

PROPOSED POLICY

BYLAWS
0143.2/page 1 of 2
High School Student Representative to the
Board of Education
Jun 22
M

[See POLICY ALERT No. 228]

0143.2 HIGH SCHOOL STUDENT REPRESENTATIVE TO THE BOARD OF EDUCATION

The Board of Education recognizes that experience gained by and input from students in the school district is a valued source for improving the operation of the school district. To this end, and in accordance with N.J.S.A. 18A:12-1.3 and N.J.S.A. 18A:36A-11.2, the Board authorizes the appointment of a minimum of one student selected by the student body to serve as a nonvoting student representative on the Board. The student representative must be selected from one of the grades nine through twelve.

The student body may elect or appoint the student representative to the Board in a process to be determined by the Superintendent or designee. When developing the process the Superintendent or designee shall consider input provided by the student body.

The student representative shall serve for a one school year term and their duties shall include:

1. Attending all Board meetings, excluding any discussions of the Board involving subjects which are confidential;
2. Representing all high school students within the district and presenting student proposals and concerns to the Board for its consideration; and
3. Keeping high school students informed of the business of the Board by providing a monthly report to the Student Council concerning the activities of the Board.

The student representative shall rotate each school year among the high schools in the district if the district has more than one high school.



PROPOSED POLICY

BYLAWS

0143.2/page 2 of 2

High School Student Representative to the
Board of Education

Student representatives are expected to adhere to all bylaws, policies, and regulations of the Board in their role. The Board in no way relinquishes any of its authority, powers, prerogatives, or responsibilities, but rather adds to its membership a nonvoting student representative(s) for the mutual benefit of the Board, student body, and the school district.

N.J.S.A. 18A:12-1.3; 18A:36A-11.2

First Reading: 9 August 2022



PROPOSED POLICY

BYLAWS
0163/page 1 of 5
Quorum
Jun 22

[See POLICY ALERT No. 228]

0163 QUORUM

A quorum of the Board of Education shall consist of a minimum of 5 Board members, and no business shall be conducted in the absence of a quorum, except when the Doctrine of Necessity is invoked.

All Board meetings shall be called to commence not later than 8:00 p.m. of the designated day but, if ~~In the event~~ a quorum is not present at the time for which the meeting is called, the Board member or Board members present ~~hour of convening, the meeting may be recessed~~ recess the meeting to a time not later than 9:00 p.m. of the same day; and, if a quorum be not present at that time, ~~is not then present~~, the member or members present may adjourn the meeting to commence not later than 8:00 p.m. of another day, but not more than seven days following the date for which the original meeting was called, but no further recess or adjournment of the meeting shall be made ~~a later date within seven days.~~

The Board of Education recognizes ~~that~~ there may be matters that come before the Board or acts required of Board members in their official capacity where the Board member may have a conflict of interest or the act by a Board member would be in violation of N.J.S.A. 18A:12-24. In these matters, the Board member(s) shall ~~will~~ remove themselves ~~himself/herself~~ from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter. The Board will consider this matter without the Board member(s) who has the conflict.

In the event a matter comes before the Board or an act is required of a Board member in ~~their his/her~~ official capacity that is a conflict or would be in violation of N.J.S.A. 18A:12-24, the Board would still be required to have a quorum to consider the matter. However, the New Jersey Department of Education and the School Ethics Commission ~~has~~ envisioned this prohibition could create a situation in which the number of conflicted Board members would prevent ~~so many Board members have a conflict, that the Board would be unable~~ to take action on a matter. Therefore, when more than a quorum of the Board members must abstain from voting on a matter due to a conflict or the act would be in violation of N.J.S.A. 18A:12-24, the Board will invoke the Doctrine of Necessity consistent with the New Jersey Department of Education and School Ethics Commission guidelines as follows:



PROPOSED POLICY

BYLAWS
0163/page 2 of 5
Quorum

A. Board Member(s) in Conflict - Less Than a Majority of The Board

1. In the event a Board member(s) has a conflict of interest where the Board member will act in **their** ~~his/her~~ official capacity, the Board member must remove **themselves** ~~himself/herself~~ from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.
2. In the event a Board member is unsure whether **they** ~~he/she~~ or any other Board member has a conflict of interest or whether the matter, if acted upon by a Board member(s) is in violation of N.J.S.A. 18A:12-24 - Prohibited Acts, the School Board Attorney will make a determination.
3. The School Board Attorney will provide the Board of Education an opinion on whether the matter is a conflict of interest or act prohibited by N.J.S.A. 18A:12-24 - Prohibited Acts.
4. If the Board member(s) believes **they** ~~he/she~~ **have** ~~has~~ a conflict of interest where **they** ~~he/she~~ will act in **their** ~~his/her~~ official capacity or if the School Board Attorney renders an opinion ~~that~~ the Board member has a conflict of interest where the Board member will act in **their** ~~his/her~~ official capacity, the Board member will remove **themselves** ~~himself/herself~~ from any discussions, meetings (informal or formal), committee meetings, and/or a vote regarding the matter.

B. **Board Member(s) in Conflict** - A Majority of Board Members in Conflict

1. In the event:
 - a. A Board member(s) believes **they** ~~he/she~~ **have** ~~has~~ a conflict of interest **or if acted upon by a Board member is in violation of N.J.S.A. 18A:12-24** ~~where he/she will act in his/her official capacity;~~ or
 - b. If the School Board Attorney renders an opinion ~~that the~~ a Board member(s) has a conflict of interest **or if acted upon by a Board member is in violation of N.J.S.A. 18A:12-24** ~~where the Board member will act in his/her official capacity; and~~



PROPOSED POLICY

BYLAWS
0163/page 3 of 5
Quorum

- c. The number of Board members that have a conflict would make it so the Board would be unable to take action on the matter, then the Board may invoke the “~~Rule [or Doctrine]~~ of Necessity.” (Citing U.S. v. Will, 449 U.S. 200 (1980)).

C. ~~Rule [Or Doctrine]~~ Of Necessity

1. The Doctrine of Necessity may be invoked when more than a quorum of the Board must abstain from voting on a matter.
2. There are three prerequisites necessary for a Board to invoke the Doctrine of Necessity:
 - a. The Board must be unable to act without the members in conflict taking part;
 - b. There must be a pressing need for action, i.e. the matter cannot be laid aside until another date; and
 - c. There can be no alternative forum that can grant the same relief.

~~(Allen v. Toms River Regional Board of Education, 233 N.J. Super 651 (Law Division 1989)).~~

3. When the School Board Attorney advises the Board the Doctrine of Necessity must be invoked in order to obtain a quorum on a vote, the Board must **publicly state: announce that it is invoking the Doctrine.**
 - a. **That it is invoking the Doctrine of Necessity; The announcement must include the reason the Board must invoke the Doctrine of Necessity including stating the nature of each Board members conflict.**
 - b. **The specific reason/purpose for which the Doctrine of Necessity is being invoked; and The announcement will be in writing and should be recorded in the minutes of the meeting by the Board Secretary at the point when the vote takes place.**



PROPOSED POLICY

BYLAWS
0163/page 4 of 5
Quorum

- c. **The specific nature of the conflict of interest for each Board member that has a conflict of interest: ~~It is enough for the Board to announce it is invoking the Doctrine and a Board Resolution is not required.~~**
 - (1) **The specific nature of the conflict of interest for each Board member should include the Board member's name; the name of the immediate family member or relative which is the basis for the conflict of interest, and the position that immediate family member or relative holds; or**
 - (2) **If the specific nature of the conflict of interest for a Board member is a conflict other than an immediate family member or relative, the announcement should include the conflict which is the basis for the conflict of interest.**
- 4. **When the Board invokes the Doctrine of Necessity, it will adopt a Resolution setting forth the same information as outlined in C.3. above.**
- 54. **When the Board invokes the Doctrine of Necessity, the Resolution will be:**
 - a. **Read at a regularly scheduled public meeting;**
 - b. **Posted in such places the Board posts public notices for thirty days; and**
 - c. **~~Provided to the School Ethics Commission When the Board announces the Doctrine of Necessity is being invoked, the details, parameters and/or other pertinent facts of the matter to be voted should be revealed on an agenda for the public meeting in which the matter is to be voted upon.~~**



PROPOSED POLICY

BYLAWS
0163/page 5 of 5
Quorum

65. The Board members who have a conflict in the matter are prohibited from:
- a. Participating in any discussions on the matter prior to the announcement **of the invocation of the Doctrine of Necessity at the** and public meeting; and
 - b. **Being present in an executive session when the matter is being discussed** ~~From entering an executive session in order to discuss the merits of the matter or contract; and~~
 - c. ~~From~~ **Offering** their opinions on the matter at any time prior to the announcement **or the invocation of the Doctrine of Necessity** ~~and public meeting.~~
6. ~~The Board members who have a conflict in the matter may only participate to the extent they may vote after the motion to approve and/or ratify the matter has been made and seconded and the Doctrine of Necessity has been thoroughly explained to the public.~~
7. **The** Board members **who have a** ~~in~~ conflict may only ask questions regarding the matter to be voted on in public and after the Board has invoked the Doctrine of Necessity.
8. **The** Board members **who have a** ~~in~~ conflict may explain their reasons for not voting just before the vote.

N.J.S.A. 18A:10-6; 18A:12-24

New Jersey School Ethics Commission – Advisory Opinions A10-93(b), and A07-94, and C07-96

New Jersey School Ethics Commission – Resolution on Invoking the Doctrine of Necessity – June 25, 2018

First Reading: 9 August 2022



PROPOSED POLICY

ADMINISTRATION

1511/page 1 of 4

Board of Education Website Accessibility

June 22

M

[See POLICY ALERT Nos. 212 and 228]

1511 BOARD OF EDUCATION WEBSITE ACCESSIBILITY

It is the goal of the Board of Education that the information on the school district's **internet** websites **are** is accessible to individuals with disabilities in compliance with the requirements of **Federal law** (Section 504 of the Rehabilitation Act of 1973 and that statute's implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 and that statute's implementing regulations at 28 C.F.R. Part 35) **and New Jersey law** (N.J.S.A. 18A:36-35.1).

A. **Federal Law – American with Disabilities Act (ADA)**

1. For the purposes of ~~this Policy~~ **the Federal law - Section 504 of the Rehabilitation Act of 1973 and that statute's implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 and that statute's implementing regulations at 28 C.F.R. Part 35 and this Policy**, "school district website" includes, but is not limited to, the internet home page, all subordinate pages, school or school district department pages, intranet pages and sites, and includes online content and functionality, developed by, maintained by, or offered through a third-party vendor or by using open sources.
2. The accessibility of online content and functionality will be measured according to the **most up-to-date version of the** World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines (WCAG) ~~2.0 Level AA~~ and the Web Accessibility Initiative Accessible Rich Internet Application Suite (WAI-ARIA) 1.0 for web content (benchmarks for measuring accessibility).
3. By conforming to the benchmarks for measuring accessibility set forth above, the Board of Education will ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to access the information on the district's website, ~~except where doing so would impose an undue burden or create a fundamental alteration of the district's website.~~ When



PROPOSED POLICY

ADMINISTRATION

1511/page 2 of 4

Board of Education Website Accessibility

~~fundamental alteration or undue burden defenses apply, the district will make reasonable modifications/accommodations for individuals with disabilities in order to provide equally effective alternate access. In providing such access, the district will ensure that to the maximum extent possible individuals with disabilities receive the same benefits or services as their nondisabled peers. To provide equally effective alternate access, alternates are not required to produce the identical result or level of achievement for persons with and without disabilities, but must afford persons with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement.~~

4. To ensure ~~that~~ the district's website conforms with the above benchmarks for measuring accessibility, ~~except where doing so would impose an undue burden or create a fundamental alteration of the district's website,~~ the Superintendent of Schools will designate a school staff member to act as the Website Accessibility Coordinator. The Coordinator will:
 - a1. Ensure that in-house staff and contractors responsible for webpages and webpage content development are properly trained on the Board of Education's website accessibility policy and procedures;
 - b2. Ensure that all new, newly added, and modified online content and functionality is accessible to people with disabilities as measured by conformance to the above benchmarks by, among other things:
 - (1)a. Checking the hypertext markup language (HTML) of all new webpages on the website to make sure that accessible elements are used, including "alt" tags, long descriptions, and captions, as needed;
 - (2)b. Ensuring that webpages are designed in a manner that allows them to be displayed using a visitor's own settings for color and fonts, and can be navigated with a keyboard;



PROPOSED POLICY

ADMINISTRATION

1511/page 3 of 4

Board of Education Website Accessibility

- (3)e- If images are used, including photos, graphics, scanned images, or image maps, making sure to include text equivalents for them, using "alt" tags and/or long descriptions for each and ensuring the text equivalents convey the meaningful information presented visually by the image;
- (4)d- If online forms and tables are used, making those elements accessible;
- (5)e- Ensuring that videos appearing on the website include appropriately synchronized audio description and captions;
- (6)f- Ensuring when posting new documents on the website, the documents shall be provided in HTML or another text-based format (even if they are provided in another format, such as portable document format (PDF)). If documents are provided in both formats, provide both formats at the same time so people with disabilities have the same degree of access as others;
- (7)g- Periodically enlisting people with a variety of disabilities to test the Board of Education's webpages for accessibility and ease of use and use this information to increase the Board's website accessibility;
- (8)h- Periodically coordinating the audit of existing content and functionality of the website to identify online content or functionality that is inaccessible to persons with disabilities; and
- (9)i- Developing and carrying out a corrective action plan, when necessary, for making the district's existing web content accessible.



PROPOSED POLICY

ADMINISTRATION

1511/page 4 of 4

Board of Education Website Accessibility

- c3. Ensure that alternative means are available for people with disabilities to access information, programs, and services that are normally provided on the Board's website.

B. New Jersey Law – N.J.S.A. 18A:36-35.1

1. For the purpose of New Jersey law – N.J.S.A. 18A:36-35.1 and this Policy, “internet website or web service” includes any webpage, website, web service, online curriculum, or online third party or open educational resource product that is made available to enrolled students or the public by the school district.
2. Pursuant to N.J.S.A. 18A:36-35.1, no school district shall make available to the enrolled students of the district or school or to the public an Internet website or web service unless the Internet website or web service complies with the most up-to-date version of the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines (WCAG) if the Guidelines are approved by the Commissioner of Education, or any other applicable guidelines or requirements as may be designed or approved by the Commissioner of Education.
3. In accordance with N.J.S.A. 18A:36-35.1.a. and b., the school district is required to submit a statement of assurance attesting to compliance with N.J.S.A. 18A:36-35.1 as required by the Commissioner of Education.

This Policy establishes minimum standards for the accessibility of web-based information and services considered necessary to meet the district's goals and ensure compliance with applicable **Federal and State** laws.

Section 504 of the Rehabilitation Act of 1973
Title II of the Americans with Disabilities Act of 1990
34 C.F.R. Part 104; 28 C.F.R. Part 35
N.J.S.A. 18A:36-35.1

First Reading: 9 August 2022



PROPOSED POLICY

PROGRAM
2415/page 1 of 5
Every Student Succeeds Act
Jun 22
M

[See POLICY ALERT Nos. 198, 222, and 228]

2415 EVERY STUDENT SUCCEEDS ACT

The Every Student Succeeds Act (ESSA) is a reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965 that provides Federal funds to help all New Jersey's school children achieve. The purpose of the ESSA is to ensure all students have equitable access to high-quality educational resources and opportunities and to close educational achievement gaps. The Board of Education elects to augment the instructional program of students by projects supported by Federal funds allocated under the ESSA and the district will comply with the requirements of all the programs authorized by the ESSA.

The district may be eligible for several grant programs funded through the ESSA, including, but not limited to, Title I through Title VII. Many of the Titles of the ESSA have several parts and subparts that provide a funding source for specific purposes.

Application Procedure

The district will submit an annual ESSA Consolidated Formula Subgrant Application to the New Jersey Department of Education (NJDOE). The school district's application shall include all information required by the NJDOE and the ESSA for the district to be considered for funding under the ESSA.

Covered Programs

Formula grants under the ESSA are non-competitive grants that school districts are eligible for based on the make-up of their student bodies. These formula grants for each Title are committed to different purposes and may be used to support different activities and programs.

Title I

The largest Federal program supporting elementary and secondary education is Title I. The ESSA strengthens Title I requirements for the State's assessments, accountability system, and support for school improvement. The law also requires minimum qualifications for teachers and paraprofessionals in Title I programs.



PROPOSED POLICY

PROGRAM
2415/page 2 of 5
Every Student Succeeds Act

The school district must use the best available measure for identifying children from low-income families to: identify eligible school attendance areas, determine the ranking of each area, and determine allocations as identified in the Title I guidelines and regulations.

The school district will offer Title I services to eligible children enrolled in private elementary and secondary schools. The services and benefits will be equitable in comparison to services and benefits for participating public school children.

The school district will provide the New Jersey Department of Education assurances it will provide the maximum coordination between the Title I program, the regular school program, and services provided by other programs for specialized populations. The Title I program will consider the special needs of homeless children, migrant children, children with disabilities and limited English Language Learner (ELL) children. Title I funds will be reserved so that migrant children who are otherwise eligible to receive Title I services, even if they arrive during the school year, are served.

Type of Title I Program

The school district will offer a _____ ~~(School-wide or Target Assistance or Public School Choice)~~ Title I program.

~~_____ School-wide Program~~

~~High poverty schools (a school with at least 40% poverty or any school below 40% poverty with a waiver issued by the New Jersey Department of Education) are eligible to adopt school-wide programs to raise the achievement of low-achieving students by improving instruction throughout the entire school, thus using Title I funds to serve all children in the school. A school-wide program must be established in accordance with the Title I guidelines and regulations and the New Jersey Department of Education.~~



PROPOSED POLICY

PROGRAM
2415/page 3 of 5
Every Student Succeeds Act

Target Assistance Program

Schools that are not eligible for (or do not choose to operate) school-wide Title I programs must use Title I funds to provide targeted services to low-achieving students. A Target Assistance program must be established in accordance with the Title I guidelines and regulations and the New Jersey Department of Education.

New Jersey Department of Education Accountability System

The district will comply with the accountability system established by the New Jersey Department of Education and outlined in the New Jersey State Plan and approved by the United States Department of Education.

Fiscal Responsibility

The district will comply with the requirements as outlined in Policy 2415.02 Title I – Fiscal Responsibilities in accordance with the NJDOE and the ESSA.

Staff

The district will comply with the staff certification requirements of the ESSA and the NJDOE. In addition, the district will ensure all paraprofessionals meet the requirements as established by the ESSA and as outlined in Policy 4125 – Employment of Support Staff Members.

Parent and Family Engagement ~~Parental Involvement~~

The district will comply with the requirements as outlined in Policy 2415.04 – **Title I – District-Wide Parent and Family Engagement** ~~Parental Involvement~~ and Policy 2415.50 – Title I – School Parent and Family Engagement as applicable in accordance with the NJDOE and the ESSA.

Student Surveys, Analysis, and/or Evaluations

The Protection of Pupil Rights Amendment (PPRA) applies to school districts that receive Federal funding from the United States Department of Education. The district will comply with the requirements as outlined in Policy 2415.05 - Student Surveys, Analysis, and/or Evaluations in accordance with the PPRA.



PROPOSED POLICY

PROGRAM
2415/page 4 of 5
Every Student Succeeds Act

Unsafe School Choice Option

In the event there is a school in the district designated as Persistently Dangerous in accordance with the Victims of Violent Criminal Offenses as outlined in the ESSA, the district will comply with the requirements of Policy 2415.06 – Unsafe School Choice Option in accordance with the NJDOE and the ESSA.

Property

Property acquired through Title I funds for use in public or private schools will be acquired in accordance with the Public School Contracts Law, will be held in title by the Board of Education, and will not be used for other purposes so long as it is required in the Title I program. Property no longer required for Title I purposes will be used for other, similarly funded projects or disposed of in accordance with State and Federal guidelines.

Capital Expenses

The Superintendent will assure the district abides by New Jersey's Public Contracts Law; consults appropriate private school officials prior to making any decisions regarding capital expenses; ensure funds that are received to cover capital expenses provide equitable Title I services to private school students; ensure accounts for any capital funding is separately maintained; and assure lease purchase agreements are consistent with applicable statute and administrative code.

Post-Award Requirements

The school district will maintain all project records for five years following the completion of the activity for which the funds were used. The school district will prepare and submit all reports as required by the State Department of Education in a timely manner.

Supplement, Not Supplant

Grant funds provided under Federal programs, including the ESEA of 1965 as amended by the ESSA, shall supplement, not supplant the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under the ESEA of 1965 as amended by the ESSA.



PROPOSED POLICY

PROGRAM
2415/page 5 of 5
Every Student Succeeds Act

Evaluation

The Superintendent or designee will evaluate the ESSA programs as required by the United States and the New Jersey Departments of Education.

Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as amended by the Every Student Succeeds Act.

First Reading: 9 August 2022



PROPOSED POLICY

TEACHING STAFF MEMBERS

3270/page 1 of 2

Professional Responsibilities

Jun 22

[See POLICY ALERT No. 228]

3270 PROFESSIONAL RESPONSIBILITIES

The Board of Education will establish and enforce rules for the assignment of specific duties to teaching staff members and for the conduct of teaching staff members during the work day.

Teaching staff members assigned specific instructional responsibilities and as designated by the Superintendent shall prepare regular lesson plans ~~The Board directs the Superintendent to requires the preparation of lesson plans each teacher that implement the goals and objectives of the educational program.~~ Teachers shall also be responsible for providing adequate direction and guidance to substitutes. Lesson plans ~~will~~ **shall** be subject to ~~periodic~~ review by _____ **the teaching staff member's Principal or designee and/or immediate supervisor as assigned by the Superintendent.**

~~The Superintendent shall apply uniformly throughout the district, except as may otherwise be provided in this policy, the following additional rules for teaching staff member conduct:~~

- ~~1. During the work day, teaching staff members may be assigned extra or alternative duties by the _____ in accordance with Board Policy No. 3134;~~
- ~~2. Teaching staff members are expected to attend every faculty meeting unless expressly excused by the _____;~~

During the work day, teaching staff members may be assigned extra or alternative duties by the Principal or designee in accordance with Policy 3134. Teaching staff members are to attend every faculty meeting unless expressly excused by the Principal or designee.

Optional

~~{A teaching staff member who is excused from attending a faculty meeting must meet with the _____ the following day to review the topics covered at the meeting;}~~



PROPOSED POLICY

TEACHING STAFF MEMBERS
3270/page 2 of 2
Professional Responsibilities

~~3. Teaching staff members may not leave the school grounds during
mealtime without the express permission of the _____.~~

~~Teaching staff members who are assigned as department heads or who are
assigned to work on curriculum revision during the regular school day will be
given an appropriate reduction in teaching assignments.~~

N.J.S.A. 18A:27-4
N.J.A.C. 6A:9-3.3

First Reading: 9 August 2022



PROPOSED POLICY

SUPPORT STAFF MEMBERS

STUDENTS

5513/page 1 of 1

Care of School Property

Jun 22

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[See POLICY ALERT No. 228]

5513 CARE OF SCHOOL PROPERTY

The Board of Education believes ~~that~~ the schools **district** should help students learn to respect property and ~~instill to develop~~ feelings of pride in **their school community institutions**. The Board **requires** ~~charges~~ each student ~~enrolled in the~~ **this district to responsibly with responsibility for the proper care for** of school property and the school supplies and equipment entrusted to **the student his/her use by the school district**.

Students who cause damage to **or lose** school property **may** ~~will~~ be subject to disciplinary measures. The Board authorizes the imposition of a fine for the loss, damage, or **destruction** ~~defacement~~ of a textbook and reserves the right to withhold a report card or diploma from any student whose payment of a fine is in arrears.

A student who demonstrates chronic and/or serious disregard for property may be referred to the Child Study Team.

The Superintendent shall develop rules for the safekeeping and accounting of textbooks and prepare a schedule of fines for lost, ~~and~~ damaged, **and destroyed** textbooks.

N.J.S.A. 18A:34-2; 18A:37-3

N.J.A.C. 6A:~~23A-20.623-6.6~~

~~Cross reference: Policy Guide Nos. 2520, 7610, 8461, 9260~~

First Reading: 9 August 2022



PROPOSED POLICY

STUDENTS

5517/page 1 of 2

School District Issued Student Identification Cards

Jun 22

M

[See POLICY ALERT Nos. 218 and 228]

5517 SCHOOL DISTRICT ISSUED STUDENT IDENTIFICATION CARDS

The Board of Education recognizes school building security measures are important for the safety and welfare of all students, staff, parents, and community members in school buildings. In recognizing this important responsibility, the Principal or designee may require students to carry a school district issued Identification Card.

An Identification Card will be issued to all students in

Choose one or more of the following:

☐ all school buildings;

☐ elementary school,

☐ middle school,

☐ high school.

[Required For Any Grades Seven through Twelve

The Identification Card shall have printed on the back the telephone number for the New Jersey Suicide Prevention Hopeline (NJ Hopeline) and contact information for a crisis text line pursuant to N.J.S.A. 18A:6-113.1. The district may, in addition to the telephone number for the NJ Hopeline and contact information for a crisis text line, provide the contact information for the National Suicide Prevention Lifeline, a school district crisis center, or any other mental health support services pursuant to N.J.S.A. 18A:3B-73.2.]

The Principal or designee may require a student to present their Identification Card at any time during the school day or at any time during a school-sponsored activity on school grounds.



PROPOSED POLICY

STUDENTS

5517/page 2 of 2

School District Issued Student Identification Cards

Notwithstanding any provision of this Policy, the Principal or designee may also require students carry their Identification Card at any school-sponsored, off-campus activity, including but not limited to, field trips or interscholastic sports programs pursuant to N.J.S.A. 18A:36-43a. The provisions of this Policy shall not be construed to require a student to carry the Identification Card while participating in an athletic contest or competition, an activity involving fine arts or performing arts, or any other activity that the Commissioner of Education determines does not require the physical possession of an Identification Card. An Identification Card used in accordance with N.J.S.A. 18A:36-43a shall include, but need not be limited to, the following information: the student's name; an up-to-date photograph; and the current school year.

Any student who fails to have the Identification Card in their possession or fails to present it when required may be denied access to an event or activity and may be subject to appropriate discipline.

An Identification Card issued in accordance with this Policy shall not be considered a government record pursuant to P.L. 1963, c.73 (N.J.S.A. 47:1A-1 et seq.), P.L. 2001, c.404 (N.J.S.A. 47:1A-5), or the common law concerning access to government records.

N.J.S.A. **18A:3B-73.2**; **18A:6-113.1**; 18A:36-43

First Reading: 9 August 202



PROPOSED POLICY

STUDENTS
5722/page 1 of 4
Student Journalism
Jun 22
M

[See **POLICY ALERT No. 228**]

5722 STUDENT JOURNALISM

The Board of Education believes it is important to afford students the opportunity to exercise their creativity, passion, and constitutionally-protected freedom of speech. However, the Board also believes this opportunity must be balanced between ensuring students have the right to speak freely while also preserving the ability of district staff to maintain the safe and orderly operation of the school district. The Board adopts this Policy granting students the right to exercise freedom of speech and of the press in accordance with N.J.S.A. 18A:36-44 and N.J.S.A. 18A:36-45.

For the purpose of this Policy, the following terms shall mean:

“Prior restraint” means a school official informing a student journalist(s) the news, opinion, feature, and advertising content of school-sponsored media, subject to the restrictions listed in N.J.S.A. 18A:36-45.b., N.J.S.A. 18A:36-45.c., and the provisions of this Policy, cannot be published in school-sponsored media or a school official takes any action to prevent a student from doing so.

“Prior review” means a school official reviewing school sponsored media before it is published, broadcast by a student journalist at school or distributed, or generally made available to members of the student body.

“School official” means the Principal or designee or an administrative staff member designated by the Superintendent.

“School-sponsored media” means any material that is prepared, substantially written, published, or broadcast by a student journalist at school, distributed or generally made available to members of the student body, and prepared under the direction of a student media advisor. School-sponsored media does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

“Student journalist” means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.



PROPOSED POLICY

STUDENTS
5722/page 2 of 4
Student Journalism

“Student media advisor” means an individual employed, appointed, or designated by the district to supervise or provide instruction relating to school-sponsored media.

Student journalists have the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the district or by use of school district facilities, or produced in conjunction with a class in which the student is enrolled. Subject to 1. through 5. below, student journalists are responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. N.J.S.A. 18A:36-45.b. and this Policy shall not be construed to prevent student media advisors from teaching professional standards of English and journalism to student journalists.

This Policy does not authorize or protect expression by a student that:

1. Is libelous or slanderous;
2. Constitutes an unwarranted invasion of privacy;
3. Is profane or obscene;
4. Violates Federal or State law; or
5. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of school district policies, or the material and substantial disruption of the orderly operation of the school.

The district shall not authorize any prior restraint of any school-sponsored media except for the types of expression prohibited under N.J.S.A. 18A:36-45.c. and as listed in 1. through 5. above.

A school official may implement a procedure for prior review of school-sponsored media. Any prior review of school-sponsored media required by the school official shall be communicated to the student journalist by the school official and be conducted within three school days after submission to the



PROPOSED POLICY

STUDENTS
5722/page 3 of 4
Student Journalism

school official by the student journalist. If the school official cannot show the school-sponsored media is prohibited under N.J.S.A. 18A:36-45.c. and 1. through 5. above, within the three school days, the student journalist may release the school-sponsored media.

When a school official determines the restraint of student expression is necessary, the school official shall simultaneously identify at least one of the five prohibitions listed in 1. through 5. above under N.J.S.A. 18A:36-45.c. and in this Policy under which the limitation of student expression is appropriate. This determination shall be provided to the student journalist in writing by the school official that made the determination.

A student journalist may appeal, to the Superintendent or designee, a determination by a school official that the restraint of student expression is necessary. An appeal must be submitted in writing to the Superintendent or designee within five school days of the written determination being communicated to the student journalist. The appeal must include a copy of the written determination and the reasons why the student journalist believes the limitation is not appropriate. The Superintendent or designee may, but is not required to, provide the student journalist an opportunity to present their written appeal in person. The Superintendent or designee will make a determination on the appeal within five school days of receiving the written appeal from the student journalist. The student journalist may appeal a decision of the Superintendent or designee to the Board of Education in writing. The Board of Education will make a decision on the appeal at the first Regular Board Meeting after receiving the written appeal or within ten school days after receiving the written appeal.

A student journalist that violates a provision of this Policy may be subject to appropriate discipline.

The school district shall not sanction a student operating as an independent journalist.

A staff member shall not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in the conduct authorized under N.J.S.A. 18A:36-44 and N.J.S.A. 18A:36-45 and this Policy, or refusing to infringe upon conduct that is protected by this Policy, the First Amendment to the United States Constitution, or paragraph 6 of Article I of the New Jersey Constitution.



PROPOSED POLICY

STUDENTS
5722/page 4 of 4
Student Journalism

The Superintendent or designee shall determine reasonable provisions for the time, place, and manner of student expression for the purposes of school-sponsored media.

N.J.S.A. 18A:36-44; 18A:36-45

First Reading: 9 August 2022

