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Lacey Township School District Board of Education
Policy Committee Meeting
Co-Curricular, Safety & Security, LTASA

AGENDA - Tuesday, July 12, 2022 @ 9:00 am - Board Office Conference Room

Kim Klaus, **Chair**
Skip Peters
Linda Downing

Frank Palino, Alternate
Vanessa R. Pereira - Superintendent

New Policy/Regulations for Review and/or Discussion:

- Safety Net Grading Update and Recommendations - Tim Dowd, District Supervisor
- P5460 - High School Graduation (M) (Revised)

*The New Jersey State Board of Education recently adopted revisions to N.J.A.C. 6A:8. Policy Guide 5460 was re-written to include updated language and provisions from N.J.A.C. 6A:8-5.1; 6A:8-5.2; and 6A:8-5.3. These revisions provide greater clarity regarding the graduation assessment requirements for the classes of 2023, 2024, and 2025 and updates to the high school diploma criteria for out-of-school individuals. A new optional section has been added to Policy Guide 5460 for school districts who choose to participate in the New Jersey Department of Education's (NJDOE) State Seal of Biliteracy program. School districts have the option of allowing graduating seniors to receive a NJDOE-issued certificate and transcript notation indicating the receipt of the State Seal of Biliteracy if they demonstrate proficiency in English and in one or more world languages. The district shall provide to the Executive County Superintendent their graduation requirements each year they are evaluated through Quality Single Accountability Continuum (QSAC) and update the filed copy each time their graduation policies are revised. Updated Policy Guide 5460 shall replace a school district's existing Policy 5460. Policy Guide 5460 is **MANDATED**.*

- P5541 - Anti-Hazing (M) (New)

P.L. 2021, c.208 designated as "Timothy J. Piazza's Law" was passed and approved on August 24, 2021 and goes into effect on March 1, 2022. The new law requires public and nonpublic high schools and middle schools to adopt a anti-hazing Policy. The law created the following statute sections, N.J.S.A. 18A:37-32.2 and N.J.S.A. 18A:37-32.3. The revised criminal law provides an updated definition of hazing. The new statutes N.J.S.A. 18A:37-32.2 and N.J.S.A. 18A:37-32.3 outline the appropriate penalties for a violation of the district's anti-hazing Policy; requires the district's anti-hazing Policy be applied to conduct on or off school grounds; and

requires notification of the district's anti-hazing Policy to the school community. Hazing allegations may very often implicate Policy Guide 5512 - Harassment, Intimidation, and Bullying. Therefore, there may be a need for a separate investigation to address the requirements outlined in Policy 5512 and the Anti-Bullying Bill of Rights Act. Without the New Jersey Department of Education (NJDOE) providing more detail regarding a procedure to investigate claims of hazing, Strauss Esmay recommends hazing claims be investigated using the same procedures used for student code of conduct violations and Policy Guide 5600. If the NJDOE releases additional guidance regarding this new law, Strauss Esmay will update Policy Guide 5541 accordingly.

Policy Guide 5541 is optional for school districts that have only an elementary school. Policy Guide 5541 is mandated for school districts that have a high school and/or a middle school and should be adopted by the Board prior to the March 1, 2022 deadline set by the statute. Policy Guide 5541 is MANDATED.

- **P/R8465 - Bias Crimes and Bias-Related Acts (M) (Revised)**

Policy and Regulation Guides 8465 have been updated to align with N.J.A.C. 6A:16-6.3(e) and the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (MOA) addendum titled "Responding to Hate Acts and Bias-Related Acts". "Gender identity or expression" and "national origin" has been added to the protected class of individuals pursuant to N.J.S.A. 2C:16-1 – Bias Intimidation. Additionally, "school property" has been revised to "school grounds". The reporting provisions have been expanded to indicate when a report to local law enforcement by school officials shall be "prompt" as compared to the circumstances when a report to local law enforcement by school officials shall be "immediate".

*N.J.A.C. 6A:16-6.3 requires **all** bias-related incidents be reported to local law enforcement and the county prosecutor, but the MOA is not consistent with N.J.A.C. 6A:16-6.3 as the MOA states **not all** bias-related incidents must be reported to local law enforcement and the county prosecutor. Strauss Esmay drafted Policy and Regulation Guides 8465 to align with N.J.A.C. 6A:16-6.3 and not the MOA regarding reports of bias-related incidents to local law enforcement and the county prosecutor for bias-related incidents. Strauss Esmay made a determination to align Policy and Regulation Guides 8465 with N.J.A.C. 6A:16-6.3 because N.J.A.C. 6A:16-6.3 was revised more recently (revised in 2021) than the MOA (revised in 2019) and the N.J.A.C. 6A:16-6.3 revisions did not impact the language in N.J.A.C. 6A:16-6.3(e), which still requires **all** bias-related incidents to be reported to local law enforcement and the county prosecutor. These reporting requirements are required by code making Policy and Regulation Guides 8465 mandated. Policy Guide 8465 is **MANDATED**. Regulation Guide 8465 is **MANDATED**.*

- **P1648.14 - Safety Plan for Healthcare Settings in School Buildings – COVID-19 (Abolished)**

*New Jersey's Public Employees Occupational Safety and Health (PEOSH) adopted the Emergency Temporary Standard (ETS) issued by the Federal Occupational Safety and Health Administration (OSHA) aimed at protecting workers facing the highest COVID-19 hazards – those working in healthcare settings where suspected or confirmed COVID-19 patients are treated. Strauss Esmay Associates developed Policy Guide 1648.14 in response to the ETS. Strauss Esmay was recently notified by the New Jersey Department of Health that the ETS is no longer effective. There are two sections of the ETS that are still in effect, the provisions addressing reporting requirements and recordkeeping. However, Strauss Esmay was informed by the New Jersey Department of Health that the recordkeeping provision is still in effect for public employers in the State of New Jersey, but not the reporting requirement. OSHA has indicated it is currently working on a permanent standard to address protecting healthcare workers from COVID-19. If the new standards have policy implications Strauss Esmay will address those and provide school districts with updates. As such Strauss Esmay is recommending school districts abolish Policy Guide 1648.14. Policy Guide 1648.14 is **ABOLISHED**.*

- **P1648.15 - Recordkeeping for Healthcare Settings in School Buildings – COVID-19 (M) (New)**

*New Jersey's Public Employees Occupational Safety and Health (PEOSH) adopted the Emergency Temporary Standard (ETS) issued by the Federal Occupational Safety and Health Administration (OSHA) aimed at protecting workers facing the highest COVID-19 hazards – those working in healthcare settings where suspected or confirmed COVID-19 patients are treated. Strauss Esmay Associates developed Policy Guide 1648.14 in response to the ETS. Strauss Esmay was recently notified by the New Jersey Department of Health that the ETS is no longer effective. There are two sections of the ETS that are still in effect, the provisions addressing reporting requirements and recordkeeping. However, Strauss Esmay was informed by the New Jersey Department of Health that the recordkeeping provision is still in effect for public employers in the State of New Jersey, but not the reporting requirement. Strauss Esmay developed Policy Guide 1648.15 to address the recordkeeping provisions required by the ETS. Policy Guide 1648.15 is **MANDATED**.*

- **P2416.01 - Postnatal Accommodations for Students (New)**

*Policy Guide 2416.01 has been developed for school districts to accommodate students who are returning to school after the birth of their child and want to express breast milk or breastfeed their child during the school day. N.J.S.A. 26:4C-1 through 26:4C-3 requires the New Jersey Department of Education (NJDOE) to report to the Governor and Legislature on the lactation-related policies that have been implemented at schools, colleges, and universities in the State. However, this new law does not mandate New Jersey school districts adopt a lactation policy. Policy Guides 3421.13 and 4421.13 were developed and provided to school districts in Policy Alert 219 (March 2020) to address the provisions of the law for teaching staff members and support staff members. Strauss Esmay developed Policy Guide 2416.01 to address postnatal accommodations for students which are similar to those for staff members (For example, the lactation room must be private, functional, and available when needed by a nursing student mother). Policy Guide 2416.01 is **SUGGESTED**.*

- **P2417 - Student Intervention and Referral Services (M) (Revised)**

*N.J.A.C. 6A:16-8.1 and N.J.A.C. 6A:16-8.2 were recently revised requiring minor revisions to Policy Guide 2417 and no revisions to Regulation Guide 2417. N.J.A.C. 6A:16-8.1 now requires a school district “choose the appropriate multidisciplinary team approach, such as the Response to Intervention (RTI) or a Multi-Tiered System of Support (MTSS) model, for planning and delivering the services required” under the administrative code. In addition, child study team members and other specialists may now participate on intervention and referral service teams. The teams may be referred to by a different name, but all such teams and services are governed by N.J.A.C. 6A:16-8.1 and N.J.A.C. 6A:16-8.2. Regulation Guide 2417 does not require any revisions. Policy Guide 2417 is **MANDATED**.*

- **P3161/4161 - Examination for Cause (Revised)**

Policy Guides 3161 and 4161 have been re-written to include updated language in the administrative code. Policy Guides 3161 and 4161 address the process a school district must use when a Board of Education/Superintendent wants to require a physical or psychiatric examination of a school district employee whenever a staff member shows evidence of deviation from normal physical or mental health, to determine the staff member's physical and mental fitness to perform with reasonable accommodation the position the staff member currently holds, or to detect any health risks to students and other employees. The staff member is entitled to written notice of the reasons for the examination and the right to a Board hearing on the matter. These Policy Guides provide a procedure for the Board/Superintendent requesting an employee undergo an examination that is consistent with the statutes, administrative code sections, and an applicable case law. The procedures outlined in these Policy Guides must be followed when a Board requires an employee to undergo a physical or psychiatric examination. A review of case law indicates a Board decision to require an examination has upheld if challenged when a Board follows these procedures. These Policy Guides are not mandated, but

are strongly recommended to be adopted and included in a district's Policy and Regulation Manual. Policy Guide 3161/4161 are **RECOMMENDED**.

- P5512 - Harassment, Intimidation, and Bullying (M) (Revised)

Policy Guide 5512 has been revised to align with the updates to the law provided in P.L. 2021, c.338, signed in January 2022. The new provisions of the revised law take effect July 1, 2022. P.L. 2021, c.338 revised several statute sections of N.J.S.A. 18A, including N.J.S.A. 18A:17-46; 18A:37-15; and 18A:37-37.3.

The following revisions to the statute sections listed above address the following requirements under the law and are reflected in the updated Policy Guide 5512 as outlined below:

1. N.J.S.A. 18A:17-46

a. This statute section was revised to require the Superintendent report to the Board annually the number of times a preliminary determination was made that an incident or complaint was outside the scope of HIB for the purposes of the State's monitoring of the school district.

(1) Strauss Esmay addressed this revision in Section G. of Policy Guide 5512, within the "Principal's Preliminary Determination" option.

2. N.J.S.A. 18A:37-15.b.(4)

a. First, this statute subsection was revised to include a suggested consequence or remedial action for a first offense, a second offense, and a third or subsequent offenses.

(1) Strauss Esmay addressed this revision in Section D. of Policy Guide 5512.

b. Second, this statute subsection was revised to require any HIB incident that may be a violation of New Jersey criminal law to be reported to law enforcement in accordance with the district's Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.

(1) Strauss Esmay addressed this revision in Section P. of Policy Guide 5512.

3. N.J.S.A. 18A:37-15.b.(5)

a. First, this statute subsection had been revised to require the Principal to keep a written record (date, time, and manner of notification) of the initial notification to parents that there was a potential HIB incident and the ensuing investigation (if applicable).

(1) Strauss Esmay addressed this revision in Section E. of Policy Guide 5512.

b. Second, this statute subsection was revised to require the written record of parental notification described in 3.a. above to be on a form developed by the New Jersey Department of Education and promptly submitted (each time a notification form is completed) to the Superintendent by the Principal.

(1) Strauss Esmay addressed this revision in Section E. of Policy Guide 5512.

c. Third, this statute subsection was revised to require the written record of parental notification described in 3.b. above to be completed even if a preliminary determination is made.

(1) Strauss Esmay addressed this revision in Section G. of Policy Guide 5512, within the “Principal’s Preliminary Determination” option.

d. Fourth, this statute subsection was revised to require a redacted copy of the written record of parental notification described in 3.a. above be shared with the Board of Education after the conclusion of the investigation, if a hearing is requested by a parent. All student identification information must be redacted before the form described in 3.a. above is provided to the Board.

(1) Strauss Esmay addressed this revision in Section G. of Policy Guide 5512.

e. Fifth, this statute subsection was revised to require the district to provide a means for a parent to complete an online numbered form developed by the Department of Education to confidentially report an incident of HIB.

(1) Strauss Esmay addressed this revision in Section E. of Policy Guide 5512.

f. Sixth, this statute subsection was revised to require the Principal to report any preliminary determination to the Superintendent so the Superintendent can either reject or accept the Principal’s determination. The Superintendent shall notify the Principal in writing of their determination.

(1) Strauss Esmay addressed this revision in Section G. of Policy Guide 5512, within the “Principal’s Preliminary Determination” option.

4. N.J.S.A. 18A:37-15.b.(6)(a)

a. This statute subsection was revised to provide clarity regarding the investigation timeline if a preliminary determination is rejected by the Superintendent. This investigation shall commence and be completed within ten school days from the Principal receiving the Superintendent’s written determination as described in 3.f. above.

(1) Strauss Esmay addressed this revision in Section G. of Policy Guide 5512, within the “Principal’s Preliminary Determination” option.

5. N.J.S.A. 18A:37-15.b.(6)(b)

a. This statute subsection was revised adding the following language, “including seeking further information”. Strauss Esmay interprets this new language as providing the Superintendent the ability to reopen the investigation or start a new one after the original investigation results were reported to the Superintendent.

(1) Strauss Esmay addressed this revision in Section G. of Policy Guide 5512.

6. **N.J.S.A. 18A:37-15.b.(13)**

a. This statute subsection was revised to require the school district and each school in the district with a website post on its homepage the current version of the document, “Guidance for Parents on the Anti-Bullying Bill of Rights Act”, developed by the Department of Education. The School Climate State Coordinator shall ensure that this document is updated as needed and then promptly disseminated to all school districts.

(1) Strauss Esmay addressed this revision in Section K. of Policy Guide 5512.

7. **N.J.S.A. 18A:37-37.3**

a. This statute section was revised to require the school district to post at the same location it makes its policy on harassment, intimidation, and bullying available on their website, the contact information for the School Climate State Coordinator.

(1) Strauss Esmay addressed this revision in Section K. of Policy Guide 5512.

Strauss Esmay also revised language regarding staff member’s investigating other staff members accused of HIB. The revised language makes it clear that a staff member cannot investigate their supervisor or administrator. It is important for the integrity of the HIB investigation and HIB determination that there be no appearance of undue influence in the procedure. Strauss Esmay will update Policy Guide 5512 if and when there is new or revised administrative code or NJDOE guidance released. Policy Guide 5512 is **MANDATED**.

- P7410 - Maintenance and Repair (M) (Revised)
- R7410 - Maintenance and Repair (Abolished)
- R7410.01 - Facilities Maintenance, Repair Scheduling, and Accounting (M) (Revised)

Policy Guide 7410 and Regulation Guide 7410 have been re-written and Regulation Guide 7410.01 has been revised to reflect the State Board of Education relocating administrative code sections from N.J.A.C. 6A:26A to N.J.A.C. 6A:26. There were no substantive revisions when these code sections were relocated with most of the revisions referencing new code citations, which have been updated in Policy Guide 7410 and Regulation Guides 7410 and 7410.01. Policy Guide 7410 is mandated for all school districts. **Regulation Guide 7410 is mandated for all school districts with two or less school buildings. Regulation Guide 7410.01 is mandated for all school districts with three or more school buildings.** Policy Guide 7410 now includes the requirement for a school district to employ a certified educational facilities manager. In addition, school districts must

select an option in Policy Guide 7410 indicating if the district has two or less school buildings or three or more school buildings. Regulation Guide 7410.01 provides the long-standing administrative code requirement for a detailed work order system in a district with three or more school buildings. Regulation Guide 7410 provides a recommended work order system for districts with two or less school buildings, but does not require the details of N.J.A.C. 6A:23A-6.9 outlined in Regulation Guide 7410.01; therefore, may be revised by the district to meet its locally-developed work order system. Policy Guide 7410 and Regulation Guides 7410 or 7410.01 are mandated and must be adopted by the Board.

- P5511 - Dress and Grooming - Students
- P4216 - Dress and Grooming - Support Staff (New)
- P3216 - Dress and Grooming - Staff (Revised)
 - Interestingly, the most recent Policy Alert from Strauss Esmay includes an update for policy 3216 as it relates to dress and grooming for staff members. I will incorporate this update in the agenda for the Dress Code Committee that I am organizing. The purpose of this committee will be to update the Dress Code for students, K-12. We will have it ready for implementation in time for the start of the new school year.

Co-Curricular

- Status of Co-Curricular Clubs and Activities - 2022-2023 School Year
- Naming of the Football Field
 - Resolution for August Meeting
 - Presentation at the September Prep Rally

Safety and Security

- Reunification Summer Training

LTASA - no agenda items to discuss

Other

- Board Self-Evaluation
- Board Retreat - Dates?

Next Meeting: TBD