

POLICY GUIDE

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Student Smoking
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[See POLICY ALERT Nos. 188, 199, 215, and 234]

5533 STUDENT SMOKING

The Board of Education recognizes the use of tobacco presents a health hazard that can have serious implications both for the smoker and the nonsmoker and that smoking habits developed by young people may have lifelong harmful consequences.

For the purpose of this Policy, “smoking” means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device pursuant to N.J.S.A. 26:3D-57. For the purpose of this Policy, “smoking” also includes the use of smokeless tobacco and snuff.

For the purpose of this Policy, “electronic smoking device” means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or any cartridge or other component of the device or related product pursuant to N.J.S.A. 2A:170-51.4.

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



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N.J.S.A. 2A:170-51.4 prohibits the sale or distribution to any person under twenty-one years old of any cigarettes made of tobacco or any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco; and any electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, pipe, or any cartridge or other component of the device or related product. Consequences for a student possessing such an item will be in accordance with the Student Code of Conduct.

The Board prohibits smoking by students at any time in school buildings or on school grounds, at school-sponsored events away from school, or on a school bus.

The Board also prohibits the possession of any item listed in N.J.S.A. 2A:170-51.4 at any time in school buildings or on school grounds, at school-sponsored events away from school, or on a school bus. Such items will be confiscated and may be returned to the parent, upon request.

If it appears to an educational staff member or other professional, upon confiscating such item(s), that the student may currently be under the influence of alcohol or other drugs, the staff member shall inform the Principal or designee. The Principal or designee **shall** ~~will~~ immediately notify the parent and the Superintendent or designee. The Principal or designee **shall** ~~will~~ arrange for an immediate medical examination of the student and shall comply with all of the provisions of N.J.A.C. 6A:16-4.3, ~~and Policy and Regulation 5530, and this Policy —Substance Abuse.~~

In the event the Principal or designee, after inspection of the confiscated item(s), has reason to believe the item(s) may have contained or may contain a controlled dangerous substance, ~~or a controlled substance dangerous analog, or other drugs~~ pursuant to N.J.S.A. 2C:35-2, the Principal or designee **shall** ~~will~~ immediately notify the parent and the Superintendent or designee. The Principal or designee **shall** ~~will~~ arrange for an immediate medical examination of the student and shall comply with all of the provisions of N.J.A.C. 6A:16-4.3, ~~and Policy and Regulation 5530, and this Policy —Substance Abuse.~~ Principals and designees **shall** ~~will~~ be trained to identify controlled dangerous substances in electronic smoking devices.



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When the Principal or designee has reasonable suspicion to believe a confiscated electronic smoking device is being used as a nexus for marijuana or other controlled dangerous substances or cannabis, the Principal or designee shall immediately notify the Superintendent or designee and law enforcement in accordance with the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.

A sign indicating smoking is prohibited in school buildings and on school grounds will be posted at each public entrance of a school building in accordance with **N.J.S.A. 26:3D-61** law. The sign shall also indicate violators are subject to a fine.

A student who violates the provisions of this Policy shall be subject to appropriate disciplinary measures in accordance with the district's Student Discipline/Code of Conduct and may be subject to fines in accordance with law. In the event a student is found to have violated this Policy and the law, the Principal or designee may file a complaint with the appropriate Municipal Court or other agency with jurisdiction as defined in N.J.A.C. 8:6-9.1(c).

A student found to have violated this Policy and the law may be required to participate in additional educational programs to help the student understand the harmful effects of smoking and to discourage the use of tobacco products. These programs may include, but are not limited to, counseling, smoking information programs, and/or smoking cessation programs sponsored by this school district or available through approved outside agencies.

The Board directs that the health curriculum include instruction in the potential hazards of the use of tobacco. All school staff members shall make every reasonable effort to discourage students from developing the habit of smoking.

The Board of Education will comply with any provisions of a municipal ordinance which provides restrictions on or prohibitions against smoking equivalent to, or greater than, those provided in N.J.S.A. 26:3D-55 through N.J.S.A. 26:3D-63.



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N.J.S.A. 2A:170-51.4

N.J.S.A. 2C:35-2

N.J.S.A. 18A:40A-1

N.J.S.A. 26:3D-55 through 26:3D-63

N.J.A.C. 6A:16-4.3

N.J.A.C. 8:6-7.2; 8:6-9.1 through 8:6-9.5

**A Uniform State Memorandum of Agreement Between Education and Law
Enforcement Officials – 2023 Revisions**

Adopted:



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[See POLICY ALERT Nos. 188, 199, 215, and 234]

R 5533 STUDENT SMOKING

The Board of Education is committed to maintaining a smoke-free environment on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Education. The school administration and all school staff members shall strictly enforce this smoking prohibition and will work together to ensure students do not smoke in violation of Board Policy 5533 and N.J.S.A. 26:3D-56 the law.

A. Notice Provisions

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

B. Reporting Procedures

1. Any teaching staff member who observes a student smoking in violation of Policy 5533 shall inform the student to cease smoking and report the violation to the Principal or designee.
2. Any support staff member who observes a student smoking in violation of Policy 5533 shall either inform a teaching staff member, who shall report the violation to the Principal or designee or the support staff member may report the violation directly to the Principal or designee.
3. The Principal or designee will investigate each report received from a staff member and make a determination whether the student has violated Board Policy 5533.



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4. In the event there is reasonable suspicion to believe a confiscated electronic smoking device is being used as a nexus for marijuana or other controlled dangerous substances or cannabis, the Principal or designee shall notify law enforcement in accordance with the district's Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials and follow the procedure outlined in Regulation 5530.

C. Violation Consequences

1. In the event the Principal or designee determines a student has violated Policy 5533, the student will be assigned appropriate discipline in accordance with the **district's school's Student Discipline/Code of Conduct**.
2. The Principal or designee will notify the student's parent(s) or ~~legal guardian(s)~~ when discipline is being imposed for a violation of Policy 5533.

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Electronic Surveillance In School Buildings
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[See POLICY ALERT Nos. 177, 214, and 234]

7441 ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS

The Board of Education authorizes the use of electronic surveillance systems in school buildings and on school grounds to enhance the safety and security for school district staff, students, community members, and other building occupants and to protect the school district's buildings and grounds.

The content produced by the surveillance system under certain circumstances may be considered a student record and if so it will be subject to the Board of Education policy and regulation regarding confidential student records. If the content of the surveillance system becomes the subject of a disciplinary proceeding, it shall be treated like other evidence in the proceeding.

In accordance with the provisions of N.J.S.A. 18A:41-9, if at least one school building of the school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board of Education shall enter into a Memorandum of Understanding (MOU) with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video **during an emergency situation**. The MOU shall include the provisions of N.J.S.A. 18A:41-9 and any additional information required by law enforcement officials. In the event the parties to the MOU are unable to reach an agreement regarding any provision required to be included in the MOU as per N.J.S.A. 18A:41-9a, the County Prosecutor shall make the final determination regarding that provision. Nothing in N.J.S.A. 18A:41-9 shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site from a school building that does not have the ability to have live streaming video.

The Board of Education shall post signage in a prominent, public place in buildings and on school grounds where electronic surveillance equipment may be used.



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In addition to posting, the district shall notify school staff members, parent(s), and students that electronic surveillance may be used in school buildings and on school grounds through publication in student and staff handbooks, school calendars, notice sent home with students, or any other effective means to publish the district's use of electronic surveillance equipment in school buildings and on school grounds.

N.J.S.A. 18A:41-9

**A Uniform State Memorandum of Agreement Between Education and Law
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[See **POLICY ALERT** Nos. 177, 214, and 234]

R 7441 ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS

In order to enhance a safe and secure environment, the Board authorizes electronic surveillance devices to be used in school district buildings and on school grounds.

A. Recording and Notice

1. Surveillance devices may include, but are not limited to, sound/video cameras, audio recording devices, and other appropriate devices.
2. Recordings may be used to monitor and observe the conduct of school district staff, students, community members, and other person(s) in school buildings or on school grounds.
3. Signage will be posted in a prominent public place in school buildings and on school grounds where electronic surveillance equipment may be used.

B. Student Records and Notice

School district personnel will comply with the provisions of applicable law regarding student record requirements including the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA). Recordings considered for retention, as a part of a student's behavioral record, will be maintained in accordance with established student record procedures governing access, review, and release of student records.

C. Staff Records and Notice

1. Recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations, applicable law, and any labor agreements governing access, review, and release of employee personnel records.



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2. The district will provide notice to students, parent(s), and school staff members that surveillance devices may be used in school buildings and on school grounds.

D. Storage/Security

1. All recordings will be stored by the Superintendent or designee and secured to ensure confidentiality.
2. Recordings will be retained in accordance with the New Jersey Department of the Treasury – Records Management Services – Records Retention Schedules and will be erased or discarded, unless there is a legitimate reason for retaining such recording for review, upon receiving prior authorization from Records Management Services.

E. Use

1. The determination of the location of surveillance devices shall be made by the Superintendent or designee.
2. Tampering with or otherwise interfering with surveillance equipment is prohibited. Any individual found tampering with equipment shall be subject to discipline.

F. Viewing or Listening

1. Initial viewing or listening to recordings will be done by the **District School Safety Coordinator (Building Principal or designee, Superintendent of Schools or designee, Other - Specify).**
2. Requests for viewing or listening will be limited to persons with a direct interest in any proceedings, disciplinary or otherwise, resulting from the recordings, as deemed appropriate by the **District School Safety Coordinator (Building Principal or designee, Superintendent of Schools or designee, Other - Specify).**



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3. Only the portion of the recording concerning a specific incident will be made available for viewing.
 4. Viewing or listening to the recording will be permitted on school property or as otherwise required by law.
 5. All viewing will be in the presence of the District School Safety Coordinator (Building Principal or designee, Superintendent of Schools or designee, Other - Specify).
 6. A written log will be maintained by the District School Safety Coordinator (Building Principal or designee, Superintendent of Schools or designee, Other - Specify) of those viewing video recordings including date of viewing, reason for viewing, the date the recording was made, and the signature of the viewer.
 7. Video recordings remain the property of the school district and may be reproduced only in accordance with law, including applicable district student records policy and procedures and district personnel records policy, procedures and applicable labor agreements.
- G. Law Enforcement Memorandum of Understanding (MOU)
(N.J.S.A. 18A:41-9)
1. In accordance with the provisions of N.J.S.A. 18A:41-9, if at least one school building of the school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board of Education shall enter into a MOU with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video **during an emergency situation**. The MOU shall include, but need not be limited to, the following:
 - a. **A list of designated persons, including contact information, position, rank, and supervisor's contact information, of those who are authorized to activate the equipment to view the live streaming video. The list may be executed as a confidential attachment to the**



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~~MOU The designation of individuals who shall be
authorized to view live streaming video;~~

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- b. **Description of the emergency** The circumstances under which the designated individuals **could activate and would** view live streaming video; and
 - c. A detailed plan for preventing and detecting unauthorized access to live streaming video.
- 2. In the case of a school building that is located in a municipality in which there is no municipal police department, the Board shall enter into a MOU with an entity designated by the Superintendent of the State Police.
 - 3. In the event the district and law enforcement authority are unable to reach an agreement regarding any provision required to be included pursuant to G.1.a.-c. above, the County Prosecutor shall make the final determination.
 - 4. Nothing in N.J.S.A. 18A:41-9 shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site from a school building that is not equipped with such equipment.
- H. Purchase, Maintenance, Replacement of Equipment/Supplies
- 1. The School Business Administrator/Board Secretary or designee will be responsible for the purchase, maintenance, and replacement of all electronic surveillance devices.

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[See POLICY ALERT Nos. 231 and 234]

8500 FOOD SERVICES

The Board of Education shall make school lunch available to all students enrolled in a school in the district unless less than five percent of enrolled students in the school are Federally eligible for a free or reduced price lunch in accordance with N.J.S.A. 18A:33-4. School lunches made available pursuant to N.J.S.A. 18A:33-4 and this Policy shall meet minimum nutritional standards, established by the **United States Department of Agriculture (USDOA) Education**.

Free or reduced price breakfast and lunch, as required, shall be offered, under a school lunch program, school breakfast program, or a breakfast after the bell program, to all enrolled students who are determined to be Federally eligible for free or reduced price meals. As provided by N.J.S.A. 18A:33-4.a.(3) and N.J.S.A. 18A:33-14a.a.(2), any student who is eligible for a reduced price lunch and breakfast, pursuant to Federal income eligibility standards and criteria, shall not be required to pay for such lunch or breakfast. Free lunch or breakfast shall also be offered to each enrolled student who is Federally ineligible for free or reduced price meals, but who has an annual household income that is not less than one hundred and eighty-six percent, and not more than one hundred **and** ninety-nine percent, of the Federal poverty level, as determined pursuant to N.J.S.A. 18A:33-21b1.

A. **Definitions – N.J.S.A. 18A:33-3.2**

“Categorically eligible” means that a student is homeless, is a migrant child, is a runaway child, is a foster child, or is a Head Start child, as defined in 7 CFR Part 245, or is receiving assistance under the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Needy Families Program (TANF), the Food Distribution Program on Indian Reservations (FDPIR), or, to the extent that the USDOA authorizes the matching of Medicaid data to identify children who are eligible for free school meals, is a participant in the Medicaid program, and which student, by virtue of such status, is automatically eligible to be certified to receive free school meals under the National School Lunch Program or the Federal School Breakfast Program, without first submitting an application or being subject to the Federal income verification requirements established by 7 CFR Part 245.



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“Eligible student” means a student who is categorically eligible or income-eligible for one or more subsidized school meals.

“Emergency meals distribution program” means a program, established under N.J.S.A. 18A:33-27.2, pursuant to which a school district is required to provide subsidized school meals to eligible students, through designated distribution sites, during any period in which a school in the district is subject to a public health-related closure due to the COVID-19 pandemic.

“Federal School Breakfast Program” means the Federal reimbursement program, established under the “Child Nutrition Act of 1966,” 42 USC s.1771 et seq., pursuant to which the USDOA is authorized to provide grants-in-aid and other assistance to the States, as may be necessary to help finance the establishment, maintenance, operation, and expansion of school breakfast programs and facilitate the provision of free and reduced price breakfasts to eligible students.

“Federally eligible for free or reduced price meals” or “Federally eligible” means that a student is categorically eligible for free lunch under the National School Lunch Program or for free breakfast under the Federal School Breakfast Program, or that the student satisfies Federal income eligibility requirements, adopted by the USDOA pursuant to 7 CFR Part 245, as is necessary to Federally qualify for and receive free or reduced price lunch under the National School Lunch Program or free or reduced price breakfast under the Federal School Breakfast Program.

“Federally ineligible for free or reduced price meals” or “Federally ineligible” means that a student is not categorically eligible for, and fails to satisfy Federal income eligibility requirements, adopted by the USDOA pursuant to 7 CFR Part 245, as is necessary for the student to Federally qualify for and receive free or reduced price lunch under the National School Lunch Program or free or reduced price breakfast under the Federal School Breakfast Program.



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“Income-eligible” means that a student either satisfies Federal income eligibility requirements, adopted by the USDOA pursuant to 7 CFR Part 245, or satisfies State-level income eligibility requirements, set forth in N.J.S.A. 18A:33-4.a. or N.J.S.A. 18A:33-14a.a., as is necessary for the student to qualify for and receive subsidized lunch under the National School Lunch Program or subsidized breakfast under the Federal School Breakfast Program, on the basis of income.

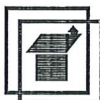
“Low-income family” means a family with an annual household income amounting to not more than one hundred and eighty-five percent of the Federal poverty level.

“Middle-income family” means a family with an annual household income amounting to not less than one hundred and eighty-six percent, and not more than two hundred and twenty-four percent, of the Federal poverty level.

“National School Lunch Program” means the Federal reimbursement program established under the “Richard B. Russell National School Lunch Act,” 42 USC 1751 et seq., pursuant to which the USDOA is authorized to provide grants-in-aid and other assistance to the States, as may be necessary to help finance the establishment, maintenance, operation, and expansion of school lunch programs and facilitate the provision of free and reduced price lunches to eligible students.

“Participating school” means a public or nonpublic school that provides daily lunch to enrolled students, through a school lunch program operated pursuant to the National School Lunch Program, or that provides daily breakfast to enrolled students, through a school breakfast program or breakfast after the bell program operated pursuant to the Federal School Breakfast Program, or both.

“Participating school district or nonpublic school” means a public school district or a nonpublic school that is required, or elects, to participate in the National School Lunch Program, the Federal School Breakfast Program, or both, as the case may be.



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“School breakfast program” means a program that is established and operated by a public or nonpublic school, in accordance with the requirements of the Federal School Breakfast Program and, in the case of a public school, in accordance with a plan adopted pursuant to N.J.S.A. 18A:33-10 or N.J.S.A. 18A:33-10.1, and pursuant to which the school offers daily breakfasts to all enrolled students.

“School lunch program” means a program that is established and operated by a school district, or by a nonpublic school, in accordance with the requirements of the National School Lunch Program and the provisions of N.J.S.A. 18A:33-4, and pursuant to which the district or nonpublic school offers daily lunches to all students enrolled therein.

“Student” means a child eighteen years of age or younger who is enrolled at a school in the State.

“Subsidized school breakfast” or “subsidized breakfast” means a school breakfast that is offered to an eligible student, free of charge, and the costs of which are reimbursed by the State or Federal government, as provided by N.J.S.A. 18A:33-14a.a. and b.

“Subsidized school lunch” or “subsidized lunch” means a school lunch that is offered to an eligible student, free of charge, and the cost of which is reimbursed by the State or Federal government, as provided by N.J.S.A. 18A:33-14a.a. and b.

“Subsidized school meals” or “subsidized meals” includes both subsidized school breakfasts and subsidized school lunches.

“Subsidized school meals application” means an application that identifies a student’s annual household income and is completed by the student’s parent, pursuant to N.J.S.A. 18A:33-21b1, N.J.S.A. 18A:33-21.c., or applicable Federal law, and which may be used by a school district, or by a public school or nonpublic school, both for the purposes of determining whether a student is income-eligible for subsidized school meals and for the other limited purposes specified in N.J.S.A. 18A:33-21b1.c.



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“Subsidized school meals certification process” or “subsidized meals certification” means the process pursuant to which a school or school district obtains and reviews a student’s subsidized school meals application, or engages in the review of other relevant documentation and materials pertaining to the student, as necessary to determine whether the student is categorically eligible or income-eligible for subsidized school meals under the National School Lunch Program, or under the Federal School Breakfast Program, or both.

“Summer Food Service Program” means the Federal reimbursement program, established under 42 USC 1761 and 7 CFR Part 225, pursuant to which the USDOA is authorized to provide grants-in-aid and other assistance to the States, as may be necessary to help schools, local government agencies, nonprofit organizations, colleges and universities, and summer camps to finance the administrative and operational costs of providing meals to children, in low-income areas, during the summer months and other planned periods of school closure.

“Summer meals program” means the Summer Food Service Program, the Seamless Summer Option authorized by 42 USC 1761, or any other similar State or Federal program that is designed to ensure that children have access to nutritious meals during the summer months and other planned periods of school closure.

“Unsubsidized school breakfast” or “unsubsidized breakfast” means a school breakfast that is offered, upon the payment of a fee, to a student who is neither categorically eligible nor income-eligible for subsidized breakfast, regardless of whether such student remains income-eligible for subsidized school lunch under the provisions of N.J.S.A. 18A:33-4, and the cost of which breakfast is not reimbursable by the State or Federal government.

“Unsubsidized school lunch” or “unsubsidized lunch” means a school lunch that is offered, upon the payment of a fee, to a student who is not categorically eligible or income-eligible for subsidized lunch, and the cost of which is not reimbursable by the State or Federal government.



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- BA.** Breakfast Program – N.J.S.A. 18A:33-10; 18A:33-10.1; 18A:33-11; 18A:33-11.1; 18A:33-11.3; 18A:33-14a.

If twenty percent or more of the students enrolled in a school in the district on October 1 of the preceding school year were Federally eligible for free or reduced price meals under the National School Lunch Program or the Federal School Breakfast Program, the district shall establish a school breakfast program in the school in accordance with the provisions of N.J.S.A. 18A:33-10.

Notwithstanding the provisions of N.J.S.A. 18A:33-10 to the contrary, if ten percent or more of the students enrolled in a school in the district on October 1 of the preceding school year were Federally eligible for free or reduced price meals under the National School Lunch Program or the Federal School Breakfast Program the district shall establish a breakfast program in accordance with the provisions of N.J.S.A. 18A:33-10.1.

If seventy percent or more of the students enrolled in a school in the district on or before the last school day before October 16 of the preceding school year were Federally eligible for free or reduced price meals under the National School Lunch Program or the Federal School Breakfast Program, the district shall establish a breakfast after the bell program pursuant to N.J.S.A. 18A:33-11.3.

In accordance with N.J.S.A. 18A:33-11, in implementing a school lunch program, pursuant to N.J.S.A. 18A:33-4 et seq., a school breakfast program, pursuant N.J.S.A. 18A:33-9 et seq., or N.J.S.A. 18A:33-10.1, or a breakfast after the bell program, pursuant to N.J.S.A. 18A:33-11.1 or N.J.S.A. 18A:33-11.3, **each school and** the district shall:

1. Publicize, to parents and students, the availability of the respective school meals program, as well as the various ways in which a student may qualify to receive **subsidized school** ~~free or reduced price~~ meals under the program, as provided by N.J.S.A. 18A:33-4 and N.J.S.A. 18A:33-14a.;
2. Make every effort to ensure that ~~subsidized~~ students **receiving subsidized school meals** are not **identified** ~~recognized as program participants~~, by the student body, faculty, or staff, in a manner that



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is **distinct** ~~different~~ from the manner in which ~~unsubsidized~~ students **receiving unsubsidized school meals** are **identified** ~~recognized~~ as program participants. Such efforts shall include, but need not be limited to, the establishment of a neutral meal plan or voucher system that does not make a distinction between **these two groups of** ~~subsidized and unsubsidized~~ students; and

3. **To the greatest extent practicable** ~~Make every effort to:~~
 - a. Facilitate **and expedite** the prompt and accurate identification of categorically eligible students who may be certified to **receive** ~~participate in the program, on a~~ subsidized **school meals** basis, without first submitting an application therefore, and, whenever an application is required to establish **income** eligibility for subsidized meals, encourage students and their families to submit a subsidized school meals application for that purpose;
 - b. Facilitate and expedite, ~~to the greatest extent practicable,~~ the subsidized school meals application and income-eligibility determination processes that are used, by the **school or school** district, to certify a student for **subsidized** ~~free or reduced-price~~ school meals on the basis of income, and assist parents in completing the **subsidized** school meals application; and
 - c. Encourage students who are neither categorically eligible nor income-eligible for ~~free or reduced-price~~ **subsidized** school **lunch or subsidized school breakfast** meals to nonetheless participate, **in the school lunch program or school breakfast program, or both, as appropriate,** on a paid and unsubsidized basis, ~~in the program.~~

If the district participates in the Federal School Breakfast Program, the district is encouraged to increase the number of students participating in the program by establishing a breakfast after the bell program that incorporates school breakfast into the first-period classroom or the first few minutes of the school day pursuant to N.J.S.A. 18A:33-11.1.



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Pursuant to N.J.S.A. 18A:33-14a., school breakfasts made available to students under a school breakfast program or a breakfast after the bell program shall meet minimum nutritional standards, established by the ~~USDOA New Jersey Department of Education~~.

The State of New Jersey shall provide funding to each school in the district if the school operates a School Breakfast Program or a breakfast after the bell program, as may be necessary to reimburse the costs associated with the school's provision of free breakfasts, pursuant to N.J.S.A. 18A:33-14a.b., to students who are Federally ineligible for free or reduced price meals.

- CB.** Summer Food Service Program – N.J.S.A. 18A:33-23; 18A:33-24; 18A:33-25; 18A:33-26

In accordance with N.J.S.A. 18A:33-24, if fifty percent or more of the students enrolled in the school district on or before the last school day before October 16 of the preceding school year were Federally eligible for free or reduced price meals under the National School Lunch Program or the Federal School Breakfast Program, the district shall become a sponsor or site under the Federal Summer Food Service Program or apply for a waiver pursuant to N.J.S.A. 18A:33-26.

In accordance with N.J.S.A. 18A:33-23, the district shall notify each student enrolled **in the school district** and the student's parent of the availability of, and criteria of eligibility for, the summer meals program and the locations in the district where the summer meals are available. The district shall provide this notification by distributing flyers provided by the New Jersey Department of Agriculture (**NJDOA**) pursuant to ~~subsection~~ N.J.S.A. 18A:33-23.c. The district may also provide electronic notice of the information through the usual means by which the district communicates with parents and students electronically.

Pursuant to N.J.S.A. 18A:33-26.a., the ~~NJDOA New Jersey Department of Agriculture~~ may grant a waiver of the requirements of N.J.S.A. 18A:33-24 et seq. To be granted a waiver, the district must show that it lacks the staff, facilities, or equipment to sponsor the Federal Summer Food Service Program, or the means to finance the hiring or acquisition of



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such staff, facilities, or equipment. The ~~NJDOA New Jersey Department of Agriculture~~ also may grant a waiver for one year to the district if a different sponsor currently runs the Federal Summer Food Service Program within the district's community.

Pursuant to N.J.S.A. 18A:33-26.b., **when requesting a waiver pursuant to N.J.S.A. 18A:33-26.a.**, the district shall report to the ~~NJDOA New Jersey Department of Agriculture~~, in the manner prescribed by the ~~NJDOA New Jersey Department of Agriculture~~, its reasons for requesting a waiver of the requirements of N.J.S.A. 18A:33-24 ~~et seq.~~ The report shall include, but need not be limited to, a description of the specific impediments to implementing the program and actions that could be taken to remove those impediments or, where applicable, the identification of the sponsor that currently runs the program within the same community.

DC. Information Provided to Parents Regarding the National School Lunch Program and the Federal School Breakfast Program – N.J.S.A. 18A:33-21b1

1. At the beginning of each school year, or upon initial enrollment, in the case of a student who enrolls during the school year, the **participating** school **district** shall provide each student's parent with:
 - a. **A hard copy of information on the National School Lunch Program and the Federal School Breakfast Program, including, but not limited to:**
 - (1) **Information on the ability availability of all categorically eligible and income-eligible students to receive free school lunch under the National School Lunch Program, as provided by N.J.S.A. 18A:33-4.a., and free school breakfast under the Federal School Breakfast Program, as provided by N.J.S.A. 18A:33-14a.a. or reduced price meals for eligible students;**



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- (2) Information on the **subsidized school meals** application and **certification determination** processes that are used to **determine whether a student is categorically eligible or income-eligible** ~~certify eligible students~~ for subsidized school meals; and;
 - (3) Information highlighting the need for parents to complete a subsidized school meals application for each student, and encouraging parents to complete the application, both to ensure that the student will have access to all subsidized school meals for which the student is eligible and to ensure that the school and the district have the necessary information to facilitate relevant eligibility determinations, receive appropriate reimbursement, and engage in all other activities authorized under N.J.S.A. 18A:33-21b1.c.; and
 - (4) Information on the rights that are available to students and their families under N.J.S.A. 18A:33-21b1 and N.J.S.A. 18A:33-21; and
- b. A **hard copy of a subsidized school meals application form**, as well as instructions for completing the application, and, as necessary, assistance in completing the application.
- 2. The school meals information and application provided to parents, pursuant to N.J.S.A. 18A:33-21b1.a. shall:
 - a. Be communicated in a language that the parent understands;
 - b. Specify the limited purposes for which collected personal data may be used, as provided by N.J.S.A. 18A:33-21b1.c.; and



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- c. **Include a notice that an application to apply for the school lunch and school breakfast programs may be submitted at any time during the school year and is required to be submitted annually** ~~Be submitted to the parent either in writing or electronically. In the latter case, the school district shall use the usual means by which it communicates with parents electronically.~~

The district may also provide the information and application electronically, through the usual means by which the district electronically communicates with parents.

- 3. A **subsidized** school meals application that is completed by a parent shall be confidential, and shall not be used or shared by the student's school or school district, except as may be necessary to:
 - a. Determine whether a student identified in the application is **income-eligible** for free or reduced price school meals **and, if so, whether the student satisfies Federal or State-level income eligibility requirements for subsidized school lunches, subsidized school breakfasts, or both;**
 - b. Determine whether the school or school district is required, by N.J.S.A. 18A:33-11.3 or by N.J.S.A. 18A:33-24, to establish a breakfast after the bell program; or to participate as a sponsor or site in the Federal Summer Meals Service Program;
 - c. Ensure that the school receives appropriate reimbursement, from the State and Federal governments, for **subsidized school meals served** ~~provided~~ to eligible students, free of charge, through a school lunch program, a school breakfast program, a breakfast after the bell program, a summer meals program, or an emergency meals distribution program; and
 - d. Facilitate school aid determinations under the "School Funding Reform Act of 2008," N.J.S.A. 18A:7F-43 et seq.



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4. The school district shall require the parent to either submit an application to apply for the school lunch and school breakfast programs or submit a signed card provided by the school district indicating that the parent has received the application and information and is not interested in participating in the school lunch and school breakfast programs. The card shall include a notice stating that a parent may submit an application to apply for the school lunch and school breakfast programs at any time during the school year.

If a school district does not receive an application or a signed card from the parent, the school district shall make at least one attempt to contact the student's parent and request that the parent submit either an application or signed card.

5. The provisions of N.J.S.A. 18A:33-21b1 shall not apply in the case of a school which participates in the Community Eligibility Provision.

ED. Free or Reduced Price Meals' Application Process – 7 CFR 245

School meals applications shall be reviewed in a timely manner. An eligibility determination will be made, the family will be notified of its status, and the status will be implemented as soon as possible within ten operating days of receipt of the completed application pursuant to 7 CFR 245.6(c)(6). **“Operating days” mean days that reimbursable meals are offered to eligible students under the National School Lunch Program or School Breakfast Program.** Any student found eligible shall be offered free or reduced price meals or free milk immediately upon the establishment of their eligibility and shall continue to receive such meals during the pendency of any inquiry regarding their eligibility in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, ~~NJDOA New Jersey Department of Agriculture~~. Carry-over of previous year's eligibility for students shall be in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, ~~NJDOA New Jersey Department of Agriculture~~.



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In accordance with 7 CFR 245.6(c)(1) and (2), eligibility for free or reduced price meals, as determined through an approved application or by direct certification, must remain in effect for the entire school year and for up to thirty operating days in the subsequent school year. Prior to the processing of an application or the completion of direct certification procedures for the current school year, children from households with approved applications or documentation of direct certification on file from the preceding year, shall be offered reimbursable free and reduced price meals, as appropriate.

In accordance with 7 CFR 245.6(c)(6)(iii), children from households that notify the local educational agency that they do not want free or reduced price benefits must have their benefits discontinued as soon as possible.

Pursuant to 7 CFR 245.6(c)(7), if the district receives an incomplete school meals application or a school meals application that does not meet the eligibility criteria for free or reduced priced benefits, the school meals application must be denied. The district shall document and retain the denied school meals application and reasons for ineligibility for three years in accordance with 7 CFR 245.6(e).

In accordance with 7 CFR 245.6(c)(7), parents of students who are denied benefits must receive prompt, written notification of their denial. The notification may be provided by mail or e-mail to the individual who signed the school meals application. Posting the denial on the "notification" page of an online system does not meet this requirement. Likewise, informing the parent of denial via telephone does not meet this requirement. If the district uses an automated telephone information system to notify parents of denied benefits, the district must also provide the parents with written notification of the denial. The notification must provide the: reason for denial of benefits; right to appeal; instructions on how to appeal; and ability to reapply for free and reduced price benefits at any time during the school year.

In accordance with 7 CFR 245.6(e), the district shall record the eligibility determination and notification in an easily referenced format. The record shall include the: denial date; reason for denial; date the denial notice was sent; and signature or initials of the determining official (may be electronic, where applicable).



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Any parents of students who have benefits that are to be reduced or terminated must be given ten calendar days' written notice of the change prior to the date the change will go into effect pursuant to 7 CFR 245.6a(j). The first day of the advance notice period shall be the day the notice is sent. The notice of adverse action may be sent via mail or to the e-mail address of the parent. The district cannot notify the household of adverse action by phone only.

Pursuant to 7 CFR 245.6a(j), the notice of adverse action must advise the parents of: change in benefits; reasons for the change; an appeal must be filed within the ten calendar days advance notice period to ensure continued benefits while awaiting a hearing and decision; instructions on how to appeal; and the parents may reapply for benefits at any time during the school year.

If the district participates in any National School Lunch Program, School Breakfast Program, or provides free milk under the Special Milk Program, the district shall submit to the **NJDOA** ~~New Jersey Department of Agriculture~~ a free and reduced price policy statement pursuant to 7 CFR 245.10.

In accordance with 7 CFR 245.1(b), the district shall avoid any policy or practice leading to the overt identification of students receiving free or reduced price meal benefits. Overt identification is any action that may result in a child being recognized as potentially eligible for or certified for free or reduced price school meals. Unauthorized disclosure or overt identification of students receiving free and reduced price meal benefits is prohibited. The district shall ensure that a child's eligibility status is not disclosed at any point in the process of providing free and reduced price meals, including: notification of the availability of free and reduced price benefits; certification and notification of eligibility; provision of meals in the cafeteria; and the point of service. In addition, the district shall ensure students who receive free and reduced price benefits are not overtly identified when they are provided additional services under programs or activities available to low-income students based on their eligibility for free and reduced price meals.



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Pursuant to 7 CFR 245.2, disclosure means revealing or using individual student's program eligibility information obtained through the free and reduced price meal or free milk eligibility process for a purpose other than the purpose for which the information was obtained. Disclosure includes, but is not limited to, access, release, or transfer of personal data about students by means of print, tape, microfilm, microfiche, electronic communication, or any other means. It includes eligibility information obtained through the school meals application or through direct certification.

If the district accepts both cash and electronic payments, the district shall ensure students are not overtly identified through the method of payment pursuant to 7 CFR 245.8(b). To the maximum extent practicable, the district must ensure the sale of non-program foods and the method of payment for non-program foods do not inadvertently result in students being identified by their peers as receiving free and reduced price benefits.

The School Business Administrator/Board Secretary or designee will verify applications of those eligible for free or reduced price meals in accordance with the requirements of the Division of Food and Nutrition, School Nutrition Programs, ~~NJDOA New Jersey Department of Agriculture~~.

FE. Meal Charge Program – N.J.S.A. 18A:33-21

Option – Select One Option Below

[Option 1

— The Board of Education does not permit a student in the school district to charge for breakfast or lunch.]

[Option 2

— The Board of Education provides a meal charge program to permit unsubsidized students in the district to charge for breakfast or lunch. Collection of any payment for a meal charge program account that is in arrears shall be addressed in accordance with provisions of this Policy.



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~~“Unsubsidized student” means a student who is neither categorically eligible nor income-eligible for free or reduced price school meals, and who is, consequently, required to pay for any such meals that are served to the student under the National School Lunch Program or the Federal School Breakfast Program.~~

The Board of Education recognizes a student may not have breakfast or lunch (meal), as applicable, or money to purchase an **unsubsidized school breakfast or school lunch meal** at school on a school day causing the student’s **unsubsidized school breakfast or unsubsidized school lunch bill meal-charge account** to fall into arrears. The **participating school district** shall contact the student’s parent to provide notice of the arrearage and shall provide the parent with a period of ten school days to pay the amount due. If the student’s parent has not made full payment by the end of the designated ten school day period, then the **participating school district** shall again contact the student’s parent to provide notice of any action to be taken ~~by the school district~~ in response to the arrearage.

A parent who has received a second notice their **student’s child’s unsubsidized school breakfast or unsubsidized school lunch meal bill** is in arrears and who has not made payment in full within one week from the date of the second notice may be requested to meet with the Principal or designee to discuss and resolve the matter.

A parent’s refusal to meet with the Principal or designee or take other steps to resolve the matter may be indicative of more serious issues in the family or household. However, when a parent’s routine failure to provide breakfast or lunch is reasonably suspected to be indicative of child neglect, the Principal or designee shall immediately report such suspicion to the Department of Children and Families, Division of Child Protection and Permanency as required in N.J.S.A. 9:6-8.10. Such reporting shall not be delayed to accommodate a parent’s meeting with the Principal or designee.

A **participating school district** shall report at least biannually to the ~~NJDOA New Jersey Department of Agriculture~~ the number and percentage of **enrolled students who have been** are denied school breakfast or school lunch **on the basis of an unsubsidized meal bill arrearage, pursuant to** ~~in accordance with~~ N.J.S.A. 18A:33-21.a.(2) and this Policy.



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Nothing in N.J.S.A. 18A:33-21 or this Policy shall be construed to:

1. ~~R~~require the **participating school** district to deny or restrict the ability of an ~~unsubsidized~~ student to access **unsubsidized** school breakfast or **unsubsidized** school lunch, **respectively, whenever** ~~when~~ the student's **unsubsidized** school breakfast or **unsubsidized** school lunch bill is in arrears; ~~or~~
2. **Authorize the participating school district to deny or restrict the ability of a student who is income-eligible for subsidized school lunch, but who is not income-eligible for subsidized school breakfast, to continue to access subsidized school lunch whenever the student's unsubsidized school breakfast bill is in arrears.**

The ~~participating school or~~ school district shall not:

1. Publicly identify or stigmatize ~~a an~~ **unsubsidized** student who cannot pay for an **unsubsidized** school breakfast or an **unsubsidized** school lunch or whose **unsubsidized** school breakfast or school lunch bill is in arrears; ~~(For example, by requiring the student to sit at a separate table, or by requiring that the student to wear a wristband, hand stamp, or identifying mark, or to accept by serving the student an alternative meal);~~
2. Require ~~a an~~ **unsubsidized** student, who cannot pay for an **unsubsidized** school breakfast or an **unsubsidized** school lunch or whose **unsubsidized** school breakfast or school lunch bill is in arrears to do chores or other work to pay for the **unsubsidized** school breakfast or **unsubsidized** school lunch;
3. Require ~~a an~~ **unsubsidized** student to discard an **unsubsidized** school breakfast or an **unsubsidized** school lunch after it has been served, **either** because of the student's ~~is~~ **unable inability** to pay for ~~the a~~ **unsubsidized** school breakfast or **unsubsidized** school lunch or because **the student's unsubsidized school breakfast or unsubsidized lunch bill is in arrears** ~~money is owed for previously provided meals;~~



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4. Prohibit ~~a an-unsubsidized student, or a sibling thereof of such a student,~~ from attending or participating in non-fee-based extracurricular activities, field trips, or school events, from receiving grades, official transcripts, or report cards, or from graduating or attending graduation events, solely because of the student's unresolved **breakfast or lunch meal** debt; or
5. Require ~~a student's the parent of an-unsubsidized student~~ to pay fees or costs in excess of the actual amounts owed for **unsubsidized school breakfasts or unsubsidized school lunches, or both, which have been meals** previously served to the student.

If ~~a an-unsubsidized student~~ owes money for the equivalent of five or more **unsubsidized** school meals, the Principal or designee **of the participating school district** shall:

1. Determine whether the student is ~~categorically eligible or income-eligible for subsidized school free or reduced-price meals,~~ by conducting a review of all available records related to the student, and by making at least two attempts, not including the initial attempt made pursuant to N.J.S.A. 18A:33-~~21b1-21.e.(2)~~, to contact the student's parent and have the parent **complete** ~~fill out~~ a **subsidized** school meals application; and
2. Contact the **student's parent** ~~of the unsubsidized student~~ to:
 - a. ~~Offer~~ assistance with respect to the completion of the **subsidized** school meals application; and
 - b. ~~to Determine whether~~ if there are other issues in the household that have caused the student to have insufficient funds to purchase an **unsubsidized** school breakfast or **unsubsidized** school lunch, **as the case may be**; and ~~to~~
 - c. ~~Offer~~ any other appropriate assistance.



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The **participating** school district shall direct communications about a student's **unsubsidized** school ~~breakfast or school lunch bill being in meals arrearage~~ arrears to the parent and not to the student. Nothing in N.J.S.A. 18A:33-21 shall prohibit the **participating** school district from sending a student home with a letter addressed to a parent.

Notwithstanding the provisions of N.J.S.A. 18A:33-21 and the provisions of any other law, rule, or regulation to the contrary, ~~a an unsubsidized~~ student shall not be denied access to a school meal, regardless of the student's ability to pay or the status of the student's meal arrearages, during any period of time in which the **participating** school district is making a determination, pursuant to N.J.S.A. 18A:33-21.c., as to whether the student is eligible for, and can be certified to receive, **subsidized school free or reduced-price** meals.

If the student's meal bill is in arrears, but the student has the money to purchase a meal on a subsequent school day, the student will be provided a meal with payment and the food service program will not use the student's payment to repay previously unpaid charges if the student intended to use the money to purchase that school day's meal.

Students receiving free meals will not be denied a meal even if they accrued a negative balance from other purchases in the cafeteria.

The school district may post this Policy on the school district's website provided there is a method in place to ensure this Policy reaches all households without access to a computer or the Internet.]

GF. Provision of Meals to Homeless Children – N.J.S.A. 18A:33-21c.

The district's liaison for the education of homeless children shall coordinate with district personnel to ensure that a homeless student receives free school meals and is monitored according to district policies pursuant to N.J.S.A. 18A:33-21c.



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HG. Provision of School Meals During Period of School Closure – N.J.S.A. 18A:33-27.2

Whenever ~~In the event~~ the Board **receives** ~~is provided~~ a written directive, **from** ~~by~~ either the New Jersey Department of Health or the health officer of the jurisdiction, **instituting** ~~to institute~~ a public health-related **school** closure due to the COVID-19 epidemic, the district **having jurisdiction over the closed school** shall implement **and operate an emergency school meals distribution** a program; during the period of the school closure, ~~to~~. **An emergency school meals distribution program implemented pursuant to N.J.S.A. 18A:33-27.2 shall provide for subsidized school meals to be made available,** at meal distribution sites designated pursuant to N.J.S.A. 18A:33-27.2.b., to all students enrolled in the district who are either categorically eligible or income-eligible **therefor** ~~for free or reduced-price school meals~~.

In order to facilitate the emergency distribution of subsidized school meals in the event of an emergency **public school** closure, as described in N.J.S.A. 18A:33-27.2.a., **each** the district shall identify one or more school meal distribution sites that are walkable and easily accessible to students in the district. The district shall collaborate with county and municipal government officials in identifying appropriate **distribution sites including** ~~. A school meals distribution site may include,~~ but need not be limited to: faith-based locations; community centers, such as YMCAs; and locations in the district where meals are made available through a summer meals program. In a district that includes high density housing, the district shall make every effort to identify **an emergency school meals distribution site** in that housing area.

The district shall identify students enrolled in the district who are categorically eligible or income-eligible for **subsidized school lunch, subsidized school breakfast, or both** ~~free or reduced-price meals~~, and for whom **an emergency school meal distribution site**, identified pursuant to N.J.S.A. 18A:33-27.2.b., is not within walking distance. In the case of these students, the district shall distribute the **subsidized school meals** to the student's residence or to the student's bus stop along an established bus route, provided that, **in the latter case**, the student or the student's parent **shall be** ~~is~~ present at the bus stop **to accept** ~~for~~ the distribution. **Distributions made** ~~Food distributed~~ pursuant to N.J.S.A. 18A:33-27.2.c. may include up to a total of three school days' worth of food per delivery.



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The district may use school buses owned and operated by the district to distribute **subsidized** school meals pursuant to N.J.S.A. 18A:33-27.2. If the district does not own and operate its own buses, the district may **enter into a contract authorizing another party to engage in for the emergency distribution of subsidized school meals, on the district's behalf, pursuant to N.J.S.A. 18A:33-27.2, and any such** these contracts shall ~~not~~ be **exempt from** subject to the public bidding requirements established pursuant to the "Public School Contracts Law," N.J.S.A. 18A:18A-1 et seq.

The district shall collaborate, as feasible, with other districts and with local government units **when implementing an to implement the** emergency meals distribution program, **pursuant to as required by** N.J.S.A. 18A:33-27.2, in order to promote administrative and operational efficiencies and cost savings.

School lunches and breakfasts that are made available, through an emergency meals distribution program operating pursuant to N.J.S.A. 18A:33-27.2, shall be provided to eligible students, free of charge, in accordance with the provisions of N.J.S.A. 18A:33-4.a. and N.J.S.A. 18A:33-14a.a.

IIH. Statement of Compliance

All food service programs shall be operated pursuant to 7 CFR 245, as appropriate, and this Policy.

N.J.S.A. 18A:18A-42.1; 18A:33-4; 18A:33-5; 18A:33-10;
18A:33-10.1; 18A:33-11; 18A:33-11.1; 18A:33-11.2;
18A:33-11.3; 18A:33-14a.; 18A:33-21; 18A:33-21a.;
18A:33-21b1; 18A:33-21c.; 18A:33-23; 18A:33-24;
18A:33-25; 18A:33-26; 18A:33-27.2; 18A:58-7.1;
18A:58-7.2

N.J.A.C. 2:36

N.J.A.C. 6A:23-2.6 et seq.

N.J.A.C. 8:24-2.1 through 7.5

7 CFR 210.1 et seq.

Adopted:



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[See **POLICY ALERT No. 234**]

9163 SPECTATOR CODE OF CONDUCT FOR INTERSCHOLASTIC EVENTS

The Board of Education promotes a physically and emotionally safe and healthy playing environment at interscholastic events and insists good sportsmanship be exhibited at all times by student athletes, coaches, officials, and spectators at such events.

The New Jersey State Interscholastic Athletic Association (NJSIAA) requires the Board to establish policies and procedures relating to sportsmanship and to identify responsibilities of administrators, coaches, and students to ensure their observance. The NJSIAA requires the Board to adopt a Spectator Code of Conduct Policy for all spectators attending an interscholastic event.

The district's high school(s) is a member school of the NJSIAA. The NJSIAA and the Board require high standards of courtesy, fair play, and sportsmanship be featured at school district and NJSIAA interscholastic events. Unsportsmanlike conduct by a person at an event shall subject the individual to disciplinary action.

For the purpose of this Policy, a "home event" shall mean any event occurring in the school district's buildings or on school grounds.

For the purpose of this Policy, "school grounds" also includes other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of the land.

1. Unsportsmanlike conduct includes, but is not limited to, actions of a fan or spectator who:
 - a. Strikes or physically abuses an official, opposing coach, player, spectator, school staff member, or school security;
 - b. Intentionally incites participants or spectators to violent or abusive action;

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- c. Uses obscene gestures or profane or unduly provocative language or action toward officials, opponents, spectators, school staff members, or school security; or
- d. Engages in harassing verbal or physical conduct related to race, gender, ethnicity, disability, sexual orientation, or religion at an interscholastic event.

E. SPECTATOR/FAN IS ASKED TO BE REMOVED BY A OFFICIAL/UMPIRE/REFEREE-NEW

- 2. The Board prohibits unsportsmanlike conduct or actions by a spectator, which include, but are not limited to:
 - a. The use of profanity, threatening comments, or biased language before, during, or after an interscholastic event;
 - b. Verbal harassment of an official or participant (i.e., coaches or players from any participating school) by using names or uniform numbers;
 - c. Entering the field of play before, during, or after an interscholastic event;
 - d. Having a physical altercation with an official, coach, player, school staff, school security, or spectator before, during, or after an interscholastic event;
 - e. The use of artificial noisemakers or other instruments intended to disrupt the interscholastic event or distract the participants during an interscholastic event; or
 - f. Any additional unsportsmanlike conduct or actions determined by the Principal or designee to be unsportsmanlike conduct

or action.

- g. If the unsportsmanlike conduct involves a potential criminal act, the Principal or designee shall immediately contact law enforcement.

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3. Disciplinary Framework

- a. If the Principal or designee determines a person's conduct or actions are prohibited by this Policy, the person will be subjected to the following disciplinary actions:

(1) Immediate removal from the interscholastic event and school grounds;

(2) First Offense (365-day calendar starts)

- (a) Suspension from attending the next 1 home event(s) for the activity from which the person was immediately removed from school grounds.

(3) Second offense occurring within 365-day calendar days of the first offense

- (a) Suspension from attending the next 2 home event(s) for the activity from which the person was immediately removed from school grounds.

(4) Third offense occurring within 365-day calendar days of the first offense or beyond

- (a) Suspension from attending the remainder of the season home event(s) for the activity from which

the person was immediately removed from school grounds.

- (5) The Superintendent or designee upon consultation with the Principal or designee may increase the disciplinary actions outlined in this Policy, depending on the severity of the offense.

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- b. If it is determined by the Principal or designee that a person exhibited unsportsmanlike conduct at a home interscholastic athletic event, but was not immediately removed from the interscholastic event or from school grounds at the time of the prohibited conduct, the person shall be subject to the disciplinary actions outlined in this Policy.

[Districts may choose one or more of the following

options. Option 1

- c. In the event it is determined by the Principal or designee that a person exhibited unsportsmanlike conduct at an interscholastic event not held in a school district building or on school grounds (away event), the person shall be subject to the disciplinary actions outlined in this Policy.

Option 2

- c. In the event the suspension from an interscholastic event occurs on the last home event of the activity's season or the suspension exceeds the remaining home events remaining in the activity's season, including playoffs or team or individual championships, the suspension shall continue with the first home event of the same activity in the subsequent school year.

Option 3

- c. A person who has been suspended for more than 3 home interscholastic events within 2 months of the initial conduct that resulted in the person's first suspension from attending home interscholastic events may be suspended by the Principal or designee from attending additional home interscholastic events in excess of the suspension provisions in this Policy.]

ALL THREE OPTIONS ARE NEEDED.

THREE OPTIONS APPLY TO DIFFERENT SCENARIOS

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- d. A person suspended by the Principal or designee from attending more than 3 home interscholastic events for exhibiting conduct or actions that violate this Policy, regardless of the specific event or activity from which the person was suspended, shall be prohibited from attending any other home interscholastic events in the district's schools or on school grounds and shall be required to meet with the Principal or designee prior to being permitted to attend any additional home interscholastic events in the district's schools or on school grounds. The person shall be required to successfully complete an educational component as determined by the Principal or designee before the person is permitted to attend any future home events in school buildings or on school grounds. The educational component will include a program that addresses the unsportsmanlike conduct or actions that caused the person to be suspended from the interscholastic events.
- e. A person who does not comply with the suspension

requirements of this Policy or refuses to immediately leave the school building or school grounds for violating the provisions of this Policy may be reported to law enforcement to be removed from the school building or from school grounds.

4. Appeals

- a. A person may appeal the decision of the Principal or designee to the Superintendent of Schools by submitting a written appeal to the Superintendent within three calendar days after receiving notice of the suspension from the event by the Principal or designee. The Superintendent shall make a decision on the written appeal within three business days upon receiving the written appeal. The Superintendent's decision may be appealed to the Board in accordance with the Board appeal provisions in Policy and Regulation 9130 – Public Complaints and Grievances.

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This Policy shall be provided to the parent(s) of student-athletes participating in interscholastic programs in the district. The parent(s) shall be required to sign a document acknowledging receipt of this Policy and acknowledging their understanding of the provisions of this Policy. This document shall be provided to the parent(s) during the high school's sports registration process before each season.

This Policy shall be made available to NJSIAA staff upon request. NJSIAA staff may share a copy of this Policy with another member school when appropriate.

A list of unsportsmanlike conduct or actions will be posted at all venues hosting school district events to the extent reasonably possible.

Failure of a member school to enforce the provisions of this Policy may result in discipline by the NJSIAA. In addition to the penalties set forth by NJSIAA, a school that does not enforce its Policy may be prohibited by NJSIAA from hosting an NJSIAA State tournament event.

NJSIAA Spectator Code of Conduct Policy – Revised, May 8, 2024 Adopted:

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[See **POLICY ALERT Nos. 227 and 234**]

9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES

The Board of Education recognizes that keeping students and staff safe and helping children understand and respect the law is best served by a close and cooperative relationship with local law enforcement.

The Board adopts this Policy and Regulation 9320 in accordance with N.J.A.C. 6A:16-6.1. to ensure cooperation between school staff and law enforcement authorities in all matters relating to the unlawful possession, distribution and disposition of controlled dangerous substances **or other drugs**, including anabolic steroids, as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, drug paraphernalia as defined in N.J.S.A. 2C:36-1, alcoholic beverages; firearms, as defined in N.J.S.A. 2C:39-1.f.; and other deadly weapons as defined in N.J.S.A. 2C:39-1.r.

The Board adopts Policy and Regulation 9320 in accordance with N.J.A.C. 6A:16-6.1. to ensure cooperation between school district staff and law enforcement authorities in all matters relating to the planning and conduct of law enforcement activities and operations occurring on school grounds, including arrest procedures, undercover school operations, and mandatory reporting the offenses listed in the Memorandum of Agreement between Education and Law Enforcement Officials (MOA).

The Superintendent or designee shall institute a program of such communication and cooperation with law enforcement in accordance with N.J.A.C. 6A:16-6.1.

This Policy and Regulation 9320 shall be submitted for review and approval to the Executive County Superintendent in accordance with N.J.A.C. 6A:16-6.2(a)2.

The Superintendent or designee shall annually review the MOA as adopted by the Board to ensure this Policy and Regulation 9320 are in accordance with the requirements outlined therein.

N.J.A.C. 6A:16-6.1.; 6A:16-6.2; 6A:16-6.4.

Adopted:



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[See **POLICY ALERT** Nos. 227 and 234]

R 9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES

- A. Policy 9320 and this Regulation shall be in accordance with the provisions of N.J.A.C. 6A:16-6.2, the **Uniform State** Memorandum of Agreement between Education and Law Enforcement Officials (MOA), and shall be:
1. Developed, implemented, and revised, as necessary, in consultation with the county prosecutor and other law enforcement officials as may be designated by the county prosecutor;
 2. Reviewed and approved by the Executive County Superintendent;
 3. Made available annually to all school district staff, students, and parents;
 4. Consistent with reporting, notification, and examination procedures of students suspected of being under the influence of alcohol and other drugs pursuant to N.J.A.C. 6A:16-4.3; and
 5. Consistent with N.J.A.C. 6A:16-7, as appropriate.
- B. The school district's policies and procedures for cooperation with law enforcement agencies shall include the following components:
1. The Superintendent has designated school district staff as liaisons to law enforcement agencies in accordance with the MOA. The MOA includes a description of the liaisons' roles and responsibilities;

[Optional

2. **The Superintendent or designee may designate one or more law enforcement units for the district as described in the MOA;**



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2. Specific procedures for and responsibilities of school district staff in summoning appropriate law enforcement authorities onto school grounds, for the purpose of conducting law enforcement investigations, searches, seizures, or arrests shall be in accordance with the MOA;
3. Specific procedures and responsibilities of school district staff for notifying parents in instances of law enforcement interviews involving their children shall be consistent with the MOA and the following:
 - a. School officials shall not notify the student's parent(s) in instances of suspected child abuse or neglect;
 - b. School officials shall notify the student's parent(s) when the student is the target of the law enforcement investigation; and
 - c. In all other instances, school authorities shall permit law enforcement authorities to determine whether or when a student's parent should be contacted;
4. Specific procedures for and responsibilities of school district staff in cooperating with arrests made by law enforcement authorities on school grounds shall be in accordance with the MOA;
5. Specific procedures for and responsibilities of school district staff in initiating or conducting searches and seizures of students, their property, and their personal effects shall be in accordance with the MOA and the following:
 - a. All searches and seizures conducted by school district staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).
 - b. Questions concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.



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- c. School officials may request that law enforcement authorities assume responsibility for conducting a search or seizure.
 - d. No school district staff member shall impede a law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.
 - e. School district staff shall permit law enforcement authorities, upon their arrival, to assume responsibility for conducting a search or seizure.
 - f. All inspections of lockers, desks, or other objects or personal property on school grounds involving the use of law enforcement drug-detection canines may be undertaken with only the express permission of the county prosecutor or the Director of the Division of Criminal Justice or the Director's designee in the New Jersey Department of Law and Public Safety.
 - g. Questions concerning the legality of a contemplated or ongoing search, seizure, or arrest conducted by a law enforcement officer on school grounds shall be directed to the county prosecutor or in the case of a search, seizure, or arrest undertaken by the Division of Criminal Justice's designee in the New Jersey Department of Law and Public Safety, to the assigned Assistant Attorney General;
6. The procedures for and responsibilities of school district staff, with regard to interviews of students suspected of possessing or distributing a controlled dangerous substance; including anabolic steroids, drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530 and the MOA;
7. Procedures for planning, approving, and conducting undercover school operations shall be in accordance with the MOA and the following:



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- a. The Superintendent and Principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent shall approve undercover operations without prior notification to the Board of Education.
 - b. All information concerning requests to undertake an undercover school operation, information supplied by law enforcement authorities to justify the need for and explain a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the Superintendent and Principal.
 - c. The Superintendent and Principal shall not divulge information concerning an undercover school operation to any person without the prior express approval of the county prosecutor or designee.
 - d. The Superintendent, Principal, or any other school district staff or Board member who may have been informed regarding the existence of the undercover school operation shall immediately communicate to the county prosecutor or designee if they subsequently learn of information that suggests the undercover officer's true identity has been revealed, the undercover officer's identity or status as a bona fide member of the school community has been questioned, or the integrity of the undercover school operation has been in any other way compromised;
8. The procedures for and responsibilities of school district staff concerning the safe and proper handling of a seized controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of the items to appropriate law enforcement authorities shall be in accordance with N.J.A.C. 6A:16-6.2, Policy and Regulation 5530, and the MOA;



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9. The procedures for and responsibilities of school district staff in notifying authorities of a suspected violation of laws prohibiting the possession; sale or other distribution of a controlled dangerous substance, including anabolic steroids; drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530 and the MOA;
10. Provisions for requesting uniformed police attendance at extracurricular school events shall be in accordance with the MOA;
11. Provisions for notifying parents as soon as possible whenever a student is arrested for violating a law prohibiting the possession; sale or other distribution of a controlled dangerous substance, including anabolic steroids; drug paraphernalia; or a firearm or other deadly weapon shall be in accordance with Policy and Regulation 5530;
12. Provisions for in-service training of school district staff concerning policies and procedures established in **N.J.A.C. 6A:16-6** ~~this subchapter~~, and the exchange of information regarding the practices of the school district and law enforcement agencies shall be in accordance with the MOA;
13. A MOA with appropriate law enforcement authorities in accordance with N.J.A.C. 6A:16-6, Policy 9320, and this Regulation;
14. An annual process for the Superintendent and appropriate law enforcement officials to discuss the implementation and need for revising the MOA, and to review the effectiveness of policies and procedures implemented pursuant to N.J.A.C. 6A:16-6.2 and the MOA;
15. Provisions for contacting the Chief Executive Officer of the involved law enforcement agency, county prosecutor, and/or Division of Criminal Justice, as necessary, to resolve disputes concerning law enforcement activities occurring on school grounds shall be in accordance with the MOA; ~~and~~



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16. Provisions for directing inquiries or complaints received by school district staff regarding interviews, investigations, arrests, or other operations conducted by sworn law enforcement officers to the appropriate law enforcement agency shall be in accordance with the MOA; **and** -
17. **The Superintendent or designee shall designate a point of contact for each school building who shall be responsible for receiving all "Handle With Care" notices for students enrolled in that school building and for disseminating the notices to the appropriate school staff, in accordance with the New Jersey Attorney General Directive 2020-09 and the MOA.**

C. Mandatory Reporting

1. There are seven offenses that must be reported to law enforcement if they qualify as mandatory reports, as set forth and explained in further detail in the MOA. These mandatory reports include:
 - a. Whenever any school district staff has reason to believe a student is in **unlawful** possession of a controlled dangerous substance, ~~or~~ related paraphernalia, **cannabis**, or is involved or implicated in distribution activities regarding controlled dangerous substances **or cannabis**, pursuant to N.J.A.C. 6A:16-6.3;
 - b. Whenever any school district staff in the course of their employment develops reason to believe that a firearm or other dangerous weapon has unlawfully been possessed on or off school grounds, a weapon was used in an assault against a student or other school personnel, or that any student or other person has committed an offense with, or while in possession of, a firearm, whether or not such offense was committed on school grounds or during school operating hours, pursuant to N.J.A.C. 6A:16-5.5, **6A:16-5.6(d)4**, and **6A:16-6.3(b)**;



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- c. Whenever any school district staff in the course of their employment develops reason to believe that anyone has threatened, is planning, or otherwise intends to cause death, serious bodily injury, or significant bodily injury to another person under circumstances in which a reasonable person would believe that the person genuinely intends at some time in the future to commit the violent act or to carry out the threat, pursuant to N.J.A.C. 6A:16-6.3(c) through (e);
 - d. Whenever any school district staff in the course of their employment develops reason to believe that a crime involving sexual penetration or criminal sexual contact has been committed on school grounds, or by or against a student during school operating hours or during school-related functions or activities, pursuant to N.J.A.C. 6A:16-6.3(d);
 - e. Whenever any school district staff in the course of their employment develops reason to believe that an assault upon a teacher, administrator, other school Board employee, or district Board of Education member has been committed, with or without a weapon, pursuant to N.J.A.C. 6A:16-5.7(d)5;
 - f. Whenever any school district staff in the course of their employment develops reason to believe a “bias-related act” has been committed or is about to be committed on or off school grounds, pursuant to N.J.A.C. 6A:16-6.3(e); and
 - g. Whenever any school employee in the course of their employment develops reason to believe a student is potentially missing, abused, or neglected, pursuant to N.J.A.C. 6A:16-11.1(a)3i. through iii.
- D. Nothing in the policies and procedures required under N.J.A.C. 6A:16-6 and Policy 9320 and this Regulation shall be construed to prohibit school district staff from disclosing information, pursuant to N.J.A.C. 6A:32-7.2 and 7.5(f), if necessary, to protect the immediate health or safety of a student or other persons.



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- E. The Superintendent or designee shall annually review Policy 9320 and this Regulation as adopted by the Board to ensure each are in accordance with the requirements outlined in the MOA.

Adopted:

