

THE PUBLIC SCHOOLS  
Montclair, New Jersey

**THE FIRST READING OF THE FOLLOWING REGULATION:**

**BE IT RESOLVED** that upon the recommendation of the Superintendent, the Montclair Board of Education approves the first reading of the following Regulation;

- A. R 1570 – Internal Controls (M)
- B. R 2340 – Field Trips
- C. R 2431.1 – Emergency Procedures for Athletic Practices and Competitions (M)
- D. R 2460.8 – Special Education – Free and Appropriate Public Education
- E. R 2460.9 – Special Education – Transition From Early Intervention Programs to Preschool Programs (M)
- F. R 5330 – Administration of Medication (M)
- G. R 5530 – Substance Abuse (M)
- H. R 5533 – Student Smoking
- I. R 7420 – Handling and Disposal of Body Wastes and Fluids (M)
- J. R 7420.2 – Chemical Hygiene (M)
- K. R 9191 – Booster Clubs

## R 1570 INTERNAL CONTROLS (M)

### M

#### A. Segregation of Business Duties and Organizational Structure

1. The school district shall evaluate business processes annually and allocate available resources appropriately in an effort to establish a strong control environment.
2. The School Business Administrator/Board Secretary shall identify processes that when performed by the same individuals are a violation of sound segregation of duties. The School Business Administrator/Board Secretary shall segregate the duties of all such processes among Business office staff based on available district resources, assessed vulnerability and the associated cost-benefit, except as required by a. and b. below.
  - a. The functions of human resources and payroll shall be segregated and completed by different employees in all districts.
  - b. The functions of purchasing and accounts payable shall be segregated and completed by different employees in all districts.
3. The district shall include in the Comprehensive Annual Financial Report (CAFR) a detailed organizational chart for the Central Office that tie to the district's position control logs, including but not limited to, the business, human resources, and information management functions.

#### B. Standard Operating Procedures (SOPs) for Business Functions

1. The school district shall establish SOPs for each task or function of the business operations of the district by ~~December 31, 2009~~.
2. The SOP Manual shall include sections on each routine task or function of the following areas:
  - a. Accounting including general ledger, accounts payable, accounts receivable, payroll and fixed assets, and year-end procedures for each;



- b. Cash management;
  - c. Budget development and administration including tasks such as authorization of transfers and overtime;
  - d. Position control;
  - e. Purchasing including such tasks as preparation of requisitions, approval of purchase orders and encumbering of funds, bid and quote requirements, and verification of receipt of goods and services;
  - f. Facilities including administration of work and health and safety;
  - g. Security;
  - h. Emergency preparedness;
  - i. Risk management;
  - j. Transportation;
  - k. Food service;
  - l. Technology systems; and
  - m. Information management.
3. A standard operating procedure shall be established that ensures office supplies are ordered in appropriate quantities, maintained in appropriate storage facilities, and monitored to keep track of inventory.
- C. Financial and Human Resource Management Systems, Access Controls
- 1. School districts with budgets in excess of \$25,000,000 or with more than 300 employees shall maintain an Enterprise Resource Planning (ERP) System which integrates all data and processes of the school district into a unified system. The ERP system shall use multiple components of computer software and hardware and a unified database to store data for the various system modules to achieve the integration.



~~a. Districts affected by C.1. above that do not have an ERP system in place on July 1, 2008 shall fully implement one by the 2010-2011 school year and maintain both the existing system(s) and run a beta test ERP system during the 2009-2010 school year.~~

2. Whenever considering financial systems or the automation of other services or functions, the Superintendent of Schools or School Business Administrator/Board Secretary shall notify the Executive County Superintendent in writing to see if opportunities for a shared service system exist.

3. Access controls shall be established for key elements of financial systems to ensure that a single person does not have the ability to make system edits that would violate segregation of duties controls.

a. The process for creating, modifying, and deleting user accounts shall include the use of user access request via email to the School Business Administrator/Board Secretary forms.

b. All requests for financial applications shall be approved and specified by the School Business Administrator/Board Secretary.

c. All requests for network access shall be granted by the head of the technology department, if one exists.

d. A review of user access shall be conducted yearly at a minimum by the ~~relevant~~ technology department ~~managers~~ and an audit trail should be maintained to verify the performance of this review.

e. Access to the network and key applications within a district shall be restricted to authorized users through the use of unique user names and passwords.

f. Proper protocols shall be implemented that appropriately address password expiration and complexity.

D. Personnel Tracking and Accounting



1. The school district shall maintain an accurate, complete, and up-to-date automated position control roster to track the actual number and category of employees and the detailed information for each. ~~Districts are required to maintain a position control roster by December 31, 2009.~~ The position control roster shall:
  - a. Share a common database and be integrated with the district's payroll system;
  - b. Agree to the account codes in the budget software;
  - c. Ensure that the data within the position control roster system includes, at a minimum, the following information:
    - (1) The employee's name;
    - (2) The date of hire;
    - (3) A permanent position tracking number for each employee including:
      - (a) The expenditure account codes for the general fund consistent with the State prescribed budget, special revenue fund and enterprise funds;
      - (b) The building(s) the position is assigned;
      - (c) The certification title and endorsement held, as applicable;
      - (d) The assignment position title as follows:
        - i. Superintendent or Chief School Administrator;
        - ii. Assistant Superintendent;
        - iii. School Business



- Administrator;
- iv. Board Secretary  
(when other than i.,  
ii., or iii. above);
- v. Principal;
- vi. Vice Principal;
- vii. Director;
- viii. Supervisor;
- ix. Facilitator;
- x. Instructional Coach  
by Subject Area;
- xi. Department Chairperson  
by Subject Area;
- xii. Certificated  
Administrator –  
Other;
- xiii. Guidance;
- xiv. Media Specialist/  
Librarian;
- xv. School Nurse;
- xvi. Social Worker;
- xvii. Psychologist;
- xviii. Therapist – OT;
- xix. Therapist – PT;



# REGULATION

## MONTCLAIR BOARD OF EDUCATION

ADMINISTRATION  
R 1570/Page 6 of 7  
INTERNAL CONTROLS (M)

- xx. Therapist – Speech;
- xxi. Certificated Support Staff – Other;
- xxii. Teacher by Subject Area;
- xxiii. Instructional Assistants;
- xxiv. Certificated Instructional-Other;
- xxv. Aides supported by IEP;
- xxvi. Other Aides;
- xxvii. Maintenance Worker;
- xxviii. Custodian;
- xxix. Bus Driver~~s~~, and
- ~~xxx. Vehicle Mechanic;~~
- ~~xxxi. Food Service; and~~
- xxxii. Other Non-certificated.

~~(4) — A control number for substitute teachers;~~

~~(5) — A control number for overtime;~~

~~(6) — A control number for extra pay;~~

~~(7) The status of the position (filled, vacant, abolished, etc.);~~

~~(8) An indication, when available, of whether the employee is retiring in the budget year or not being renewed including~~



associated costs such as contractual buyouts, severance pay, paid vacation or sick days, etc;

- (96) Each of the following: base salary, step, longevity, guide, stipends by type, overtime and other extra compensation;
- (107) The benefits paid by the district, net of employee reimbursements or co-pays, by type of benefit and for FICA and Medicare;
- (118) The position's full-time equivalent value by location;
- (129) The date the position was filled; and
- (1310) The date the position was originally created by the Board. If the date the position was originally created is not available, this item shall represent the date the person currently filling that position was approved by the Board.

Issued: ~~12 December 2016~~





## R 2340 FIELD TRIPS

### A. Definition

A "field trip" is any journey by a group of students away from the school premises that has been duly approved in accordance with Policy No. 2340. A school sponsored trip taken by students as part of a co-curricular activity or a class trip is not a field trip and is governed instead by Regulation No. 5850.

### B. Approval of Trips

1. A list of field trips considered appropriate for each grade level or subject area will be prepared cooperatively by teaching staff members and approved by the Superintendent/Director of Curriculum/designee. The approved list will be reviewed annually for additions, deletions, and revisions and will be distributed to teachers as a suggested guideline. In addition, the curriculum guide for a specific course of study may include suggested field trips.
2. To ensure the equitable allocation of budgeted field trip funds, each teacher shall submit a list of proposed field trips to the Principal at the beginning of the school year. The acceptance of the list does not constitute approval of any specific field trip on the list or of the number of field trips proposed by a teacher.
3. A teacher shall request approval of a specific field trip by submitting a written application to the Superintendent/designee no less than forty five working days prior to the date of the anticipated trip. Field trip application forms are available in the office of the Director of Curriculum and Instruction.
4. The field trip application will include:
  - a. Proposed date of the trip (which should be checked in advance against the school calendar) and any alternate date(s);
  - b. The proposed destination and, if the destination is not generally known, its description and the reason it is selected by the teacher;
  - c. The relationship of the trip to curriculum goals and objectives;



- d. The location of the destination and the route that will be taken to it;
  - e. Transportation arrangements, the estimated cost of transportation, and the provision of safe and adequate loading and unloading areas for bus-borne students;
  - f. The time of departure and the estimated time of return to the school;
  - g. Provisions for emergency and sanitation facilities;
  - h. Admission fees and tolls, if any; and
  - i. Provisions for meals, if any are required.
5. The Superintendent or Board of Education may deny a field trip request when:
- a. The application is incomplete;
  - b. The anticipated cost is excessive;
  - c. The proposed trip bears insufficient relationship to the curriculum;
  - d. The students involved will have been taken from the class for the trip and other activities for an excessive amount of time;
  - e. The trip conflicts with other scheduled events or with other demands on school buses;
  - f. The class has exceeded its equitable allocation of field trips;
  - g. The trip will occur during an exam period or immediately before the end of a marking period; or
  - h. The destination and trip activity are inappropriate choices for students of the age and maturity typical of the class.



6. A request for an overnight field trip must receive the preliminary approval of the Director of Curriculum and Instruction before it is submitted to the Board of Education for final approval.
7. The teacher will be given written approval or denial of the teacher's request for a field trip. A denial of approval will include the reason(s) for the denial.

C. Planning and Preparation

1. Each teacher who plans a field trip should take the following preliminary steps:
  - a. Determine that the proposed trip is the best method available for achieving the desired learning outcomes. Consult the list of approved field trip destinations for alternatives;
  - b. Consult the school calendar for any conflicts with the projected date of the field trip and for any clusters of field trips on or about that date;
  - c. Determine whether classes can be combined in a joint field trip for maximum economy;
  - d. Gather the information necessary to fill out the field trip application form; and
  - e. Complete and submit the form.
2. If the field trip is approved, the teacher should take the following preparatory steps:
  - a. Discuss the proposed trip with students, giving particular attention to:
    - (1) The purpose of the trip and its relationship to the course of study,
    - (2) What in the trip the students should give particular attention to and ask questions about,



- (3) Any reports, note taking, sketching, or the like students should accomplish on the trip,
  - (4) The assignment of background materials and research to enhance the value of the trip, and
  - (5) Rules of conduct and expected behaviors, both at the trip destination and in transit to and from the destination.
- b. Distribute and collect a permission slip for each student who will participate in the trip. The slip must be signed by the student's parent(s) or legal guardian(s). The slip will include notice of:
- (1) The date, departure time, and return time;
  - (2) The destination and its location;
  - (3) The name of the teacher in charge;
  - (4) The means of transportation; and
  - (5) The purpose of the trip.

Signed permission slips will be filed with the Principal, who will file them until the end of the school year.

- c. Transportation:
- (1) District-owned buses may be reserved by telephone call to Transportation Manager at 973-509-4062.
  - (2) The transportation contractor's buses may be reserved by telephone call to Transportation Department at 973-509-4055.
  - (3) Private vehicle transportation may be arranged only on the express written permission of the Board of Education, and in accordance with Policy No. 8660.



# REGULATION

## MONTCLAIR BOARD OF EDUCATION

PROGRAM  
R 2340/Page 5 of 12  
FIELD TRIPS

- d. Arrange with officials at the point of destination for:
- (1) The students' admission;
  - (2) The provision of any materials that will enhance the trip;
  - (3) The services of guides, if necessary; and
  - (4) The provision of meals, if necessary.
- e. Arrange for chaperones, who may be other teaching staff members or volunteer parent(s) or legal guardian(s), and apprise them of their responsibilities (see paragraph D below). The number of chaperones appointed will be as indicated in the following chart:

Grade levels	Number of chaperones per student
K-5	1:10
6-12	1:10

Minimum number of chaperones per school bus: two.

- f. If unfamiliar with trip destination, make a reasonable effort to visit the premises to become acquainted with points of interest, special features, potential problem areas, and the food and restroom accommodations.
- g. Notify other teachers or departments, as appropriate, of the nature of the field trip and the students involved in the trips:
- (1) To permit other teachers to plan for the absences; and
  - (2) To encourage other teachers to incorporate the field trip experience in their lesson plans.
- h. Notify the cafeteria manager, no later than two working days in advance, of the number of students who will miss lunch on the day of the field trip.



- i. Prepare a roster of students who will participate in the field trip.
  - j. Make alternate educational arrangements for any students who will not participate in the field trip.
  - k. Ascertain whether any student participating in the field trip will or may require medication in the course of the trip and arrange for the presence of the school nurse, a registered nurse, or the student's parent(s) or legal guardian(s) to administer the medication, except where students are allowed to self-administer medication under statutory authority. If none can be present, report the matter to the Principal who may deny the student's participation.
3. On the day of the field trip, the teacher will:
- a. If the weather is inclement and the trip is to take place out of doors or involves transportation that might be made hazardous by the weather.
    - (1) Check with the Principal who may determine to cancel or postpone the trip.
    - (2) If the trip is canceled or postponed, promptly inform chaperones.
  - b. Take attendance and deliver to the Principal/Assistant Principal a roster of the students who are actually leaving on the field trip.
  - c. Ascertain that the full complement of assigned chaperones is present and prepared.
  - d. Ascertain that all students participating in the field trip have left the school by the arranged method of transportation. Only in exceptional circumstances, approved in advance by the Principal, may students be delivered directly to the destination by means other than those arranged by the teacher.
  - e. Take all reasonable steps to assure that students profit educationally from the trip.



- f. Make no change or substitutions in the trip itinerary unless an emergency has occurred (see paragraph E following).
- g. Ascertain that all students participating in the field trip have left the destination by the arranged method of transportation. Only in exceptional circumstances, approved in advance by the Principal, or in an emergency may students be taken from the destination by means other than those arranged by the teacher.
- h. If the trip will bring students back to school after the end of the school day, ascertain that the Principal will remain on the premises until the student's return or has appointed an emergency coordinator to remain on school premises. Plan to stay at the school or assign a chaperone to stay at the school until the last student has been picked up or has departed for home by his/her regular transportation.

D. When field trips and excursions are to be arranged, the following guidelines apply.

1. All trips and arrangements (i.e.: transportation) for them, must have advance approval from the building principal or designee who will then forward the application to the Superintendent for approval by the Board of Education within a timeline that enables it to be placed on a Board of Education agenda prior to the commencement of the trip.
2. All trips must be well planned, properly timed and related to regular learning activities, co-curricular activities or athletic competitions. An established itinerary must be included in the initial proposal forwarded for Board approval.
3. All costs must be ascertained prior to approval at all levels.
4. A review of the students participating on a trip, by the School Nurse, must take place prior to approval with said results being submitted at the time of the application for Board approval for approval to identify any significant student medical needs which will have to be planned for.



5. No child shall be excluded from a class trip based on their disability and/or medical needs; financial hardship or any behavioral factor. A trip must be inclusive by providing accommodations as needed to ensure access for all students enrolled in the class.
6. Student safety must be of prime concern, and an adequate supervision must be provided by staff and aided by other adult chaperones to ensure adequate oversight.
7. Each child who goes on a field trip or excursion must have written parental permission.
8. Trip goals and objectives must be clearly articulated through specific assigned duties which provide a focus for student actions while engaged in the specific activity.
9. Each field trip should be evaluated by students, teachers and the administration.

#### D. Chaperones

1. The teacher in charge of the trip is responsible for appointing and training chaperones. Chaperones should be persons known to the teacher to be responsible, dependable, and comfortable with children of the student's age and maturity.
2. The Board will pay the expenses of chaperones to the extent that the expenses of students and teachers are paid.
3. Chaperones will be assigned a specific group of students and are accountable for the welfare of those students. Students must not be left unattended; if the chaperone must briefly leave his/her assigned students, the chaperone should ask the teacher or another chaperone to take his/her place for the absence.
4. Smoking and the use of alcohol or drugs or the possession of weapons is prohibited for both students and chaperones.





5. Prior to their arrival at the destination, chaperones should inform the students in their charge of:
  - a. The conduct expected of them,
  - b. The time and place of departure, and
  - c. Any other information necessary to the conduct of the trip, such as meal arrangements and the location of restrooms.
6. Chaperones should attempt to regulate student conduct. Any significant or persistent disciplinary problem should be reported to the teacher for appropriate action.

## E. Emergencies

The following guidelines will be followed in the event of an emergency during a field trip.

1. An emergency on a school bus will be governed by the procedures set forth in Regulation No. 8630.
2. In the event a student is lost or missing, and all reasonable efforts to find him/her have failed, the teacher shall, no later than twenty minutes after the student is first found missing, call the Principal. If the Principal is not immediately available, the teacher shall call the Superintendent at 973-509-4010 for further instructions.
3. In the event of a medical emergency, the teacher shall summon first aid and/or ambulance services. Any medical emergency shall be immediately reported to the Principal. Within twenty-four hours of the trip, the teacher shall file with the Principal a full written report of the emergency and the steps taken to protect the victim's health and safety.
4. In the event of a delay that will bring students back to school later than anticipated and after the end of the school day, the teacher will, as soon as he/she can estimate the actual time of arrival, call the Principal or a person designated by the Principal to remain at the school as emergency coordinator. The Principal or emergency coordinator will:



- a. Inform parent(s) or legal guardian(s) of the delay by telephone;
- b. Make the school facilities available to waiting parents or legal guardians;
- c. Remain at the telephone to answer incoming calls; and
- d. Confer with the teacher to be certain all students have been safely dispatched.

## F. Overnight Trips

1. A field trip that will remove students from the district overnight must be specifically approved by the Board. The request and approval procedures outlined in paragraph B6 above must be followed.
2. All of the provisions of this regulation are applicable to overnight field trips.
3. Students and their parent(s) or legal guardian(s) may be required, as a condition of their participation in the trip, to attend a meeting at which they will be informed of the:
  - a. Purpose of the trip;
  - b. The particulars of the trip such as itinerary, departure and return times, duration, overnight accommodations, and points of interest;
  - c. Rules of conduct and behavior expectations, both on the trip and at the destination;
  - d. Need, if any, for special clothing, supplies, apparatus, or equipment; and
  - e. Costs, if any, of the trip.

## G. Follow-up and Evaluation

1. The teacher in charge of the field trip should express his/her appreciation to:



# REGULATION

## MONTCLAIR BOARD OF EDUCATION

PROGRAM  
R 2340/Page 11 of 12  
FIELD TRIPS

- a. The chaperones, both lay and professional;
  - b. The officials and guides at the destination; and
  - c. Any other persons or representatives who assisted in the conduct of the trip.
2. The teacher in charge should incorporate the field trip experience into student's learning by:
- a. Conducting a discussion and a critical evaluation of the experience;
  - b. Encouraging creative projects on themes experienced on the field trip;
  - c. Testing students on information gained and attitudes formed; and/or
  - d. Assigning students written reports or presentations on the experience.
3. The teacher will assist the Principal in a critical evaluation of the trip by filing a written report of the trip that includes its benefits and drawbacks. The report should address these questions, as appropriate to the trip:
- a. Was the destination the best choice for the teaching purpose served?
  - b. Were there sufficient materials available to students as background for the trip?
  - c. Did the trip experiences encourage new understandings, impart new knowledge, or stimulate students to new activity?
  - d. Did the trip experience relate to other school learning experiences?
  - e. Did the trip impart accurate information and a truthful picture?



- f. Were the students exposed to any hazard to their physical or emotional well-being?
- g. Was the trip worth the time and expense?
- h. Were there any serious problems with student conduct and management?
- i. To what extent, if any, did the trip generate cooperation and a positive relationship between the school and the community?

Issued: 12 December 2016



R 2431.1 EMERGENCY PROCEDURES FOR ATHLETIC PRACTICES AND  
COMPETITIONS (M)

**M**

**A. Definitions**

1. "Programs of athletic competition" means all activities relating to competitive sports contests, games, events, or sports exhibitions involving individual students or teams of students when such events occur within or between schools within this district or with any schools outside this district. The programs of athletic competition shall include, but are not limited to, high school interscholastic athletic programs, middle school interscholastic athletic programs where school teams or squads play teams or squads from other school districts, intramural athletic programs within a school or among schools in the district, and any cheerleading program or activity in the school district.
2. "Health personnel" means the school nurse, the school medical inspector, the designated team doctor, a licensed physician, and members of the first aid squad or ambulance team.
3. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
4. "Student" means a student enrolled in this district and a student enrolled in any district who is present in this district for the purpose of participating in a program of athletic competition sponsored by the Board of Education.

**B. Precautions**

1. All coaches, including assistant coaches, will be trained in first aid to include sports-related concussions and head injuries, the identification of injured and disabled student athletes, and any other first aid procedures required by statute, administrative code, or by the Superintendent.



2. Athletic coaches are responsible at all times for the supervision of students to whom they have been assigned. Students shall not be left unattended at any time.
  3. Students who participate in athletic competition shall be trained in proper athletic procedures, in the proper use of athletic equipment, and in the proper use of protective equipment and clothing.
  4. Student athletes shall be required to report promptly to the athletic coach any injury or disability occurring to the student himself/herself or to another student.
  5. First aid supplies and equipment shall be readily available at all athletic activities and shall be maintained in proper condition.
  6. First aid and emergency medical procedures will utilize universal precautions in handling blood and body fluids as indicated in Policy and Regulation No. 7420 and Regulation No. 7420.1.
  7. Health personnel, including but not limited to, the athletic trainer, school/team physician, and ambulance/first aid squad may be present at athletic activities and events as determined by the Superintendent.
- C. Emergency Procedures

The following procedures shall be implemented whenever a student athlete is injured or disabled in the course of an athletic practice or competition sponsored by this district.

1. The athletic coach shall immediately notify the health personnel present at the activity and the health personnel shall assume responsibility for the emergency treatment of the student.
2. If no health personnel are present, or if none can be immediately summoned to the student's aid, the athletic coach shall administer such first aid as may be necessary.
3. If the student's injury or disability requires more than routine first aid, the athletic coach shall:



# REGULATION

## MONTCLAIR BOARD OF EDUCATION

PROGRAM

R 2431.1/Page 3 of 5

### EMERGENCY PROCEDURES FOR ATHLETIC PRACTICES AND COMPETITIONS (M)

- a. Summon emergency personnel by calling 911; or
  - b. Arrange for the student's transportation to the nearest hospital or the office of the school medical inspector.
4. The athletic coach or his/her designee shall promptly notify the Building Principal, Athletic Director, the Superintendent, and the student's parent(s) or legal guardian(s) of the student's injury or disability and the condition and location of the student.
  5. An injured or disabled student who has been transported away from school premises must be accompanied by the athletic coach, a member of the athletic department, a health professional, or other responsible adult known to the athletic coach.
  6. These emergency procedures shall be followed when the injured or disabled student is a member of a visiting team or district. In the event the visiting team has health personnel or staff members present, every effort shall be made to cooperate with the health personnel and/or staff of the district in which the student is enrolled.

#### D. Reports

1. The athletic coach shall complete and file a report of every injury or disability that occurs to a student in the course of his/her participation in the athletic program of this district, regardless of the severity of the injury or disability. The report shall include:
  - a. The date of the incident;
  - b. The name, age, grade level, and gender of each injured or disabled student;
  - c. The district in which the student is enrolled;
  - d. The name and district of each student involved in the incident;
  - e. A narrative account of the incident;
  - f. A detailed description of the injury or disability;



EMERGENCY PROCEDURES FOR ATHLETIC PRACTICES AND  
COMPETITIONS (M)

- g. The treatment given on school premises and the names of the health personnel, if any, who treated the student;
    - h. The place, if any, to which the student was taken and the persons who accompanied the student; and
    - i. A memorandum of the notice given to the student's parent(s) or legal guardian(s).
  2. ~~Copies of the report shall be filed with the school nurse and the Building Principal.~~ Copies of the athletic accident report shall be filed in the Athletic Department Office, and a copy shall be given to the school nurse, Athletic Director and the building Principal within twenty-four hours or by the end of the next school day after the incident.
  3. The Building Principal shall report the incident to the Superintendent, who may report the incident to the Board.
  4. A copy of each report of an incident of student injury or disability that occurs in the course of athletic activities shall be maintained by the athletic director, who shall analyze reports for patterns that indicate a need for revision of the district's safety and/or athletics program. The athletic director shall report the findings of his/her analysis to the Superintendent at the close of each sport season.
  5. The parent(s) or legal guardian(s) of each injured or disabled student will be given assistance in the completion and filing of insurance claim forms.

E. Readmission to Athletic Activities

A student injured or disabled in the course of an athletic activity will be permitted to participate in athletic competition only on the written permission of the school medical inspector or designated team doctor, who must first examine the student to determine his/her fitness to participate in athletics. Written notice of that determination, signed by the school medical inspector or designated team doctor as appropriate, shall be given to the student's parent(s) or legal guardian(s). The prevention and treatment of suspected sports-related concussions and head injuries shall be in accordance with the provisions of N.J.S.A. 18A:40-41.1 et seq. and Policy and Regulation 2431.4.





# REGULATION

## MONTCLAIR BOARD OF EDUCATION

PROGRAM  
R 2431.1/Page 5 of 5  
EMERGENCY PROCEDURES FOR ATHLETIC PRACTICES AND  
COMPETITIONS (M)

Adopted: 12 December 2016



## SPECIAL EDUCATION – FREE AND APPROPRIATE PUBLIC EDUCATION

### R 2460.8 SPECIAL EDUCATION - FREE AND APPROPRIATE PUBLIC EDUCATION

A Free and Appropriate Public Education (FAPE) is available to all students with disabilities between the ages of three and twenty-one: as outlined in the Disabilities Education Act, Part B of the Individuals with Disabilities Act (IDEA) including students with disabilities who have been suspended or expelled from school.

To qualify, the student's issues must fall under one of the thirteen disabilities categories, which are identified as: Autism, Deaf-Blindness, Deaf, Emotional Disturbance, Hearing Impairment, Intellectual Disability, Multiple Disability, Orthopedic Impairment, Other Health Impaired (including ADHD), Specific Learning Disabilities (i.e.: dyslexia, dyscalculia, dysgraphia and other learning challenges), Speech or Language Impairment, Traumatic Brain Injury, and Visual Impairment. In addition, Section 504 of IDEA requires that school districts provide Free Appropriate Public Education (FAPE) if the condition identified in the 504 plan substantially limits one or more major life activities/functions even though it is not identified/managed through a traditional Individual Education Plan.

#### Definitions:

Free means that all students with disabilities will be educated at public expense, except when incidental fees, such as club membership fees or trip expenses, etc. are incurred, as for all general education students.

Appropriate means that a child with disabilities is entitled to an education that will be tailored and planned to meet his/her needs through the use of accommodations and modifications as stated in his/her Individual Education Plan.

Public refers to the public-school district, in most cases, will provide the educational setting regardless of the nature and severity of the disability unless defined differently in the student's Individualized Education Plan.

Education must be provided to every school age child with a disability between the ages of three and twenty-one and ensures that the student will receive a public education that includes the services outline in the Individualized Education Plan (IEP).



## SPECIAL EDUCATION – FREE AND APPROPRIATE PUBLIC EDUCATION

It should be noted that having a disability does not automatically qualify a child under IDEA. To be eligible, a student must need special education in order to make progress in school, as determined by approved testing protocols used in the diagnosis of a disability that demonstrate discrepancies between the students IQ Quotient and Performance IQ, as determined by a licensed member of the district's Child Study Team or qualified Physician/Practitioner (Occupational, Speech Therapist, etc.)

Furthermore, it is the Board's contention that the education should prepare a child for the future-further education, employment and independent living.

### Removal or Change of Placement:

Procedures regarding the provision of a free and appropriate public education to students with disabilities who are suspended or expelled are as follows:

1. School officials responsible for implementing suspensions/expulsions in the district are the following:
  - a. Grades Nine – Twelve Principal/Vice Principal or designee;
  - b. Grades Six – Eight Principal/Vice Principal or designee;
  - c. Grades Pre-Kindergarten – Five Principal/Vice Principal or designee; and adhere to PL 2016, Chapter 45.
2. Before a student can be removed from class for a disciplinary action the case manager should conduct a Manifest Determination meeting to ensure the behaviors are not related to the child's disability.
  - a. In cases where it is determined that the student's disability is a contributing factor of the behavior an alternate plan will be developed to teach, council and remediate the student in lieu of suspension.
23. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager and parent/guardian by the Principal or designee. (Notification must be in written format for documentation.)



# REGULATION

## MONTCLAIR BOARD OF EDUCATION

PROGRAM  
R 2460.8/Page 3 of 7

### SPECIAL EDUCATION – FREE AND APPROPRIATE PUBLIC EDUCATION

- a. Removal for at least half of the school day shall be reported via the ~~Electronic Violence and Vandalism Reporting System~~ School Safety Data System.
34. Each Principal or designee will ensure that a system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons. Documentation will include:
- a. Student's name;
  - b. The infraction;
  - c. Time suspended; and
  - d. The cumulative days suspended including removal for a portion of the school day which is counted proportionately.
45. When a student is suspended from transportation:
- a. Suspension from transportation is not counted as a day of removal if the student attended school.
  - b. Suspension from transportation is counted as a day of removal if the student does not attend school.
  - c. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.
  - d. Suspension from transportation may be counted as a day of absence rather than a day of removal if the district made available an alternate means of transportation and the student does not attend school.
56. When a student with a disability participates in an in-school suspension program, the Principal or designee shall ensure that participation in the program is not considered removal ~~when determining whether a manifestation determination must be conducted if the program provides the following~~ when:



## SPECIAL EDUCATION – FREE AND APPROPRIATE PUBLIC EDUCATION

- a. Opportunity for the student to participate and progress in the general curriculum,
  - b. Services and modifications specified in the student's IEP,
  - c. Interaction with peers who are not disabled to the extent they would have in the current placement, and
  - d. The student is counted as present for the time spent in the in-school suspension program.
67. When a series of short-term removals will accumulate to more than ten school days in the year:
- a. The Principal/Vice Principal or designee and the case manager will consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2. Written documentation of the consultation between the school administration and the case manager shall be maintained by the case manager.
  - b. If it is determined that there is ~~no~~ change in placement, the Principal/Vice Principal or designee, the case manager, and special education teacher will consult to determine the extent to which services are necessary to:
    - (1) Enable the student to participate and progress appropriately in the general education curriculum; and
    - (2) Advance appropriately toward achieving the goals set out in the student's IEP.
  - c. Written documentation of the consultation and services provided shall be maintained in the student's file.
78. When a disabled student is removed from his/her current placement for more than ten days and the removal does ~~not~~ constitute a change in placement, the case manager shall convene a meeting of the IEP Team and, as necessary or required, conduct a



## SPECIAL EDUCATION – FREE AND APPROPRIATE PUBLIC EDUCATION

functional behavior assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, Individuals with Disabilities Education Act Amendments of 2004, 20 U.S.C. §1415(k). The IEP Team shall:

- a. Review the behavioral intervention plan and its implementation;
- b. Determine if modifications are necessary; and
- c. Modify the behavioral intervention plan and its implementation as appropriate. The plan will be modified to the extent necessary if at least one member of the team determines that modifications are necessary.

The case manager will document the date and the outcome of the meeting.

The documentation shall be placed in the student's file.

### 9. Procedures Regarding the Provision of a Free and Appropriate Public Education to Preschool Age Students with Disabilities

To ensure that preschoolers with disabilities who are not participating in an early intervention program have their initial IEP's in effect by their third birthday, a written request for an initial evaluation shall be forwarded to the district.

The following procedures will be followed:

1. A parent of a preschool-age student suspected of having a disability, who requests a Child Study Team (CST) evaluation by telephone, will be advised to submit a written request for an evaluation to the ~~Preschool Supervisor or~~ Director of Pupil Services.
2. Upon receipt of the written request, the request shall be dated stamped and signed by the recipient.



## SPECIAL EDUCATION – FREE AND APPROPRIATE PUBLIC EDUCATION

3. The district will respond to referrals of preschoolers according to N.J.A.C. 6A:14-3.3(e).
4. A file will be initiated for the potentially disabled preschooler:
  - a. The CST will convene a referral/identification meeting within twenty calendar days (excluding school holidays but not summer vacation) of the date recorded on the request;
  - b. A “Notice of Referral/Identification Meeting” will be sent to the parent(s);
  - c. The notice will contain “Parental Rights in Special Education” (PRISE) Booklet, as well as, N.J.A.C. 6A:14 Due Process Rules;
  - d. The meeting will be attended by the CST, including a speech language specialist, the parent(s), ~~and~~ a teacher who is knowledgeable about the district’s program, and any other specialist deemed critical to the evaluation;
  - e. A program shall be in place no later than ninety calendar days from the date of consent ~~no~~ or later than the student’s third birthday.

### 10. Procedures Regarding the Provision of a Free, Appropriate Public Education to Students with Disabilities Who Are Advancing From Grade to Grade

The Department of Pupil Services, through in-service training, shall ensure students with disabilities who are advancing from grade to grade with the support of specially designed services, continue to be eligible when as part of a reevaluation, the IEP Team determines the student continues to require specially designed services to progress in the general education curriculum and the use of functional assessment information supports the IEP Team’s determination.

Procedures Involving Procedural Safeguards to Students Not Yet Eligible For Special Education



# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 2460.8/Page 7 of 7

## SPECIAL EDUCATION – FREE AND APPROPRIATE PUBLIC EDUCATION

Disciplinary procedural safeguards will apply to students not yet eligible for special education. The parent(s) and/or adult student may assert any of the protections of the law if the district had knowledge the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

Adopted:





SPECIAL EDUCATION - TRANSITION FROM EARLY INTERVENTION  
PROGRAMS TO PRESCHOOL PROGRAMS (M)

R 2460.9 SPECIAL EDUCATION - TRANSITION FROM EARLY INTERVENTION  
PROGRAMS TO PRESCHOOL PROGRAMS (M)

**M**

Children with disabilities participating in early intervention programs (EIP) assisted under IDEA Part C who will participate in preschool programs under N.J.A.C. 6A:14-1.1 et seq. will experience a smooth transition and will have an Individualized Education Program (IEP) developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.

Procedure for Child Study Team (CST) Member Attendance at the Preschool Transition Planning Conference

1. The district will make available a CST member to participate in the preschool transition planning conference arranged by the designated Part C service coordinator from the early intervention system and will:
  - a. Review the Part C Individualized Family Service Plan for the child;
  - b. Provide the parent(s) written district registration requirements;
  - c. Provide the parent(s) written information with respect to available district programs for preschool students, including general education placement options; and
  - d. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.
2. The district will work collaboratively with the EIP designated Part C service coordinator or early intervention system to eliminate barriers regarding meeting times and locations.
3. School district officials shall adhere to all procedures contained in N.J.A.C. 6A:14-1.1 et seq. for transitioning children with disabilities from EIP to preschool programs.



# REGULATION

## MONTCLAIR BOARD OF EDUCATION

PROGRAM

R 2460.9/Page 2 of 2

### SPECIAL EDUCATION - TRANSITION FROM EARLY INTERVENTION PROGRAMS TO PRESCHOOL PROGRAMS (M)

4. The Part C service coordinator shall be invited to the initial IEP meeting for a student transitioning from Part C to Part B.

Adopted: 12 December 2016



## R 5330 ADMINISTRATION OF MEDICATION (M)

### M

#### A. Definitions

1. "Medication" means any prescription drug or over-the-counter medicine or nutritional supplement and includes, but is not limited to, aspirin and cough drops.
2. "Administration" means the taking of any medication by ingestion, injection, or application to any part of the body or the giving of direct physical assistance to the person who is ingesting, injecting, or applying medication.
3. "Self-administration" means carrying and taking medication without the intervention of the school nurse, approved through the school district policy and restricted to students with asthma, other potentially life-threatening illnesses or life-threatening allergic reaction.
4. "Life-threatening illness" means an illness or condition that requires an immediate response to specific symptoms or sequelae (an after effect of disease or injury) that if left untreated may lead to potential loss of life, i.e. adrenaline injection in anaphylaxis.
5. "A pre-filled auto-injector mechanism containing epinephrine" is a medical device used for the emergency administration of epinephrine to a student for anaphylaxis.
6. "Noncertified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by the district, and who is not certified as a school nurse by the Department of Education.
7. "Substitute school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and who has been issued a county substitute certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C. 6A:9B-7.6.



8. "School physician" means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Medical Examiners who works under contract or as an employee of the district. This physician is referred to as the medical inspector in N.J.S.A. 18A:40-4.1.
  9. "Advanced practice nurse" means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.
  10. "Certified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Certificate with a school nurse endorsement or school nurse/non-instructional from the Department of Education pursuant to N.J.A.C. 6A:9B-14.3 and 14.4.
- B. Permission for Administration by a School Nurse or Registered Nurse
1. Permission for the administration of medication in school or at school-related events will be given only when it is necessary for the health and safety of the student.
  2. Medication will not be administered to a student who is physically unfit to attend school or has a contagious disease. Any such student should not be permitted to attend school and may be excluded in accordance with Policy 8451.
  3. Parent requests for the administration of medication in school must be made in writing and signed by the parent.
  4. The parent must submit a certified statement written and signed by the student's physician. The statement must include:
    - a. The student's name;
    - b. The name of the medication;
    - c. The purpose of its administration to the student for whom the medication is intended;



- d. The proper timing and dosage of medication;
- e. Any possible side effects of the medication;
- f. The time when the medication will be discontinued;
- g. A statement that the student is physically fit to attend school and is free of contagious disease; and
- h. A statement that the student would not be able to attend school if the medication is not administered during school hours.

C. Administration of Epinephrine to Students

- 1. The parent must provide the school nurse authorization for the emergency administration of epinephrine via a pre-filled auto-injector mechanism containing epinephrine to a student for anaphylaxis provided:
  - a. The parent provides the school nurse a written authorization for the administration of epinephrine with written orders from the physician or an advanced practice nurse that the student requires the administration of epinephrine for anaphylaxis.
  - b. The school nurse has the primary responsibility for the administration of epinephrine. However, the school nurse shall designate, in consultation with the Principal, additional employees of the school who volunteer to administer epinephrine via a pre-filled auto-injector mechanism to a student when the school nurse is not physically present at the scene. These volunteers shall be trained using standardized training protocols established by the New Jersey Department of Education in consultation with the Department of Health and Senior Services. The student's parent must consent in writing to the administration of epinephrine via a pre-filled auto-injector mechanism by the designee(s).



- c. The parent must be informed in writing by the Board or Superintendent that the school district and its employees or agents shall have no liability as a result of any injury to a student arising from the administration of epinephrine via a pre-filled auto-injector mechanism.
- d. The parent must sign a statement acknowledging their understanding the district shall incur no liability as a result of any injury arising from the administration of epinephrine via a pre-filled auto-injector mechanism to the student and the parent shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of epinephrine via a pre-filled auto-injector mechanism to the student.
- e. The permission for the emergency administration of epinephrine via a pre-filled auto-injector mechanism is effective for the school year it is granted and must be renewed for each subsequent school year upon the fulfillment of the requirements as outlined in a. through d. above.
- f. The school nurse shall be responsible for the placement of the student's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and trained designees to ensure prompt availability in the event of an allergic emergency at school or at a school function. The location of the epinephrine shall be indicated on the student's emergency care plan. Back-up epinephrine shall also be available at the school if needed.
- g. The school nurse or trained designee shall be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction.
- h. The school nurse or trained designee shall arrange for the transportation of the student to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the student's symptoms appear to have resolved.



- i. In accordance with the provisions of N.J.S.A. 18A:40-12.5.f, the school nurse or a designated employee trained to administer epinephrine via a pre-filled auto-injector mechanism is permitted to administer epinephrine via a pre-filled auto-injector mechanism to any student without a known history of anaphylaxis or to any student whose parent has not met the requirements outlined above when the school nurse or trained designee in good faith believes the student is having an anaphylactic reaction.
- j. Each school in the district will maintain in a secure, but unlocked and easily accessible location, a supply of epinephrine auto-injectors prescribed under a standing order from a licensed physician, and that is accessible to the school nurse and trained designees for administration to a student having an anaphylactic reaction.

D. Permission for Self-Administration of Medication

Permission for self-administration of medication of a student with asthma, other potentially life-threatening illness, or a life-threatening allergic reaction may be granted under the following conditions:

1. Parent of the student must provide the school nurse written authorization for the self-administration of medication;
2. The parent of the student must also provide the school nurse with a signed written certification from the physician of the student that the student has asthma or another potentially life threatening illness or is subject to a life-threatening allergic reaction and is capable of, and has been instructed in, the proper method of self-administration of medication. The written certification must include:
  - a. The student's name;
  - b. The name of the medication;



- c. The purpose of its administration to the student for whom the medication is intended;
  - d. The proper timing and dosage of medication;
  - e. Any possible side effects of the medication;
  - f. The time when the medication will be discontinued;
  - g. A statement that the student is physically fit to attend school and is free of contagious disease; and
  - h. A statement the medication must be administered during the school day or the student would not be able to attend school.
3. The parent of the student have signed a statement acknowledging that the school district shall incur no liability as a result of any injury arising from the self-administration of medication by the student and that the parent shall indemnify and hold harmless the school district, the Board, and its employees or agents against any claims arising out of the self-administration of medication by the student;
4. The parent's written authorization and the physician's written certification shall be reviewed by the school nurse and the school physician. The school nurse and the school physician must agree the student is capable of self-administration of the medication. If it is determined the student may not self-administer medication in accordance with the request;
  - a. If it is determined the student may not self-administer medication in accordance with the request, the parent will be informed of the reason for a denied request; a denied request may be appealed to the Superintendent.
5. Permission to self-administer one medication shall not be construed as permission to self-administer other medication; and





6. Permission shall be effective on the school year for which it is granted and shall be renewed for each subsequent school year upon fulfillment of the requirements in 1. through 4. above.

E. Custodianship of Medication

1. Medications to be administered by the school nurse or a registered nurse:
  - a. All medications must be delivered to the school by the parent.
  - b. All medications must be in the original container, with the prescription information affixed.
  - c. The school nurse shall be custodian of students' medication, which will be properly secured.
  - d. Any unused medication must be picked up by the student's parent.
  - e. After reasonable efforts to have the parent retrieve the medication have failed, any unused medication that remains in the school at the end of the school year or two school weeks after the student stops taking the medication, whichever first occurs, must be destroyed or discarded by the school nurse, in accordance with proper medical controls.
2. Medications to be self-administered by a student:
  - a. Time being of the essence in cases of asthma, other potentially life threatening illness, or a life-threatening allergic reaction, all medications to be self-administered by a student must be kept in the student's possession.
  - b. No student may possess medication for self-administration unless the proper permission has been granted by the school nurse and a record of the medication is on file in the office of the school nurse.



- c. Students who are permitted to self-administer medications must secure their medication in such a manner that the medication will not be available to other students. The medication must be in a sealed container and clearly labeled with the medication name, dosage, and ordering physician. The medication, if ingested by someone other than the student, shall not cause severe illness or death.
- d. Students who are permitted to self-administer medications shall only have in their possession the quantity of medication necessary for the time period of the student's school day.
- e. Notwithstanding any other law or regulation, a student who is permitted to self-administer medication in accordance with the provisions of N.J.S.A. 18A:40-12.3 shall be permitted to carry an inhaler or prescribed medication for allergic reactions, including a pre-filled auto-injector mechanism, at all times, provided the student does not endanger himself or other persons through misuse.

F. Administration of Medication

- 1. No medication shall be administered to or taken by a student in school or at a school-sponsored event except as permitted by Board policy and this regulation.
- 2. Medication will only be administered to students in school by the school physician, a certified or noncertified school nurse, a substitute school nurse employed by the district, a student who is approved to self-administer in accordance with N.J.S.A. 18A:40-12.3 and 12.4, and school employees who have been trained and designated by the certified school nurse to administer epinephrine in an emergency pursuant to N.J.S.A. 18A:40-12.5 and 12.6.
- 3. When practicable, self-administration of medication should be observed by the school nurse.
- 4. Students self-administering medication shall report each administration of medication and any side effects to a teacher, coach, or the individual in charge of the student during school



activities. Such individuals shall report all administrations and any side effects reported or observed to the school nurse within twenty-four hours.

5. When a student attends a school-sponsored event at which medication may be required (such as an outdoor field trip or athletic competition) and the school nurse/alternate nurse cannot be in attendance, the student's parent will be invited to attend. If neither the school nurse nor the parent can attend and the student does not have permission to self-administer medication and there is a risk that the student may suffer injury from lack of medication, the student may be excused from the event, if requested by the parent/guardian or adult student.

## G. Emergencies

1. Any medical emergency requiring medication of students will be handled in accordance with Policy 8441 and implementing regulations on first aid and, as appropriate, the school physician's standing orders for school nurses. Arrangements will be made to transport a student to a hospital emergency room after the administration of epinephrine in accordance with N.J.S.A. 18A:40-12.5.e.(3).
2. Nothing in N.J.S.A. 18A:40-12.6 prohibits the emergency administration of epinephrine via a pre-filled auto-injector mechanism to a student for anaphylaxis by the school nurse or other trained designated employees pursuant to N.J.S.A. 18A:40-12.6 when the student is authorized to self-administer epinephrine pursuant to N.J.S.A. 18A:40-12.3, or when there is a coexisting diagnosis of asthma, or when a prescription is received from a licensed health care professional for epinephrine coupled with another form of medicine, or when the epinephrine is administered pursuant to N.J.A.C. 18A:40-12.5.

## H. Records

The school nurse shall include the following in a student's health record:

1. The approved written request for the administration or self-administration of medication;



2. A record of each instance of the administration of the medication by the school nurse or a registered nurse;
3. A record of reports by teachers, coaches, and other individuals in charge of school activities who report student self-administration of medication;
4. Any side effects that resulted from the administration of medication; and
5. Whether the supply of medication provided in cases where the medication is to be administered by the school nurse or a registered nurse was exhausted or the parent removed the medication or, if the parent failed to remove the medication, the medication was destroyed and the date on which that occurred.

## I. Notification

1. The school nurse may provide the Principal and other teaching staff members concerned with the student's educational progress with information about the medication and administration when such release of information is in the student's best educational interest.
2. The school nurse will provide teachers, coaches, and other individuals in charge of school activities with a list of students who have been given permission to self-administer medication.
3. The school nurse will inform the student's parent of any difficulty in the administration of medication or any side effects.
4. The school nurse will report to the school physician any student who appears to be adversely affected by the medication.

Adopted: 03 May 2017



## R 5530 SUBSTANCE ABUSE (M)

### M

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

#### A. Definitions

1. "Evaluation" means procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services which extend beyond the general school program by virtue of learning, behavior, or health difficulties of the student or the student's family.
2. "Other drugs" mean substances as defined in N.J.S.A. 18A:40A-9 and substances as defined in N.J.A.C. 6A:16-4.1(a).
3. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
4. "Referral for evaluation" means programs and services suggested to a student or his or her family in order to make a positive determination regarding a student's need for services that extend beyond the general school program.
5. "Referral for treatment" means programs and services suggested to a student or to his or her family to help implement the recommendations resulting from an evaluation, pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6; in response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4; or in response to the family's request for assistance with a learning, behavior, or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.
6. "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, owned, operated or used for the provision of



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

7. "Substance" as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages, controlled dangerous substances, including anabolic steroids as defined at N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined at N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
8. "Substance abuse" means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.
9. "Under the influence" of substances means that the student is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

## B. Discipline

1. Any violation of Board rules prohibiting the use, possession, and/or distribution of a substance is a serious offense, and the student who



violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Students who violate the substance abuse rules will be disciplined in accordance with the Student Code of Conduct/Discipline – Regulation 5600.

2. In accordance with N.J.A.C. 6A:16-4.1(c), in the event the student does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors disciplinary action will be taken in accordance with the Student Code of Conduct/Discipline – Regulation 5600.

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

1. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.
  - a. The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.
  - b. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:
    - (1) Provisions for a program of instruction, counseling, and related services provided by the district Board of Education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;
    - (2) Referral to a community agency, as defined in N.J.A.C. 6A:16-4.1(b), out-of-State agencies licensed by the



appropriate State regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;

- (3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or
- (4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.

D. Reporting, Notification, and Examination Procedures

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

- a. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the Principal or, in the Principal's absence, to a person designated by the Principal and either the certified or non-certified school nurse, the school physician, or the student assistance coordinator.
- b. In response to a report of suspected anabolic steroid use, including instances when a report is made to law enforcement, the Principal or designee shall immediately notify the student's parent and the Superintendent. The Principal or designee shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.
  - (1) If the physician chosen by the parent is not available to perform the examination, the examination shall be conducted by the school physician or other physician identified by the Principal.
  - (2) The student shall be examined as soon as possible for the purpose of determining whether the student has been using anabolic steroids.





- c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids.
  - (1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.
- d. The examining physician shall provide to the parent, Principal, and Superintendent a written report of the examination.
- e. If it is determined the student has used anabolic steroids, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.
  - (1) To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.
- f. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, the school staff member(s) identified in D.1.e. above who is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private



practitioners certified by the appropriate drug and alcohol licensing board.

2. Students Suspected of Being Under the Influence of Alcohol or Other Drugs Other Than Anabolic Steroids – N.J.A.C. 6A:16-4.3(a)
  - a. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the Principal or, in his or her absence, to his or her designee and either the certified school nurse, non-certified school nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.
    - (1) In instances where the Principal and either the certified school nurse, non-certified school nurse, school physician or the student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.
    - (2) The referring staff member shall file with the Principal a report describing the incident. The form shall include all information necessary for a complete, accurate reporting on the ~~Electronic Violence and Vandalism Reporting System (EVVRS)~~ Student Safety Data System (SSDS) according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.
  - b. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the Principal or designee shall:
    - (1) Immediately notify the student's parent and the Superintendent or designee;
    - (2) Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids; and



- (3) Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.
- c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs.
  - (1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
- d. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.
  - (1) The parent will be provided, in writing, the minimum requirements for the immediate medical examination, which will include, but not be limited to, the substances to be tested by the physician, the cut-off levels of each substance to be tested, the time period the immediate medical examination must be conducted, and any other requirements of the examination.
  - (2) The examination shall be at the expense of the parent and not the district Board of Education.
- e. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.
  - (1) If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the Principal to the emergency room of the nearest hospital for examination.



- (2) The student's parent, if available, shall also accompany the student.
  - (3) When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district Board of Education.
- f. The Board of Education will have a plan in place for the appropriate supervision of the student:
- (1) While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or the physician in an emergency room; and
  - (2) Provisions will be made for the appropriate care of the student while awaiting the results of the medical examination.
- g. A written report of the medical examination of the student shall be furnished to the student's parent, the Principal, and the Superintendent of Schools by the examining physician within twenty-four hours of the referral of the student for suspected alcohol or other drug use.
- (1) The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report. The minimum requirements for the examination will be periodically reviewed and updated as needed.
  - (2) The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.



- h. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the school district will require the parent to verify within twenty-four hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with this Policy.
  - (1) The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in this Policy will be provided.
  - (2) Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.3(d).
- i. If the written report of the medical examination is not submitted to the parent, Principal, and Superintendent within twenty-four hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the Code of Student Conduct.
- j. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student will be immediately returned to school.
- k. If there is a positive determination from the medical examination, indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:
  - (1) The student will be returned as soon as possible to the care of the parent;
  - (2) Attendance at school shall not resume until a written report has been submitted to the parent, the Principal, and Superintendent from a physician licensed to practice



medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school.

- (a) The report shall verify that the student's alcohol or other drug use no longer interferes with the student's physical and mental ability to perform in school.
- (3) Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.
1. While the student is home because of the medical examination or after the student returns to school, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall:
  - (1) Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.
    - (a) The findings of the assessment alone shall not prevent a student from attending school; and
  - (2) Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral, and continuity of care for alcohol or other drug abuse treatment.



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

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

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

E. Search and Reasonable Grounds (Suspicion)

1. In order to search a student, the District must have "reasonable grounds," as outlined in New Jersey v. T.L.O., 469 U.S. 325 (1985). In that matter, the Court determined that:

Under ordinary circumstances, a search of a student by a teacher or other school official will be "justified at its inception" when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violation wither the law or the rules of the school. Such a search will be permissible in its scope when the measure adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

To send a student for drug testing, a staff member must further determine that it "appears that a student may be currently under the



influence of alcohol or other drugs on school grounds.” N.J.A.C.  
6A:16-4.3.

EF. Handling of Alcohol or Other Drugs

1. A student’s person, effects, or school storage places may be searched for substances in accordance with Board Policy and applicable laws regarding searches in schools.
2. A school employee who seizes or discovers a substance, or an item believed to be a substance or drug paraphernalia, shall immediately notify and turn it over to the Principal or designee.
  - a. The Principal or designee shall immediately notify the Superintendent or designee who in turn shall notify the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.
  - b. In accordance with the provisions of N.J.A.C. 6A:16-6.4(a), the school employee, Principal or designee shall safeguard the alcohol, other drug, or paraphernalia against further destruction and shall secure the alcohol, other drug, or paraphernalia until it can be turned over to the County Prosecutor or designee.
  - c. The Principal or designee shall provide to the County Prosecutor or designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:
    - (1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and
    - (2) The identity of the student believed to have been in possession of the substance or paraphernalia.
  - d. The Principal or designee shall not disclose the identity of a student who voluntarily and on his or her own initiative turned over the alcohol, other drug, or paraphernalia to a school employee,





provided there is reason to believe the student was involved with the alcohol, other drug, or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student agrees to participate in an appropriate treatment or counseling program.

- (1) For the purposes of N.J.A.C. 6A:16-6.4, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

EG. Reporting Students to Law Enforcement Agencies

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



5. For the purpose of N.J.A.C. 6A:16-6.3, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.
6. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids. The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
7. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and N.J.A.C. 6A:16-4.3(b)3i and N.J.A.C. 6A:16-4.3(a)4, was obtained as a result of the district Board of Education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

#### 6H. Parent Training Program/Outreach Programs

1. A substance abuse training program will be offered to the parents of students enrolled in the district. The program will be offered at times and places convenient to parents and on school premises or in other suitable facilities.
2. The program shall, at a minimum, provide:
  - a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year, with recommendations as to the ways in



- which the parent may enhance, reinforce, and supplement that program;
- b. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;
  - c. Instruction to assist the parent in the identification of the symptoms and behavioral patterns that might indicate a child may be involved in substance abuse;
  - d. Information on the State, local, and community organizations which are available for the prevention, early intervention, treatment, and rehabilitation of individuals who show symptoms of substance abuse; and
  - e. A review of the Board Policy and Regulation on substance abuse with attention to the role of parents.
3. The Board will establish an outreach program to provide substance abuse education for the parents of students in the district. In establishing the program, the Board shall consult with such local organizations and agencies as are recommended by the Commissioner. The Board shall insure the program is offered at times and places convenient to the parents of the district on school premises, or at other suitable facilities.
    - a. In addition to the substance abuse education program required pursuant to N.J.S.A. 18A:40A-17, the Board shall provide assistance to parents who believe that their child may be involved in substance abuse.
- Hl. Records and Confidentiality of Records
1. Notations concerning a student's involvement with substances may be entered on his/her records, subject to N.J.A.C. 6A:32-7.1 et seq. and Policy 8330.
  2. Information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, and N.J.A.C. 6A:16-3.2.



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

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



# REGULATION

## MONTCLAIR BOARD OF EDUCATION

STUDENTS  
R 5530/Page 17 of 17  
SUBSTANCE ABUSE (M)

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

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

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

4. Each incident of substance abuse shall be reported to the Commissioner on the ~~Electronic Violence and Vandalism Reporting System (EVVRS)~~ Student Safety Data System (SSDS).

Issued: ~~12 December 2016~~



## R 5533 STUDENT SMOKING

The Board of Education is committed to maintaining a smoke-free environment on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Education. The school administration and all school staff members shall strictly enforce this smoking/electronic cigarette prohibition and will work together to ensure students do not smoke in violation of Board Policy 5533 and the law.

The contents of electronic smoking devices may not be easily identified and can range from tobacco to a controlled dangerous substance. Students found in possession of an electronic smoking device or its components, will be considered under the suspicion of the influence of drugs while at school or a school sanctioned event.

All references to smoking in this regulation include but are not limited to: electronic devices used for smoking, vaping, e-cigarettes and paraphernalia associated with such devices etc.

### A. Notice Provisions

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

### B. Search and Reasonable Grounds (Suspicion)

1. In order to search a student, the District must have "reasonable grounds," as outlined in New Jersey v. T.L.O., 469 U.S. 325 (1985). In that matter, the Court determined that:



Under ordinary circumstances, a search of a student by a teacher or other school official will be "justified at its inception" when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violation wither the law or the rules of the school. Such a search will be permissible in its scope when the measure adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

To send a student for drug testing, a staff member must further determine that it "appears that a student may be currently under the influence of alcohol or other drugs on school grounds." N.J.A.C. 6A:16-4.3.

## BC. Reporting Procedures

1. AnyMontclair Public School district employee who observes a student smoking in violation of Policy 5533 shall inform the student to cease smoking and report the violation to the Principal or designee.

## CD. Violation Consequences

The Principal or designee will notify the student's parent/guardian when a violation of Policy 5533 has occurred.

1. The Principal or designee will call the parent/guardian immediately.
2. All smoking devices and paraphernalia will be confiscated and not returned to the student or family members.
3. The student will be escorted to the school nurse for an assessment of vital signs.
4. If the smoking device was any form of an e-cigarette, the Student Assistance Counselor will provide student and parent/guardian with a letter documenting where to be urine tested and screened at the schools expense. Urine screening is conducted in accordance to Board Policy 5530 governing substance abuse.



# REGULATION

## MONTCLAIR BOARD OF EDUCATION

STUDENTS  
R 5533/Page 3 of 3  
STUDENT SMOKING

5. For e-cigarette violations, the student will be sent out for an immediate medical examination and drug screening.
6. Upon return to school, the student will meet with the Student Assistance Counselor to discuss and assess the extent of the student's smoking habits and health risks and be referred to a treatment program for a full evaluation if urine screen is positive for substances other than tobacco.
7. All out-of-school treatment programs will be at the parent/guardian's expense.

Issued: 15 February 2018





## HANDLING AND DISPOSAL OF BODY WASTES AND FLUIDS (M)

### R 7420 HANDLING AND DISPOSAL OF BODY WASTES AND FLUIDS (M)

#### M

##### A. Definitions

1. "Body wastes and fluids" includes a person's blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge), and saliva. Body fluids of all persons should be considered to potentially contain infectious agents.
2. "Disinfectant" means an intermediate level agent that will kill vegetative bacteria, fungi, tubercle bacillus, and viruses and has been registered by the U.S. Environmental Protection Agency for use as a disinfectant in medical facilities and hospitals. The following classes of disinfectants are acceptable, with hypochlorite solution (A2c) preferred for objects that may be put in the mouth:
  - a. Ethyl or isopropyl alcohol (70%);
  - b. Phenolic germicidal detergent in a 1% aqueous solution;
  - c. Sodium hypochlorite with at least 100 ppm available chlorine (one-half cup household bleach in one gallon water, freshly prepared for each use);
  - d. Quaternary ammonium germicidal detergent in 2% aqueous solution; and
  - e. Iodophor germicidal detergent with 500 ppm available iodine.
3. "Person" means any person on school premises or at a school-related activity, including students, staff members, and visitors, whether or not the person has a communicable disease or has been exposed to a communicable disease.

##### B. Precautions

1. Whenever possible, direct contact with body wastes and fluids should be avoided.



## HANDLING AND DISPOSAL OF BODY WASTES AND FLUIDS (M)

2. The wearing of protective gloves is required whenever direct hand contact with body wastes and fluids is anticipated, such as in treating a bloody nose, handling clothing soiled by incontinence, and cleaning small spills by hand.
3. Disposable protective gloves shall be worn by any person in the removal of body wastes and fluids and the treatment or disinfection of any items or surfaces that have come in contact with body wastes and fluids.
4. A supply of disposable protective gloves shall be maintained in the office of the school nurse and shall be freely available to all staff members.

### C. When Bodily Contact with Body Wastes or Fluids Occurs

1. Hands and other skin areas that have come in contact with a person's body wastes or fluids must be thoroughly washed by the use of soap and vigorous scrubbing of all contacted surfaces under running water for at least ten seconds. Hands and other skin areas should then be dried with paper towels.
2. Gloves soiled by contact with body wastes and fluids or in the cleaning of soiled items and surfaces should be promptly removed and placed in a plastic bag or lined trash can, secured, and disposed of daily.

### D. Removal of Body Wastes and Fluids From the Environment

1. A sanitary absorbent agent, designed to absorb and disinfect body wastes and fluids, will be applied in accordance with instructions supplied with the material.
2. When the fluid is absorbed, the material will be vacuumed or swept up and the vacuum bag or sweepings will be disposed of in a plastic bag or lined trash can, secured, and disposed of daily.
3. The broom and dust pan used in sweeping will be rinsed in a disinfectant. No special handling is required for the vacuuming equipment.



## HANDLING AND DISPOSAL OF BODY WASTES AND FLUIDS (M)

4. Any disposable items (such as paper towels and tissues) used to clean up will be placed in a plastic bag or lined trash can, secured, and disposed of daily.

### E. Treatment of Soiled Items

1. Items such as clothing and fabric towels should be rinsed under cold running water to remove body wastes and fluids. If necessary for the treatment of stains, the item may be soaked in cold water.
2. If such prerinsing is required, gloves should be used when rinsing or soaking the items in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents/teachers.
3. Rinsed items may be stored in a plastic bag until further treatment can be given. A student's soiled clothing should be placed in a plastic bag with prepared laundry instructions for the parent(s) or legal guardian(s).
4. Clothing and other items soiled by body wastes and fluids should be laundered separately in soap and water. The use of a household chlorine bleach is recommended; if the material is not colorfast, a nonchlorine bleach may be used.
5. Soiled disposable items (e.g., tissues, cotton balls, band aids, paper towels, diapers) should be handled in the same manner as disposable gloves.

### F. Treatment of Soiled Rugs

1. Body wastes and fluids should be removed as provided in D.
2. A rug shampoo with a germicidal detergent should be applied with a brush and, when dried, vacuumed.
3. The vacuum bag will be placed in a plastic bag or lined trash can, secured, and disposed of daily.

### G. Disinfection of Hard Surfaces

1. Employees are to wear gloves while disinfecting hard surfaces and equipment.



## HANDLING AND DISPOSAL OF BODY WASTES AND FLUIDS (M)

2. Body wastes and fluids should be removed as provided in D and a disinfectant applied to the affected surface.
3. Mops should be soaked in the disinfectant after use and rinsed thoroughly or washed in a hot water cycle.
4. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate.
5. Nondisposable cleaning equipment (such as dust pans and buckets) should be thoroughly rinsed in the disinfectant.
6. The disinfectant solution should be promptly discarded down a drain pipe.
7. Gloves should be discarded in appropriate receptacles.

### H. Disposal of Sharps

“Sharps” are defined as any instrument used to inject fluids into or draw fluids out of humans. Included are the pricks used for tine tests and blood sampling.

1. The school nurse shall keep a log of all sharps used on a monthly basis. One copy of the log shall be maintained with the nurse’s files and one copy submitted to the Board office. The nurse will provide the Board office with a photocopy.
2. All sharps shall be placed in a medical waste container that is:
  - rigid
  - leak resistant
  - impervious to moisture
  - have sufficient strength to prevent tearing or bursting under normal conditions of use and handling
  - puncture resistant



## HANDLING AND DISPOSAL OF BODY WASTES AND FLUIDS (M)

- sealed to prevent leakage during transport
- labeled

When the medical waste container is 75% full, the school nurse shall advise the Director of Student Services or his/her designee, who will arrange, by work order, to have the container picked up. The words, "Medical Waste", shall be clearly typed across the top of the work order form.

The Director of Student Services or his/her designee will arrange for the contracted vendor to pick up the sharps container. The vendor will provide a completed transmittal form at the time of pick up. A copy of the transmittal form will be kept by the school nurse and a copy submitted to the Board office.

Adopted: 12 December 2016



## R 7420.2 CHEMICAL HYGIENE (M)

### M

#### A. Definitions

The following terms shall be defined as specified in 29 CFR 1910:

1. "Action level" means a concentration designated in 29 CFR part 1910 for a specific substance, calculated as an eight hour time-weighted average, which initiates certain required activities such as exposure monitoring and medical surveillance.
2. "Carcinogen" (see "select carcinogen").
3. "Chemical Hygiene Officer" means an employee who is designated by the employer, and who is qualified by training or experience, to provide technical guidance in the development and implementation of the provisions of the Chemical Hygiene Plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer's organizational structure.
4. "Chemical Hygiene Plan" means a written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment and work practices that (i) are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular workplace and (ii) meets the requirements of a Chemical Hygiene Plan.
5. "Combustible liquid" means any liquid having a flashpoint at or above 100°F (37.8°C) but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C) or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.
6. "Compressed gas" means:
  - a. A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or



- b. A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or
  - c. A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.
- 7. "Designated area" means an area which may be used for work with "select carcinogens," reproductive toxins or substances which have a high degree of acute toxicity. A designated area may be the entire laboratory, an area of a laboratory or a device such as a laboratory hood.
  - 8. "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in an uncontrolled release of a hazardous chemical into the workplace.
  - 9. "Employee" means an individual employed in a laboratory workplace who may be exposed to hazardous chemicals in the course of his/her assignments.
  - 10. "Explosive" means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.
  - 11. "Flammable" means a chemical that falls into one of the following categories:
    - a. "Aerosol, flammable" means an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening:
    - b. "Gas, flammable" means
      - (1) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent by volume or less; or



- (2) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than 12 percent by volume regardless of the lower limit.
  - c. "Liquid, flammable" means any liquid having a flashpoint below 100°F (37.8°C) except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.
  - d. "Solid, flammable" means a solid, other than a blasting agent or explosive as defined in § 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.
12. "Flashpoint" means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:
- a. Tagliabue Closed Tester (See American National Standard Method of Test for Flash Point by Tagliabue Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C) that do not contain suspended solids and do not have a tendency to form a surface film under test; or
  - b. Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester A11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C) or that contain suspended solids, or that have a tendency to form a surface film under test; or
  - c. Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).





Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

13. "Hazardous chemical" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic systems, and agents which damage the lungs, skin, eyes, or mucous membranes.

Appendices A and B of the Hazard Communication Standard (29 CFR 1910.1200) provide further guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for purposes of this standard.

14. "Laboratory" means a facility where the "laboratory use of hazardous chemicals" occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis.
15. "Laboratory scale" means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. "Laboratory scale" excludes those workplaces whose function is to produce commercial quantities of materials.
16. "Laboratory-type hood" means a device located in a laboratory, enclosure on five sides with a movable sash or fixed partial enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hands and arms.

Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust



of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous chemicals.

17. "Laboratory use of hazardous chemicals" means handling or use of such chemicals in which all of the following conditions are met:
  - a. Chemical manipulations are carried out on a "laboratory scale";
  - b. Multiple chemical procedures or chemicals are used;
  - c. The procedures involved are not part of a production process, nor in any way simulate a production process; and
  - d. "Protective laboratory practices and equipment" are available and in common use to minimize the potential for employee exposure to hazardous chemicals.
18. "Medical consultation" means a consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where a significant exposure to a hazardous chemical may have taken place.
19. "Organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
20. "Oxidizer" means a chemical other than a blasting agent or explosive as defined in § 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.
21. "Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.
22. "Protective laboratory practices and equipment" means those laboratory procedures, practices and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective,



in minimizing the potential for employee exposure to hazardous chemicals.

23. "Reproductive toxins" means chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).
24. "Select carcinogen" means any substance which meets one of the following criteria:
  - a. It is regulated by OSHA as a carcinogen; or
  - b. It is listed under the category, "known to be carcinogens," in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or
  - c. It is listed under Group 1 ("carcinogenic to humans") by the International Agency for Research on Cancer Monographs (IARC) (latest editions); or
  - d. It is listed in either Group 2A or 2B by IARC or under the category, "reasonably anticipated to be carcinogens" by NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:
    - (1) After inhalation exposure of 6-7 hours per day, 5 days per week, for a significant portion of a lifetime to dosages of less than 10 mg/m<sup>3</sup>;
    - (2) After repeated skin application of less than 300 (mg/kg of body weight) per week; or
    - (3) After oral dosages of less than 50 mg/kg of body weight per day.
25. "Unstable (reactive)" means a chemical which is in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.



26. "Water-reactive" means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

B. Employee Exposure

The Board shall provide for initial and periodic monitoring of any employees if there is reason to believe that exposure levels to an OSHA regulated substance will exceed permissible limits as specified in 29 CFR part 1910 subpart Z. Monitoring may only be terminated in accordance with the relevant standard. The ~~Supervisor~~ Director of Buildings and Grounds will notify in writing affected employees within fifteen working days of the results of monitoring either individually or by posting the results in a location accessible to all employees.

C. Chemical Hygiene Plan

1. The Superintendent shall cause the development of a Chemical Hygiene Plan by the ~~Supervisor of Buildings and Grounds~~ Director of S.T.E.M. which shall include at least the following elements and indicate specific measures the Board will take to ensure employee protection:
  - a. Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals;
  - b. Criteria that the employer will use to determine and implement control measures to reduce employee exposure to hazardous chemicals including engineering controls, the use of personal protective equipment and hygiene practices; particular attention shall be given to the selection of control measures for chemicals that are known to be extremely hazardous;
  - c. A requirement that fume hoods and other protective equipment are functioning properly and specific measures that shall be taken to ensure proper and adequate performance of such equipment;
  - d. Provisions for employees information and training as prescribed by 29 CFR Part 1910;



- e. The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the employer or the employer's designee before implementation;
  - f. Provisions for medical consultation and medical examinations in accordance with 29 CFR Part 1910;
  - g. Designation of personnel responsible for implementation of the Chemical Hygiene Plan including the assignment of a Chemical Hygiene Officer and, if appropriate, establishment of a Chemical Hygiene Committee; and
  - h. Provisions for additional employee protection for work with particularly hazardous substances. These include "select carcinogens", reproductive toxins and substances which have a high degree of acute toxicity. Specific consideration shall be given to the following provisions which shall be included where appropriate:
    - (1) Establishment of a designated area;
    - (2) Use of containment devices such as fume hoods or glove boxes;
    - (3) Procedures for safe removal of contaminated waste; and
    - (4) Decontamination procedures.
2. The plan shall be capable of protecting employees from health hazards associated with hazardous chemicals in laboratories and keeping exposure below specified limits.

#### D. Employee Information and Training

The Superintendent or designee shall provide employees with information and training to ensure that they are apprised of the hazards of chemicals present in their work area. The information shall be provided at the time of the employees' initial assignment to the work area and whenever new exposure situations arise. Refresher information shall be provided as the situation with regard to hazardous chemicals changes. Employees shall be informed of (1) the contents of



Federal standards relating to hazardous chemicals; (2) the location and availability of the chemical hygiene plan; (3) the permissible exposure limits as established by OSHA; (4) signs and symptoms associated with exposure to hazardous chemicals used in the laboratory and (5) the location and availability of known references on the hazards, safe handling, storage and disposal of hazardous chemicals.

Employee training shall include (1) methods and observations used to detect the presence or release of hazardous chemicals; (2) the physical and health hazards of chemicals in the work area; (3) the measures employees can use to protect themselves, including specific procedures the Board has implemented to protect employees; (4) training on the applicable details of the Board's Chemical Hygiene Plan.

#### E. Medical Consultation

The Board will provide all employees who work with hazardous chemicals an opportunity to receive medical attention, including follow-up examinations the physician deems necessary under the following circumstances:

1. Whenever an employee develops signs or symptoms associated with a hazardous chemical to which the employee may have been exposed in the laboratory, the employee shall be provided an opportunity to receive an appropriate medical examination.
2. Where exposure monitoring reveals an exposure level routinely above the action level (or in the absence of an action level, the PEL) for an OSHA regulated substance for which there are exposure monitoring and medical surveillance requirements, medical surveillance shall be established for the affected employee as prescribed by the particular standard.
3. Whenever an event takes place in the work area such as a spill, leak, explosion or other occurrence resulting in the likelihood of a hazardous exposure, the affected employee shall be provided an opportunity for a medical consultation. Such consultation shall be for the purpose of determining the need for a medical examination.

#### F. Information Provided to the Physician

The employer shall provide the following information to the physician:



1. The identity of the hazardous chemicals(s) to which the employee may have been exposed;
2. A description of the conditions under which the exposure occurred including quantitative exposure data, if available; and
3. A description of the signs and symptoms of exposure that the employee is experiencing, if any.

G. Physician's Written Opinion Shall Include:

1. Any recommendation for further medical follow-up;
2. The results of the medical examination and any associated tests;
3. Any medical condition which may be revealed in the course of the examination which may place the employee at increased risk as a result of exposure to a hazardous chemical found in the workplace; and
4. A statement that the employee has been informed by the physician of the results of the consultation or medical examination and any medical condition that may require further examination or treatment.

H. Hazard Identification

With respect to labels and ~~material~~ safety data sheets, the Board shall (1) ensure that labels on incoming containers of hazardous materials are not removed or defaced; (2) maintain material safety data sheets and ensure they are available to employees, and (3) comply with Federal regulations with regard to chemical substances produced within the laboratory, assuming that if a substance is produced whose composition is not known that it will be assumed it is hazardous.

I. Use of Respirators

Where respirators are required to maintain exposure below permissible limits, they will be provided to the employee at no cost and will comply with the requirements of 29 CFR 1910.134.

J. Recordkeeping



# REGULATION

## MONTCLAIR BOARD OF EDUCATION

PROPERTY  
R 7420.2/Page 11 of 11  
CHEMICAL HYGIENE (M)

The ~~Supervisor of Buildings and Grounds~~ Director of S.T.E.M. shall establish and maintain for each employee exposed to hazardous chemicals an accurate record of any measurements taken to monitor employee exposures and any medical consultation and examinations including tests or written opinions required by Federal standards. The Board shall assure that records are kept, transferred and made available in accordance with 29 CFR 1910.1020.

Adopted: ~~12 December 2016~~





# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 1 of 11  
BOOSTER CLUBS

## R 9191 BOOSTER CLUBS

### SCHOOL RELATIONSHIP WITH BOOSTER CLUBS AND OTHER PARENT ORGANIZATIONS

Parent organizations and booster clubs exist to promote communications, enhance community involvement and support the students of the school district. The Montclair Public Schools encourage participation by parents and other interested citizens in these groups. While fundraising and financial support may be a major part of the club's activity, each club or organization should also strive to further the District's mission.

In order to use a school's name, logo, or mascot in its activities, all booster clubs and parent organizations shall comply with the terms of the District's policies and this regulation, and are subject to the approval of the superintendent in all cases, and the principal, for organizations that are school specific.

School-related booster clubs and parent organizations shall organize and function in a manner consistent with the District's objective, in compliance with Board policy and in compliance with the New Jersey State Interscholastic Athletic Association (NJSIAA) rules and regulations.

- I. Each school-related booster club and parent organization shall annually submit the following to the Superintendent:
  - A. A copy of the by-laws of the organization or club.
  - B. A copy of the non-profit 501c(3) status/certificate. <https://www.irs.gov/charities-non-profits/charitable-organizations/exemption-requirements-section-501c3-organizations>
  - C. The name, address and telephone number of the persons authorized to sign any legal documents or checks on behalf of the organization. It is recommended that two signatures be required on all checks.
  - D. The name, address and telephone number of all current officers.
  - E. The name, address and telephone number of the depository for the club's funds;
  - F. A schedule and/or calendar of any proposed fundraising activities, including the location and a brief description.

The Superintendent/ principal shall retain this information for not less than two years.

# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 2 of 11  
BOOSTER CLUBS

- II. The following shall apply to booster club and parent organization activities:
- A. The superintendent in conjunction with the principal has veto power over the existence of any school-related booster club or parent organizations. Once approved as a school-related booster club or parent organization, any proposed activity of the club or organization involving use of school facilities or fundraising for school activities must be approved in writing by the principal, athletic director, building and grounds supervisor, and Director of Operations and School Support Services. The Board shall be made aware of any "veto" actions.
  - B. Announcements of booster club or parent organization activities must clearly indicate the activity is sponsored by the club, not the school or the school district. The booster club or parent organization shall be responsible for insuring its activities are adequately supervised.
  - C. Booster clubs and parent organizations have no authority to direct school employees in the performance of their duties and no authority to direct or guide any school-sponsored activity. Employees of the District shall not serve in a financial capacity of a booster club or parent organization. Financial capacity includes holding positions as treasurer, fundraising chairperson, or serving as a check signer.
  - D. Organizational by-laws shall include provisions for disposal of funds and/or property to the school district should the club disband or cease to operate. Exceptions may be made for nationally affiliated organizations with bylaw constraints on the dispersal of funds.
  - E. Booster clubs and parent organizations must comply with NJSIAA Rules, which treat booster clubs like schools and prohibit booster clubs from engaging in any activity which is prohibited for a school.
  - F. Booster clubs and parent organizations that maintain financial operations outside the control of the school can create a negative image for the school by failing to maintain proper accounting controls. School-related booster clubs and parent organizations shall agree to comply with the following accountability controls:
    - 1. Comply with the financial reporting guidelines established by the school;
    - 2. Make the financial records of the club or organization available to the school's auditors and authorized school employees upon request;
    - 3. Provide required financial reports;

# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 3 of 11  
BOOSTER CLUBS

4. Agree to not provide any payment or benefit to a school employee, student, athletic team, or student activity without the prior approval of the principal, the superintendent or the Board of Education.
- III. Failure to submit the documents to the Superintendent in conjunction with the principal and to adhere to these requirements may result in the club or organization being denied permission to participate in school activities or to use the school's name, logo or mascot in any of its activities. Additionally, the club may be denied use of school district facilities or services.
  - IV. The district requires the use of Booster Bylaws template, attached)

# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 4 of 11  
BOOSTER CLUBS

## XXXXX BOOSTER CLUB BYLAWS

Effective XXXXX, 20XX

### I. Name and Location

A. The name of this organization shall be XXXX Booster Club, hereinafter referred to as the "Club".

B. The locations of Club meetings may include the buildings of the Montclair Public Schools as designated by School administration and Club officers.

### II. Effective Date; Fiscal Year; Duration

These By-Laws shall be effective as of XXXX, 20XX. The fiscal year of the Club shall be the first day of XXX in each calendar year. The Club's existence shall be perpetual.

### III. Mission; Not-for-Profit Status

A. The mission of the Club is to support the needs of the students, students' families, coaches, advisors and staff involved in the Club via various organized fundraising activities: inclusive recruiting of parent and community volunteers and conducting supportive programs and activities."

B. The business activities of the Club shall be the following: (i) operate, manage, and maintain itself in such a way to provide for the goals and purposes stated above; (ii) solicit contributions and raise funds to achieve its goals and purposes; (iii) collect Club dues from participants to help cover costs associated with the program; and (iv) partner, as appropriate, with individual donors and other third-parties for the purpose of raising funds or obtaining benefits to support the Club's goals and objectives.

C. This organization is organized and operated exclusively for charitable and educational purposes within the meaning of 501(c)3 of the Internal Revenue Code.

# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 5 of 11  
BOOSTER CLUBS

D. This Club shall be nonprofit, non-partisan, self-governing, self-supporting, non-commercial, and shall not seek to direct the administrative activities of Montclair School District nor will it seek to control any of its policies. The Club shall not carry out any activities that are prohibited of a corporation exempt from federal income taxation under Section 501(c)3 of the Code. No substantial amount of activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation and this organization shall not intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office.

E. No part of the net earnings of the Club shall inure to the benefit of or be distributed to any member, trustee, officer, estate, trust or private individual having a personal or private interest in the corporation. Compensation for services actually rendered and reimbursement for expenses actually incurred in attending to the affairs of this organization shall be limited to reasonable amounts.

F. The Club shall observe the following regulations: Montclair School District Booster Club Guidelines, Montclair Board of Education policies and all local, state, and federal laws which apply to nonprofit organizations.

G. Upon dissolution of this organization, its assets shall be disposed of exclusively for the purposes of the club or distributed to such organizations organized and operated exclusively for charitable purposes which shall, at the time, qualify as exempt organization under section 501(c)3, or shall be distributed to the federal government or to a state or local government, for public purposes.

## IV. Membership

A. All parents, guardians or other persons with a child enrolled and attending Montclair High School and participating in the school's XXXX program and current with any and all dues payable to the Club and who will uphold the policies of this organization and agree to its Bylaws shall be considered members of the Club.

B. The members shall have the right to attend public meetings and events sponsored by the Club, serve on committees and be nominated and appointed to office.

C. There shall be at least one general annual meeting of the membership. Such general meetings may be held alone or in conjunction with an event sponsored by the Club as determined by the Executive Board or at the request of thirty (30) or more members in writing to the Executive Board.

# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 6 of 11  
BOOSTER CLUBS

## V. Executive Board

A. The Executive Board (the "Board") is the governing body of the Club, responsible for the overall management of all business of the Club, and for the formulation, review, and enforcement of all policies and practices of the Club. The Board shall adopt such rules and regulations covering policy, organization, procedure, and other matters relating to the Club operation, as it deems appropriate or necessary.

B. The Executive Board shall consist of the officers appointed by the nominating committee of the Club.

C. The Montclair High School XXXXX shall be a non-voting, advisory member of the Board.

D. The affairs, activities and operation of the Club shall be managed by the Executive Board. The Executive Board shall transact necessary business during the intervals between the meetings of the membership and such other business as may be referred to it by the membership or these Bylaws. It may create Standing and Special Committees, approve the plans and work of standing and special committees, prepare and submit a budget to the membership for review, and, in general, conduct the business and activities of the Club.

E. The Executive Board shall meet no less frequently than quarterly to prepare for general membership meetings and to conduct the affairs of the Club.

F. A quorum of the Executive Board for the conduct of business shall consist of no less than  $\frac{3}{4}$  of officers in attendance.

G. Any action required or permitted to be taken at a meeting of the Executive Board (including amendment of these Bylaws) or of any committee may be taken without a meeting if all the members of the Executive Board or committee consent in writing to taking the action without a meeting and to approving the specific action. Such consents shall have the same force and effect as a unanimous vote of the Executive Board or of the committee as the case may be.

H. Members of the Executive Board may participate in a meeting through use of conference telephone or similar communications equipment, so long as members participating in such meeting can hear one another.

I. Executive Board members shall serve without compensation with the exception that expenses incurred in the furtherance of the Club's business are allowed to be reimbursed with documentation in accordance with the Club's financial policies, and prior approval.

# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 7 of 11  
BOOSTER CLUBS

## VI. Officers and their Appointment

- A. The officers of this Club shall include one President, a Secretary and a Treasurer, and such additional officer(s) as may be appointed by the Executive Board.
- B. A nominating committee composed of the current President, Head Coach and at least one additional officer shall begin seeking nominees in XXX of the year.
- C. Officers shall be appointed at the XXXX meeting of the Executive Board by the officers present. Officers shall assume their official duties at the first Board meeting following the June meeting.
- D. Officers shall serve a one-year term. Officers may be appointed for up to three consecutive full-year terms in the same office.
- E. A vacancy occurring in any office shall be filled for the unexpired term by a person appointed by a majority vote of the remaining members of the Executive Board.

## VII. Duties of Officers

- A. The President shall be the principal executive officer of the Club and, subject to the control of the Executive Board, shall in general supervise and control all of the activities of the Club. The President shall be a member of the Executive Board and, when present, shall preside at all meetings of the Executive Board and all meetings of the membership. The President shall select and appoint the chairpersons of all Standing and Special Committees and shall be an ex-officio member of all committees of the Club.
- B. The Secretary shall be a member of the Executive Board. The Secretary shall keep the minutes of the proceedings of the membership and the Executive Board, shall see that all notices are duly given in accordance with these Bylaws, shall manage and keep an accurate tally of the volunteer records and, in general, perform all duties incident to the office of Secretary and such other duties as may be assigned by the President or the Executive Board.
- C. The Treasurer shall be a member of the Executive Board. The Treasurer shall have charge of and be responsible for all funds of the Club in accordance with the Club's financial policies. The Treasurer shall receive and give receipts for monies due and payable to the Club from all sources and shall deposit such funds in such banks or other organizations as are selected by the Executive Board. The Treasurer shall make disbursements as authorized by budget as approved, or amended, by the Executive Board. The Treasurer shall present a written financial report, prepared in accordance with the Club's financial policies, at each general meeting of the membership, at each meeting of the Executive Board, and at other times as requested by the Executive Board.

# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 8 of 11  
BOOSTER CLUBS

D. It is the duty of all officers to attend all Executive Board and general membership meetings. Failure to attend 3 consecutive meetings without prior notification to the President may result in their removal from office, pending an Executive Board decision.

## VIII. Finances

A. The Treasurer shall present to the Executive Board at the first executive meeting after the officers have been appointed, or as soon thereafter as practicable, a budget of anticipated revenue and expenses for the year. This budget shall be used to guide the activities of the Club during the year, including serving as approval for anticipated expenditures. The Executive Board must approve any substantial deviation from the budget in advance.

B. The Executive Board may authorize any officer or officers to enter into contracts or agreements for the purchase of materials or services on behalf of the Club.

C. No loans shall be made by the Club to its officers or members.

D. All checks, drafts, or other orders for the payment of money on behalf of the Club shall be authorized in writing by the Executive Board and signed by the Treasurer or by any other person as authorized in writing by the Executive Board.

E. The Treasurer shall deposit all funds of the Club to the credit of the Club in such banks, trust companies or other depositories as the Executive Board may select and shall make such disbursements as authorized by the Executive Board in accordance with the budget adopted by the Executive Board. All deposits and/or disbursements shall be made as soon as practicable upon receipt of the funds and or orders of payment.

F. The Club shall adopt appropriate financial controls to ensure the integrity of its funds. Specifically, without limitation, the Club shall maintain separation of financial controls so that, minimally:

- 1) all expenses must be approved by the Executive Board by way of approval of an annual budget, or amendments thereto or as expenses authorized by the Executive Board during the school year;
- 2) an officer or other person without check signing authority designated by the Executive Board shall review all bank statements; and,
- 3) a committee of at least two (2) members without check signing authority, at least one of which is not an officer of the Executive Board, shall annually audit all corporate finances, or hire and supervise an outside accountant or auditing firm to conduct a review of corporate financial records.



# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 9 of 11  
BOOSTER CLUBS

G. The Treasurer shall present a financial report at each membership meeting of the Club, at each meeting of the Executive Board, and at other times as requested by the Executive Board, and shall prepare a final report at the close of the year in accordance with the Club's financial policies. If the Club grosses less than \$100,000 per year, an internal audit committee may review the financial practices and accounts. The internal audit committee shall consist of two or more members of the Club without signature authority on bank accounts, at least one of which is not on the Executive Board. If the Club grosses between \$100,000-200,000 in receipts, an external professional, such as a certified public accountant (CPA), shall be hired by the audit committee to perform a financial review or compilation. An external CPA shall conduct a full audit when annual gross receipts equal or exceed \$200,000.

H. All records of the Club shall be maintained and destroyed in accordance with law, and standard record retention guidelines. Financial records shall be maintained as follows:

<u>RECORD</u>	<u>HOW TO STORE</u>	<u>PERIOD OF TIME</u>
<u>Year-end Treasurer's financial report/statement</u>	<u>Store in corporate record book.</u>	<u>Permanent</u>
<u>Treasurer's reports, periodic</u>	<u>Compile &amp; file records on yearly basis.</u>	<u>Three Years. Store w/financial records. Destroy after three years.</u>
<u>Bank statements, canceled checks, check registers, invoices, receipts, cash tally sheets, investment statements, and related documents</u>	<u>Compile &amp; file records on a yearly basis.</u>	<u>Seven Years. Store w/financial records. Destroy after seven years.</u>

# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 10 of 11  
BOOSTER CLUBS

## IX. APPROVAL OF ACTIVITIES

A. This organization shall not support any activity not previously approved by the Executive Board.

B. This organization shall obtain Montclair Board of Education approval before taking any students of a trip and before the selling of advertisement on school property.

C. This organization shall obtain the approval of the Superintendent before raising funds in the name of the district.

## X. Conflicts of Interest

A. Directors, officers, employees and contractors of Club should refrain from any actions or activities that impair, or appear to impair, their objectivity in the performance of their duties on behalf of the Club. A conflict of interest may exist when the direct, personal, financial or other interest(s) of any director, officer, staff member or contractor competes or appears to compete with the interests of the Club. If any such conflict of interest arises the interested person shall call it to the attention of the Executive Board for resolution. If the conflict relates to a matter requiring Executive Board action, such person shall not vote on the matter. When there is a doubt as to whether any conflict of interest exists, the matter shall be resolved by a vote of the Executive Board, excluding the person who is the subject of the possible conflict.

B. The person having a conflict shall not participate in the final deliberation or decision regarding the matter under consideration and shall retire from the room in which the Executive Board is meeting. However, the person may be permitted to provide the Executive Board with any and all relevant information. In the event that the person having the conflict is part of the Executive Board, that person may be counted as part of the quorum, but shall not vote, or participate in the final deliberation or decision regarding the matter under consideration and shall retire from the room in which the remaining members of the Executive Board are meeting.

C. The minutes of the meeting of the Executive Board shall reflect that the conflict was disclosed and the interested person was not present during the final discussion or vote and did not vote on the matter.

D. A copy of this conflict of interest statement shall be furnished to each director or officer, employee and/or contractor who is presently serving the Club, or who hereafter becomes associated with the Club. This policy shall be reviewed annually for information and guidance of directors and officers, staff members and contractors, and new officers and directors, staff members and contractors shall be advised of the policy upon undertaking the duties of their offices.

# REGULATION

MONTCLAIR  
BOARD OF EDUCATION

PROGRAM  
R 9191/Page 11 of 11  
BOOSTER CLUBS

## XI. Indemnification

Every officer of the Executive Board, or employee of the Club may be indemnified by the Club against all expenses and liabilities, including counsel fees, reasonably incurred or imposed upon such officer of the Executive Board, or employee in connection with any threatened, pending, or completed action, suit or proceeding to which she/he may become involved by reason of her/his being or having been an officer of the Executive Board, or employee of the Club, or any settlement thereof, unless adjudged therein to be liable for negligence or misconduct in the performance of her/his duties. Provided, however, that in the event of a settlement the indemnification herein shall apply only when the Executive Board approves such settlement and reimbursement as being in the best interest of the Club. The foregoing right of indemnification shall be in addition and not exclusive of all other rights to which such officer of the Executive Board, or employee is entitled.

## XII. Amendments

These bylaws may be amended or repealed, and new bylaws may be adopted at any regular or special meeting of the Executive Board by a majority vote of the officers present, provided that at least ten (10) day's notice of the proposed amendments has been made to the Executive Board, or alternatively the Executive Board waives the required notice.

## CERTIFICATION

These bylaws were approved by a meeting of the Executive Board by a majority vote on XXXX, 20XX.

---

Secretary \_\_\_\_\_

Date \_\_\_\_\_