacy of an individual site.

C. Notification of Approval – N.J.A.C. 6A:26-7.4(c)

The Division shall notify the school district of its approval or disapproval and send a copy to the Executive County Superintendent. If the disposal includes a site, rights, or interest therein and/or improvements thereon conveyed to the school district from the Development Authority, is funded in whole or in part by State share under EFCFA, or is in a school district that is required to use the Development Authority, the Division shall also notify the Development Authority.

D. Sale at Public Sale; Exceptions – N.J.S.A. 18A:20-6

Any lands, rights, or interests therein sold by the Board, except lands conveyed as part of a lease purchase agreement pursuant to N.J.S.A. 18A:20-4.2(f), shall be sold at public sale, to the highest bidder, after advertisement of the sale in a newspaper published in the district, or if none is published therein, then in a newspaper circulating in the district, in which the same is situated, at least once a week for two weeks prior to the sale, unless:

1. The same are sold to the State, or a political division thereof, in which case they may be sold at private sale without advertisement; or
2. The sale or other disposition thereof in some other manner is provided for in N.J.S.A. 18A.

E. Sales at Fixed Minimum Prices – N.J.S.A. 18A:20-7

1. In the case of public sales the Board may by resolution fix a minimum price with or without the reservation of the right, upon the completion of said public sale, to accept or reject the highest bid made, a statement whereof shall be included in the advertisement of sale of the lands and given as public notice at the time of the sale. The Board may by resolution provide without fixing a minimum price, that upon the completion of the public sale, the Board may accept or reject the highest bid received. If the Board fails to accept or reject the highest bid by the second

regular Board meeting following the sale, the bid will be deemed to have been rejected.

2. If no bid is received or if the bids that are received are rejected by the Board in the public interest, the Board may enter into negotiations with any interested party or parties for the sale or other disposal of the property, but shall offer a bidder a hearing upon the bidder's request before entering into such negotiations.
3. The acceptance or rejection of a negotiated price shall be by the affirmative votes of a majority of the full number of Board members at a regularly scheduled meeting.

F. Sewer Lines - N.J.A.C. 6A:26-7.4(d)

The district may convey and transfer, without consideration, its right, title, and interest in and to any trunk or other sewer lines to a municipality, without requiring approval from the Division.

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MISSING - DISCRETIONARYR 7421 INDOOR AIR QUALITY STANDARDS

[See **POLICY ALERT No. 144**]

A. Definitions

1. “Air contaminants” - refers to substances contained in vapors from paint, cleaning chemicals, pesticides, solvents, particles, outdoor air pollutants and other airborne substances which together may cause material impairment to employees working within the enclosed workplace.
2. “Building related illnesses” - describes specific medical conditions of known etiology which can be documented by physical signs and laboratory findings. Such illnesses include sensory irritations when caused by known agents, respiratory allergies, asthma, nosocomical infections, humidifier fever, Legionnaires’ Disease, and the signs and symptoms characteristic of exposure to chemical or biologic substances such as carbon monoxide, formaldehyde, pesticides, endotoxins, or mycotoxins.
3. “Building systems” - include the heating, ventilating and air-conditioning (HVAC) system, the energy management system and all other systems in a facility which may impact indoor air quality.
4. “Department” - Department of Health and Senior Services
5. “Designated person” - a person who is designated by the administration to take necessary measures to assure compliance with indoor air quality standards.
6. “HVAC system” - means the collective components of the heating, ventilation and air conditioning systems including, but not limited to, filters and frames, cooling coil condensate drip pans and drainage piping, outside air dampers and actuators, humidifiers, air distribution ductwork, automatic temperature controls, and cooling towers.
7. “HVAC System Commissioning Report” - means a document normally prepared by an architect or engineer that provides verification that the HVAC system is operating in conformity with the design intent.
8. “Office Building” - means a building in which administrative and/or clerical activities are conducted. Examples of facilities and/or operations which are not office buildings include schools, repair shops, garages and print shops.

9. “Renovations and remodeling” - means building modification involving activities that include, but are not limited to; removal or replacement of walls, roofing, ceilings, floors, carpet and components such as moldings, cabinets, doors, and windows; paintings; decorating; demolition; surface refinishing; and removal or cleaning of ventilating ducts.

B. Compliance Program

The Superintendent will designate the **Business Administrator** who is given the responsibility to assure compliance with indoor air quality standards. The designated person will assure that at least the following actions are limited and documented:

1. Establishing and following a preventative maintenance schedule for heating, ventilating and air conditioning (HVAC) systems that are in accordance with manufacturer’s recommendations or with accepted practice for the HVAC system.
2. Implementing the use of general and local exhaust ventilation where housekeeping and maintenance activities involve the use of equipment or products that could reasonably be expected to result in hazardous chemicals or particulate exposure above the Permissible Exposure Limit (PEL).
3. When the carbon dioxide level exceeds 1,000 parts per million (ppm), the designated person will check to make sure the HVAC system is operating properly. If it is not, the designated person will take necessary steps as outlined in 1. above.
4. Check to make sure HVAC systems are working properly when the building temperatures are outside of the range of 68 to 79 degrees Fahrenheit. If it is not, the designated person will take necessary steps as outlined in 1. above.
5. If contamination of the make-up air supply is identified and documented, then the make-up inlets and/or exhaust outlets shall be re-located or the source of the contamination eliminated. Sources of make-up air contamination may include contaminants from sources such as cooling towers, sanitary vents, vehicular exhausts from parking garages, loading docks and street traffic.
6. Assure that buildings without mechanical ventilation have operable windows, doors, vents, stacks and other portals designated or used for natural ventilation are operational.
7. Promptly investigate all employee complaints of signs or symptoms that may be associated with building-related illnesses.

C. Air Quality During Renovation and Remodeling

1. Renovation work and/or new construction that results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health will be safeguarded by means of local ventilation or other protective devices to ensure the safety of employees. Renovation areas in occupied buildings shall be isolated and dust and debris shall be confined to the renovation or construction area.
2. Before use of paints, adhesives, sealants, solvents, or installation of insulation, particle board, plywood, floor coverings, carpet backing, textiles, or other materials in the course of renovation or construction, the designated person will check product labels or seek and obtain information from the manufacturers of those products on whether or not they contain volatile organic compounds such as solvents, formaldehyde or isocyanates that could be emitted during regular use. This information shall be used to select products and to determine necessary measures to be taken to comply with indoor air quality standards.
3. The designated person will notify employees at least twenty-four hours in advance, or promptly in emergency situations of work to be performed on the building that may induce air contaminants into their work area.

D. Recordkeeping

1. The maintenance schedule shall be updated by the designated person to show all maintenance performed on the building systems. The schedule shall include the date such maintenance was performed and the name of the person or company performing the work.
2. The records required to be maintained by this section shall be retained for at least three years and be available on request to employees and employee representatives and Department representatives for examination and copying.

E. Response To A Signed Complaint From The Department

1. Within fifteen working days of receipt of the complaint notification from the Department, the designated person will respond in writing to the Department. The response may include any combination of the following:
 - a. A statement that the complaint is unfounded;
 - b. A description of any remedial action already taken;
 - c. An outline of any remedial measures planned but not yet taken, with a timeline for completion; and/or

- d. A statement that a study of the problem, with a timetable for completion of the study, has been initiated.
 2. Where remedial measures are planned or a study initiated, they shall be completed as soon as feasible. The designated person will submit, to the Department, a written report describing the remedial measures implemented and/or a copy of the study's report within fifteen working days of completion.
 3. Permits for remedial work shall be obtained as required by N.J.A.C. 5:23 (the New Jersey Uniform Construction Code). All work requiring a permit shall be performed in compliance with N.J.A.C. 5:23.
- F. In response to an employee complaint to the Department, the designated person will provide any of the following documents, if available, and requested by the Department:
1. As-built construction documents;
 2. HVAC system commissioning reports;
 3. HVAC systems testing, adjusting and balancing reports;
 4. Operations and maintenance manuals;
 5. Water treatment logs; and
 6. Operator training materials.

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REGULATION

HIGH BRIDGE
BOARD OF EDUCATION

PROPERTY
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SCHOOL SAFETY

ABOLISH

R 7430 SCHOOL SAFETY

M

Refer to the High Bridge School District Safety Manual.

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UPDATE

R 7510 USE OF SCHOOL FACILITIES (M)

[See **POLICY ALERT No. 196 and 221**]

M

A. Classification of Users

Organizations and individuals using school facilities will be classified as Class I, II, or III users as follows:

- 1. Class I users will be given priority for the use of school facilities over other users and may use school district facilities without payment of a use fee or charge for custodial and service (fuel, water, and electricity) costs. Class I users include the following organizations and individuals:

- 2. Class II users will be given priority for the use of school facilities over Class III users and may use school district facilities without payment of a use fee but will be charged custodial and service costs. Class II users include the following organizations and individuals:

- 3. Class III users will be given lowest priority for the use of school facilities and may use school district facilities only on payment of a use fee and charges for custodial and service costs. Class III users include the following organizations and individuals:

- 4. No other organizations or individuals will be permitted to use school facilities.

B. Application Procedures

1. Application must be made in writing and on the form supplied by the school district. The form is available in the office of the Business Administrator.
2. Application for use of school facilities must be submitted to the Business Administrator not less than ten (10) working days before the date of the requested use. A use that requires the approval of the Board must be submitted not less than ten (10) working days prior to a regular Board meeting and not less than ten (10) working days before the date of the requested use.
3. The application must be signed by an adult representative of the requesting organization, who will be considered by the Board to be the agent of the organization.
4. The application must include all the facilities that the applicant wishes to use and all the dates and times of the requested use. Approval of any application is limited to the facilities, dates, and times expressly requested on the application. Approval does not include the privilege of additional rehearsal time or the use of rooms or buildings not expressly requested.
5. The application must include all the equipment and supplies that the applicant wishes to include in the use, pursuant to Policy No. 7520, Loan of School Equipment.

C. Approval

1. The Business Administrator will review each application and check the school calendar to determine whether the facility requested is available at the date and time requested, that is, the facility has not been scheduled
 - a. For use in the instructional or co-curricular program,
 - b. For maintenance, repair, or capital improvement, or
 - c. For use by another organization.
2. If the facility is not available for use, the Business Administrator will so inform the representative of the organization and may suggest alternative dates, times, or facilities.
3. If the facility is available for use and the applicant meets the standards set by Policy No. 7510 and these regulations, the Business Administrator will note his/her approval on the application form and will record the classification of the applicant organization and forward the application to the Superintendent for final

approval or for referral to the Board for requests that may be approved only by the Board.

4. Standards for approval include the following limitations on use:
 - a. School facilities are available for use only on weekdays, including school vacations.

_____ School facilities may be available for use on Saturdays and Sundays depending on appropriate and adequate custodial coverage.]
 - b. School facilities are available for use only during the hours of 3:30 p.m. and 9:30 p.m. Permission may be granted for a use up to 11:00 p.m., provided the user pays an overtime fee regardless of the user's classification. School facilities are not available for use during the school day or for any use that may interfere with the school district's educational or co-curricular programs.
 - c. The use of school facilities will generally not be granted for observances or celebrations that are essentially private in nature or for meetings of small groups that can conveniently convene in private homes.
 - d. In accordance with Policy No. 7510, the use of school facilities will not be granted for the advantage of any commercial or profit-making organization or partisan political activity, or any purpose that is prohibited by law.
5. The Superintendent will determine the classification (I, II, or III) of the applicant organization and the fees and costs, if any, to be charged for the use of the facility. This information will be provided on the application form.
6. In the event of a conflict between requesting organizations within the same class, the request received earlier by the district will be honored first.
7. A copy of each approved or disapproved application will be distributed to the representative who signed the application form.

8. The application form will include the rules governing the use of school facilities, and the representative's signature on the application will signify notice of those rules and the organization's agreement to be bound by those rules.
9. The Board reserves the right to deny an application and to withdraw permission to use school facilities after approval has been granted and after the use has commenced. Permission may specifically be withdrawn from any organization whose representative has willfully made misrepresentation on the application or whose members violate the rules established for the use of school facilities. Such withdrawal of permission may constitute grounds for denying a future application made by the organization.
10. Permission to use school facilities is not transferable.
11. The organization representative must inform the Business Administrator of any canceled use request as soon as he/she is aware of the cancellation. An organization's failure to inform the Business Administrator of a canceled use at least five (5) working days in advance of the scheduled time of the use may result in imposition of service charges.
12. Permission to use a school facility is automatically withdrawn on a day when the facility is closed for inclement weather, work stoppage, or other emergency.

D. Insurance and Indemnification

1. The representative of an organization granted permission to use a school facility must assume responsibility for the orderly and careful use of the facility and must agree to assume liability for any damage or loss of property caused by the use or in the course of the use.
2. The organization and/or its representative will hold the Board of Education harmless from claims arising out of the permitted use of the school facility or during the user's occupancy. In addition, the user shall agree to save the Board harmless from liability for injury or damage to any person or property of any person who may be attending or participating in the function or activity for which permission has been granted.
3. The user shall furnish evidence of the purchase of liability insurance in the amount of
 - a. \$50,000 per person,
 - b. \$100,000 per accident or event, and
 - c. \$100,000 property damage.

4. Any youth sports team organization that is granted permission to use school facilities must provide the school district proof of an insurance policy against liability for any bodily injury in the amount of not less than \$50,000 per person per occurrence, insuring the youth sports team organization against liability for any bodily injury suffered by a person. The youth sports team organization must also provide a statement of compliance with the school district's Policy and Regulation 2431.4 - Prevention and Treatment of Sports-Related Concussions and Head Injuries, which will be provided to the adult representative of the requesting organization with the application to use school facilities.

For the purpose of this Policy, a "youth sports team organization" means one or more sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a league organized by or affiliated with a county or municipal recreation department.

E. Rules for the Use of School Facilities

1. Users of school facilities will be bound by the law.
 - a. Users must comply strictly with all applicable statutes; municipal ordinances; and rules of the Board of Health, Fire Department, and Police Department regarding public assemblies.
 - b. The use must not exceed the established capacity of the facility used.
 - c. The use must not involve gambling or games of chance.
 - d. The use, possession, and/or distribution of alcohol and/or controlled dangerous substances is absolutely prohibited, in accordance with law and Policy Nos. 5530 and 7435.
 - e. Smoking is prohibited in accordance with Policy No. 7434.
 - f. School facilities cannot be used for any purpose prohibited by law or likely to result in rioting, disturbance of the peace, damage to property or for the purpose of defaming others.
2. Users of school facilities will respect Board property.
 - a. The user will not damage, destroy, or deface school property. The facility shall be used with care and left in an orderly and neat condition.
 - b. The user must request in the application and receive permission to bring and use equipment, decorations, or materials to the school facility. No

equipment, decorations, or materials may be nailed to floors, walls, windows, woodwork, curtains or fixtures or affixed to the same in any manner that defaces or damages school property or grounds.

- c. Any equipment, scenery, decorations, or other material brought to the school facility and any debris caused by the use or remaining after the use must be promptly removed by the user. Any such materials left on school premises beyond the time period approved in the application may be removed by the Board at the user's expense. The Board assumes no liability for damage to or loss of materials brought to school facilities.
- d. The user must request in the application and receive permission to use, move, or tune a district piano. A piano may be moved only by school district staff or by a competent and experienced commercial mover approved by the Board and at the expense of the user. Any piano that has been moved must be returned to its original placement with the same care and at the expense of the user.
- e. Users of the gymnasium must ensure that all participants wear rubber-soled footwear to prevent damage to floors.
- f. No school facility may be used for a purpose in conflict with the purpose for which the facility was designed.
- g. Lighting equipment, ventilation systems, and thermostatic controls may be operated only by an employee of the district.
- h. The user must request in the application and receive permission to serve and consume food and/or beverages on school premises. The service and consumption of food and/or beverages is strictly limited to the area for which permission is granted. If food and/or beverages are served, the user must clean all utensils, equipment, serving dishes, and the like and restore the facility to its proper condition. The user may not consume food or beverages or use supplies purchased with public funds.
- i. No signs, posters, advertisements, or other displays may be placed in a school building without prior approval.
- j. No school keys shall be issued to a user.
- k. No animal shall be allowed on school premises without prior approval.
- l. An authorized school district staff member shall examine the school facilities and/or grounds after the use and will inform the user of any loss or damage that must be corrected.

- m. Permission to use school facilities extends only to the facility requested. Users are not entitled to enter health offices, administrative offices, storage closets, or any other room to which permission to use has not been expressly granted. Users are not permitted to use district telephones, word processors, and office equipment.
 - n. No vehicles of any type shall be operated in any area that is not designed for such vehicles without prior permission.
3. Uses Must be Properly Supervised.
- a. A school custodian must be on duty during the entire time a use occurs. The custodian is present for the purpose of insuring the security and proper functioning of the facility and of enforcing these regulations. The custodian is paid by the Board and may not accept gratuities from users. If the custodian is needed to perform extra services as an accommodation to the user, the user may be charged an additional fee and the custodian will be compensated accordingly by the district.
 - b. The use of certain school facilities (such as kitchen and auditorium stage) require the services of school employees trained in the use of the facility. The user will be charged an additional fee and the school employee will be compensated accordingly by the district.
 - c. The user must assume full responsibility for the conduct of all participants in the use while they are in or about school buildings and grounds and must enforce these regulations. The user must provide an adequate number of persons to supervise participants in the activity. The district, depending on the activity, may require as a condition of approval, a certain number of chaperones, law enforcement officials, and/or a school district representative(s) to be present at the activity.
 - d. The user must, in consultation with the Principal, anticipate the need for the assistance of police officers, fire fighters, and/or parking attendants. All such services must be arranged by the user and will be at the expense of the user. When a user refuses or fails to secure police, fire, and/or parking assistance after having been advised to do so by the Principal, the Principal may recommend that permission to use the facility be withdrawn.
 - e. Board members and school officials are entitled to full and free access to any part of the school premises during any use. No user may exclude a Board member or school official from a school facility for any reason.

F. Fee Schedule

- 1. Class I users will not be charged a fee or costs for the use of schools, except that special charges for the specific services of school employees rendered pursuant to paragraph E3a and paragraph E3b will be billed.
- 2. Class II users will not be charged a facility fee, but will be charged
 - a. For the specific services of school employees rendered pursuant to paragraph E3a and paragraph E3b, if any, and
 - b. For service costs of the use as follows:
 - Custodial costs: _____
 - Fuel costs: _____
 - Lighting costs: _____
- 3. Class III users will be charged the costs charged Class II users (paragraph F2a and paragraph F2b) and the following facility fee for each four hours' use.

<u>Facility</u>	<u>Fee</u>
Elementary School All Purpose Room	\$80
Middle School gymnasium	\$80
Middle School cafeteria	\$80
Individual classroom	\$10
Outside Facility	\$10

- 4. An itemized bill for the use of school facilities will be prepared based on the approved application form. The bill will be sent to the representative of the applicant organization in advance of the use and payment may be requested in advance of the use.

G. Provision of Training on School Safety and Security

1. In accordance with the provisions of N.J.S.A. 18A:41-7.c., the Board of Education shall provide to all persons who supervise youth programs that are not sponsored by the school district, but operate a program in a district building before or after school hours, on the weekend, or during a period when school is not in session, information on the district's school practices and procedures in the event of a school safety or security incident at a school including non-confidential information on evacuation procedures, emergency response protocols, and emergency contact information.
2. It shall be the responsibility of the organization that sponsors the youth program to train the program's employees and volunteers on the school security and emergency procedures in effect in the school building in which the youth program is located.
3. The organization that sponsors the youth program shall file a statement of assurance with the Superintendent or designee that it has complied with the training requirements prior to the district authorizing the use of the school building.
 - a. The statement of assurance shall be developed by the Commissioner of Education and shall be filed with the school district on an annual basis.

Issued:

UPDATER 8420.10 ACTIVE SHOOTER (M)

[See **POLICY ALERT No. 191 and 229**]

M

An active shooter or armed assault in a school building or on school grounds involves one or more individuals' intent on causing physical harm to students and school staff. Intruders may possess weapons or other harmful devices. The procedures to be enacted during an active shooter or armed assault situation shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420.

Adopted:

UPDATER 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN (M)

[See **POLICY ALERT** Nos. **97, 100, 133, 169, 180, 203 and 208**]

M**A. Definitions**

1. An “abused child” as defined in N.J.S.A. 9:6-8.9, is a child under the age of eighteen years whose parent, guardian, or other person having his/her custody and control:
 - a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
 - b. Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
 - c. Commits or allows to be committed an act of sexual abuse against the child;
 - d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent, guardian, or other person having his/her custody and control, to exercise a minimum degree of care: (1) in supplying the child with adequate food, clothing, shelter, education, medical, or surgical care though financially able to do so or though offered financial or other reasonable means to do so; or (2) in providing the child the proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child’s behavior is harmful to himself/herself, others or property, or by any other act of similarly serious nature requiring the aid of the court;
 - e. Or a child who has been willfully abandoned by his/her parent, guardian, or other person having his/her custody and control; or

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- f. Or a child who is in an institution as defined under N.J.S.A. 9:6-8.21 and:
(1) has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being; or (2) has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused under N.J.S.A. 9:6-8.9 if the acts or omissions described therein occur in a day school as defined in N.J.S.A. 9:6-8.21.

2. An "intern" means a post-secondary student or graduate student in a professional field gaining supervised practical experience.

B. Indications of Child Abuse and/or Neglect

1. The suspicion of child abuse and/or neglect may be based on the complaints of the child or on the direct observations of the employee, volunteer, or intern. A person should suspect child abuse and/or neglect when certain conditions appear to be present. The conditions may be, but are not limited to, whenever:
 - a. There is evidence of physical injury to a student not likely to have been caused by an accident, regardless of the student's explanation of the injury;
 - b. A student complains of having been injured or having been sexually molested, with or without external signs of physical injury;
 - c. A student appears to be malnourished;
 - d. A student's general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;
 - e. A student complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;
 - f. A student is excessively apprehensive, fearful, withdrawn, or aggressive;
 - g. A student is afraid to go home after school or arrives to school unreasonably early;
 - h. A parent or the caretaker of a child admits having abused the child;

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- i. The removal from school by the parent, guardian, or other person having custody and control of the child that may be an indicator of additional grievous abuses; or
- j. School district personnel have any other reason to believe that a child has been subject to child abuse and/or neglect, to include but not be limited to, physical abuse, sexual abuse, neglect, educational abuse, and educational neglect.

C. Notification Requirements for School District Employees, Volunteers, or Interns

- 1. Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, or neglected children.
 - a. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the Principal or other designated school official(s) prior to notifying designated child welfare authorities if the action will not delay immediate notification.
 - b. The person notifying designated child welfare authorities shall inform the Principal or other designated school official(s) of the notification, if such had not occurred prior to the notification.
 - (1) Notice to the Principal or other designated school official(s) need not be given when the person believes the notice would likely endanger the reporter or student involved or when the person believes the disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment.
- 2. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE or to any other telephone number designated by the appropriate child welfare authorities. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.

D. School District's Notification to Law Enforcement

- 1. The Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.

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- a. Notification procedures to child welfare authorities and law enforcement authorities regarding alleged incidents of missing, abused, or neglected children shall be consistent with the Memorandum of Agreement between education and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.2(b)13.
- b. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school district.
 - (1) The notification to appropriate law enforcement authorities on behalf of a student attending a receiving school shall be made to the law enforcement authorities identified in the receiving school's Memorandum of Agreement as required by N.J.A.C. 6A:16-6.2(b)13.
2. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

E. School District Cooperation with Designated Law Enforcement Authorities

1. The school district will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children.
 - a. Accommodations shall be made permitting the child welfare and law enforcement investigators to interview the student in the presence of the Principal or other designated school official(s).
 - (1) If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern working in the school district whom he or she feels will be supportive, and who will be allowed to accompany the student during the interview.
 - b. District administrative and/or supervisory staff members will assist designated child welfare and law enforcement authorities in scheduling interviews with any employee, volunteer, or intern working in the school district who may have information relevant to the investigation.
 - c. In accordance with N.J.A.C. 6A:16-11.1(a)5.iii., the district will release all records of the student who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19,

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N.J.S.A. 9:8-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99.

- d. In accordance with N.J.A.C. 6A:16-11.1(a)5.iv., the district will ensure the maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations is in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40, and N.J.A.C. 6A:32-7.
 - (1) All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required in order to cooperate in investigations pursuant to N.J.A.C. 6A:16-11.1(a)2. and 3. or by virtue of a Court Order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the Superintendent or designee.
- e. In accordance with N.J.A.C. 6A:16-11.1(a)5.v., the district will release the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider.
 - (1) Such removal shall take place only after the Principal or other designated school official(s) has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the student from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30.
- f. The district will cooperate in the transfer of a student who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29 to another school.

F. Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect

- 1. An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing-, abused-, or neglected-child situation shall be entitled to due process rights.
- 2. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school district named as a suspect pursuant to N.J.A.C. 6A:16-11.1(a)2 shall occur only if there is reason to believe that the life or health of the

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alleged victim or other student is in jeopardy due to continued contact between the employee, volunteer, or intern and the student.

3. All references to a notification to the designated child welfare authorities of a potential missing-, abused-, or neglected-child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a.

Adopted:

ABOLISH

R 9322 DRUG FREE SCHOOL ZONES

M

A. Definitions

1. “Controlled dangerous substance” means a drug, substance, or immediate precursor as defined at N.J.S.A. ¶C:35-2 and includes controlled substance analogs.
2. “County Prosecutor” means the prosecutor of the County of Hunterdon.
3. “Dispute” means a question, dispute, or objection as to any proposed or ongoing law enforcement operation or activity.
4. “Drug free school zone” means the zone comprised of a school building, its grounds, and the area surrounding the school within a boundary established one thousand feet in all directions from the outer boundary of the school property. The drug free school zone will be set by the appropriate law enforcement agency.
5. “Law enforcement agency” means the High Bridge Police Department.
6. “Law enforcement officer” means a sworn officer of the law enforcement agency.
7. “Memorandum of understanding” means an agreement entered by the Board of Education and the law enforcement agency governing the roles and responsibilities of school employees and law enforcement officers with respect to controlled dangerous substances and to the planning and conduct of law enforcement activities and operations occurring on school property.
8. “Operating school hours” means the time period in which the school is in session or when pupils are engaged in school-related activities under the supervision of teaching staff members.



9. “Parent” means the parent(s) or legal guardian(s) having legal custody and control of a pupil.
10. “Planned arrest” means an arrest or taking into custody based upon probable cause which was known to a law enforcement officer sufficiently in advance of the time of the actual arrest, whether as a result of an undercover school operation, planned narcotics surveillance, or otherwise, so that there was sufficient opportunity for the arresting officer or any other law enforcement officer to apply for and obtain an arrest warrant, even though an arrest warrant may not have been sought or issued. The term includes arrests made pursuant to a “clean sweep” operation.
11. “Planned narcotics surveillance” means a planned operation wherein a law enforcement officer(s) enters onto a school property or buildings in plainclothes during or while participating in activities associated with the use, possession, or distribution of any controlled dangerous substance. The term does not include observations made by a law enforcement officer, whether in uniform or in plainclothes, from any place or property not owned by the Board of Education.
12. “Principal” means the administrator in charge of a school building or facility and includes the qualified person, if any, duly delegated by the Principal to perform the duty or discharge the responsibility assigned to the Principal.
13. “Routine patrol” means activities undertaken by a law enforcement officer, whether in uniform or in plain-clothes and whether on foot or in a marked or unmarked vehicle, to patrol areas within a drug free school zone for the purpose of observing or deterring any criminal violation or civil disturbance.
14. “School employee” means a person employed by the Board of Education and includes the Superintendent, all administrators, all other teaching staff members, and all support staff members.
15. “Spontaneous arrest” means an arrest or taking into custody based upon probable cause to believe that an offense is being committed in the arresting officer's presence under circumstances where the officer could not have foreseen with certainty that the specific offense would occur and thus where the arresting officer had no reasonable opportunity to apply for



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an arrest warrant. The term includes any arrest or taking into custody in response to a request by a school official.

16. “Undercover school operation” means a planned operation undertaken by a law enforcement agency wherein a law enforcement officer(s) is placed in a school community and poses as a member of the school community for the purpose of identifying and eventually apprehending persons engaged in the illegal distribution of controlled dangerous substances.

B. Liaison Officer Roles and Responsibilities

The liaison officer(s) appointed by the Board of Education pursuant to Policy No. 9322 shall:

1. Facilitate communication and cooperation between the school district and the law enforcement agency;
2. Identify issues or problems that arise in the implementation of Policy No. 9322 and this regulation and facilitate the resolution of such problem;
3. Act as the primary contact person between the schools and the law enforcement agency;
4. Cooperate with the law enforcement agency in developing training programs and other joint efforts, including information exchanges and joint speaking engagements;
5. Maintain communications with school staff members charged with intervention and prevention efforts;
6. Maintain communications with the liaison officer appointed by the law enforcement agency; and
7. Report regularly to the Superintendent on matters relating to school district and law enforcement cooperation.

C. Staff Cooperation with Arrests Made by Law Enforcement Officers

1. Staff members shall be governed by the terms of the memorandum of understanding, if any, entered into by the Board and the law enforcement



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agency regarding the preferred procedures by which law enforcement officers will be summoned to arrest persons and permitted to enter school premises for the purpose of effecting arrests.

2. To the maximum extent possible consistent with public safety, an arrest on school premises will be effected in such a manner as to permit the continuation of the educational program without disruption.
3. The Principal shall be prepared to suggest to a law enforcement officer the place and manner of effecting the arrest that will permit the least disruption of the educational program. Whenever possible, an arrest should be made in the Principal's office or in another area not populated by pupils.
4. A school employee who believes that a law enforcement officer should be summoned to effect an arrest shall, whenever possible, so inform the Principal and the Principal shall call the law enforcement agency. If informing the Principal is not possible or would delay the call, the employee shall summon the law enforcement agency directly and shall inform the Principal as soon as possible thereafter.
5. The Principal shall require that a law enforcement officer inform him/her whenever a pupil enrolled in this district is arrested and removed from school premises. The Principal shall require the name of the pupil and information regarding the circumstances of the arrest.
6. The Principal shall require that a law enforcement officer inform him/her whenever a person other than a pupil is arrested and removed from school premises. The Principal shall require information regarding the circumstances of the arrest, and, if the arrested person is not a juvenile, his/her name.
7. The Principal shall be informed of an arrest of a pupil enrolled in his/her school when the pupil is arrested:
 - a. Off school property during operating school hours, or
 - b. While the pupil is under the care and custody of a school official or teaching staff member, or



- c. In transit between school and home at the time of the arrest.
8. The Principal shall make and keep a record of the arrest of any pupil enrolled in his/her school. The record shall be kept confidential and shall include:
 - a. The pupil's name, age, and grade;
 - b. The name of the arresting officer;
 - c. The place to which the pupil was taken, if known;
 - d. The circumstances of the arrest to the extent they are known;
 - e. The manner in which and time at which the pupil's parent(s) or legal guardian(s) was notified or, if the parent(s) or legal guardian(s) was not notified, the efforts made to find and notify the parent(s) or legal guardian(s); and
 - f. The disposition of the criminal matter.
9. No school employee shall impede any law enforcement officer engaged in a lawful arrest, whether or not the officer has presented an arrest warrant.
10. A question regarding the legality of any contemplated or ongoing arrest conducted by a law enforcement officer and relating to the use, distribution, or possession of a controlled dangerous substance may be directed to the County Prosecutor. A question regarding an arrest undertaken by a member of the Statewide Narcotics Task Force may be directed to the Assistant Attorney General in charge.

D. Searches on School Premises

1. School administrators having a legitimate interest in maintaining pupil discipline are authorized to conduct investigations of suspected rule infractions and to subject pupils and pupils' property to reasonable searches and seizures.



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2. A search conducted by a school employee of a pupil or a pupil's personal property or a place in which a pupil has a reasonable expectation of privacy must comply with Policy No. 5770, Pupil Privacy.
3. A Principal may request that a law enforcement officer assume the responsibility for conducting a search or seizure. Because law enforcement officers must meet a legal standard for the conduct of a search or seizure more stringent than that imposed on school officials, the law enforcement officer may decline to conduct the search.
4. No school employee shall impede any law enforcement officer engaged in a lawful search or seizure, whether or not the officer has presented a search warrant.
5. When law enforcement officers arrive on the scene of a joint and cooperative search commenced by school officials, the law enforcement officers will assume responsibility for the search and will conduct the search thereafter in accordance with standards governing the conduct of searches by law enforcement officers.
6. Any substance believed to be a controlled dangerous substance that comes into the possession of a school employee, whether as the result of a search or otherwise, must be handled in accordance with ¶G of this regulation.
7. A school employee is authorized to exercise independent judgment in the search of pupils and pupils' property. Unless the school employee has made an independent determination that a search or seizure is warranted under his/her authority to discipline pupils and maintain the order of the school, no school employee may be required to participate actively in a search or seizure:
 - a. Conducted or supervised by a law enforcement officer; or
 - b. On behalf of a law enforcement officer; or
 - c. For the sole purpose of ultimately turning evidence of a crime over to a law enforcement agency.



8. A question regarding a search conducted by a school employee and relating to the use, distribution, or possession of a controlled dangerous substance shall be directed to the County Prosecutor.
 9. A question regarding the legality of any contemplated or ongoing search or seizure conducted by a law enforcement officer and relating to the use, distribution, or possession of a controlled dangerous substance or the law regarding searches generally may be directed to the County Prosecutor. A question regarding a search undertaken by a member of the Statewide Narcotics Task Force may be directed to the Assistant Attorney General in charge.
- E. Interviews of Pupils Suspected of Possessing, Using, or Distributing a Controlled Dangerous Substance
1. A law enforcement officer who wishes to interview a pupil shall be required to ask the Principal for access to the pupil, regardless of the pupil's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.
 2. The Principal shall ascertain the reason for the interview and whether the pupil is suspected of having committed an offense involving the use, possession, or distribution of a controlled dangerous substance or is merely being questioned for information.
 3. The Principal shall ask the law enforcement officer to delay the interview or conduct the interview away from school. In general, it should not be necessary to conduct an interview in school unless the matter involves:
 - a. A crime committed in school; or
 - b. An investigation that would be compromised without the interview in school; or
 - c. An endangerment to the lives or safety of pupils or other persons.
 4. The Principal shall notify the pupil's parent(s) or legal guardian(s) of the interview before it begins. The pupil may be questioned in the absence of the parent(s) or legal guardian(s) only if the parent(s) or legal guardian(s)



refuses to attend or cannot be reached after all reasonable efforts at notification have failed.

5. If the interview is to be conducted in school, the Principal shall call the pupil to his/her office and shall remain present throughout the interview.
 6. If the law enforcement officer has not done so, the Principal shall inform the pupil that he/she is not required by law to answer questions.
 7. If the police officer has not done so, the Principal shall inform the pupil that he/she may request the presence of an attorney. If the pupil or his/her parent(s) or legal guardian(s) so requests, the interview will be terminated pending the participation of the pupil's attorney.
 8. The Principal shall make it clear to both the law enforcement officer and the pupil that his/her presence is for the protection of the pupil, not to assist the interview process. The Principal shall:
 - a. Neither encourage nor discourage the pupil in his/her response to questioning nor counsel the pupil in any way;
 - b. Prohibit the use of threats or pressure of any kind to elicit a response from the pupil;
 - c. Refrain from conducting the interview on behalf of the law enforcement officer; and
 - d. Terminate the interview whenever he/she determines that it is conducted with less than fundamental fairness to the pupil.
 9. No school employee shall conduct the interview of a pupil at the direction of a law enforcement officer when the circumstances are such that the law enforcement officer cannot legally question the pupil.
- F. Undercover Operations
1. The purpose of undercover operations is to identify and remove from school environments those persons who distribute illicit drugs and to impress on all persons that those who violate the drug laws will be subject to arrest, prosecution, and punishment.



2. Undercover operations may be undertaken as part of a comprehensive program designed to deal with substance abuse problems and drug trafficking activities on or near schools. No undercover operation should be permitted to interfere with school substance abuse counseling and educational initiatives.
3. Principals shall cooperate with law enforcement officials in the planning of undercover school operations; Principals will cooperate in the conduct of such operations that have been duly approved by the Superintendent and the appropriate law enforcement authorities.
4. All undercover operations will be planned and conducted so as to maximize their legitimate deterrent benefits while minimizing to the greatest extent possible the risk of disruption to the educational program.
5. A request for an undercover operation, whether submitted by a school administrator or a law enforcement agency, must be directed to the Superintendent. No such request shall be made public. The request should include:
 - a. A description of the extent and nature of the suspected drug trafficking activities; and
 - b. A confidential plan for the operation that details:
 - (1) The procedures to be taken to provide for the security and safety of the undercover officer;
 - (2) Recommendations of school officials to assure the least disruption of the educational program;
 - (3) Assurances that any information acquired about pupils, not related to the purposes of the operation, will be kept confidential;
 - (4) A list of the school and law enforcement officers who have been apprised of the undercover operation and a chain of command; and



- (5) School contact persons available on a round-the-clock basis.
6. School employees necessarily involved in the undercover operation shall be briefed about all legal requirements of the operation.
7. Whenever possible, the Principal will be informed of the identity of the undercover officer. A school employee who learns that the identity of an undercover officer may be revealed or is compromised should convey that information immediately to the law enforcement agency directing the operation.
8. No undercover officer will:
 - a. Encourage or counsel a pupil to purchase or use alcohol or any controlled dangerous substance;
 - b. Violate the confidentiality of treatment and substance abuse counseling programs and records;
 - c. Discourage a pupil from seeking substance abuse counseling or from reporting his/her dependency on drugs or alcohol;
 - d. Participate in drug or alcohol treatment or counseling;
 - e. Require a school employee to violate the trust relationship established by the employee with a pupil;
 - f. Use or distribute controlled dangerous substances;
 - g. Engage in activities that disrupt the educational program;
 - h. Engage in or encourage a romantic relationship with a pupil;
 - i. Except as may be expressly approved by the officer's superior, bring a firearm to school; or
 - j. If the officer takes the position of school employee;



- (1) Teach a formal class of instruction without the express permission of the Superintendent, or
 - (2) Establish or stimulate a confidential trust, or counseling relationship with any pupil.
9. Undercover operations are subject to the rules of confidentiality set forth in ¶L.
10. The Principal and the Superintendent shall be notified when the undercover operation is concluded.

G. Handling of Drugs and Drug Paraphernalia

1. A school employee, including any substance abuse coordinator or counselor, who seizes or discovers any substance or item believed to be a controlled dangerous substance or drug paraphernalia shall immediately notify and turn over the substance or paraphernalia to the school Principal.
2. The Principal shall immediately notify the Superintendent, who will notify the County Prosecutor or a person designated by the County Prosecutor to receive such information.
3. The Principal shall safeguard the substance or item against further use, loss, or destruction until a law enforcement officer takes custody of it.
 - a. The Principal shall place the substance or item in a protective container (such as an envelope or box) and shall seal the container.
 - b. The Principal shall record or cause to be recorded on the container or on a document attached to the container:
 - (1) A description of the substance or item,
 - (2) The name and signature of the person who found or seized the substance or item,
 - (3) The date, time and place the substance or item was found or seized,



- (4) The circumstances under which the substance or item was found or seized, and
 - (5) The name of the pupil or staff member believed to be in possession of the substance or item when it was found or seized.
 - c. The container will be placed in a secure location under lock and key and under the Principal's direct control.
 - d. In the event any person other than the Principal is permitted access to the substance or item prior to its retrieval by a law enforcement officer, that person shall enter his/her name and signature on the record along with the time and date of inspection and the reason for the access. Access to the substance or item will be permitted only in the presence of the Principal.
 - e. The law enforcement officer who takes custody of the substance or item shall be required to sign and date the record to indicate his/her receipt of the substance or item.
4. The Principal shall provide to the law enforcement officer who takes custody of the substance or item:
 - a. All information concerning the manner in which it was found or seized;
 - b. The identify of all persons who had custody of the substance or item following its discovery or seizure; and
 - c. The identity of any pupil or staff member believed to have been in possession of the substance or item, except that the identity of any pupil or staff member will not be released if that pupil or staff member:
 - (1) Voluntarily and on his/her own initiative turned over the substance or item to a school employee and not as the result of questioning initiated by the staff member or following the discovery of the substance or item;



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- (2) Is reasonably believed to have been involved with the substance or item for his/her personal use and not for the purpose of distributing it to others; and
 - (3) Agrees to participate in an appropriate treatment or counseling program.
- H. Notifying Law Enforcement Authorities of Suspected Violations of the Drug Abuse Laws
 1. A school employee who has reason to believe that a pupil or employee has possessed or in any way been involved in the distribution of a controlled dangerous substance or drug paraphernalia on or near school property shall report the matter as soon as possible to the Principal.
 2. The Principal shall promptly notify the Superintendent.
 3. The Superintendent shall notify as soon as possible the County Prosecutor or the law enforcement official designated by the County Prosecutor to receive such information. Such notice will include:
 - a. All known information concerning the matter; and
 - b. The identity of the person or persons suspected of involvement, except that the Superintendent will not disclose the identity of any pupil or staff member who:
 - (1) Has sought treatment or counseling for a substance abuse program voluntarily and not in response to questioning by a school employee or law enforcement officer or following the discovery of a controlled dangerous substance or drug paraphernalia; and
 - (2) Is not currently involved or implicated in drug distribution activities.
 4. All referrals of pupils and employees under this section shall conform to the requirements for confidentiality set forth at N.J.A.C. 6:3-6.6 and in ¶L of this regulation.



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- I. Requesting Uniformed Police Attendance at Extra-Curricular Events
 1. The Principal will supply the law enforcement agency having patrol jurisdiction over his/her school with a calendar of extra-curricular events at which the presence of police officers may be required.
 2. The Principal will cooperate with the law enforcement agency in planning adequate police protection as required for deterring illegal drug use and trafficking and maintaining public order and safety.
 3. The Principal may request, if deemed necessary, the presence of uniformed police officers will be required at all major school interscholastic athletic events. The use of uniformed officers at other events, especially those conducted within school buildings, must be approved by the Principal, except where the County Prosecutor or Chief of the law enforcement agency determines the use of uniformed officers is dictated by compelling reasons.

- J. Notification of Parent
 1. The Principal will notify the pupil's parent(s) or legal guardian(s) as soon as possible whenever a pupil is arrested or taken into custody for violating any laws prohibiting the possession, use, sale or other distribution of any controlled substance or drug paraphernalia.
 2. The Principal will notify the pupil's parent(s) or legal guardian(s) whenever a pupil is interviewed regarding his/her involvement with a controlled dangerous substance, in accordance with ¶E of this regulation.
 3. Notification will be by telephone call to the parent(s) or legal guardian(s) home or place of work. If necessary and advisable, a school employee may be dispatched to deliver notice in person.
 4. The Principal will make every reasonable effort to reach the parent(s) or legal guardian(s) and will record in writing the date, time, and nature of each such effort.
 5. If all reasonable efforts at telephone and personal notification have failed to locate and inform the parent(s) or legal guardian(s), the Principal will



notify the parent(s) or legal guardian(s) by registered mail, return receipt requested, sent to the address indicated in the pupil's records.

K. Resolution of Disputes

1. A dispute should be directed, in the first instance, to the Principal. The Principal, in consultation with the district liaison officer, will attempt to resolve the dispute at the most immediate level.
2. A dispute that cannot be resolved by the Principal shall be referred to the Superintendent, who shall direct the matter to the chief executive officer of the law enforcement agency.
3. A dispute that cannot be resolved by the High Bridge Chief of Police will be referred to the County Prosecutor, who will cooperate with the County Superintendent toward a resolution of the matter.
4. A dispute that cannot be resolved at the county level will be resolved by the Attorney General.
5. Nothing in this paragraph should be construed as attempting to divest any person of his/her right to take action in a court of competent jurisdiction.

L. Confidentiality

1. All information concerning a pupil's or school employee's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with §408 of the Drug Abuse Prevention, Treatment and Rehabilitation Act, 21 U.S.C. 1175, and implementing regulations, 42 C.F.R. Part 2.
2. Nothing in this regulation shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance abuse counseling or treatment program.
3. The Principal shall not disclose to law enforcement officers or to any person other than a member of the district substance abuse program.



- a. The information that a pupil or school employee has received or is receiving evaluation or treatment services from the district's substance abuse program, or
 - b. Any information, including the pupil's or school employee's identify or information about illegal activity, learned in the course of or as a result of evaluation or treatment services provided by the district's substance abuse program.
4. Undercover operations are subject to the following rules of confidentiality:
- a. All information about an undercover operation shall be kept strictly confidential, including but not limited to:
 - (1) The request to undertake the operation;
 - (2) Information submitted as justification or explanation for the need for a proposed operation; and
 - (3) The identity of the undercover officer.
 - b. A school official or employee informed of the operation will disclose no information about the operation without the express permission of the County Prosecutor.
 - c. A school official or employee informed of the operation will report immediately to the County Prosecutor any information he/she receives that suggests that:
 - (1) The true identity of the undercover officer has been revealed; or
 - (2) Any person has questioned the identity or status of the undercover officer as a bona fide member of the school community; or
 - (3) The integrity of the operation has been in any way compromised.



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5. Plans for planned narcotics surveillance and routine patrols by law enforcement officers shall be kept strictly confidential by the Principal and any other school employee to whom they are reported.
 6. Nothing in this paragraph shall be construed to preclude the disclosure of information about illegal activity that was learned by any school employee outside the district's substance abuse program; any such information shall be reported in accordance with ¶G and ¶H of this regulation.
- M. Memorandum of Understanding

In the event the Board of Education formally enters a memorandum of understanding with a law enforcement agency regarding the reciprocal rights and responsibilities of the school district and the law enforcement agency in the matter of the planning and conduct of law enforcement operations relating to the use, possession, and distribution of controlled dangerous substances on school property, the terms of that agreement will supersede any conflicting term in this regulation.

Issued: 1 April 1992



MISSINGR 9324 SEX OFFENDER REGISTRATION AND NOTIFICATION

[See **POLICY ALERT No. 135 and 144**]

A. Definitions

1. Tier One Offender - An offender that is a “low risk of re-offense”, thus constituting a low risk of harm to the community. This offender is one who, because of the type of crime, the lack of violence in his/her behavior, the lack of a substantial criminal history and the existence of ties to the community presents no more than a possible risk of re-offense.
2. Tier Two Offender - An offender who is a “moderate risk of re-offense”, thus constituting a moderate risk of harm to the community in that the pertinent documents demonstrate that they are reasonably likely to re-offend, warranting limited notice for the protection of the public.
3. Tier Three Offender - An offender who is a “high risk of re-offense” in that the available record demonstrates that there is a probable risk of re-offense, warranting notice to the community likely to encounter the offender.
4. Likely To Encounter - Law enforcement agencies, community organizations or members of the community who are in a location or in close geographic proximity to a location which the offender visits or can be presumed to visit on a regular basis.
5. Fair Chance to Encounter - The types of interaction which ordinarily occur at that location and other attendant circumstances demonstrate that contact with the offender is reasonably certain.

B. Notification To School District From the Law Enforcement Agency/County Prosecutor’s Office

1. The Superintendent and the Building Principal(s) of the targeted schools will be notified by the Prosecutor’s Office, without the need to register to be notified, for all sex offenders classified as Tier Two or Tier Three Offenders. Local law enforcement agencies and/or the County Prosecutor’s Office will determine there is a “fair chance to encounter” the offender in determining community notification. In any event the Superintendent and the Building Principal(s) will be notified for all Tier Two and Tier Three Offenders.
2. The Building Principal(s) are entitled to receive the offender’s name and a recent photograph, along with a physical description, the offense of which he/she was

convicted, their address, place of employment and/or schooling, and vehicle license number.

3. The County Prosecutor's Office determines the specific schools, community organizations and residences to receive notification.
 4. The County Prosecutor's Office and/or the appropriate law enforcement office will notify the Superintendent and the Principal of the targeted school(s). The Superintendent should not notify the target school(s), but may contact the Prosecutor's Office if the Superintendent thinks that a school in the notification area has been inadvertently omitted.
- C. School District Procedure Upon Notification From the Law Enforcement Agency/County Prosecutor's Office
1. The Building Principal(s) will have the discretion to make the determination as to which employees within the school should be informed of the notification. The Building Principal should share the notice with any person who in the course of the duties of his/her employment or assignment is regularly in a position to observe unauthorized persons in or near the property of the notified school. If any persons to be notified by the Building Principal are employees of private contractors, the Principal or the Superintendent will notify the private vendor who will provide notice to the employees. The Building Principal will take appropriate steps to educate and alert those staff members who are charged with the care and supervision of children, emphasizing that this information is intended to assist staff members in the protection of their charges, not to provide notification to the community at large.
 2. The Building Principal, in conjunction with the appropriate law enforcement agency and the County Prosecutor's Office will provide information, along with appropriate advice regarding the safeguarding of the school's children.
 3. All school district staff are prohibited from releasing any of this information to the public at large. All inquiries from community members, non-affected school staff, all parent(s) or legal guardian(s) and other members of the general public shall be directed to the appropriate law enforcement agency and/or the County Prosecutor's Office.

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