

POLICY GUIDE

ADMINISTRATION

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Disclosure and Review of Applicant's

Employment History

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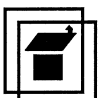
1613 DISCLOSURE AND REVIEW OF APPLICANT'S EMPLOYMENT HISTORY

A school district, charter school, nonpublic school, or contracted service provider holding a contract with a school district, charter school, or nonpublic school (hiring entity) shall not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students unless the hiring entity complies with the requirements of N.J.S.A. 18A:6-7.6 et seq. and as outlined in Policy and Regulation 1613.

An applicant the hiring entity seeks to offer employment to and will fill a position which involves regular contact with students shall be required to provide their employment history pursuant to N.J.S.A. 18A:6-7.7.a.(1). The applicant shall also provide written authorization that consents to and authorizes the disclosure of information regarding the applicant's employment history and the release of related records by the applicant's current or former employer(s) regarding child abuse and/or sexual misconduct pursuant to N.J.S.A. 18A:6-7.7.a.(2). The applicant shall also provide a written statement as to whether the applicant has any employment history regarding child abuse or sexual misconduct pursuant to N.J.S.A. 18A:6-7.7.a.(3).

A hiring entity shall review an applicant's employment history as required in N.J.S.A. 18A:6-7.7.b. and if the hiring entity determines to continue the applicant's employment application process, the hiring entity shall contact those employers listed by the applicant and request confirmation of the information provided by the applicant pursuant to N.J.S.A. 18A:6-7.7.a.

Upon the hiring entity receiving and reviewing the information disclosed by the applicant's current and/or former employer(s), and finding an affirmative response to any of the inquiries required in N.J.S.A. 18A:7.7.b.(2), and if the hiring entity determines to continue with the applicant's job application process, the hiring entity shall make further inquiries of the applicant's current or former employer(s) to ascertain additional details regarding the information disclosed.



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The failure of an employer to provide the information requested by the hiring entity pursuant to N.J.S.A. 18A:6-7.7.b. within a twenty-day timeframe may be grounds for the automatic disqualification of an applicant from employment with a hiring entity in accordance with N.J.S.A. 18A:6-7.9.c.

In accordance with the provisions of N.J.S.A. 18A:6-7.9.c., a hiring entity shall not be liable for any claims brought by an applicant who is not offered employment or whose employment is terminated because of any information received or due to the inability to conduct a full review of the applicant's employment history pursuant to N.J.S.A. 18A:6-7.7.

In accordance with the provisions of N.J.S.A. 18A:6-7.9.d., a hiring entity shall have the right to immediately terminate an individual's employment or rescind an offer of employment if the applicant is offered employment or commences employment following June 1, 2018 and information regarding the applicant's history of sexual misconduct or child abuse is subsequently discovered or obtained by the employer that the employer determines disqualifies the applicant or employee from employment under N.J.S.A. 18A:6-7.6 et seq. The termination of employment pursuant to N.J.S.A. 18A:6-7.9 shall not be subject to any grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule, or regulation.

A hiring entity may employ or contract with an applicant on a provisional basis for a period not to exceed ninety days pending review of information received pursuant to N.J.S.A. 18A:6-7.7.b. provided the conditions outlined in N.J.S.A. 18A:6-7.10.b. are satisfied.

All requests for information sent to this school district, charter school, or nonpublic school from a hiring entity regarding a current or former employee in accordance N.J.S.A. 18A:6-7.6 et seq. shall be directed to the Superintendent or designee. The Superintendent or designee shall review the request for information and confirm the applicant's employment relationship and ensure the written authorization is in compliance with N.J.S.A. 18A:6-7.7.a.(2) prior to the release of information requested and the release of related records in accordance with N.J.S.A. 18A:6-7.6 et seq.



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On or after June 1, 2018, a hiring entity may not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that is prohibited as outlined in N.J.S.A. 18A:6-7.12. Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended, or entered into after June 1, 2018 and that is contrary to N.J.S.A. 18A:6-7.6 et seq. shall be void and unenforceable.

Pursuant to N.J.S.A. 18A:6-7.11, information received by a school district, charter school, or nonpublic school under Policy and Regulation 1613 and N.J.S.A. 18A:6-7.6 et seq. shall not be deemed a public record under N.J.S.A. 47:1A-1 et seq. or the common law concerning access to public records. A school district, charter school, or nonpublic school that provides information or records about a current or former employee or applicant shall be immune from criminal and civil liability for the disclosure of the information, unless the information or records provided were knowingly false.

N.J.S.A. 18A:6-7.6; 18A:6-7.7; 18A:6-7.8; 18A:6-7.9;

18A:6-7.10; 18A:6-7.11; 18A:6-7.12; 18A:6-7.13

New Jersey Department of Education Guidance and Resources to Assist with
Pre-Employment Requirements of P.L. 2018, c.5. - June 25, 2018

Adopted: September 11, 2018



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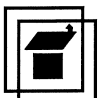
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A school district, charter school, nonpublic school, or contracted service provider holding a contract with a school district, charter school, or nonpublic school shall not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students and is offered employment or commences employment following June 1, 2018 unless the school district, charter school, nonpublic school, or contracted service provider complies with the requirements of N.J.S.A. 18A:6-7.6 et seq. as outlined in Policy and Regulation 1613.

A. Definitions (N.J.S.A. 18A:6-7.6 et seq.)

For the purposes of this Policy and Regulation:

1. "Applicant" means any person considered for employment or offered employment for pay or contract for the paid services of any person serving in a position which involves regular contact with students.
2. "Child abuse" means any conduct that falls under the purview and reporting requirements of N.J.S.A. 9:6-8.8 et seq. and is directed toward or against a child or student, regardless of the age of the child or student.
3. "Disclosure Information Request Form" shall be the State of New Jersey Sexual Misconduct/Child Abuse Disclosure Information Request, P.L. 2018, Chapter 5 or a similar form developed by the hiring entity.
4. "Disclosure Release Form" shall be the State of New Jersey Sexual Misconduct/Child Abuse Disclosure Release, P.L. 2018, Chapter 5 or a similar form developed by the hiring entity.



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5. "Hiring entity" means all school entities including school districts, charter schools, nonpublic schools, or contracted service providers holding a contract with a school district, charter school, or nonpublic school.
 6. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.
- B. Hiring Entity Required Application and Review Process
(N.J.S.A. 18A:6-7.7)
1. A hiring entity shall not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students unless the hiring entity complies with the provisions of N.J.S.A. 18A:6-7.6 et seq.
 - a. The hiring entity shall require an applicant to provide a Disclosure Release Form which must include the following information:
 - (1) A list, including name, address, telephone number, and other relevant contact information of the applicant's:
 - (a) Current employer;
 - (b) All former employers within the last twenty years that were schools; and
 - (c) All former employers within the last twenty years where the applicant was employed in a position that involved direct contact with children; and



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- (2) A written authorization that consents to and authorizes disclosure of the information requested under b. below pursuant to N.J.S.A. 18A:6-7.7.a.(2) and the release of related records by the applicant's employers listed under B.1.a.(1) above, and that releases those employers from liability that may arise from the disclosure or release of records;
- (3) A written statement as to whether the applicant:
 - (a) Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, unless the investigation resulted in a finding the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
 - (b) Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
 - (c) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.



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- (4) The hiring entity must comply with the requirements of N.J.S.A. 18A:6-7.6 et seq. for every applicant who will be employed by the hiring entity.
 - (a) However, the provisions of N.J.S.A. 18A:6-7.6 et seq. may be required by the hiring entity for any applicant.
- b. The Superintendent or designee of the hiring entity will review the applicant's Disclosure Release Form. Upon determining to continue the application process, the Superintendent or designee shall provide the applicant's Disclosure Release Form to all employers listed by the applicant under the provisions of N.J.S.A. 18A:6-7.7.a.(1) and B.1.a.(1) above and provide all employers listed with the applicant's written authorization that consents to and authorizes disclosure in accordance with N.J.S.A. 18A:6-7.7.a.(2) and B.1.a.(2) and request the following information:
 - (1) The dates of employment of the applicant; and
 - (2) A statement as to whether the applicant:
 - (a) Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, unless the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
 - (b) Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or



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- (c) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.
 - c. The review of the applicant's employment history may be conducted through telephonic, electronic, or written communications in accordance with N.J.S.A. 18A:6-7.7.
 - (1) If the review is conducted by telephone, the results of the review shall be documented in writing by the Superintendent or designee responsible for reviewing the applicant's employment history. The Superintendent or designee may use the Disclosure Release Form to complete this review.
- 2. After reviewing the information disclosed by an employer under B.1.b. above and finding an affirmative response to any of the inquiries listed and if the Superintendent or designee of the hiring entity determines to continue with the applicant's job application process, the Superintendent or designee shall make further inquiries of the applicant's current and/or former employer(s) to ascertain additional details regarding the matter disclosed pursuant to N.J.S.A. 18A:6-7.10.
 - a. The Superintendent or designee shall make these additional inquiries by requesting the current and/or former employer to complete the Disclosure Information Request Form and attach additional information, including the initial complaint and final report, if any, regarding the incident of child abuse or sexual misconduct.
 - b. The Superintendent, upon receiving and reviewing the additional information disclosed in accordance with B.2.a. above, will make a determination to continue with the applicant's job application process.



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3. All employment history documentation for each applicant employed by the hiring entity in accordance with N.J.S.A. 18A:6-7.6 et seq. shall be maintained in the employee's personnel file. All employment history documentation for an applicant not hired shall be maintained by the Superintendent or designee and destroyed in accordance with the New Jersey Department of Revenue – Records Management Services Records Retention and Disposition Schedule.
 4. Employment history review pursuant to N.J.S.A. 18A:6-7.6 et seq. is not required for applicants the hiring entity does not wish to employ.
 5. The hiring entity, in accordance with N.J.S.A. 18A:6-7.9.b., in conducting the review of the employment history of an out-of-State applicant, shall make, and document with specificity, diligent efforts to:
 - a. Verify the information provided by the applicant pursuant to N.J.S.A. 18A:6-7.7.a. and B.1.a. above; and
 - b. Obtain from any out-of-State employers listed by the applicant the information requested pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above.
- C. Completing a Disclosure Request from a Hiring Entity Regarding a Current or Former Employee (N.J.S.A. 18A:6-7.9)
1. All requests for information from a hiring entity regarding a current or former employee of this school district, charter school, or nonpublic school in accordance N.J.S.A. 18A:6-7.6 et seq. shall be directed to the Superintendent or designee.
 - a. The Superintendent or designee, upon receiving a request from a hiring entity for information, shall provide the information requested in accordance with N.J.S.A. 18A:6-7.6 et seq. to the hiring entity submitting the request if:



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- (1) The employment relationship is confirmed pursuant to N.J.S.A. 18A:6-7.7.a.(1) and B.1.a.(1) above; and
 - (2) The written authorization is in compliance with N.J.S.A. 18A:6-7.7.a.(2) and B.1.a.(2) above.
 - b. At the discretion of the Superintendent, the requested information may be provided through telephonic, electronic, or written communications, pursuant to N.J.S.A. 18A:6-7.7 and B.1.c. above.
2. In the event a hiring entity requests additional information from this school district, charter school, or nonpublic school beyond a response to the questions as outlined in N.J.S.A. 18A:6-7.7.b. and B.1.b. above, the Superintendent or designee will review the written request and will make a determination as to the additional information and/or documentation to be provided to the hiring entity. Any request for additional information and/or documentation must be submitted by the hiring entity in writing to the Superintendent or designee before providing any additional information and/or documentation.
- a. Upon providing such additional information and/or documentation, the Superintendent or designee will take every measure to ensure privacy and confidentiality, consistent with State and Federal laws and regulations regarding student privacy and the privacy rights of others.
 - b. Any personally identifiable information regarding any student or other individual other than the applicant's personally identifiable information shall be redacted prior to the release of any additional information.
 - c. The requested additional information should be provided to the hiring entity within twenty days, as required by statute.



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3. A copy of all requests for information and any information provided to a hiring entity, in accordance with the provisions of Policy and Regulation 1613 and N.J.S.A. 18A:6-7.6 et seq., shall be maintained by the Superintendent or designee in the applicant's personnel file and shall only be destroyed in accordance with the New Jersey Department of Revenue – Records Management Services Records Retention and Disposition Schedule.
- D. Timeline for Current or Former Employers to Disclose Information (N.J.S.A. 18A:6-7.9)
1. No later than twenty days after receiving a request for information under N.J.S.A. 18A:6-7.7.b. and B.1.b. above, an employer that has or had an employment relationship within the last twenty years with the applicant shall disclose the information requested pursuant to N.J.S.A. 18A:6-7.6 et seq.
 2. The failure of an employer to provide the information requested pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above within the twenty day timeframe established under N.J.S.A. 18A:6-7.9.a. and D.1. above may be grounds for the automatic disqualification of an applicant from employment with a hiring entity. A hiring entity shall not be liable for any claims brought by an applicant who is not offered employment or whose employment is terminated:
 - a. Because of any information received by the hiring entity from an employer pursuant to N.J.S.A. 18A:6-7.7 and B. above; or
 - b. Due to the inability of the hiring entity to conduct a full review of the applicant's employment history pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above.
- E. Provisional Employment (N.J.S.A. 18A:6-7.10)
- A hiring entity may employ or contract with an applicant on a provisional basis for a period not to exceed ninety days pending review by the hiring entity of information received pursuant to N.J.S.A. 18A:6-7.7 and B. above, provided that all of the following conditions are satisfied:



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1. The applicant has complied with N.J.S.A. 18A:6-7.7.a. and B.1.a. above;
 2. The hiring entity has no knowledge or information pertaining to the applicant that the applicant is required to disclose pursuant to N.J.S.A. 18A:6-7.7.a.(3) and B.1.a.(3); and
 3. The hiring entity determines that special or emergent circumstances exist that justify the temporary employment of the applicant.
- F. Penalties to Applicants (N.J.S.A. 18A:6-7.8)
1. An applicant who willfully provides false information or willfully fails to disclose information required in N.J.S.A. 18A:6-7.7.a. and B.1.a. above:
 - a. Shall be subject to discipline up to, and including, termination or denial of employment;
 - b. May be deemed in violation of subsection a. of N.J.S.A. 2C:28-3; and
 - c. May be subject to a civil penalty of not more than \$500 which shall be collected in proceedings in accordance with the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (N.J.S.A. 2A:58-10 et seq.).
 2. A hiring entity shall include a notification of the penalties set forth in N.J.S.A. 18A:6-7.8 and F.1. above on all applications for employment for positions which involve regular contact with students.
- G. Termination (N.J.S.A. 18A:6-7.9.d.)
1. A hiring entity shall have the right to immediately terminate an individual's employment or rescind an offer of employment if:
 - a. The applicant is offered employment or commences employment with the hiring entity following June 1, 2018; and



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- b. Information regarding the applicant's history of sexual misconduct or child abuse is subsequently discovered or obtained by the hiring entity that the hiring entity determines disqualifies the applicant or employee from employment.
 2. The termination of employment pursuant to the provisions outlined in G.1. above and pursuant to N.J.S.A. 18A:6-7.9 shall not be subject to any grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule, or regulation.
- H. Information Not Deemed Public Record and Immunity (N.J.S.A. 18A:6-7.11)
 1. Information received by an employer in accordance with Policy and Regulation 1613 and N.J.S.A. 18A:6-7.6 et seq. shall not be deemed a public record under N.J.S.A. 47:1A-1 et seq. or the common law concerning access to public records.
 2. An employer, school district, charter school, nonpublic school, school administrator, or contracted service provider that provides information or records about a current or former employee or applicant shall be immune from criminal and civil liability for the disclosure of the information, unless the information or records provided were knowingly false. The immunity shall be in addition to and not in limitation of any other immunity provided by law.
- I. Prohibited Actions Relative to Certain Agreements and Employment Contracts (N.J.S.A. 18A:6-7.12)
 1. On or after June 1, 2018, a school district, charter school, nonpublic school, or contracted service provider may not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:



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- a. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
 - b. Affects the ability of a school district, charter school, nonpublic school, or contracted service provider to report suspected child abuse or sexual misconduct to the appropriate authorities; or
 - c. Requires the school district, charter school, nonpublic school, or contracted service provider to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the school district, charter school, nonpublic school, or contracted service provider, unless after investigation the allegations are found to be false or the alleged incident of child abuse or sexual misconduct has not been substantiated.
 2. Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended, or entered into after June 1, 2018 and that is contrary to N.J.S.A. 18A:6-7.12 shall be void and unenforceable.
- J. Public Awareness Campaign (N.J.S.A. 18A:7.13)
1. The New Jersey Department of Education (NJDOE) shall establish a public awareness campaign to publicize the provisions of N.J.S.A. 18A:6-7.6 et seq. and to ensure applicants and employers are aware of their respective rights and responsibilities under N.J.S.A. 18A:6-7.6 et seq. The NJDOE shall post on its website guidance documents and any other informational materials that may assist applicants and employers in the implementation of and compliance with N.J.S.A. 18A:6-7.6 et seq.



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2. The NJDOE developed forms for applicants and employers may be used to comply with the requirements of Policy and Regulation 1613 and N.J.S.A. 18A:6-7.7, as well as any other forms necessary to carry out the provisions of N.J.S.A. 18A:6-7.6 et seq.

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5350 STUDENT SUICIDE PREVENTION

The Board of Education recognizes that depression and self-destruction are problems of increasing severity among students. Students under severe stress cannot benefit fully from the educational program and may pose a threat to themselves or others.

The Board directs all school district staff members to be alert to a student who exhibits warning signs of self-destruction or who threatens or attempts suicide. Any such warning signs or the report of such warning signs from another student or staff member shall be taken with the utmost seriousness and reported immediately to the Principal or designee.

The Principal or designee shall immediately contact the parent(s) of the student exhibiting warning signs of suicide to inform the parent(s) the student will be referred to a school mental health professional (School Counselor, School Social Worker, School Psychologist) or a Suicide Intervention Team, appointed by the Superintendent or designee, for a preliminary assessment. Upon completion of the preliminary assessment, the Principal or designee shall meet with or contact the parent(s) to review the assessment. Based on the preliminary assessment, the parent(s) may be required to obtain medical or psychiatric services for the student. In the event the parent objects to the recommendation or indicates an unwillingness to cooperate in the best interests of the student, the Principal or designee will contact the New Jersey Department of Children and Families, Division of Child Protection and Permanency to request intervention on the student's behalf.

In the event the student is required to obtain medical or psychiatric services, the parent(s) will be required to submit to the Superintendent a written medical clearance from a licensed medical professional, selected by the parent(s) and approved by the Superintendent or designee, indicating the student has received medical services, does not present a risk to themselves or others, and is cleared to return to school. The written medical clearance may be reviewed by a Board of Education healthcare professional before the student is permitted to return to school. The parent(s) shall be required to authorize their healthcare professional(s) to release relevant medical information to the school district's healthcare professional, if requested.



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Student Suicide Prevention

Any school district staff member, volunteer, or intern with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall immediately report the information to the Principal or designee or their immediate supervisor who will immediately report it to the Superintendent or designee. The Superintendent or designee shall promptly report it online to the New Jersey Department of Children and Families, or as otherwise required by the Department of Children and Families in accordance with N.J.S.A. 30:9A-24. In accordance with N.J.S.A. 30:9A-24i, any person who reports an attempted or completed suicide shall have immunity from any civil or criminal liability on account of the report, unless the person has acted in bad faith or with malicious purpose.

In accordance with the provisions of N.J.S.A. 18A:6-111 and 18A:6-112, as part of the required professional development for teachers as outlined in N.J.A.C. 6A:9C-3 et seq., every teaching staff member must complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

The Superintendent shall prepare and disseminate guidelines to assist school district staff members in recognizing the warning signs of a student who may be contemplating suicide, to respond to a threat or attempted suicide, and to prevent contagion when a student commits suicide.

N.J.S.A. 18A:6-111; 18A:6-112

N.J.S.A. 30:9A-23; 30:9A-24

N.J.A.C. 6A:9C-3 et seq.

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R 5350 STUDENT SUICIDE PREVENTION

The following are guidelines to assist school district staff members in recognizing the warning signs of a student who may be contemplating suicide, to respond to a threat or attempted suicide, and to prevent contagion when a student commits suicide.

A. Recognition of Warning Signs of Suicide

All school district staff members shall be alert to any warning signs a student may be contemplating suicide. Such warning signs may include, but are not limited to, a student's:

1. Overt suggestion, regardless of its context, that he/she is considering or has considered suicide or has worked out the details of a suicide attempt;
2. Self-mutilation;
3. Obsession with death or afterlife;
4. Possession of a weapon or possession of other means of suicide or obsession with such means;
5. Sense of hopelessness or unrelieved sadness;
6. Lethargy or despondency, or, conversely, a tendency to become more impulsive or aggressive than usual;
7. Drop in academic achievement, slacking off of energy and effort, or inability to focus on studies;
8. Isolation from others by loss of friends, withdrawal from friends, lack of companionship, or family disintegration;
9. Preoccupation with nonexistent physical illness;



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Student Suicide Prevention

10. Loss of weight, appetite, and/or sleep;
 11. Substance abuse;
 12. Volatile mood swings or sudden changes in personality;
 13. Prior suicide attempt(s);
 14. Anxiety or eating disorder;
 15. Involvement in an unhealthy, destructive, or abusive relationship;
and
 16. Depression due to being a victim/target of harassment,
intimidation, bullying, or mistreatment by others.
- B. Response to the Warning Signs of Suicide
1. Any indication of suicide, whether personally witnessed or received by a report from another, shall be taken seriously and immediately reported to the Principal or designee. Upon receiving such report, the Principal will ensure the student is supervised by a school staff member until a preliminary assessment of the risk is determined.
 2. The Principal or designee shall immediately contact the parent(s) of the student exhibiting warning signs of suicide to inform the parent(s) that the student will be referred to the Child Study Team or a Suicide Intervention Team for a preliminary assessment in accordance with C. below.
 3. If the threat of suicide is immediate and serious, the Principal will contact local law enforcement and the Superintendent of Schools.
- C. Preliminary Assessment and Recommendation(s)
1. The Principal or designee will designate the school mental health professional or the Suicide Intervention Team to immediately meet with the student to complete a preliminary assessment.



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Student Suicide Prevention

2. The Child Study Team or Suicide Intervention Team will make a recommendation(s), based on the preliminary assessment, to the Principal or designee regarding the student's risk of suicide.
3. Upon receiving the recommendation(s), the Principal or designee will immediately meet with the parent(s) to review the findings of the preliminary assessment. Based on the recommendation(s) of the Child Study Team or Suicide Intervention Team, the student may be:
 - a. Permitted to remain in school:
 - (1) If the student remains in school after the preliminary assessment, the Principal or designee will designate a school staff member to follow-up with the student on any recommendations of the school mental health professional or Suicide Intervention Team.
 - b. Referred to the Child Study Team for further evaluation;
 - c. Removed from the school and released to the parent(s) and will be required to obtain medical or psychiatric services before the student may return to school:
 - (1) The parent(s) will be required to submit to the Superintendent a written medical clearance from a licensed medical professional selected by the parent(s) and acceptable to the Superintendent, indicating the student has received medical services, does not present a risk to himself/herself or others, and is cleared to return to school. The Superintendent will not act unreasonably in withholding approval of the medical professional selected by the parent(s). The written medical clearance may be reviewed by a Board of Education healthcare professional before the student is permitted to return to school.



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Student Suicide Prevention

(2) The parent(s) shall be required to authorize their healthcare professional(s) to release the student's relevant medical information to the school district's healthcare professional, if requested.

d. Required to comply with the recommendation(s) outlined in C.3.a., b., and/or c. above, and/or any other recommendation(s) of the Principal or designee to ensure the student's safety and the safety of others.

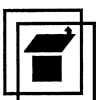
4. In the event the parent(s) objects to the recommendation(s) or indicates an unwillingness to cooperate with the school district regarding their child, the Principal or designee will contact the New Jersey Department of Children and Families, Division of Child Protection and Permanency to request intervention on the student's behalf.

D. Response to Attempted Suicide by a Student

1. Any school district staff member, volunteer, or intern with reasonable cause to suspect or believe a student has attempted suicide, shall immediately report the information to the Principal or designee or their immediate supervisor.
2. A Principal or designee or supervisor who receives a report of a student who has attempted suicide will immediately report it to the Superintendent or designee, who shall promptly report it online to the New Jersey Department of Children and Families, or as otherwise required by the Department of Children and Families.
3. The school district staff member who witnesses a suicide attempt on school grounds, at a school sponsored event, or on a school bus shall immediately contact local law enforcement and emergency medical services, as appropriate.

E. Response to Suicide Committed by a Student

1. Any school district staff member, volunteer, or intern with reasonable cause to suspect or believe a student has committed suicide, shall immediately report the information to the Principal or designee or their immediate supervisor.



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Student Suicide Prevention

2. A Principal or designee or supervisor who receives a report that a student has committed suicide will immediately report it to the Superintendent or designee, who shall promptly report it online to the New Jersey Department of Children and Families, or as otherwise required by the Department of Children and Families.
3. The Principal of the school the student attended will assemble school staff members as soon as possible, to provide school staff members information, plans for the school day, and guidelines for handling the concerns of students.
4. The Principal of the school the student attended will use a School Crisis Team to assist school staff members in dealing with any issues that arise due to the situation and to assist students in the loss.
5. The School Crisis Team will assist teachers in responding to the needs of students. Students who were close to the victim shall be offered special counseling services and parents will be notified of available community mental health services.
6. School staff members shall be especially alert to warning signs of contemplated suicide among the victim's peers.
7. All Principals in the school district will be promptly informed when a student enrolled in the district commits suicide. The district, with the approval of the Superintendent, may provide support and services to school staff members and students as needed.
8. The Principal of the school the student attended may, with the approval of the Superintendent, provide any additional support and services that will assist school staff members and students in the loss.

F. Prevention of Suicide Contagion

1. School staff members, under the direction of the Principal or designee, shall attempt to prevent suicide contagion by:



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Student Suicide Prevention

- a. Avoiding the glorification or romanticization of suicide;
- b. Helping students recognize that suicide is irreversible and permanent and does not truly resolve problems;
- c. Encouraging students to ask questions when a fellow student suggests suicide and report to a school staff member;
- d. Discussing ways of handling depression and anxiety without resorting to self-destruction; and
- e. Implementing any other strategies to prevent suicide contagion.

Issued: September 11, 2018



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5561 USE OF PHYSICAL RESTRAINT AND SECLUSION TECHNIQUES FOR STUDENTS WITH DISABILITIES

The Board of Education strives to provide a safe, caring atmosphere that supports all students in the least restrictive environment. On occasion, during an emergency, a situation may arise making it necessary to temporarily restrain or seclude a student with a disability in accordance with N.J.S.A. 18A:46-13.4 through 13.7.

A school district, an educational services commission, or an approved private school for students with disabilities (APSSD) that utilizes physical restraint on students with disabilities shall ensure that:

1. Physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
2. A student is not restrained in the prone position, unless the student's primary care physician authorizes, in writing, the use of this restraint technique;
3. Staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the Board of Education to be qualified to provide such training, and that the training is updated at least annually;
4. The parent of a student is immediately notified when physical restraint is used on the student. This notification may be by telephone or electronic communication. A post-incident written notification report of the incident of physical restraint shall be provided to the parent within forty-eight hours of the occurrence of the incident;



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5. Each incident in which physical restraint is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Students with Disabilities, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and
6. Each incident in which physical restraint is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan (IEP) meeting.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the student's behavior intervention plans developed by the IEP team.

A school district, an educational services commission, or an APSSD that utilizes seclusion techniques on students with disabilities shall ensure that:

1. A seclusion technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
2. Each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Students with Disabilities, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and
3. Each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next IEP meeting.



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Use of Physical Restraint and Seclusion Techniques for Students with Disabilities

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the student's behavior intervention plans developed by the IEP team.

The New Jersey Department of Education shall establish guidelines for school districts, educational services commissions, and APSSDs to ensure a review process is in place to examine the use of physical restraints or seclusion techniques in emergency situations, and for the repeated use of these methods for an individual child, within the same classroom, or by a single individual. The review process shall include educational, clinical, and administrative personnel. Pursuant to the review process the student's IEP team may, as deemed appropriate, determine to revise the behavior intervention plan or classroom supports, and a school district, educational services commission, or APSSD may determine to revise a staff member's professional development plan pursuant to N.J.S.A. 18A:46-13.7.

The Superintendent or designee may gather input from school staff members and parents of students with disabilities on this Policy and Regulation. All students with disabilities and their parents shall be afforded the procedural safeguards provided by the Individuals with Disabilities Education Act (IDEA).

The Superintendent or designee shall annually inform parents of students with disabilities about the Board's Policy regarding restraint and seclusion.

N.J.S.A. 18A:46-13.4; 18A:46-13.5; 18A:46-13.6; 18A:46-13.7

New Jersey Department of Education Restraint and Seclusion Guidance for Students with Disabilities – July 10, 2018

Adopted: September 11, 2018



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R 5561 USE OF PHYSICAL RESTRAINT AND SECLUSION TECHNIQUES FOR STUDENTS WITH DISABILITIES

A. Definitions

“Mechanical Restraint” means the use of any device or equipment to restrict a student’s freedom of movement, but does not include devices implemented by trained school personnel, or utilized by a student that has been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical mobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

“Physical restraint” means the use of a personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body.

“Seclusion technique” means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, but does not include a timeout.



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Use of Physical Restraint and Seclusion
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“Timeout” means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of calming.

B. Physical Restraint

A school district, an educational services commission, or an approved private school for students with disabilities (APSSD) that utilizes physical restraint on students with disabilities shall ensure that:

1. Physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
2. A student is not restrained in the prone position, unless the student’s primary care physician authorizes, in writing, the use of this restraint technique;
3. Staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the Board of Education to be qualified to provide such training, and that the training is updated at least annually;
4. The parent of a student shall be immediately notified when physical restraint is used on the student. This notification may be by telephone or electronic communication. In addition, a post-incident written notification report of the incident of physical restraint shall be provided to the parent within forty-eight hours of the occurrence of the incident.
 - a. The post-incident written notification report shall include, but not be limited to, details regarding the nature of the behavior that precipitated the use of the restraint; the staff involved; and recommendations for follow-up activities including, if appropriate, revisions to the student’s individualized education plan (IEP) or administration of a functional assessment.



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- b. The post-incident written notification report shall be maintained in a manner consistent with State and Federal regulations regarding the confidentiality of student records, while also serving as a mechanism for gathering data which allows the IEP team to make informed decisions regarding the student's needs.
- 5. Each incident in which physical restraint is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Students with Disabilities, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and
- 6. Each incident in which physical restraint is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the behavior intervention plan (BIP) at the next IEP meeting.
 - a. Each incident that requires the use of restraint shall be documented in a manner that supports informed data-driven decision making by school staff including the IEP team.
 - b. The data collected through this process shall include, but not be limited to, the location of the incident, persons involved, triggering events, prevention, redirection or de-escalation techniques utilized during the incident, a description of any injuries or physical damage that occurred, observational data or monitoring data taken during the incident, debriefing with staff, reflections on adherence to the IEP and district procedures, and specific follow-up that will take place including, if appropriate, an IEP team meeting.



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Use of Physical Restraint and Seclusion
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- c. Data shall be reviewed on a continual basis to determine the effectiveness of the individual student's BIP and the school district's procedures. Any reviews should be conducted across sub-groups and involve staff, Child Study Team members, and administration.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the student's BIPs developed by the IEP team.

C. Seclusion

A school district, an educational services commission, or an APSSD that utilizes seclusion techniques on students with disabilities shall ensure that:

1. A seclusion technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
2. Each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Students with Disabilities; and
3. Each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the BIP at the next IEP meeting.
 - a. Each incident that requires the use of a seclusion technique shall be documented in a manner that supports informed data-driven decision making by school staff including the IEP team.



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- b. The data collected through this process shall include, but not be limited to, the location of the incident, persons involved, triggering events, prevention, redirection or de-escalation techniques utilized during the incident, a description of any injuries or physical damage that occurred, observational data or monitoring data taken during the incident, debriefing with staff, reflections on adherence to the IEP and district procedures, and specific follow-up that will take place including, if appropriate, an IEP team meeting.
- c. Data shall be reviewed on a continual basis to determine the effectiveness of the individual student's BIP and the school district's procedures. Any reviews should be conducted across sub-groups and involve staff, Child Study Team members, and administration.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the student's BIP developed by the IEP team.

D. Interventions

- 1. Classroom interventions may include, but not be limited to, the following strategies:
 - a. The staff member may ignore the behavior;
 - b. The staff member may redirect the student to a task with verbal or non-verbal prompts or gestures. Proximity and the use of gentle humor may help, when appropriate;
 - c. The staff member shall be clear, polite, and respectful when redirecting the student's behavior. The staff member should make eye contact and tell the student what to do such as "I can't teach when you are talking, throwing things, ..." or "Please stop and listen, read, write, ..." The staff member should remind the student of consequences for non-compliance and rewards if they comply with the staff member's request;



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Use of Physical Restraint and Seclusion
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- d. The staff member shall be polite at all times. The staff member may repeat steps a. through c. above and quietly give the student adequate wait time. If the staff member moves on, the student may comply after the initial confrontation if attention goes back to the lesson;
 - e. The staff member may advise the student to proceed to a time out area in the classroom for a limited time (elementary and middle school); and
 - f. If classroom removal is required, the staff member shall follow school discipline procedures for notification and request for assistance if necessary.
 - 2. Security interventions may include, but are not limited to, the staff member:
 - a. Standing quietly in the doorway and asking the student to accompany the staff member; and
 - b. Informing the student of the violation of the school discipline code and procedure and assure the student they have the choice to leave the classroom quietly.
- E. Use of Physical Restraint
- 1. If necessary, the staff member shall restrain the student until the emergency no longer exists (i.e. the student stops punching, kicking, spitting, damaging property, etc.).
 - 2. The school staff member shall immediately contact the appropriate administrator and school nurse and complete a written report on the physical restraint the staff member used during the emergency situation.
 - 3. The Principal's or designee's or any school staff member's report regarding the incident shall be documented in writing in sufficient detail to enable staff to use this information to develop or improve the BIP at the next IEP meeting. The documentation of physical restraint shall be placed in the student's school file.



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Use of Physical Restraint and Seclusion
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4. The use of physical restraint is subject to the following additional requirements:
 - a. Physical restraint techniques shall consider the student's medical conditions and shall be modified as necessary;
 - b. Students shall not be subjected to physical restraint for using profanity, other verbal displays or disrespect, or for non-compliance. A verbal threat will not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat;
 - c. In determining whether a student who is being physically restrained should be removed from the area where the restraint was initiated, the supervising staff should consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of the other students in the vicinity;
 - d. A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing harm to himself/herself, others, or imminent property destruction; and
 - e. The student shall be examined by the school nurse after any restraint.

F. Restraint and Seclusion Training Requirements

1. All staff members working directly with students with disabilities shall receive training on Policy and Regulation 5561 and in safe techniques for physical restraint and seclusion from an entity determined by the Board of Education to be qualified to provide such training.
 - a. The Principal or designee shall determine the school staff members that shall receive restraint and seclusion training.



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- b. The training shall be identified in the school district's professional development plan and should be considered as a topic for ongoing professional development opportunities.
 - c. The training shall emphasize the use of appropriate de-escalation techniques and the use of Positive Behavior Supports (PBS) as mechanisms to avoid the need for the use of physical restraint and seclusion.
 - d. Training may include current professionally accepted practices and standards regarding behavior management.
 - e. The training program shall be updated at least annually.
- 2. In addition to district-wide training and professional development, the Board may also consider additional training for all staff members who will be responsible for implementing the IEPs which include BIPs for students with disabilities.
 - a. This additional training should include a framework that emphasizes de-escalation techniques, identifying PBSs, and behavior strategies which support appropriate behavior in all school settings.
 - b. Staff members responsible for implementing BIPs for student IEPs should be trained on the use of continuous monitoring techniques and the collection of data which can be used to inform decision making regarding the continued use of restraint and seclusion.
- 3. Training for school administrators shall include information on the effectiveness of school-wide positive behavior programs, a tool for evaluating the effectiveness of the Policy and Regulation 5561, and a tool for evaluating the effectiveness of the school district's trainings.

Issued: September 11, 2018



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Procurement Procedures for School

Nutrition Programs

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8561 PROCUREMENT PROCEDURES FOR SCHOOL NUTRITION PROGRAMS

The Board of Education adopts this Policy to identify their procurement plan for the United States Department of Agriculture's (USDA) School Nutrition Programs. School Nutrition Programs include, but are not limited to: the National School Lunch Program (NSLP); School Breakfast Program (SBP); Afterschool Snack Program (ASP); Special Milk Program (SMP); Fresh Fruit and Vegetable Program (FFVP); Seamless Summer Option (SSO) of the NSLP; Summer Food Service Program (SFSP); the At-Risk Afterschool Meals component of the Child and Adult Care Food Program (CACFP); and the Schools/Child Nutrition USDA Foods Program.

The Board of Education is ultimately responsible for ensuring all procurement procedures for any purchases by the Board of Education and/or a food service management company (FSMC) comply with all Federal regulations, including but not limited to: 7 CFR Parts 210, 220, 225, 226, 245, 250; 2 CFR 200; State procurement statutes and administrative codes and regulations; local Board of Education procurement policies; and any other applicable State and local laws.

The procurement procedures contained in this Policy will be implemented beginning immediately, until amended. All procurements must maximize full and open competition. Source documentation will be maintained by the School Business Administrator/Board Secretary or designee and will be available to determine open competition, the reasonableness, the allowability, and the allocation of costs.

The Board of Education intentionally seeks to prohibit conflicts of interest in all procurement of goods and services.



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Procurement Procedures for School
Nutrition Programs

A. General Procurement

The procurement procedures will maximize full and open competition, transparency in transactions, comparability, and documentation of all procurement activities. The school district's plan for procuring items for use in the School Nutrition Programs is as follows:

1. The School Business Administrator/Board Secretary will ensure all purchases will be in accordance with the Federal Funds Procurement Method Selection Chart – State Agency Form #358 - Appendix. Formal procurement procedures will be used as required by 2 CFR 200.318-326 and any State and local procurement code and regulations. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold.
2. The following procedures will be used for all purchases: Refer to appendix for specific procedures.

Product/ Services	Estimated Dollar Amount	Procurement Method	Evaluation	Contract Award Type	Contract Duration/ Frequency

Micro-Purchases:

Purchases of supplies or services, within the micro-purchase threshold (the aggregate amount does not exceed \$3,500 as defined by 2 CFR 200.67) will be awarded without soliciting competitive price quotations if the price is reasonable. Purchases will be distributed equitably among qualified suppliers with reasonable prices. Records will be kept for micro-purchases.



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3. Formal bid procedures will be applied on the basis of:

centralized system;
individual school;
4. Because of the potential for purchasing more than the public or non-public informal/small purchase threshold amount, or the Board approved threshold if less, it will be the responsibility of the School Business Administrator/Board Secretary to document the amounts to be purchased so the correct method of procurement will be followed.

B. Formal Procurement

When a formal procurement method is required, the following competitive sealed bid or an Invitation for Bid (IFB) or competitive proposal in the form of a Request for Proposal (RFP) procedures will apply:

1. An announcement of an IFB or a RFP will be placed in the Board designated official newspaper to publicize the intent of the Board of Education to purchase needed items. The advertisement for bids/proposals or legal notice will be published in the official newspaper for at least one day in accordance with the provisions of N.J.S.A. 18A:18A-21.
2. An advertisement in the official newspaper for at least one day is required for all purchases over the school district's small purchase threshold as outlined in Appendix – Federal Funds Procurement Method Section Chart. The advertisement will contain the following:
 - a. A general description of items to be purchased;



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Procurement Procedures for School Nutrition Programs

- b. The deadline for submission of questions and the date written responses will be provided, including addenda to bid specifications, terms, and conditions as needed;
 - c. The date of the pre-bid meeting, if provided, and if attendance is a requirement for bid award;
 - d. The deadline for submission of sealed bids or proposals; and
 - e. The address of the location where complete specifications and bid forms may be obtained.
- 3. In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications.
- 4. The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
- 5. The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document:
 - a. Contract period;
 - b. The Board of Education is responsible for all contracts awarded (statement);
 - c. Date, time, and location of IFB/RFP opening;
 - d. How the vendor is to be informed of bid acceptance or rejection;
 - e. Delivery schedule;
 - f. Requirements (terms and conditions) the bidder must fulfill in order for bid to be evaluated;



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Procurement Procedures for School Nutrition Programs

- g. Benefits to which the Board of Education will be entitled if the contractor cannot or will not perform as required;
- h. Statement assuring positive efforts will be made to involve minority and small business;
- i. Statement regarding the return of purchase incentives, discounts, rebates, and credits to the Board of Education's nonprofit school food service account;
- j. Contract provisions as required in Appendix II to 2 CFR 200;
- k. Contract provisions as required in 7 CFR 210.21(f) for all cost reimbursable contracts;
- l. Contract provisions as required in 7 CFR 210.16(a)(1-10) and 7 CFR 250.53 for food service management company contracts;
- m. Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding;
- n. Price adjustment clause for renewal of multi-year contracts as defined in N.J.S.A. 18A:18A-42. The "index rate" means the annual percentage increase rounded to the nearest half percent in the implicit price deflator for State and local government purchases of goods and services computed and published quarterly by the U.S. Department of Commerce, Bureau of Economic Analysis;
- o. Method of evaluation and type of contract to be awarded (solicitations using an IFB are awarded to the lowest responsive and responsible bidder; solicitations using a RFP are awarded to the most advantageous bidder/offeror with price as the primary factor among factors considered);



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Procurement Procedures for School Nutrition Programs

- p. Method of award announcement and effective date (if intent to award is required by State or local procurement requirements);
- q. Specific bid protest procedures including contact information of person and address and the date by which a written protest must be received;
- r. Provision requiring access by duly authorized representatives of the Board of Education, New Jersey Department of Agriculture (NJDA), United States Department of Agriculture (USDA), or Comptroller General to any books, documents, papers, and records of the contractor which are directly pertinent to all negotiated contracts;
- s. Method of shipment or delivery upon contract award;
- t. Provision requiring contractor to maintain all required records for three years after final payment and all other pending matters (audits) are closed for all negotiated contracts;
- u. Description of process for enabling vendors to receive or pick up orders upon contract award;
- v. Provision requiring the contractor to recognize mandatory standards/policies related to energy efficiency contained in the Energy Policy and Conservation Act (PL 94-163);
- w. Signed statement of non-collusion;
- x. Signed Debarment/Suspension Certificate, clause in the contract or a copy of search results from the System for Award Management (SAM);
- y. Provision requiring "Buy American" as outlined in 7 CFR Part 210.21(d) and USDA Guidance Memo SP 38-2017; and



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Procurement Procedures for School Nutrition Programs

- z. Specifications and estimated quantities of products and services prepared by the school district and provided to potential contractors desiring to submit bids/proposals for the products or services requested.
- 6. If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, interpretation will be provided in writing to all potential bidders by the School Business Administrator/Board Secretary or designee and will specify the deadline for all questions.
 - a. The School Business Administrator/Board Secretary will be responsible for securing all bids or proposals.
 - b. The School Business Administrator/Board Secretary will be responsible to ensure all Board of Education procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.
 - c. The following criteria will be used in awarding contracts as a result of bids/proposals. Price must be the highest weighted criteria. Examples of other possible criteria include quality, service, delivery, and availability.
- 7. In awarding a RFP, a set of award criteria in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. Price alone is not the sole basis for award, but remains the primary consideration among all factors when awarding a contract. Following evaluation and negotiations, a firm fixed price or cost reimbursable contract is awarded.
 - a. The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the Board of Education, price as the primary, and other factors considered. Any and all bids or proposals may be rejected in accordance with the law.



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Procurement Procedures for School Nutrition Programs

- b. The School Business Administrator/Board Secretary or designee is required to sign on the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.
- c. The School Business Administrator/Board Secretary shall review the procurement system to ensure compliance with applicable laws.
- d. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product specified was received.
- e. Any time an accepted item is not available, the School Business Administrator/Board Secretary will select the acceptable alternate. The contractor must inform the School Business Administrator/Board Secretary within one workday if a product is not available. In the event a nondomestic agricultural product is to be provided to the Board of Education, the contractor must obtain, in advance, written approval for the product. The School Business Administrator/Board Secretary must comply with the Buy American Provision.
- f. Full documentation regarding the reason an accepted item was unavailable, and the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is the School Business Administrator/Board Secretary.
- g. The School Business Administrator/Board Secretary is responsible for maintaining all procurement documentation.

C. Small Purchase Procedures

If the amount of purchases for items is less than the school district's small purchase threshold as outlined in the Federal Funds Procurement Method Selection Chart – See Appendix, the following small purchase procedures including quotes will be used. Quotes from a minimum number of three qualified sources will be required.



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1. Written specifications will be prepared and provided to all vendors.
2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of three vendors shall be contacted.
3. The School Business Administrator/Board Secretary or designee will be responsible for contacting potential vendors when price quotes are needed.
4. The price quotes will receive appropriate confidentiality before award.
5. Quotes/Bids will be awarded by the School Business Administrator/Board Secretary. Quotes/Bids will be awarded on the following criteria. Quote/Bid price must be the highest weighted criteria. Examples of other possible criteria include quality, service, delivery, and availability.
6. The School Business Administrator/Board Secretary will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and written specifications.
7. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product specified is received.
8. Any time an accepted item is not available, the School Business Administrator/Board Secretary will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.
9. The School Business Administrator/Board Secretary or designee is required to sign all quote tabulations, signifying a review and approval of the selections.



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D. Noncompetitive Proposal Procedures

If items are available only from a single source when the award of a contract is not feasible under small purchase, sealed bid or competitive negotiation, noncompetitive proposal procedures will be used:

1. Written specifications will be prepared and provided to the vendor.
2. The School Business Administrator/Board Secretary will be responsible for the documentation of records to fully explain the decision to use the noncompetitive proposal. The records will be available for audit and review.
3. The School Business Administrator/Board Secretary or designee will be responsible for documentation that the actual product or service specified was received.
4. The School Business Administrator/Board Secretary will be responsible for reviewing the procedures to be certain all requirements for using single source or noncompetitive proposals are met.
5. The noncompetitive micro-purchase method shall be used for one-time purchases of a new food item if the amount is less than \$3,500 to determine food acceptance by students and provide samples for testing purposes. A record of noncompetitive negotiation purchase shall be maintained by the School Business Administrator/Board Secretary or designee. At a minimum, the record of noncompetitive purchases shall include: item name; dollar amount; vendor; and reason for noncompetitive procurement.
6. A member or representative of the Board of Education will approve, in advance, all procurements that result from noncompetitive negotiations.

E. Miscellaneous Provisions

1. New product evaluation procedures will include a review of product labels and ingredients; an evaluation of the nutritional value; taste tests and surveys; and any other evaluations to ensure the new product would enhance the program.



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2. The Board of Education agrees the reviewing official of each transaction will be the School Business Administrator/Board Secretary.
3. Payment will be made to the vendor when the contract has been met and verified and has met the Board of Education's procedures for payment. (If prompt payment is made, discounts, etc., are accepted.)
4. Specifications will be updated as needed.
5. If the product is not as specified, the following procedure, including, but not limited to, will take place: remove product from service; contact vendor for approved alternate product; or remove product from bid.

F. Emergency Purchases

1. If it is necessary to make a one-time emergency procurement to continue service or obtain goods, and the public exigency or emergency will not permit a delay resulting from a competitive solicitation, the purchase must be authorized using a purchase order signed by the School Business Administrator/Board Secretary. The emergency procedures to be followed for such purchases shall be those procedures used by the school district for other emergency purchases consistent with N.J.S.A. 18A:18A-7. All emergency procurements shall be approved by the School Business Administrator/Board Secretary. At a minimum, the following emergency procurement procedures shall be documented to include, but not be limited to: item name; dollar amount; vendor; and reason for emergency.

G. Purchasing Goods and Services – Cooperative Agreements, Agents, and Third-Party Services (Piggybacking)

1. When participating in intergovernmental and inter-agency agreements the Board of Education will ensure that competitive procurements are conducted in accordance with 2 CFR Part 200.318-.326 and applicable program regulations and guidance.



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2. When utilizing the services of a co-op, agent, or third party the Board of Education will ensure that the following conditions have been met:
 - a. All procurements were subject to full and open competition and were made in accordance with Federal/State/local procurement requirements;
 - b. The existing contract allows for the inclusion of additional Board of Educations that were not contemplated in the original procurement to purchase the same supplies/equipment through the original award;
 - c. The specifications in the existing contract meets their needs and that the items being ordered are in the contract;
 - d. The awarded contract requires all the Federally required certifications; e.g. Buy American, debarment, restrictions on lobbying, etc.;
 - e. The agency will confirm the addition of their purchasing power (goods or services) to the procurement in scope or services does not create a material change, resulting in the needs to re-bid the contract;
 - f. Administrative costs (fees) for participating in the agreement are adequately defined, necessary and reasonable, and the method of allocating the cost to the participating agencies must be specified;
 - g. The Buy American provisions are included in the procurement of food and agricultural products; and
 - h. The agreement includes the basis for and method of allocating each discount, rebate, or credit and how they will be returned to each participating agency when utilizing a cost-reimbursable contract.



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H. Records Retention

1. The Board of Education shall agree to retain all books, records, and other documents relative to the award of the contract for three years after final payment. If there are audit findings that have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit. Specifically, the Board of Education shall maintain, at a minimum, the following documents:
 - a. Written rationale for the method of procurement;
 - b. A copy of the original solicitation;
 - c. The selection of contract type;
 - d. The bidding and negotiation history and working papers;
 - e. The basis for contractor selection;
 - f. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
 - g. The basis for award cost or price;
 - h. The terms and conditions of the contract;
 - i. Any changes to the contract and negotiation history;
 - j. Billing and payment records;
 - k. A history of any contractor claims;
 - l. A history of any contractor breaches; and
 - m. Any other documents as required by N.J.S.A. 18A:18A – Public School Contracts Law.



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I. Code of Conduct for Procurement

1. All procurements must ensure there is open and free competition and adhere to the most restrictive Federal, State, and local requirements. The Board of Education seeks to conduct all procurement procedures in compliance with stated regulations and to prohibit conflicts of interest and actions of employees engaged in the selection, award, and administration of contracts. All procurements will be in accordance with this Policy and all applicable provisions of N.J.S.A. 18A:18A – Public School Contracts Law.
2. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal, State, or local award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent; any member of his or her immediate family, his or her partner; or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
3. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.
4. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity. Based on the severity of the infraction, the penalties could include a written reprimand to their personnel file, a suspension with or without pay, or termination.
5. All questions and concerns regarding procurement solicitations, contract evaluations, and contract award, shall be directed to the School Business Administrator/Board Secretary.



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J. Food Service Management Company (FSMC)

1. In the operation of the school district's food service program, the school district shall ensure that a FSMC complies with the requirements of the Program Agreement, the school district's Free and Reduced School Lunch Policy Statement, all applicable USDA program policies and regulations, and applicable State and local laws. In order to operate an a la carte food service program, the FSMC shall agree to offer free, reduced price, and full price reimbursable meals to all eligible children.
2. The school district shall monitor the FSMC billing invoices to ensure compliance with Federal and State procurement regulations.
3. In accordance with N.J.S.A. 18A:18A-5a.(22), RFPs are required in all solicitations for a FSMC.

N.J.S.A. 18A:18A – Public School Contracts Law



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APPENDIX

FEDERAL FUNDS PROCUREMENT METHOD SELECTION CHART		
THERE ARE TWO (2) PROCUREMENT METHODS, FORMAL AND INFORMAL. THE METHOD THE SCHOOL FOOD AUTHORITIES (SFA) NEEDS TO USE DEPENDS ON TWO (2) FACTORS, THE AMOUNT OF THE CONTRACT AND WHETHER THE SFA IS A PUBLIC/CHARTER OR NON-PUBLIC SCHOOL.		
NEW JERSEY PUBLIC/CHARTER SCHOOLS PURCHASING THRESHOLDS		
AMOUNT	ACTIVITY	PROCUREMENT METHOD
INFORMAL PROCUREMENT		
Below \$3,500 *	Micro - purchases 2 CFR 200.320(a)	Sound Business Practice *
	SINGLE TRANSACTION AGGREGATE COST LESS THAN \$3,500	
* Or LESS than \$3,500 if local SFA Procurement Policies are more restrictive		
SMALL PURCHASE PROCEDURES		
\$3,501 up to \$29,000/\$40,000	N.J.S.A. 18A:18A-37 ANY PURCHASE EXCEEDING \$3,500 REQUIRES A QUOTE UP TO THE APPLICABLE N.J.S.A. BID THRESHOLDS OF \$29,000 (without a QPA*) OR \$40,000 (with a QPA*)	Quotation using SFA Internal Procurement Procedures
NOTE: ANNUAL AGGREGATE AMOUNTS		
FORMAL PROCUREMENT		
\$29,000 or \$40,000 and above	N.J.S.A. 18A:18A-37 Bid Threshold without a QPA* - \$29,000 Bid Threshold with a QPA* - \$40,000 * QUALIFIED PURCHASING AGENT	Bid - Invitation for Bid (IFB) OR Request for Proposal (RFP)
NEW JERSEY NON-PUBLIC SCHOOL PURCHASING THRESHOLDS		
AMOUNT	ACTIVITY	PROCUREMENT METHOD
INFORMAL PROCUREMENT		
Below \$3,500 *	Micro - purchases 2 CFR 200.320(a) Single Transaction aggregate cost less than \$3,500	Sound Business Practice *
* Or LESS than \$3,500 if local SFA Procurement Policies are more restrictive		
\$3,501 - \$149,999	Small purchase procedures 2 CFR 200.320(b)	Quotation using SFA Internal Procurement Procedures
FORMAL PROCUREMENT		
\$150,000 and above	As per Federal requirements in 2 CFR Parts 200.317 - 200.326	Bid - Invitation for Bid (IFB) OR Request for Proposal (RFP)

State Agency Form #358 - July 2017

Adopted: September 11, 2018

