

REGULATION GUIDE

ADMINISTRATION
R 1642/page 1 of 15
Earned Sick Leave Law
Jan 21
M

R 1642 EARNED SICK LEAVE LAW

A. Definitions Relative to Policy and Regulation 1642 and the New Jersey Earned Sick Leave Law (Act)

“Act” means the New Jersey Earned Sick Leave Law – N.J.S.A. 34:11D-1. through 34:11D-11.

“Benefit year” means the period of twelve consecutive months, July 1 through June 30, as established by an employer in which an employee shall accrue and use earned sick leave as provided pursuant to N.J.S.A. 34:11D-2, provided that once the starting date of the benefit year is established by the employer it shall not be changed unless the employer notifies the Commissioner of Labor and Workforce Development of the change in accordance with regulations promulgated pursuant to the Act. The Commissioner shall impose a benefit year on any employer the Commissioner determines is changing the benefit year at times or in ways that prevent the accrual or use of earned sick leave by an employee.

“Certified Domestic Violence Specialist” means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.

“Child” means a biological, adopted, or foster child, stepchild or legal ward of an employee, child of a domestic partner or civil union partner of the employee.

“Civil union” means a civil union as defined in N.J.S.A. 37:1-29.

“Commissioner” means the Commissioner of Labor and Workforce Development.

“Department” means the Department of Labor and Workforce Development.



REGULATION GUIDE

ADMINISTRATION
R 1642/page 2 of 15
Earned Sick Leave Law

“Designated domestic violence agency” means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.

“Domestic or sexual violence” means stalking, any sexually violent offense, as defined in N.J.S.A. 30:4-27.26, or domestic violence as defined in N.J.S.A. 2C:25-19, and N.J.S.A. 17:29B-16.

“Domestic partner” means a domestic partner as defined in N.J.S.A. 26:8A-3.

“Employee” means, for the purposes of Policy and Regulation 1642, an individual engaged in service for compensation to a local school district, regional school district, county vocational school, or charter school of the State who is not provided with sick leave with full pay pursuant to N.J.S.A. 18A:30-2 or any other law, rule, or regulation of New Jersey and is eligible to accrue earned sick leave in accordance with the requirements of the Act.

“Employer” means, for the purposes of Policy and Regulation 1642, a local school district, regional school district, county vocational school, or charter school of the State who does not provide sick leave with full pay to an employee pursuant to N.J.S.A. 18A:30-2 or any other law, rule, or regulation of New Jersey and is required to comply with the requirements of the Act.

“Family member” means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of an employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

“Health care professional” means any person licensed under Federal, State, or local law, or the laws of a foreign nation, to provide health care services, or any other person who has been authorized to provide health care by a licensed health care professional, including but not limited to doctors, nurses, and emergency room personnel.



REGULATION GUIDE

ADMINISTRATION
R 1642/page 3 of 15
Earned Sick Leave Law

“Parent” means a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or of the employee’s spouse, domestic partner, or civil union partner, or a person who stood in loco parentis of the employee or the employee’s spouse, domestic partner, or civil union partner when the employee, spouse or partner was a minor child.

“Retaliatory personnel action” means denial of any right guaranteed under the Act and any threat, discharge, including a constructive discharge, suspension, demotion, unfavorable reassignment, refusal to promote, disciplinary action, sanction, reduction of work hours, reporting or threatening to report the actual or suspected immigrant status of an employee or the employee’s family, or any other adverse action against an employee.

“Sibling” means a biological, foster, or adopted sibling of an employee.

“Spouse” means a husband or wife.

B. Provision of Earned Sick Leave – N.J.S.A. 34:11D-2

1. The employer shall provide earned sick leave in accordance with the Act for each employee working for the employer.
2. For every thirty hours worked, the employee shall accrue one hour of earned sick leave. The employer **will not** provide an employee their full complement of earned sick leave for a benefit year as required under N.J.S.A. 34:11D-2 on the first day of each benefit year in accordance with the Act.
3. The employer **will permit the employee to accrue** or use in any benefit year, or carry forward from one benefit year to the next, more than forty hours of earned sick leave.
 - a. Unless the employee has accrued earned sick leave prior to October 29, 2018, the earned sick leave shall begin to accrue on October 29, 2018 for any employee who is hired and commences employment before October 29, 2018 and the employee shall be eligible to use the earned sick leave beginning on February 26, 2019 after the employee commences employment.



REGULATION GUIDE

ADMINISTRATION
R 1642/page 4 of 15
Earned Sick Leave Law

- b. If the employee's employment commences after October 29, 2018, the earned sick leave shall begin to accrue upon the date that employment commences. The employee shall be eligible to use the earned sick leave

Select one option below:

Option 1 - beginning on the 120th calendar day after the employee commences employment.

OR

~~Option 2~~ _____ days after employment commences, but no longer than 120 calendar days after employment commences.}

4. The employer shall be in compliance with N.J.S.A. 34:11D-2 if the employer offers paid time off to an employee, which is fully paid and shall include, but is not limited to personal days, vacation days, and sick days, and may be used for the purposes of N.J.S.A. 34:11D-3 in the manner provided by the Act, and is accrued at a rate equal to or greater than the rate described in N.J.S.A. 34:11D-2.
5. The employer shall pay the employee for earned sick leave at the same rate of pay with the same benefits as the employee normally earns, except that the pay rate shall not be less than the minimum wage required for the employee pursuant to N.J.S.A. 34:11-56a4.
6. Upon the mutual consent of the employee and employer, an employee may voluntarily choose to work additional hours or shifts during the same or following pay period, in lieu of hours or shifts missed, but shall not be required to work additional hours or shifts or use accrued earned sick leave. The employer may not require, as a condition of an employee using earned sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned sick leave.



REGULATION GUIDE

ADMINISTRATION
R 1642/page 5 of 15
Earned Sick Leave Law

7. If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, then the employee shall be entitled to all earned sick leave accrued at the prior division, entity, or location, and shall be entitled to use the accrued earned sick leave as provided in the Act.
 8. If an employee is terminated, laid off, furloughed, or otherwise separated from employment with the employer, any unused accrued earned sick leave shall be reinstated upon the re-hiring or reinstatement of the employee to that employment, within six months of termination, being laid off or furloughed, or separation, and prior employment with the employer shall be counted towards meeting the eligibility requirements set forth in N.J.S.A. 34:11D-2.
 9. The employer may choose the increments in which its employees may use earned sick leave, provided that the largest increment of earned sick leave an employee may be required to use for each shift for which earned sick leave is used shall be the number of hours the employee was scheduled to work during that shift.
- C. Permitted Usage of Earned Sick Leave – N.J.S.A. 34:11D-3
1. The employer shall permit an employee to use the earned sick leave accrued pursuant to the Act for any of the following:
 - a. Time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
 - b. Time needed for the employee to aid or care for a family member of an employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
 - c. Absence necessary due to circumstances resulting from the employee, or a family member of an employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from



REGULATION GUIDE

ADMINISTRATION
R 1642/page 6 of 15
Earned Sick Leave Law

physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

- d. Time during which the employee is not able to work because of:
- (1) ~~A~~ closure of the employee's workplace, or the school or place of care of a child of an employee, by order of a public official **or because of a state of emergency declared by the Governor of New Jersey**, due to an epidemic or other public health emergency, ~~or because of~~;
 - (2) ~~T~~he **declaration of a state of emergency by the Governor of New Jersey, or the issuance by a health care provider or the New Jersey Commissioner of Health or other public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or**
 - (3) **A state of emergency declared by the Governor of New Jersey, or upon the recommendation, direction, or order of a healthcare provider or the New Jersey Commissioner of Health or other authorized public official, the employee undergoes isolation or quarantine, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease and a finding by the provider or authority that the presence in the community of the employee or family member would jeopardize the health of others; or**



REGULATION GUIDE

ADMINISTRATION
R 1642/page 7 of 15
Earned Sick Leave Law

- e. Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.
2. If an employee's need to use earned sick leave **is foreseeable**, the employer **will** require advance notice, not to exceed seven calendar days prior to the date the leave is to begin, of the intention to use the leave and its expected duration, and shall make a reasonable effort to schedule the use of earned sick leave in a manner that does not unduly disrupt the operations of the employer. If the reason for the leave is not foreseeable, the employer will require an employee to give notice of the intention as soon as practicable, if the employer has notified the employee of this requirement.
 - a. The employer may prohibit employees from using foreseeable earned sick leave on certain dates provided reasonable notice of these dates is provided to employees and the employer will require reasonable documentation if sick leave that is not foreseeable is used during those dates.
 - b. For earned sick leave of three or more consecutive days, the employer will require reasonable documentation that the leave is being taken for the purpose permitted under N.J.S.A. 34:11D-3.a. and C.1. above.
 - c. If the leave is permitted under N.J.S.A. 34:11D-3.a.(1) and C.1.a. above or N.J.S.A. 34:11D-3.a.(2) and C.1.b. above, documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, number of days of leave, shall be considered reasonable documentation.



REGULATION GUIDE

ADMINISTRATION
R 1642/page 8 of 15
Earned Sick Leave Law

- d. If the leave is permitted under N.J.S.A. 34:11D-3.a.(3) and C.1.c. above because of domestic or sexual violence, any of the following shall be considered reasonable documentation of the domestic or sexual violence: medical documentation; a law enforcement agency record or report; a court order; documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.
 - e. If the leave is permitted under N.J.S.A. 34:11D-3.a.(4) and C.1.d. above, a copy of the order of the public official or the determination by the health authority shall be considered reasonable documentation.
 - f. If the leave is permitted under N.J.S.A. 34:11D-3.a.(5) and C.1.e. above, tangible proof of the reasons outlined in N.J.S.A. 34:11D-3.a.(5) and C.1.e. above shall be considered reasonable documentation.
3. Nothing in the Act shall be deemed to require the employer to provide earned sick leave for an employee's leave for purposes other than those identified in N.J.S.A. 34:11D-3, or prohibit the employer from taking disciplinary action against an employee who uses earned sick leave for purposes other than those identified in N.J.S.A. 34:11D-3.



REGULATION GUIDE

ADMINISTRATION
R 1642/page 9 of 15
Earned Sick Leave Law

Option – Must Select One Option Below

4. **[Option 1 - ___ The employer will not pay an employee for unused earned sick leave at the end of the benefit year pursuant to N.J.S.A. 34:11D-3.c.]**

~~[Option 2 — ___ The employer will provide an offer to an employee for payment of unused earned sick leave in the final month of the employer's benefit year. The employee shall choose, no later than ten calendar days from the date of the employer's offer, whether to accept a payment or decline a payment. If the employee does not accept the employer's offer within ten calendar days from the date of the employer's offer, the employee is deemed to have declined the employer's offer.~~

- ~~a. — If the employee agrees to receive a payment, the employee shall choose a payment for the full amount of unused earned sick leave or for fifty percent of the amount of unused earned sick leave. The payment amount shall be based on the same rate of pay that the employee earns at the time of the payment.~~
- ~~b. — If the employee declines a payment for unused earned sick leave, or agrees to a payment for fifty percent of the amount of unused sick leave, the employee shall be entitled to carry forward any unused or unpaid earned sick leave to the proceeding benefit year as provided pursuant to N.J.S.A. 34:11D-2.a. and B.1., B.2., and B.3. above.~~
- ~~c. — If the employee agrees to a payment for the full amount of unused earned sick leave, the employee shall not be entitled to carry forward any earned sick leave to the proceeding benefit year pursuant to N.J.S.A. 34:11D-2.a. and B.1, B.2., and B.3. above.]~~



REGULATION GUIDE

ADMINISTRATION
R-1642/page 10 of 15
Earned Sick Leave Law

~~[Option — Required Only if the Employer Provides an Employee with their Full Complement of Earned Sick Leave for a Benefit Year is Selected in Option B.2. Above.~~

5. — If the employer provides an employee with the full complement of earned sick leave for a benefit year on the first day of each benefit year as indicated in B.2. above, then the employer shall

Must Select Option 1 Below if Option C.4. – Option 1 Above is Selected.

Must Select Option 2 Below if Option C.4. – Option 2 Above is Selected.

Option 1 - ___ permit the employee to carry forward any unused sick leave to the next benefit year.

~~**Option 2** — ___ provide to the employee a payment for the full amount of unused earned sick leave in the final month of the employer's benefit year in accordance with C.4. above. The employer may pay the employee the full amount of unused earned sick leave in the final month of a benefit year pursuant to B.2. above and N.J.S.A. 34:11D-3 only if the employer forgoes, with respect to that employee, the accrual process for earned sick leave during the next benefit year.]~~

6. Unless the employer's policy or a collective bargaining agreement provides for the payment of accrued earned sick leave upon termination, resignation, retirement, or other separation from employment, an employee shall not be entitled under N.J.S.A. 34:11D-3 to payment of unused earned sick leave upon the separation from employment.
7. Any information the employer possesses regarding the health of an employee or any family member of the employee or domestic or sexual violence affecting an employee or employee's family member shall be treated as confidential and not disclosed except to the affected employee or with the written permission of the affected employee.



REGULATION GUIDE

ADMINISTRATION
R 1642/page 11 of 15
Earned Sick Leave Law

D. **Retaliation, Discrimination Prohibited – N.J.S.A. 34:11D-4 and N.J.S.A. 34:11D-12**

1. No employer shall take retaliatory personnel action or discriminate against an employee who accrues sick leave under the Act because the employee requests or uses earned sick leave either in accordance with the Act or the employer's own earned sick leave policy for employees covered under the Act. Any complaints alleging a violation of the Act shall be filed in accordance with the provisions of N.J.S.A. 34:11D-4.
 - a. The employer shall not count earned sick leave taken under the Act as an absence that may result in the employee being subject to discipline, discharge, demotion, suspension, a loss or reduction of pay, or any other adverse action.
2. There shall be a rebuttable presumption of an unlawful retaliatory personnel action under N.J.S.A. 34:11D-4 whenever the employer takes adverse action against an employee within ninety days of when that employee:
 - a. Files a complaint with the Department or a court alleging a violation of any provision of N.J.S.A. 34:11D-4;
 - b. Informs any person about the employer's alleged violation of N.J.S.A. 34:11D-4;
 - c. Cooperates with the Department or other persons in the investigation or prosecution of any alleged violation of N.J.S.A. 34:11D-4;
 - d. Opposes any policy, practice, or act that is unlawful under N.J.S.A. 34:11D-4; or
 - e. Informs any person of his or her rights under N.J.S.A. 34:11D-4.
3. Protections of N.J.S.A. 34:11D-4 shall apply to any person who mistakenly but in good faith alleges violations of the Act.



REGULATION GUIDE

ADMINISTRATION
R 1642/page 12 of 15
Earned Sick Leave Law

4. Any violator of the provisions of N.J.S.A. 34:11D-4 shall be subject to relevant penalties and remedies provided by the “New Jersey State Wage and Hour Law,” N.J.S.A. 34:11-56a et seq., including the penalties and remedies provided by N.J.S.A. 34:11-56a24, and relevant penalties and remedies provided by N.J.S.A. 2C:40A-2, for discharge or other discrimination.
 5. **The employer shall not, during the Public Health Emergency and State of Emergency declared by the Governor of New Jersey in Executive Order 103 of 2020 concerning the coronavirus disease 2019 pandemic, terminate or otherwise penalize an employee if the employee requests or takes time off from work based on the written or electronically transmitted recommendation of a medical professional licensed in New Jersey that the employee take that time off for a specified period of time because the employee has, or is likely to have, an infectious disease, as defined in N.J.S.A. 26:13-2, which may infect others at the employee’s workplace.**
 - a. **The employer shall not, following that specified period of time as per D.5. above, refuse to reinstate the employee to employment in the position held when the leave commenced with no reduction in seniority, status, employment benefits, pay, or other terms and conditions of employment.**
- E. Violations; Remedies, Penalties, Other Measures – N.J.S.A. 34:11D-5
1. Any failure of the employer to make available or pay earned sick leave as required by the Act, or any other violation of the Act, shall be regarded as a failure to meet the wage payment requirements of the “New Jersey State Wage and Hour Law,” N.J.S.A. 34:11-56a et seq., or other violation of the New Jersey State Wage and Hour Law, as the case may be, and remedies, penalties, and other measures provided by the New Jersey State Wage and Hour Law, N.J.S.A. 34:11-58, and N.J.S.A. 2C:40A-2 for failure to pay wages or other violations of the New Jersey State Wage and Hour Law shall be applicable, including, but not limited to, penalties provided pursuant to N.J.S.A. 34:11-56a22 and 34:11-56a24, and



REGULATION GUIDE

ADMINISTRATION
R 1642/page 13 of 15
Earned Sick Leave Law

civil actions by employees pursuant to N.J.S.A. 34:11-56a25, except that an award to an employee in a civil act shall include, in addition to the amount provided pursuant to N.J.S.A. 34:11-56a25, any actual damages suffered by the employee as the result of the violation plus an equal amount of liquidated damages.

F. Retention of Records, Access – N.J.S.A. 34:11D-6

1. The employer shall retain records documenting hours worked by employees and earned sick leave accrued/advanced, used, paid, and paid out and carried over by/to employees, for a period of five years, and shall, upon demand, allow the Department access to those records to monitor compliance with the requirements of the Act.
 - a. If an employee makes a claim the employer has failed to provide earned sick leave required by the Act and the employer has not maintained or retained adequate records documenting hours worked by the employee and earned sick leave taken by the employee or does not allow the Department access to the records, it shall be presumed the employer has failed to provide the earned sick leave, absent clear and convincing evidence otherwise.
2. In addition, the penalties provided by the “New Jersey State Wage and Hour Law,” N.J.S.A. 34:11-56a et seq. for violations of the requirements of the New Jersey State Wage and Hour Law regarding the maintaining and disclosure of records shall apply to violations of the requirements of N.J.S.A. 34:11D-6.

G. Notification to Employees – N.J.S.A. 34:11D-7

1. The employer shall provide notification, in a form issued by the Commissioner, to employees of their rights under the Act, including the amount of earned sick leave to which they are entitled and the terms of its use and remedies provided by the Act to employees if the employer fails to provide the required benefits or retaliates against employees exercising their rights under the Act.



REGULATION GUIDE

ADMINISTRATION
R 1642/page 14 of 15
Earned Sick Leave Law

- a. The employer shall conspicuously post the notification in a place or places accessible to all employees in each of the employer's workplaces.
- b. The employer shall also provide each employee with a written copy of the notification: not later than thirty days after the form of the notification is issued; at the time of the employee's hiring, if the employee is hired after the issuance; and at any time, when first requested by the employee.
- c. The Commissioner shall make the notifications available in English, Spanish, and any other language that the Commissioner determines is the first language of a significant number of workers in the State and the employer shall use the notification in English, Spanish, or any other language for which the Commissioner has provided notifications and which is the first language of a majority of the employer's workforce.

H. Provisions Preemptive; Construction of Act – N.J.S.A. 34:11D-8

1. No provision of the Act, or any regulations promulgated to implement or enforce the Act, shall be construed as:
 - a. Requiring the employer to reduce, or justifying the employer in reducing, rights or benefits provided by the employer pursuant to the employer's policy or a collective bargaining agreement which are more favorable to employees than those required by the Act or which provide rights or benefits to employees not covered by the Act;
 - b. Preventing or prohibiting the employer from agreeing, through a collective bargaining agreement or employer policy, to provide rights or benefits which are more favorable to employees than those required by the Act or to provide rights or benefits to employees not covered by the Act;



REGULATION GUIDE

ADMINISTRATION
R 1642/page 15 of 15
Earned Sick Leave Law

- c. Prohibiting the employer from establishing a policy whereby an employee may donate unused accrued earned sick leave to another employee or other employees; or
 - d. Superseding any law providing collective bargaining rights for employees, or in any way reducing, diminishing, or adversely affecting those collective bargaining rights, or in any way reducing, diminishing, or affecting the obligations of the employer under those laws.
 2. Employees or employee representatives may waive the rights or benefits provided under the Act during the negotiation of a collective bargaining agreement.
 3. With respect to employees covered by a collective bargaining agreement in effect on October 29, 2018, no provision of the Act shall apply until the stated expiration of the collective bargaining agreement.
- I. Severability – N.J.S.A. 34:11D-9
 1. The provisions of the Act shall be deemed to be severable and if any section, subsection, paragraph, sentence or other part of the Act is declared to be unconstitutional, or the applicability thereof to any person is held invalid, the remainder of the Act shall not thereby be deemed to be unconstitutional or invalid.

Adopted:



REGULATION GUIDE

PROGRAM
R 2415.20/page 1 of 8
Every Student Succeeds Act
~~No Child Left Behind~~ Complaints
Jan 21
M

R 2415.20 EVERY STUDENT SUCCEEDS ACT ~~NO CHILD~~ LEFT BEHIND COMPLAINTS

Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the ~~No Child Left Behind Act of 2001 (NCLB)~~, **The Every Student Succeeds Act (ESSA) requires the** a Board of Education ~~to shall~~ adopt a policy and written procedures that offer parent(s) ~~or~~ legal guardian(s), public agencies, other individuals, or organizations a method for receipt and resolution of complaints alleging violations in the administration of the ~~ESSA NCLB~~ programs.

- A. Complaint Procedure Alleging ~~a~~A Violation ~~b~~By ~~a~~A School, School District, ~~o~~Or Other Agency Authorized ~~b~~By ~~t~~The School District ~~o~~Or ~~t~~The New Jersey Department ~~o~~Of Education (NJDOE)
1. A ~~C~~complaint is an ~~written~~ allegation **submitted in writing (mail or email) by an individual or organization** that a school, school district, ~~or~~ other agency authorized by the school district, ~~or the NJDOE~~ has violated the law in the administration of education programs required by the ~~ESSA NCLB Act~~.
 2. A ~~C~~complaint ~~shall~~ **must identify at a minimum the following:**
 - a. The alleged ~~ESSA NCLB~~ violation;
 - b. **A description of previous steps taken to resolve the matter;**
 - c. The facts supporting the alleged violation **as understood by the complainant at the time of submission;** and
 - d. Any supporting documentation (e.g., letters, emails, logs, agenda, meeting minutes).
 3. ~~A Complaint may be submitted in writing or electronically. If a Complaint is submitted electronically, a hard copy should also be sent to the NJDOE via regular mail at the address indicated below.~~



REGULATION GUIDE

PROGRAM

R 2415.20/page 2 of 8

Every Student Succeeds Act

~~No Child Left Behind~~ Complaints

34. A ~~Complaint must~~ shall be submitted to the _____ ~~(district administrator responsible for NCLB compliance)~~ **Executive County Superintendent for the county where the school, school district, or other authorized agency is located**. The ~~Complaint shall be in writing and shall be mailed, hand delivered, or electronically submitted to the~~ _____ ~~(district administrator responsible for NCLB compliance)~~.
5. The _____ ~~(district administrator responsible for NCLB compliance)~~ shall be responsible to coordinate the investigation of the allegations in the Complaint.
- a. The _____ ~~(district administrator responsible for NCLB compliance)~~ shall acknowledge receipt of the Complaint to the complainant within ten business days of receipt of the Complaint.
- b. The _____ ~~(district administrator responsible for NCLB compliance)~~ may meet with building and district administrative staff, teaching staff, support staff, students, and/or the complainant(s) to determine if a violation of the administration of a NCLB program has occurred.
- c. The _____ ~~(district administrator responsible for NCLB compliance)~~ may request additional information from the complainant regarding the Complaint.
- d. The _____ ~~(district administrator responsible for NCLB compliance)~~ shall submit a written report regarding the outcome of the investigation to the complainant.



REGULATION GUIDE

PROGRAM

R 2415.20/page 3 of 8

Every Student Succeeds Act

~~No Child Left Behind~~ Complaints

- e. ~~If the outcome of the investigation concludes a violation has occurred, the _____ (district administrator responsible for NCLB compliance) shall identify and impose the appropriate consequences or corrective action to resolve the Complaint.~~
- f. ~~The outcome of the investigation may conclude the Complaint alleges a violation in the administration of a program by the NJDOE and the complainant shall be informed of the NJDOE Complaint Policy and Procedures as outlined in B. below.~~
6. ~~If the complainant is not satisfied with the outcome of the investigation, the complainant may initiate a Complaint by submitting a written Complaint to the NJDOE to the attention of the Executive County Superintendent. A list of the County Offices of Education and Executive County Superintendents can be found at <http://www.state.nj.us/njded/regions/> or by calling (609) 292-4469.~~
47. When a written ~~C~~complaint is received by the Executive County Superintendent, the **Executive County Superintendent** appropriate ~~NJDOE~~ personnel will issue a Letter of Acknowledgement to the complainant within ten ~~business~~ **calendar** days of receipt of the ~~C~~complaint. This letter ~~will~~ **shall** contain the following information:
- a. The date the ~~C~~complaint was received;
 - b. A brief statement of the manner in which the **Executive County Superintendent** ~~NJDOE~~ will investigate the ~~C~~complaint;
 - c. If necessary, a request for additional information regarding the ~~C~~complaint;
 - d. **A resolution date within forty-five calendar days from the date the written complaint was received by the Executive County Superintendent; and**



REGULATION GUIDE

PROGRAM

R 2415.20/page 4 of 8

Every Student Succeeds Act

~~No Child Left Behind~~ Complaints

- ed. The name and **telephone** ~~phone~~ number of a contact person for status updates; ~~and~~
- e. ~~A tentative resolution date that is sixty days from the date the written Complaint was received by the County Office.~~
- (1) ~~Based on the facts of the alleged violation, an extension of time may be required to resolve the Complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.~~
58. The **Executive** County Superintendent will coordinate the investigation of a ~~C~~complaint.
68. When the investigation is complete, the **Executive** County Superintendent will notify the complainant in writing regarding the outcome of the investigation.
- a9. If the **Executive County Superintendent determines** a violation has occurred, the **Executive County Superintendent will** ~~Assistant Commissioner assigned to oversee the matter shall~~ identify and impose the appropriate consequences or corrective actions as required **in accordance with statute and/or regulation** ~~by regulation~~ to resolve the ~~C~~complaint.
- b10. If the complainant **is not satisfied with the determination that is made by the Executive County Superintendent** ~~does not agree with the NJDOE's decision~~, the complainant may **submit a written request for review of that determination to the Assistant Commissioner, Division of Learning Supports and Specialized Services via email at essa@doe.nj.gov with subject line "ESEA Complaint Decision Review" or via hard copy at the following address** ~~appeal to the United States Department of Education Secretary at:~~



REGULATION GUIDE

PROGRAM
R 2415.20/page 5 of 8
Every Student Succeeds Act
~~No Child Left Behind~~ Complaints

**New Jersey Department of Education
Assistant Commissioner
Division of Learning Supports and Specialized Services
P.O. Box 500
Trenton, New Jersey 08625-0500**

~~Office of Hearings & Appeals
400 Maryland Avenue, SW
Washington, DC 20202-4611
(202) 619-9700~~

~~or at their website at:~~

~~<http://www.ed-oha.org/index.html>~~

- B. Complaint Procedure Alleging ~~a~~**A** Violation ~~b~~**By t**he New Jersey Department ~~o~~**f** Education (NJDOE)
1. A ~~C~~**complaint** is a written allegation the NJDOE has violated the law in the administration of education programs required by the ~~ESSA NCLB~~.
 2. A ~~C~~**complaint shall** ~~must~~ **identify at a minimum the following:**
 - a. The alleged ~~ESSA NCLB~~ violation;
 - b. A description of previous steps taken to resolve the matter;**
 - ~~c~~**b.** The facts supporting the alleged violation **as understood by the complainant at the time of submission;** and
 - ~~d~~**e.** Any supporting documentation (e.g., letters, emails, logs, agenda, meeting minutes).



REGULATION GUIDE

PROGRAM

R 2415.20/page 6 of 8

Every Student Succeeds Act

~~No Child Left Behind~~ Complaints

3. To initiate a ~~C~~complaint alleging the NJDOE has violated the administration of an ~~ESEA NCLB~~ program, a complainant must submit a written ~~C~~complaint to the New Jersey Department of Education – **Assistant Commissioner, Division of Learning Supports and Specialized Services via email at essa@doe.nj.gov with subject line “ESEA Complaint or via hard copy sent to the following address: Chief of Staff or the United States Department of Education Secretary at the address indicated below. The NJDOE requests the complainant first contact the New Jersey Department of Education Chief of Staff to resolve the issue.**

New Jersey Department of Education
~~Office of the Chief of Staff~~
Assistant Commissioner
Division of Learning Supports and Specialized Services
P.O. Box 500
Trenton, New Jersey 08625-0500
(609) 292-4442

U.S. Department of Education
~~Office of Hearings & Appeals~~
400 Maryland Avenue, SW
Washington, DC 20202-4611
(202) 619-9700
<http://www.ed-oha.org/index.html>

4. When a written ~~C~~complaint is received by the NJDOE, ~~the an Assistant Commissioner Chief of Staff~~ will assign the investigation of this ~~C~~complaint to the **appropriate** ~~Office of Strategic Initiatives and Accountability or other designated office.~~ ~~This Office~~ **The NJDOE** will issue a Letter of Acknowledgement to the complainant within ten **calendar business** days of receipt of the ~~C~~complaint. This letter shall contain the following information:
 - a. The date the ~~C~~complaint was received;
 - b. A brief statement of the manner in which the ~~Department of Education NJDOE~~ will investigate the ~~C~~complaint;



REGULATION GUIDE

PROGRAM

R 2415.20/page 7 of 8

Every Student Succeeds Act

~~No Child Left Behind~~ Complaints

- c. If necessary, request for additional information regarding the ~~C~~complaint;
 - d. **A resolution date within forty-five calendar days from the date the complaint was received; and**
 - e~~d~~. The name and **telephone** number of a contact person for status updates;~~;~~ and
 - e. ~~A tentative resolution date that is sixty days from the date that the written Complaint was received.~~
 - (1) ~~Based on the facts of the alleged violation, an extension of time may be required to resolve the Complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.~~
5. The NJDOE Office **assigned by the Assistant Commissioner of Strategic Initiatives and Accountability will coordinate the investigation of to investigate** a ~~C~~complaint concerning an alleged violation by the NJDOE **will coordinate the investigation of the complaint**. When the investigation is complete, the **Assistant Commissioner Chief of Staff** will notify the complainant in writing regarding the outcome of the investigation.
- a6. If the NJDOE Office **assigned by the Assistant Commissioner of Education determines** ~~it is determined~~ a violation by the NJDOE has occurred **after conducting an investigation, the Assistant Commissioner will identify and impose appropriate consequences or corrective action in accordance with the statute and/or regulation,** ~~the Chief of Staff shall identify and impose appropriate consequences or corrective actions as required by regulation~~ to resolve the ~~C~~complaint.



REGULATION GUIDE

PROGRAM

R 2415.20/page 8 of 8

Every Student Succeeds Act

~~No Child Left Behind~~ Complaints

- b7. **If the a complainant is not satisfied with the NJDOE's decision, the complainant may request a review of the NJDOE's decision to the Secretary of the United States Department of Education (USDOE). The complainant may send the request, reasons supporting the request, and a copy of NJDOE's resolution to the following address: does not agree with the NJDOE's decision, the complainant may appeal to the United States Department of Education Secretary at the address above.**

**Secretary, United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4611**

New Jersey Department of Education – **Every Student Succeeds Act (ESSA) in New Jersey 1/26/07 Memorandum** — ~~No Child Left Behind~~ ESEA Complaint Policy and Procedures

Adopted:



REGULATION GUIDE

STUDENTS
R 5330.01/page 1 of 10
Administration of Medical **Cannabis Marijuana**
Jan 21
M

R 5330.01 ADMINISTRATION OF MEDICAL CANNABIS MARIJUANA

A custodial parent, ~~guardian~~, or person having legal custody of a student requesting the administration of medical **cannabis marijuana** to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the procedures and requirements of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and this Regulation.

A. Definitions

For the purposes of ~~this~~ Policy **and Regulation 5330.01**:

1. ~~“Bona fide physician-patient relationship” means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a qualifying student patient’s debilitating medical condition.~~
2. ~~“Certification” means a statement signed by a physician with whom a qualifying student patient has a bona fide physician-patient relationship, which attests to the physician’s authorization for the patient to apply for registration for the medical use of marijuana.~~
13. **“Cannabis Marijuana” has the meaning given to marijuana in Section 2 of the “New Jersey Controlled Dangerous Substances Act,” N.J.S.A. 24:21-2.**
2. **“Commission” means the Cannabis Regulatory Commission established pursuant to N.J.S.A. 24:6I-24.**
3. **“Designated caregiver(s)” means a resident of New Jersey who:**
 - a. **Is at least eighteen years old;**



REGULATION GUIDE

STUDENTS

R 5330.01/page 2 of 10

Administration of Medical ~~Cannabis~~ Marijuana

- b. **Has agreed to assist with a registered qualifying student patient’s medical use of cannabis, is not currently serving as a designated caregiver(s) for more than one other qualifying patient, and is not the qualifying student patient’s health care practitioner;**
 - c. **Is subject to the provisions of N.J.S.A. 24:6I-4.c.(2), has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of N.J.S.A. 24:6I-1 et seq. and was for a violation of Federal law related to possession or sale of cannabis that is authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22 et seq.;**
 - d. **Has registered with the Commission pursuant to N.J.S.A. 24:6I-4 and, except in the case of a designated caregiver(s) who is an immediate family member of the qualified student patient, has satisfied the criminal history background check requirement of N.J.S.A. 24:6I-4; and**
 - e. **Has been designated as designated caregiver(s) by the qualifying student patient when registering or renewing a registration with the Commission or in other written notification to the Commission.**
4. **“Health Care Practitioner” means a physician, advanced practice nurse, or physician assistant licensed or certified pursuant to N.J.S.A. 45 who:**
- a. **Possesses active registrations to prescribe controlled dangerous substances issued by the United States Drug Enforcement Administration and the Division of Consumer Affairs in the Department of Law and Public Safety;**



REGULATION GUIDE

STUDENTS

R 5330.01/page 3 of 10

Administration of Medical ~~Cannabis Marijuana~~

- b. **Is the health care practitioner responsible for the ongoing treatment of a qualifying student patient’s qualifying medical condition, the symptoms of that condition, or the symptoms associated with the treatment of that condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a patient to use medical cannabis or consultations solely for that purpose; and**
- c. **If the qualifying student patient is a minor, a pediatric specialist.**
45. “Medical use of ~~cannabis marijuana~~” means the acquisition, possession, transport, or use of ~~cannabis marijuana~~ or paraphernalia by a registered qualifying student patient as authorized by ~~N.J.S.A. 24:6I-1 et seq. and N.J.S.A. 18A:40-12.22 et seq. the New Jersey Compassionate Medical Marijuana Act (Act).~~
56. “Parent” means the custodial parent, ~~guardian~~, or person who has legal custody of a qualifying student patient who may also be the **designated primary caregiver(s) registered with the Commission and provided a Registry Identification Card** by the New Jersey Department of Health to administer medical ~~cannabis marijuana~~ to a student in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.
6. ~~“Physician” means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the qualifying student patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician responsible for the ongoing treatment of a qualifying student patient’s debilitating medical condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a qualifying student patient to use medical marijuana or consultation solely for that purpose.~~
7. ~~“Primary caregiver” or “caregiver” means a resident of the State who:~~



REGULATION GUIDE

STUDENTS

R 5330.01/page 4 of 10

Administration of Medical ~~Cannabis~~ Marijuana

- a. ~~Is at least eighteen years old;~~
 - b. ~~Has agreed to assist with a registered qualifying student patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying student patient's physician;~~
 - c. ~~Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of the Act and was for a violation of Federal law related to possession or sale of marijuana that is authorized under the Act;~~
 - d. ~~Has registered with the Department of Health pursuant to N.J.S.A. 24:6I-4 and has satisfied the criminal history record background check requirement of N.J.S.A. 24:6I-4; and~~
 - e. ~~Has been designated as primary caregiver on the qualifying student patient's application or renewal for a Registry Identification Card or in other written notification to the Department of Health.~~
87. **"Qualifying student patient" for the purpose of Policy and Regulation 5330.01** means a resident of the State who is a student enrolled and attending school in this school district who has been **authorized for the medical use of cannabis by a health care practitioner** ~~provided with a certification by a physician pursuant to a bona fide physician-patient relationship and has been issued a Registry Identification Card by the New Jersey Department of Health for medical use of marijuana in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-41 et seq.~~
8. **"Registration with the Commission"** means a person has met the qualification requirements for, and has been registered by the Commission as, a registered qualifying patient, designated caregiver(s), or institutional caregiver(s). **The Commission shall establish appropriate means for health care practitioners,**



REGULATION GUIDE

STUDENTS

R 5330.01/page 5 of 10

Administration of Medical ~~Cannabis~~ **Marijuana**

health care facilities, medical cannabis dispensaries, law enforcement, schools, facilities providing behavioral health services or services for persons with developmental disabilities, and other appropriate entities to verify an individual's status as a registrant with the Commission.

9. ~~“Qualifying patient” means a resident of the State who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship.~~
10. ~~“Registry Identification Card” means a document issued by the Department of Health that identifies a person as a registered qualifying student patient or primary caregiver.~~

B. Registration – Qualifying Student Patient and **Designated Primary Caregiver(s)**

1. A qualifying student patient must be authorized to engage in the medical use of **cannabis marijuana** and the **designated primary caregiver(s)** must be authorized to assist the qualifying student patient with the medical use of **cannabis marijuana** pursuant to the provisions of N.J.S.A. 24:6I-1 et seq.
2. A qualifying student patient and their **designated primary caregiver(s)** must complete the registration process in accordance with the provisions of N.J.S.A. 24:6I-4 and any other requirements of the **Commission New Jersey Department of Health**.
3. The qualifying student patient's parent shall be responsible to immediately inform the Principal of any change in the status of the student's **registration with the Commission Registry Identification Card** that would deem the **registration with the Commission Registry Identification Card** null and void due to any reason outlined in N.J.S.A. 24:6I-1 et seq.~~4e or for any other reason.~~



REGULATION GUIDE

STUDENTS

R 5330.01/page 6 of 10

Administration of Medical ~~Cannabis Marijuana~~

4. The qualifying student patient's **designated** ~~primary~~ caregiver(s) shall be responsible to immediately inform the Principal of any change in the status of any **designated** ~~primary~~ caregiver(s)'s **current registration with the Commission Registry Identification Card** that would deem the **registration with the Commission Registry Identification Card** null and void due to any reason outlined in N.J.S.A. 24:6I-1 et seq.~~4e or for any other reason.~~
- C. Submission for Authorization for Administration of Medical **Cannabis Marijuana**
1. A parent of a qualifying student patient requesting the administration of medical **cannabis marijuana** to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must submit a written request to the Principal with **proof of current registration with the Commission** ~~a copy of a current New Jersey Department of Health Registry Identification Cards~~ for the qualifying student patient and the **designated** ~~primary~~ caregiver(s) and a copy of the **health care provider's** ~~physician's~~ order or prescription indicating dosage information and the method of administration for the medical **cannabis marijuana** to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

The Principal may request the parent provide additional documentation from the **health care provider** ~~physician~~ that the medical **cannabis marijuana** must be administered during the time of the day when the student is on school grounds, aboard a school bus, or attending a school-sponsored event and the medical **cannabis marijuana** cannot be administered and/or will not be effective during alternate times when the student is not on school grounds, aboard a school bus, or attending a school-sponsored event.
 - a. The parent's written request and all supporting documentation must be submitted to the Principal at least five school days before the first day of the requested administration.



REGULATION GUIDE

STUDENTS

R 5330.01/page 7 of 10

Administration of Medical **Cannabis Marijuana**

2. The Principal shall review the ~~submitted~~ **proof of current registration with the Commission Registry Identification Cards** and supporting documentation **submitted by the parent** with the school physician, the school nurse, and the Superintendent of Schools.
3. Upon review and approval of the documentation submitted by the parent, the Principal will inform the parent or **designated primary caregiver(s)**, if the parent is not the **designated primary caregiver(s)**, in writing with the following information:
 - a. The location (school, office, etc.) where the **designated primary caregiver(s)** shall report to administer the medical **cannabis marijuana**;
 - b. The school staff member(s) who the **designated primary caregiver(s)** must see to coordinate the administration of medical **cannabis marijuana**;
 - c. The time the **designated primary caregiver(s)** shall report to administer the medical **cannabis marijuana**;
 - d. The specific location where the medical **cannabis marijuana** shall be administered to the student; and
 - e. A copy of Policy and Regulation 5330.01 – Administration of Medical **Cannabis Marijuana**.
4. In the event the Principal, after consultation with the school nurse, school physician, and Superintendent, has a question or concern regarding the **current registration with the Commission Registry Identification Cards** or supporting documentation submitted by the parent, the Principal or school physician will contact the parent with the question or concern.
5. The administration of medical **cannabis marijuana** on school grounds, aboard a school bus, or at a school-sponsored event, pursuant to N.J.S.A. 18A:40-12.22, will only be authorized after the approval required by Policy and Regulation 5330.01.



REGULATION GUIDE

STUDENTS

R 5330.01/page 8 of 10

Administration of Medical **Cannabis Marijuana**

D. Administration of Medical **Cannabis Marijuana**

1. ~~The m~~Medical **cannabis marijuana** shall only be administered by the **designated primary** caregiver(s) and at the approved location, times, and method as indicated in the parent's request that was approved in writing by the Principal.
2. In accordance with the provisions of N.J.S.A. 18A:40-12.22.b.(5), medical **cannabis marijuana** cannot be administered to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event by smoking or other form of inhalation.
3. ~~The p~~Prescribed medical **cannabis marijuana** must always be in the possession of the **designated primary** caregiver(s) and may not be in the possession of the qualifying student patient at any time on school grounds, aboard a school bus, or at a school-sponsored event.
4. The Principal, after consultation with the school nurse, school physician, and the Superintendent, will determine a specific location for the administration of the medical **cannabis marijuana** to the qualifying student patient.
 - a. The Principal will designate a private area, if possible, for the **designated primary** caregiver(s) to administer the medical **cannabis marijuana** to the qualifying student patient. The amount of privacy provided for the administration will depend on the approved method of administration and the designated location. The location may be a nurse's office, a private office, a private restroom facility, or any other location appropriate for the approved method of administration.



REGULATION GUIDE

STUDENTS

R 5330.01/page 9 of 10

Administration of Medical ~~Cannabis Marijuana~~

5. The **designated primary** caregiver(s) shall report to the approved location prior to the scheduled time for the administration of medical ~~cannabis marijuana~~ to the qualifying student patient. The **designated primary** caregiver(s) must show ~~the~~ **proof of current registration with the Commission Registry Identification Card** and a second form of identification which shall be a photograph identification.
6. The Principal or supervising school staff member of a school-sponsored event may designate a school staff member to escort the **designated primary** caregiver(s) to the qualifying student patient at the designated time to the designated location for the administration.
7. The Principal may designate a school staff member to observe the administration of the medical ~~cannabis marijuana~~ on school grounds, aboard a school bus, or at a school-sponsored event.
8. The **designated primary** caregiver(s) shall assist in the administration of medical ~~cannabis marijuana~~ to the qualifying student patient in accordance with the method and dosage prescribed by the **health care practitioner** ~~physician~~ and included in the parent's request to the Principal.
9. The qualifying student patient shall return to his/her class or event as soon as possible after the administration.
10. The **designated primary** caregiver(s) will be escorted outside the school building, away from the school bus, or away from the school-sponsored event, if applicable, by a school staff member after the administration.
 - a. The qualifying student patient and/or **designated primary** caregiver(s) may be asked to remain at the location of the administration by the school staff member in the event the student needs some additional time after the administration and before returning to their class or event.



REGULATION GUIDE

STUDENTS

R 5330.01/page 10 of 10

Administration of Medical **Cannabis Marijuana**

11. The **designated primary** caregiver(s) shall be responsible for the security of the medical **cannabis marijuana** on school grounds, aboard a school bus, or at a school-sponsored event before, during, and after the administration. At no time shall the qualifying student patient have the medical **cannabis marijuana** in their possession except during the administration process by the **designated primary** caregiver(s).

Adopted:



REGULATION GUIDE

PROPERTY
R 7425/page 1 of 6
Lead Testing of Water in Schools
Jan 21
M

R 7425 LEAD TESTING OF WATER IN SCHOOLS

The Board of Education shall assure the availability of potable drinking water through sanitary means in school facilities or upon school grounds and shall test the school drinking water quality in accordance with the Safe Drinking Water Act, N.J.S.A. 58:12A-1 and the Planning and Construction Standards for School Facilities, N.J.A.C. 7:10 and N.J.A.C. 6A:26-6.

The school district shall conduct lead sampling and analysis in all drinking water outlets to which a student or staff member has, or may have, access in each school facility, other facility, or temporary facility in accordance with the provisions of N.J.A.C. 6A:26-12.4.

A. Testing of Drinking Water

1. Schedule

a. Sampling shall be conducted in accordance with a lead sampling plan, which shall include:

- (1) A plumbing survey for each facility that identifies how water enters and flows through each facility, the types of plumbing materials used in the facility, such as the service line, piping, solder, fixtures, drinking water outlets where students or staff have or may have access, and point of use treatment, such as drinking water filters;
- (2) The names and responsibilities of all individuals involved in sampling; and
- (3) The following sampling procedures:
 - (a) Samples shall be taken after water has sat undisturbed in the school pipes for at least eight hours, but no more than forty-eight hours before the sample is taken.



REGULATION GUIDE

PROPERTY

R 7425/page 2 of 6

Lead Testing of Water in Schools

- (i) 24-hour school facilities shall collect first-draw samples at drinking water outlets following a stagnation time that would likely result in the longest standing time;
 - (b) At least eight hours prior to sampling, signs shall be posted to indicate that water shall not be used and access to the buildings subject to the sampling shall be restricted to all but authorized staff members;
 - (c) Existing aerators, screens, and filters shall not be replaced or removed prior to or during sampling; and
 - (d) All samples shall be collected in pre-cleaned high-density polyethylene (HDPE) 250 milliliter (mL) wide-mouth single-use rigid sample containers that are properly labeled.
2. Analysis of Samples
- a. Analysis of samples shall be conducted as follows:
 - (1) Analysis shall be conducted by a certified laboratory to analyze for lead in drinking water;
 - (2) The laboratory shall use an approved analytical method pursuant to the Federal Safe Drinking Water Act at 40 CFR 141.23(k)(1); and
 - (3) Sample analysis shall be conducted in accordance with a Quality Assurance Project Plan (QAPP), which shall be signed by the Board, the certified laboratory, and the individual responsible for conducting the sampling. The QAPP shall include



REGULATION GUIDE

PROPERTY

R 7425/page 3 of 6

Lead Testing of Water in Schools

the identification of analytical methods, chain of custody procedures, data validation and reporting processes, detection limits, reporting to three significant figures, field blanks, and quality control measures required by the certified method.

- b. The Superintendent or designee may utilize a technical guidance manual, which will be developed by the New Jersey Department of Education (NJDOE), in consultation with the Department of Environmental Protection (DEP), to assist in the school district's compliance with the sampling and analysis requirements of this Regulation.

3. Designated Statewide Required Testing

- a. Notwithstanding the results or date of any prior testing, the Board shall continue to test drinking water outlets as provided in A.2.a. above in the designated Statewide required testing year, which shall be every third school year beginning with the 2021-2022 school year and subsequently occurring in the 2024-2025 school year:

- (1) By no later than June 30 of the designated Statewide required testing year, the Board shall test all drinking water outlets. Sampling shall be prioritized, such that buildings and facilities that previously had outlets with results above the action level or identified in the plumbing profile as high risk for lead shall be sampled first in accordance with the sampling plan; and
- (2) The Board shall sample for lead after the replacement of any drinking water outlet or any other alteration to plumbing or service lines that may impact lead levels at the outlet.



REGULATION GUIDE

PROPERTY
R 7425/page 4 of 6
Lead Testing of Water in Schools

- b. If the Board tests drinking water outlets for lead more frequently than the three-year cycle set forth in A.3.a. above, the notification requirements set forth in B.2.b. below shall apply.
 - (1) If drinking water outlets are tested more frequently in accordance with A.3.b. above, the Board shall make the most recent results for each facility available on the Board's website.
- 4. Statement of Assurance
 - a. The Board shall submit to the NJDOE by June 30 each year a statement of assurance that lead testing was completed, that notifications were provided, and that alternate drinking water continues to be made available in accordance with N.J.A.C. 6A:26-12.4.
- 5. Exception from Testing Requirements
 - a. The Board may request an exemption from the testing requirements set forth in A.2. above if they can demonstrate that they do not use any drinking water outlets for consumption or food preparation in any of their facilities.
 - b. The Board shall submit an application to the NJDOE documenting that no drinking water outlets are used in their facilities and the provisions for an alternative source of drinking water.
 - c. If the school district receives an exemption from the NJDOE from testing, the Board shall make available for public inspection at the school facility and on the Board's website, if applicable, confirmation that the school district is exempt from testing.



REGULATION GUIDE

PROPERTY

R 7425/page 5 of 6

Lead Testing of Water in Schools

- d. No later than June 30 of each Statewide required testing school year set forth in A.3. above, the Board shall either begin testing procedures in accordance with section A.3.a. above or reapply for an exemption under section A.5.

B. Water Testing – Laboratory Results

1. The Superintendent or designee shall complete a review of final laboratory results within seventy-two hours of receipt.
2. Within twenty-four hours after the Superintendent or designee has reviewed the final laboratory results, the Superintendent or designee shall:
 - a. Make the test results of all water samples publicly available at the school facility in accordance with section B.3. below and make the results from the most recent required Statewide testing available on the Board’s website; and
 - b. If any results exceed the permissible lead action level, provide written notification to the parents of all students attending the facility, facility staff, and the Department of Education. This written notification shall be posted on the Board’s website and shall include a description of the following:
 - (1) Measures taken by the Board or its designee, to immediately end use of each drinking water outlet where water quality exceeds the permissible lead action level;
 - (2) Any additional remedial actions taken or planned by the Board;
 - (3) The measures taken to ensure that alternate drinking water has been made available to all students and staff members at the school(s) where the water outlet(s) is located; and
 - (4) Information regarding the health effects of lead.



REGULATION GUIDE

PROPERTY
R 7425/page 6 of 6
Lead Testing of Water in Schools

3. Test results of all water samples shall remain publicly available in accordance with the timeline established by the Department of the Treasury in the Records Retention Schedule.

C. Reimbursement

1. The Board shall be eligible to be reimbursed for the water supply testing and analysis conducted pursuant to section A.3. above after July 1, 2021, as approved by the NJDOE and subject to available funds.
2. To be eligible to receive reimbursement, the Board shall complete and submit to the NJDOE a reimbursement application on a form, or in a format, supplied by the NJDOE.
 - a. The NJDOE will make the reimbursement application available on its website.
3. If the school district conducts additional testing in a year other than the Statewide required testing school year as set forth in A.3. above, the district shall not be eligible for reimbursement.

D. Failure to Comply

1. Failure to comply with any requirement of N.J.A.C. 6A:26-12.4 and Policy and Regulation 7425 may result in any of the following:
 - a. Board's disqualification for reimbursement pursuant to C. above;
 - b. The NJDOE's initiation of an investigation by the Office of Fiscal Accountability and Compliance; and
 - c. The Commissioner's withholding of State aid pursuant to N.J.A.C. 6A:2-1.2.

Adopted:

