

**WESTFIELD PUBLIC SCHOOLS**  
Westfield, New Jersey 07090

**PUPILS**  
**5440**  
**Honoring Pupil Achievement**

*Regulations Follow*

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## **5440 HONORING PUPIL ACHIEVEMENT**

The Board of Education values excellence and wishes to instill in pupils the desire to do their best in all things.

The Board will recognize the outstanding achievements of pupils by means appropriate to the grade level of the pupil and to the nature of the accomplishment.

The Board will maintain membership in the National Honor Society and will follow the guidelines of that organization in selecting members from the pupils in this district.

The Superintendent shall develop regulations for the recognition of pupil achievement that establish fair standards for recognition and provide for appropriate recognition ceremonies and awards.

N.J.S.A. 18A:11-3  
N.J.A.C. 6:39-1.6

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## **R 5440 HONORING PUPIL ACHIEVEMENT**

### **Intermediate School**

#### Honor Roll

Each marking period and at the close of the school year, official Honor Roll lists are published in recognition of high and outstanding scholastic achievement for the 7th and 8th graders. Students in sixth (6) grade may have their names published in recognition of outstanding academic achievement at the discretion of the intermediate school principal.

#### Distinguished Honors

To be included on the Distinguished Honor Roll, a student must earn a grade of “A” in all subjects.

#### Regular Honors

To be included on the Regular Honor Roll, a student must obtain any combination of “A” and/or “B” in all subjects.

### **High School**

#### Honor Roll Requirements

#### Distinguished Honor Roll

To be included in the Distinguished Honor Roll, a student’s GPA (Grade Point Average) must be between 3.75 and 4.0 with no grade lower than a B for the marking period. This does not include mid-term and final exams.

#### Honor Roll

To be included in the Honor Roll, a student’s GPA (Grade Point Average) must be between 3.5 and 3.74 with no grade lower than a B for the marking period. This does not include mid-term and final exams.

Academic awards offered by individuals and special interest organizations will be permitted subject to Policy No. 9700.

### National Honor Society

The National Honor Society is designed to honor students who have distinguished themselves in the areas of scholarship, leadership, service and character. The following criteria will be used for consideration of any student for membership in the National Honor Society. Induction occurs each spring.

#### Selection Procedure for National Honor Society (for the classes of 2019-21)

1. Students will be considered for membership in the spring of their junior and senior years.
2. A student must have been in the Westfield School system for at least three semesters.
3. A student must have a 3.75 or higher cumulative grade point average (GPA) on the academic ranking system.
4. Every faculty member, (teachers, administrators, and guidance counselors), will receive a list containing the names of those students who have satisfied the scholarship requirement.
5. On a scale of 1-5, (1=poor, 2=below average, 3=average, 4=above average, 5=superior), the faculty members will evaluate the students, whom they know, by placing a number in the appropriate column for each remaining category of leadership, service, and character.
6. All faculty members are asked to sign and return the lists to the National Honor Society advisor for tallying.
7. Each student must receive at least 5 votes that average to 3.50 or more for each of the three categories.
8. A faculty council will review the above results and give its approval.
9. All students who satisfy the above requirements will be notified in writing regarding his/her nomination for membership.
10. Each student nominated must accept membership in writing by the date requested.
11. Any student who is not accepted into the society will be given reasons if so requested by the student and/or his/her parents.

Selection Procedures for National Honor Society (for the classes of 2022 and beyond)

1. Students will be considered for membership in the spring of their junior and senior years.
2. A Student must have been in the Westfield School system for at least three semesters.
3. A Student must have a 3.800 or higher cumulative grade point average (GPA) on the weighted academic ranking system.
4. Each student who meets the 3.800 GPA Scholarship requirement will be mailed an application for National Honor Society. The application will require the following:
  - a. An Essay on what the 4 pillars of National Honor Society (Leadership, Service, Character and Scholarship) apply to them, and how National Honor Society will help develop these skills.
  - b. Proof that 20 hours of community service has been completed during their time in High School.
5. Every faculty member, (teachers, administrators, and guidance counselors), will receive a list containing the names of those student who have satisfied the scholarship requirement.
6. On a scale of 1-5, (1=poor, 2=below average, 3 = average, 4 = above average, 5= superior), the faculty members will evaluate the student's character, whom they know, by placing a number next to each student's name. All faculty members will be asked to sign and return the list to the National Honor Society Advisor for tallying.
7. Each student must receive at least 5 votes that average 3.50 or more for their character.
8. A faculty council will review the above results, the essay and the service record and give its approval.
9. Any student with disciplinary or academic integrity violations will have a chance to address this issue with Administration.
10. All students who satisfy the above requirements will be notified in writing regarding his/her induction into the organization.
11. Each student nominated must accept membership in writing by the date requested.
12. Any student who is not accepted into the society will be given reasons if so requested by the student and/or his/her parents.

## **5751 SEXUAL HARASSMENT OF PUPILS**

The Board of Education will not tolerate sexual harassment of pupils by school employees, other pupils, or third parties. Sexual harassment of pupils is a form of prohibited sex discrimination. School district staff will investigate and report allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

Since bullying may be a component of sexual harassment, it is noted that the Board of Education prohibits acts of harassment, intimidation, or bullying of a pupil.

“Harassment, intimidation, or bullying” means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:

1. Is reasonably perceived as being motivated by either any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability; or by any other distinguishing characteristic;
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. Substantially disrupts or interferes with the orderly operation of the school or the rights of other pupils; and that
  - a. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a pupil or damaging the pupil’s property, or placing a pupil in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
  - b. Has the effect of insulting or demeaning any pupil or group of pupils; or
  - c. Creates a hostile educational environment for the pupil by interfering with a pupil’s education or by severely or pervasively causing physical or emotional harm to the pupil.

The Board shall establish a grievance procedure through which school district staff and/or pupils can report alleged sexual discrimination, including sexual harassment. Sexual discrimination/sexual harassment are defined as follows:

1. “Quid pro quo” harassment occurs when a school employee, other pupils (peers), or third parties explicitly or implicitly conditions a pupil’s participation in an educational program or activity or bases an educational decision on the pupil’s submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, written or electronic communication, or physical conduct of a sexual nature. “Quid pro quo” harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. “Hostile environment” sexual harassment is sexually harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, written or electronic communication, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil’s ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

This Policy protects any person from sex discrimination; accordingly, all pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Sexual harassment, regardless of the gender of the harasser, even if the harasser and the pupil being harassed are members of the same gender is prohibited. Harassing conduct of a sexual nature directed toward any pupil, regardless of the pupil’s sexual orientation, gender identity or expression, may create a sexually hostile environment and therefore constitute sexual harassment. Nonsexual touching or other nonsexual conduct may not meet the definition of sexual harassment in some cases, but shall also be reviewed to determine if the behavior constitutes gender-based harassment and/or otherwise violates the code of conduct.

This policy further protects any person who reports sexual discrimination or harassment from any act of retaliation as defined by the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, et. seq.

The regulation and grievance procedure shall provide a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.

The Superintendent, or designee, will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The school district staff can learn of sexual harassment through notice and any other means such as from a witness to an incident, an anonymous letter, telephone call, email or other electronic communication.

This policy and regulation on sexual harassment of pupils shall be published and distributed to pupils and employees to ensure all pupils and employees understand the nature of sexual harassment and that the Board will not tolerate it. The Board shall provide training for all staff and age-appropriate classroom information for pupils to ensure the staff and the pupils understand what type of conduct can cause sexual harassment and that the staff know the school district policy and regulation on how to respond.

In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom and in all other programs in the public schools. The Superintendent or designee will review the behavior to determine if it was discriminatory in nature and had a negative impact on the student. Furthermore, the Superintendent, or designee, will formulate, interpret, and apply the policy so as to protect free speech rights of staff, pupils and third parties.

In addition, if the Board accepts federal funds, the Board shall be bound by Title IX of the Education Amendments of 1972 prohibiting sexual harassment of pupils. Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school in a school building or at another location.

United States Department of Education - Office of Civil Rights Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (1997)

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## **R 5751 SEXUAL HARASSMENT OF PUPILS**

Sexual harassment of pupils is prohibited by the Board of Education. The Superintendent, Anti-Bullying Specialist, Affirmative Action Officer or other designee, will use the following methods to investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

### **A. Definitions**

1. Notice - The school district has notice if it actually “knew, or in the exercise of reasonable care, should have known” about the harassment. If an agent or responsible employee of the school district received notice, the school district is deemed to have notice. The school district may receive notice in many different ways:
  - a. A pupil may have filed a grievance or complained to a teacher about fellow pupils harassing him or her.
  - b. A pupil, parent, or other pupil may have contacted other appropriate school personnel.
  - c. An agent or a responsible employee of the school district may have witnessed the harassment.
  - d. The school district may obtain information in an indirect manner such as staff, community members, newspapers, etc.
2. Constructive Notice - A school district will be in violation if the school district has “constructive notice” of a sexually hostile environment and fails to take immediate and appropriate corrective action. Constructive notice exists if the school district “should have” known about the harassment and if the school district would have found out about the harassment through a “reasonable diligent inquiry.”
3. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal written or electronic communication, or physical aggression, harassment, intimidation or bullying, or hostility based on gender, gender identity, or gender expression, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.

4. Title IX of the Education Amendments of 1972 - Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects any “person” from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Title IX prohibits sexual harassment regardless of the gender of the harasser even if the harasser and the pupil being harassed are members of the same gender. Although Title IX does not specifically prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian pupils may constitute sexual harassment as prohibited by Title IX. Harassing conduct of a sexual nature directed toward gay or lesbian pupils may create a sexually hostile environment and therefore be prohibited under Title IX.
5. Grievance Procedure - The grievance procedure provides for prompt and equitable resolution of discrimination complaints, including complaints of sexual harassment. The grievance procedure provides the school district with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.
6. Office Of Civil Rights (OCR) - The OCR of the United States Department of Education has federal government’s enforcement authority of Title IX.
7. Unwelcomeness - In order to be actionable as harassment, sexual conduct must be unwelcomed. Conduct is unwelcomed if the pupil did not request or invite it and “regarded the conduct as undesirable or offensive.” The school district will be concerned about the issue of welcomeness if the harasser is in a position of authority. As per State law, pupils in grades K-12 cannot consent to sexual conduct with school employees.
8. Acquiescence - Acquiescence in the conduct or the failure to complain does not always mean the conduct was welcome. The fact that a pupil may have accepted the conduct does not mean that he/she welcomed it. The fact that a pupil willingly participated in conduct on one occasion does not prevent him or her from indicating that the same conduct has become unwelcome on a subsequent occasion. On the other hand, if a pupil actively participates in sexual banter and discussions and gives no indication he/she objects, then the evidence generally will not support a conclusion that the conduct was unwelcomed.

9. Sufficiently Severe, Persistent, or Pervasive Conduct - In determining whether conduct is sufficiently severe, persistent, or pervasive, the conduct should be considered from a subjective and objective perspective. In making this determination, all relevant circumstances should be considered:
  - a. The degree to which the conduct affected one or more pupils' behavior. The conduct must have limited a pupil's ability to participate in or benefit from his/her education or altered the conditions of the pupil's educational environment.
  - b. The type, frequency, and duration of the conduct.
  - c. The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.
  - d. The number of individuals involved.
  - e. The age and gender of the alleged harasser and the subject or subjects of the harassment.
  - f. The location of the incidents, and context in which they occurred.
  - g. Other incidents at the school.
  - h. Incidents of gender-based, but non-sexual harassment.

**B. Grievance Procedure**

The following Grievance Procedure shall be used for an allegation(s) of Harassment of Pupils by School Employees, Other Pupils, or Third Parties:

1. Reporting of Sexual Harassment Conduct
  - a. Any person with any information regarding actual and/or potential sexual harassment of a pupil by any school employee, other pupils, or third parties must report the information to the school building principal, their immediate supervisor or the Affirmative Action Officer. Failure of the employee to report the information shall result in appropriate progressive discipline for that employee.

- (1) If the building principal deems it appropriate, he/she may immediately notify the parent/legal guardian of the alleged harasser(s) or alleged victim(s) upon receipt of any information prior to notifying the Affirmative Action Officer.
    - (2) The building principal shall not be required to disclose the name(s) of the alleged harasser(s) or alleged victim(s) to the other party during the initial contact with the parent/legal guardian of the alleged harasser(s) or alleged victim(s). Any disclosure of said information by the principal or other school administrator shall be made in a manner consistent with the Family Educational Rights and Privacy Act (FERPA).
  - b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, telephone call, or electronic communication.
  - c. Nothing in the Policy and Regulation on Pupil Sexual Harassment shall preclude the building principal, or designee, from complying with the provisions of Policy No. 5600 - Pupil Discipline in order to maintain the health, safety and welfare of staff and/or pupils.
  - d. A report from the school building principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school building principal or immediate supervisor feels sexual harassment conduct was not present.
  - e. Upon receipt of an allegation and/or report, the Affirmative Action Officer shall immediately notify the parents/legal guardians of any alleged harasser(s) and victim(s) for which a report has been filed even if the building principal has previously notified the parents/legal guardian.
  - f. The Affirmative Action Officer shall notify the parents/legal guardian of all involved pupils and any other involved individuals of the process to be followed in investigating a report or complaint.
2. Affirmative Action Officer's Investigation
- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.

- b. When a pupil or the parent/legal guardian of a pupil provides information or complains about sexual harassment of the pupil, the Affirmative Action Officer will initially discuss what actions the pupil or parent/legal guardian is seeking in response to the harassment.
- c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any pupils who may have been sexually harassed by any school employee, other pupils, or third parties and any other reasonable methods to determine if sexual harassment conduct existed.
- d. The Affirmative Action Officer will request, if relevant to an investigation, the parent/legal guardian of any pupil involved in the investigation to assist in the investigation to determine if sexual harassment conduct exist(ed).
- e. The Affirmative Action Officer will provide a copy of the Board Policy and Regulation to all persons who are interviewed with potential knowledge and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.
- f. The Affirmative Action Officer will explain the avenues for formal and informal action, including a description of the grievance procedure that is available for sexual harassment complaints and an explanation on how the procedure works.
- g. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
- h. The Affirmative Action Officer and/or Superintendent must contact law enforcement agencies if there is potential criminal conduct by any party.
- i. The school district administrators may take interim measures during an Affirmative Action Officer's investigation of a complaint in order to alleviate any conditions which prohibits the pupil from assisting in the investigation.
- j. If elementary or middle school pupils are involved, it may become necessary to determine the degree to which they are able to recognize that certain sexual conduct is conduct to which they can or should reasonably object and the degree to which they can articulate an objection. The Affirmative Action Officer will consider the age of the pupil, the nature of the conduct involved, and other relevant factors in determining whether a pupil has been sexually harassed.

- k. In no case should the defense of consensual behavior be permitted when the alleged sexual conduct involves a school employee and a pupil.
- l. If there is a dispute about whether harassment occurred, determinations should be based on the totality of the circumstances. The following types of information may be helpful in resolving the dispute:
  - (1) Statements made by any witnesses to the alleged incident.
  - (2) Evidence about the relative credibility of the alleged harassed pupil and the alleged harasser.
  - (3) Evidence that the alleged harasser has been found to have harassed others may support the credibility of the pupil claiming harassment.
  - (4) Evidence of the allegedly harassed pupil's reaction or behavior after the alleged harassment.
  - (5) Evidence about whether the pupil claiming harassment filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.
  - (6) Other contemporaneous evidence such as did the pupil write about the conduct and his/her reaction to it soon after it happened in diary or letter and/or tell friends or relatives.
- 3. Investigation Results
  - a. Upon the conclusion of the investigation, but not later than ten working days after reported, the Affirmative Action Officer will prepare a summary of findings to the parties. At the least this shall include the person(s) providing notice to the school district and the pupil(s) who were alleged to be sexually harassed.
  - b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
  - c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
  - d. If the Affirmative Action Officer determines that sexual harassment has occurred, consequences and appropriate remedial actions will follow Policy 5512 – Harassment, Intimidation and Bullying.

- e. In the event the Affirmative Action Officer determines a hostile environment exists, the school district administrators and staff shall take steps to eliminate the hostile environment. The school district administrators may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed pupil, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any pupil that reports such conduct.
  - f. In some situations, the school district administrators may need to provide other services to the pupil that was harassed if necessary to address the effects of the harassment on that pupil. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed pupil's work, re-taking a course with a different instructor, tutoring and/or other measures that are appropriate to the situation.
  - g. The school district administrators will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed pupil and his/her parent how to report any subsequent problems and make follow-up inquiries to see if there has been any new incidents or retaliation.
  - h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.
4. Affirmative Action Officer's Investigation Appeal Process

A parent or guardian may request a hearing before the Board of Education after receiving the written information about the investigation. Any request for such a hearing shall be filed with the Board Secretary no later than sixty calendar days after the written information is provided to the parents. The hearing shall be held within ten business days of the request. The Board of Education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the pupils. At the hearing, the Board may hear testimony from and consider information provided by the school Anti-Bullying Specialist and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled Board of Education meeting following its receipt of the Superintendent's report on the results of the investigations to the Board or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education's decision.

A parent, pupil, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

**C. Office of Civil Rights (OCR) Case Resolution**

Parents or pupils not satisfied with the resolution of an allegation of sexual harassment by the school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).
2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of pupils, including incidents caused by employees, other pupils, or third parties, OCR will consider whether:
  - a. The school district has a policy prohibiting sex discrimination under Title IX and an effective Title IX grievance procedure;
  - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
  - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.
3. If the school district officials have taken the steps described in 2 above, the OCR will consider the case against the school district resolved and take no further action other than monitoring compliance with any agreement between the school district and the OCR. This shall apply in cases in which the school district was in violation of Title IX, as well as those in which there has been no violation of Title IX.

## **7420 HYGIENIC MANAGEMENT**

The Board of Education recognizes that the health and physical well-being of the pupils and staff of this district depend in large measure upon the cleanliness and sanitary management of the schools.

The Board directs that a program of hygienic management be instituted in the schools and explained annually to all staff members. Each school shall be inspected for cleanliness and sanitation by the Supervisor of Buildings and Grounds not less than once each year.

The Board will cooperate with the local board of health in the sanitary inspection of the schools' toilets, washrooms, food vending machines, water supply, and sewage disposal systems.

The Superintendent shall prepare, in consultation with the school medical inspector, regulations, first aid and emergency medical procedures that utilize standard precautions in the handling and disposal of blood and body fluids, whether or not pupils or staff members with HIV infection are present. School staff members and volunteers shall be provided the supplies for implementing the procedures. In particular, school nurses, custodians, and teachers shall be trained in proper handling procedures. These regulations and procedures will comply with the regulations of the State Department of Health and State Department of Labor (OSHA Standards for Occupational Exposure to Bloodborne Pathogens) and recommendations of the Centers for Disease Control and Prevention.

### **Bloodborne Pathogens**

The Board recognizes that school employees may in the performance of their duties reasonably anticipate contact with human blood or other potentially infectious body fluids that may expose them to bloodborne pathogens such as Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV). In accordance with federal OSHA regulations, the Board will establish a written Exposure Control Plan designed to eliminate or minimize employee exposure to such infection. The plan shall list all job classifications and tasks in which exposure occurs; describe and require the implementation of workplace controls to eliminate or minimize exposure; require the provision of hepatitis B vaccination to employees who have occupational exposure; and require the provision of a training program for employees who have occupational exposure. The plan shall be updated annually and as required to include new or revised employee positions with occupational exposure. A copy of the plan shall be made accessible to employees.

### Disposal of Medical Waste

The Superintendent shall prepare, in consultation with the school medical inspector, a medical waste disposal program to ensure all medical waste, including needles and sharps, are disposed of in accordance with the rules and regulations of the New Jersey Department of Health.

### Chemical Hygiene

The Board also recognizes that certain school employees who work in laboratories may be exposed to hazardous chemicals in the course of their duties. In accordance with federal OSHA regulations, the Board will establish practices that are capable of protecting employees from health hazards presented by hazardous chemicals used in the workplace. The plan shall contain the locations of hazardous chemicals and shall enunciate a plan capable of protecting employees from associated health hazards and keeping exposure of employees below specified limits. The Chemical Hygiene Plan shall be readily available to employees and shall contain at least the following elements:

1. Standard operating procedures for using hazardous chemicals in laboratory work;
2. Criteria that the Board will use to determine and implement control measures to reduce employee exposure;
3. The requirement that fume hoods and other protective equipment are functioning properly and that measures are taken to ensure adequate performance of such equipment;
4. Provision for employee information and training;
5. The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the Building Principal before implementation;
6. Provisions for medical consultation;
7. Designation of personnel responsible for implementation of the chemical hygiene plan; and
8. Provisions for additional employee protection for work with particularly hazardous substances.

The Board directs that the program of chemical hygiene be implemented by the Chemical Hygiene Officer. The Science Supervisor will serve as Chemical Hygiene Officer for all schools in the district and shall be responsible for the examination of all school facilities to determine where hazardous chemicals are used and to ensure compliance of all school facilities with the Chemical Hygiene Plan.

The Superintendent shall develop and supervise a program for the cleanliness and sanitary management of the school buildings, school grounds, and school equipment pursuant to statute, rules of the State Board of Education, and regulations of the State Board of Health.

The day to day monitoring of the cleanliness of each school building shall be the responsibility of the building principal.

29 C.F.R. 1910

N.J.A.C. 6:3-8.1; 6A:16-1.4; 6A:16-2.3(e); 6A:26-12.4

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## **R 7420 HYGIENIC MANAGEMENT**

### **A. Definitions**

1. “Body wastes and fluids” includes a person’s blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge), and saliva. Body fluids of all persons should be considered to potentially contain infectious agents.
2. “Disinfectant” means an intermediate level agent that will kill vegetative bacteria, fungi, tubercle bacillus, and viruses and has been registered by the U.S. Environmental Protection Agency for use as a disinfectant in medical facilities and hospitals. The following classes of disinfectants are acceptable, with hypochlorite solution (A2c) preferred for objects that may be put in the mouth:
  - a. Ethyl or isopropyl alcohol (70%);
  - b. Phenolic germicidal detergent in a 1% aqueous solution;
  - c. Sodium hypochlorite with at least 100 ppm available chlorine (one-half cup household bleach in one gallon water, freshly prepared for each use);
  - d. Quaternary ammonium germicidal detergent in 2% aqueous solution; and
  - e. Iodophor germicidal detergent with 500 ppm available iodine.
3. “Person” means any person on school premises or at a school-related activity, including pupils, staff members, and visitors, whether or not the person has a communicable disease or has been exposed to a communicable disease.

### **B. Precautions**

1. Whenever possible, direct contact with body wastes and fluids should be avoided.
2. The wearing of protective gloves is required whenever direct hand contact with body wastes and fluids is anticipated, such as in treating a bloody nose, handling clothing soiled by incontinence, and cleaning small spills by hand.

3. Disposable protective gloves shall be worn by any person in the removal of body wastes and fluids and the treatment or disinfection of any items or surfaces that have come in contact with body wastes and fluids.
4. A supply of disposable protective gloves shall be maintained in the office of the school nurse and shall be freely available to all staff members.

**C. When Bodily Contact with Body Wastes or Fluids Occurs**

1. Hands and other skin areas that have come in contact with a person's body wastes or fluids must be thoroughly washed by the use of soap and vigorous scrubbing of all contacted surfaces under running water for at least twenty (20) seconds. Hands and other skin areas should then be dried with paper towels.
2. Gloves soiled by contact with body wastes and fluids or in the cleaning of soiled items and surfaces should be promptly removed and placed in a plastic bag or lined trash can, secured, and disposed of daily.

**D. Removal of Body Wastes and Fluids From the Environment**

1. A sanitary absorbent agent, designed to absorb and disinfect body wastes and fluids, will be applied in accordance with instructions supplied with the material.
2. When the fluid is absorbed, the material will be vacuumed or swept up and the vacuum bag or sweepings will be disposed of in a plastic bag or lined trash can, secured, and disposed of daily.
3. The broom and dust pan used in sweeping will be rinsed in a disinfectant. No special handling is required for the vacuuming equipment.
4. Any disposable items (such as paper towels and tissues) used to clean up will be placed in a plastic bag or lined trash can, secured, and disposed of daily.

**E. Treatment of Soiled Items**

1. Items such as clothing and fabric towels should be rinsed under cold running water to remove body wastes and fluids. If necessary for the treatment of stains, the item may be soaked in cold water.
2. If such prerinsing is required, gloves should be used when rinsing or soaking the items in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents/teachers.

3. Rinsed items may be stored in a plastic bag until further treatment can be given. A pupil's soiled clothing should be placed in a plastic bag with prepared laundry instructions for the parent(s) or legal guardian(s).
4. Clothing and other items soiled by body wastes and fluids should be laundered separately in soap and water. The use of a household chlorine bleach is recommended; if the material is not colorfast, a nonchlorine bleach may be used.
5. Soiled disposable items (e.g., tissues, cotton balls, band aids, paper towels, diapers) should be handled in the same manner as disposable gloves.

**F. Treatment of Soiled Rugs**

1. Body wastes and fluids should be removed as provided in D.
2. A rug shampoo with a germicidal detergent should be applied with a brush and, when dried, vacuumed.
3. The vacuum bag will be placed in a plastic bag or lined trash can, secured, and disposed of daily.

**G. Disinfection of Hard Surfaces**

1. Employees are to wear gloves while disinfecting hard surfaces and equipment.
2. Body wastes and fluids should be removed as provided in D and a disinfectant applied to the affected surface.
3. Mops should be soaked in the disinfectant after use and rinsed thoroughly or washed in a hot water cycle.
4. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate.
5. Nondisposable cleaning equipment (such as dust pans and buckets) should be thoroughly rinsed in the disinfectant.
6. The disinfectant solution should be promptly discarded down a drain pipe.
7. Gloves should be discarded in appropriate receptacles.

H. Disposal of Sharps

“Sharps” are defined as any instrument used to inject fluids into or draw fluids out of humans. Included are the needles used for TB tests and lancets used for blood sampling.

1. The school nurse shall keep a log of all sharps used on a monthly basis. The log shall be maintained with the nurse’s files.
2. All sharps shall be placed in a medical waste container that is:
  - rigid
  - leak resistant
  - impervious to moisture
  - have sufficient strength to prevent tearing or bursting under normal conditions of use and handling
  - puncture resistant
  - sealed to prevent leakage during transport
  - labeled

When the medical waste container is 75% full, the school nurse shall advise the building principal, who will arrange by work order, to have the container picked up. The words, “Medical Waste”, shall be clearly typed across the top of the work order form.

**R 7420.1 BLOODBORNE PATHOGEN**  
**EXPOSURE CONTROL PLAN**

**A. Definitions**

1. "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in human beings, including but not limited to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).
2. "Exposure incident" means a specific eye, mouth, other mucous membranes, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.
3. "Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or any other body fluid that may result from the performance of an employee's duties.
4. "Parenteral" means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.
5. "Source individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

**B. Exposure Determination**

The employees in this school district who have occupational exposure are those employees whose duties require close contact with pupils and include the job classifications designated by the Superintendent.

**C. Workplace Controls**

1. Standard precautions shall be observed to prevent contact with blood or other potentially infectious materials. All body fluids shall be considered potentially infectious materials, whether or not the presence of bloodborne pathogens is determined and whether or not body fluid types can be differentiated.
2. All blood and body fluids shall be handled in accordance with Regulation 7420, Hygienic Management, which is incorporated herein as if set forth in its entirety.

**D. Hepatitis B Vaccination**

1. Hepatitis B vaccination shall be made available to each employee identified as having occupational exposure, after the employee has received training in bloodborne pathogens and within ten working days of his or her initial assignment, unless
  - a. The employee has previously received the complete hepatitis B vaccination series,
  - b. Antibody testing has revealed that the employee is immune,
  - c. The vaccine is contraindicated for medical reasons, or
  - d. The employee declines to receive the vaccine and signs the required statement to that effect, except than an employee who has declined to receive the vaccine and later decides to receive it shall be again offered the vaccine.
2. Hepatitis vaccination shall be made available without cost to employees, at a reasonable time and place, under the supervision of a licensed physician or other licensed healthcare professional, and in accordance with recommendations of the U.S. Public Health Service current at the time of the vaccination.
3. All laboratory tests shall be conducted by an accredited laboratory at no cost to the employee.

**E. Post Exposure Evaluation and Follow-Up**

Whenever an exposure incident is reported, the exposed employee shall be promptly offered a confidential medical evaluation and follow-up.

1. The route(s) of exposure and the circumstances under which exposure occurred shall be documented.
2. The identity of the source individual shall be documented, unless the Board establishes that identification is not feasible or is prohibited by state or federal law.

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3. Unless the identified source individual's infection with HBV or HIV infection is already known, the identified source individual's blood shall be tested for HBV and HIV infectivity, provided that the source individual has consented to the test for HBV and HIV infectivity when consent is not required by law. When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.
4. The results of any blood testing of the source individual shall be made available to the exposed employee, and the employee shall be informed of all laws and regulations regarding disclosure of the identity and infectious status of the source individual.
5. The exposed employee's blood shall be collected as soon as possible after the exposure and on the employee's consent for HBV and HIV serological status. The employee may withhold consent for HIV serological testing for up to ninety days, during which his or her blood sample shall be preserved.
6. The exposed employee shall be offered post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service; counseling; and evaluation of any reported illnesses.

**F. Communication of Hazards to Employees**

Any container that holds blood or other potentially infectious material shall be conspicuously labeled with a sign that its contents are a biohazard, in accordance with federal regulations. 29 C.F.R. 1910.1030(g).

**G. Training Program**

1. Employees with occupational exposure must participate in a training program, which shall be provided at no cost to the employee and during working hours.
2. Employees shall receive training on their initial assignment to a position with occupational exposure within ninety days after the effective date of the exposure and annually thereafter. Employees shall also receive training whenever any modifications in the position affects exposure except that any such training may be limited to the new exposures created.
3. Training materials shall be appropriate in content and vocabulary to the educational level, literacy, and language of employees.

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4. The training program shall include as a minimum:
  - a. An accessible copy of the OSHA regulation on bloodborne pathogens, 29 C.F.R. 1910.1030, and an explanation of its contents,
  - b. A general explanation of the epidemiology and symptoms of bloodborne diseases,
  - c. An explanation of the modes of transmission of bloodborne pathogens,
  - d. An explanation of this Exposure Control Plan and the means by which the employee can obtain a copy of the plan,
  - e. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials,
  - f. An explanation of the use and limitations of methods that will prevent or reduce exposure, including work practices and personal protective equipment,
  - g. Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment,
  - h. An explanation of the basis for selection of personal protective equipment,
  - i. Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of vaccination, and the free availability of the vaccine and vaccination,
  - j. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials,
  - k. An explanation of the procedure to be followed if an exposure incident occurs, including the method of reporting that incident and the medical follow-up that will be made available,

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- l. Information on the post-exposure evaluation and follow-up that the employer is required to provide after an exposure incident,
  - m. Information regarding the labeling of biohazardous materials, and
  - n. An opportunity for interactive questions and answers with the person conducting the training session.
- 5. The person conducting the training shall be knowledgeable in the subject matter covered as is relates to the workplace that the training will address.

**H. Recordkeeping**

- 1. The district will establish and maintain an accurate medical record for each employee with occupational exposure in accordance with 29 CFR 1910.1020. The record shall include:
  - a. The name and social security number of the employee;
  - b. A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccinations required by Section D. of this regulation;
  - c. A copy of all results of examinations, medical testing, and follow-up procedures as required by Section E. of this Regulation;
  - d. The district's copy of the healthcare professional's written opinion as required by 29 C.F.R. 1910.1030 (f)5;
  - e. A copy of the information provided to the healthcare professional as required by 29 C.F.R. 1910.1030 (f)(4)ii(B)(C) and (D);
  - f. The district shall ensure the employee's medical records required in Policy 7420 and this Regulation are kept confidential and are not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by law; and

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- The medical records required in this section must be maintained by the district for at least the duration of employment of the employee plus thirty years in accordance with 29 CFR 1910.1020.
  - The district will maintain training records for three years from the date on which the training occurred. These records shall include:
    - The dates and contents or summary of the training sessions; and
    - The names and qualifications of persons conducting the training and the names and job titles of all persons attending the training sessions.
  - The district will ensure the training records required by this section of the Regulation be made available to authorized State and federal agencies, employees, and employee representatives upon request. Employee medical records required by this section of the Regulation shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, and to authorized State and federal agencies in a accordance with State and federal laws.
  - The district shall comply with the requirements involving the transfer of records set forth in 29 CFR 1910.1020(h).
  - The district shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the log shall be recorded and maintained in such a manner as to protect the confidentiality of the injured employee. The log shall contain, at a minimum: the type and brand of device involved in the incident; the department or work area where the exposure incident occurred; and an explanation of how the incident occurred. This log shall be maintained for the period required by 29 CFR 1904.6.
- I. District's Exposure Control Plan
- The District's Exposure Control Plan shall be reviewed at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update of the Plan shall also

- a. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
- b. Document annually consideration and implementation of appropriate, commercially-available, and effective safer medical devices designated to eliminate or minimize occupational exposure.

In Effect: June 27, 2000  
Revised:

## **R 7420.2 CHEMICAL HYGIENE**

### A. Definitions

The following terms shall be defined as specified in Title 29 Code of Federal Regulations (CFR) Part 1910:

1. *"Action level"* means a concentration designated in 29 CFR part 1910 for a specific substance, calculated as an eight hour time-weighted average, which initiates certain required activities such as exposure monitoring and medical surveillance.
2. *"Carcinogen"* (see "select carcinogen").
3. *"Chemical Hygiene Officer"* means an employee or contractor who is designated by the Superintendent, and who is qualified by training or experience, to provide technical guidance in the development and implementation of the provisions of the Chemical Hygiene Plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer's organizational structure.
4. *"Chemical Hygiene Plan"* means a written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment and work practices that (i) are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular workplace and (ii) meets the requirements of a chemical hygiene plan.
5. *"Combustible liquid"* means any liquid having a flashpoint at or above 100°F (37.8°C) but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C) or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.
6. *"Compressed gas"* means:
  - a. A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or
  - b. A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

- c. A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.
- 7. *"Designated area"* means an area which may be used for work with "select carcinogens," reproductive toxins or substances which have a high degree of acute toxicity. A designated area may be the entire laboratory, an area of a laboratory or a device such as a laboratory hood.
- 8. *"Emergency"* means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in an uncontrolled release of a hazardous chemical into the workplace.
- 9. *"Employee"* means an individual employed in a laboratory workplace who may be exposed to hazardous chemicals in the course of his or her assignments.
- 10. *"Explosive"* means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.
- 11. *"Flammable"* means a chemical that falls into one of the following categories:
  - a. *"Aerosol, flammable"* means an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening:
  - b. *"Gas, flammable"* means
    - (1) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent by volume or less; or
    - (2) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than 12 percent by volume regardless of the lower limit.
  - c. *"Liquid, flammable"* means any liquid having a flashpoint below 100°F (37.8°C) except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

- d. *"Solid, flammable"* means a solid, other than a blasting agent or explosive as defined in § 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.
12. *"Flashpoint"* means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:
- a. Tagliabue Closed Tester (See American National Standard Method of Test for Flash Point by Tagliabue Closed Tester, Z11.24-1979 (ASTM D 56-79) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C) that do not contain suspended solids and do not have a tendency to form a surface film under test; or
  - b. Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester A11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C) or that contain suspended solids, or that have a tendency to form a surface film under test; or
  - c. Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).
- Organize peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.
13. *"Hazardous chemical"* means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic systems, and agents which damage the lungs, skin, eyes, or mucous membranes.

Appendices A and B of the Hazard Communication Standard (29 CFR 1910.1200) provide further guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for purposes of this standard.

14. *"Laboratory"* means a facility where the "laboratory use of hazardous chemicals" occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis.
15. *"Laboratory scale"* means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. "Laboratory scale" excludes those workplaces whose function is to produce commercial quantities of materials.
16. *"Laboratory-type hood"* means a device located in a laboratory, enclosure on five sides with a movable sash or fixed partial enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hands and arms.

Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous chemicals.

17. *"Laboratory use of hazardous chemicals"* means handling or use of such chemicals in which all of the following conditions are met:
  - a. Chemical manipulations are carried out on a "laboratory scale;"
  - b. Multiple chemical procedures or chemicals are used;
  - c. The procedures involved are not part of a production process, nor in any way simulate a production process; and
  - d. "Protective laboratory practices and equipment" are available and in common use to minimize the potential for employee exposure to hazardous chemicals.
18. *"Medical consultation"* means a consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where a significant exposure to a hazardous chemical may have taken place.

19. *"Organic peroxide"* means an organic compound that contains the bivalent \_O\_O\_ structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
20. *"Oxidizer"* means a chemical other than a blasting agent or explosive as defined in § 29CFR1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.
21. *"Physical hazard"* means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.
22. *"Protective laboratory practices and equipment"* means those laboratory procedures, practices and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective, in minimizing the potential for employee exposure to hazardous chemicals.
23. *"Reproductive toxins"* means chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).
24. *"Select carcinogen"* means any substance which meets one of the following criteria:
  - a. It is regulated by OSHA as a carcinogen; or
  - b. It is listed under the category, "known to be carcinogens," in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or
  - c. It is listed under Group 1 ("carcinogenic to humans") by the International Agency for Research on Cancer Monographs (IARC) (latest editions); or
  - d. It is listed in either Group 2A or 2B by IARC or under the category, "reasonably anticipated to be carcinogens" by NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:
    - (1) After inhalation exposure of 6-7 hours per day, 5 days per week, for a significant portion of a lifetime to dosages of less than 10 mg/m<sup>3</sup>;
    - (2) After repeated skin application of less than 300 (mg/kg of body weight) per week; or

(3) After oral dosages of less than 50 mg/kg of body weight per day.

25. *"Unstable (reactive)"* means a chemical which is in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.
26. *"Water-reactive"* means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

**B. Employee Exposure**

The Board shall provide for initial and periodic monitoring of any employees if there is reason to believe that exposure levels to an OSHA regulated substance will exceed permissible limits as specified in 29 CFR part 1910 subpart 2. Monitoring may only be terminated in accordance with the relevant standard. The Chemical Hygiene Officer will notify in writing affected employees within 15 working days of the results of monitoring either individually or by posting the results in a location accessible to all employees.

**C. Chemical Hygiene Plan**

1. The Superintendent or designee shall cause the development of a chemical hygiene plan by the Chemical Hygiene Officer which shall include at least the following elements and indicate specific measures the Board will take to ensure employee protection:
- a. Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals;
  - b. Criteria that the employer will use to determine and implement control measures to reduce employee exposure to hazardous chemicals including engineering controls, the use of personal protective equipment and hygiene practices; particular attention shall be given to the selection of control measures for chemicals that are known to be extremely hazardous;
  - c. A requirement that fume hoods and other protective equipment are functioning properly and specific measures that shall be taken to ensure proper and adequate performance of such equipment;
  - d. Provisions for employees information and training as prescribed by 29 CFR Part 1910;

- e. The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the employer or the employer's designee before implementation;
  - f. Provisions for medical consultation and medical examinations in accordance with 29 CFR Part 1910;
  - g. Designation of personnel responsible for implementation of the Chemical Hygiene Plan including the assignment of a Chemical Hygiene Officer, Chemical Hygiene Management Technicians, and, if appropriate, establishment of a Chemical Hygiene Committee; and
  - h. Provisions for additional employee protection for work with particularly hazardous substances. These include "select carcinogens," reproductive toxins and substances which have a high degree of acute toxicity. Specific consideration shall be given to the following provisions which shall be included where appropriate:
    - (1) Establishment of a designated area;
    - (2) Use of containment devices such as fume hoods or glove boxes;
    - (3) Procedures for safe removal of contaminated waste; and
    - (4) Decontamination procedures.
2. The plan shall be capable of protecting employees from health hazards associated with hazardous chemicals in laboratories and keeping exposure below specified limits.

**D. Employee Information and Training**

The Chemical Hygiene Officer shall provide employees with information and training to ensure that they are apprised of the hazards of chemicals present in their work area. The information shall be provided at the time of the employees initial assignment to the work area and whenever new exposure situations arise. Refresher information shall be provided as the situation with regard to hazardous chemicals changes. Employees shall be informed of (1) the contents of federal standards relating to hazardous chemicals; (2) the location and availability of the chemical hygiene plan; (3) the permissible exposure limits as established by OSHA; (4) signs and symptoms associated with exposure to hazardous chemicals used in the laboratory and (5) the location and availability of known references on the hazards, safe handling, storage and disposal of hazardous chemicals.

Employee training shall include (1) methods and observations used to detect the presence or release of hazardous chemicals; (2) the physical and health hazards of chemicals in the work area; (3) the measures employees can use to protect themselves, including specific procedures the Board has implemented to protect employees; (4) training on the applicable details of the Board's Chemical Hygiene Plan.

**E. Medical Consultation**

The Board will provide all employees who work with hazardous chemicals an opportunity to receive medical attention, including follow-up examinations the physician deems necessary under the following circumstances:

1. Whenever an employee develops signs or symptoms associated with a hazardous chemical to which the employee may have been exposed in the laboratory, the employee shall be provided an opportunity to receive an appropriate medical examination.
2. Where exposure monitoring reveals an exposure level routinely above the action level (or in the absence of an action level, the PEL) for an OSHA regulated substance for which there are exposure monitoring and medical surveillance requirements, medical surveillance shall be established for the affected employee as prescribed by the particular standard.
3. Whenever an event takes place in the work area such as a spill, leak, explosion or other occurrence resulting in the likelihood of a hazardous exposure, the affected employee shall be provided an opportunity for a medical consultation. Such consultation shall be for the purpose of determining the need for a medical examination.

**F. Information Provided to the Physician**

The employer shall provide the following information to the physician:

1. The identity of the hazardous chemicals(s) to which the employee may have been exposed;
2. A description of the conditions under which the exposure occurred including quantitative exposure data, if available, and
3. A description of the signs and symptoms of exposure that the employee is experiencing, if any.

**G. Physician's Written Opinion Shall Include:**

1. Any recommendation for further medical follow-up;
2. The results of the medical examination and any associated tests;
3. Any medical condition which may be revealed in the course of the examination which may place the employee at increased risk as a result of exposure to a hazardous chemical found in the workplace; and
4. A statement that the employee has been informed by the physician of the results of the consultation or medical examination and any medical condition that may require further examination or treatment.

**H. Hazard Identification**

With respect to labels and material data sheets, the Board shall (1) ensure that labels on incoming containers of hazardous materials are not removed or defaced; (2) maintain material safety data sheets and ensure they are available to employees, and (3) comply with federal regulations with regard to chemical substances produced within the laboratory, assuming that if a substance is produced whose composition is not known that it will be assumed it is hazardous.

**I. Use of Respirators**

Where respirators are required to maintain exposure below permissible limits, they will be provided to the employee at no cost and will comply with the requirements of 29 CFR 1910.134.

**J. Recordkeeping**

The Chemical Hygiene Officer shall establish and maintain for each employee exposed to hazardous chemicals an accurate record of any measurements taken to monitor employee exposures and any medical consultation and examinations including tests or written opinions required by federal standards. The Board shall assure that records are kept, transferred and made available in accordance with 29 CFR 1910.20.

## **7513 RECREATIONAL USE OF PLAYGROUNDS**

The Board of Education requires that the playgrounds of the schools afford residents with recreational areas when schools are not in session. The Board reserves the right to determine, in the interest of the safety of district residents and the integrity of the school facility, the uses to which the playground may be put and the hours when it may be used.

Because of its potential for hazard, no object that is powered by fuel or battery shall be brought onto the school grounds for any purpose that is primarily recreational without the express permission of the Principal.

N.J.S.A. 18A:20-17 et seq.

Approved: June 27, 2000  
First Reading: November 13, 2018  
Second Reading: January 3, 2019

**School Vehicle Assignment, Use, Tracking  
Maintenance and Accounting**

**M**

*Regulations Follow*

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**7650 SCHOOL VEHICLE ASSIGNMENT, USE, TRACKING  
MAINTENANCE, AND ACCOUNTING**

The Board of Education adopts this Policy concerning the assignment, use, tracking, maintenance, and accounting of school district vehicles in accordance with the provisions of N.J.A.C. 6A:23A-6.11 and 6A:23A-6.12. For the purposes of this Policy, a “school district vehicle” means a vehicle purchased, leased, leased-purchased, or acquired without cost by gift, donation, or other method by the school district regardless of funding source.

School district vehicle assignment and use shall be in compliance with N.J.A.C. 6A:23A-6.12 and in accordance with OMB Circular 08-16-ADM or any superseding circulars. The Board of Education, upon the recommendation of the Superintendent, may authorize, at its discretion, by an affirmative vote of the Board’s full membership, the lease, lease-purchase, or purchase and assignment of school district vehicles for the conduct of official school district business.

The vehicles may be assigned either to individuals or to units within the school district for pool use according to classifications as outlined in N.J.A.C. 6A:23A-6.12(b). No individual assignment shall be made for the primary purpose of commuting. Vehicle use logs shall be maintained for all individual and pool assignments in order to accurately record all usage of each vehicle, including the driver, mileage, and starting and destination points. All changes to vehicle assignment, whether pool or individual, shall require prior written approval of the Superintendent and the authorization of an affirmative majority vote of the full Board.

A school district vehicle shall be used primarily for business purposes, however, incidental and reasonable personal use is permitted.

If a school district vehicle is misused the driver's driving privileges for school district vehicles shall be suspended or revoked, and additional disciplinary action shall be taken as appropriate. The Board shall establish and implement a policy for progressive, uniform, and mandatory disciplinary actions to be applied as necessary in the event it is determined a staff member misused a school vehicle.

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The Board designates the Business Administrator as the school vehicle coordinator(s) for district vehicles. The school vehicle coordinator(s) shall maintain inventory control records pursuant to the requirements of N.J.A.C. 6A:23A-6.11(a)1., driving records of operators of school district vehicles pursuant to the requirements of N.J.A.C. 6A:23A-6.11(a)2., and the records of maintenance, repair and body work pursuant to the requirements of N.J.A.C. 6A:23A-6.11(a)3.

N.J.A.C. 6A:23A-6.11; 6A:23A-6.12

First Reading: November 13, 2018

Second Reading: January 3, 2019

Adopted:

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**R 7650 School Vehicle Assignment, Use, Tracking  
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A. School Vehicle Assignment and Use

The Board of Education, upon the recommendation of the Superintendent, may authorize, at its discretion, by an affirmative vote of the Board's full membership, the lease, lease-purchase, or purchase and assignment of school district vehicles for the conduct of official school district business.

1. The vehicles may be assigned either to individuals or to units within the school district for pool use according to the following classifications:
  - a. Vehicles may be assigned permanently and individually to the Superintendent, School Business Administrator/Board Secretary, the staff member serving as head of facilities services, the staff member serving as head of security services or other supervisory employees who, based on their job duties, may be called upon on a twenty-four hour, seven day-a-week basis. No individual assignment shall be made for the primary purpose of commuting.
  - b. A unit may be permanently assigned one or more school district pool vehicles only if employees of the unit will collectively use the vehicle or each vehicle for more than an average of 750 miles per month on official school district business. Pool vehicles shall not be used for the purpose of commuting and shall remain at a school district facility when not in official use.
2. Board members or employees may be temporarily assigned a school district vehicle for travel events.
3. In the event the operator of a school district vehicle believes their personal health (temporary or long-term) may impair their ability to safely operate a school vehicle, the operator shall inform their immediate supervisor and the school vehicle coordinator of the health problem and the expected duration of impairment. The operator's immediate supervisor or the school vehicle coordinator may coordinate a physical examination for the staff member in accordance with Policy 3160 or 4160.

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4. Smoking, as defined in Policy 7434, is prohibited on “school grounds” and therefore, in accordance with the definition of school grounds in Policy 7434, smoking is prohibited in a school district vehicle at any time.
5. Vehicle use logs shall be maintained for all individual and pool assignments in order to accurately record all usage of each vehicle, including the driver, mileage, and starting and destination points.
6. All complaints of a potential misuse shall be investigated by the school vehicle coordinator and/or appropriate administrator and appropriate disciplinary action shall be taken. Any disciplinary action shall be progressive and uniform depending on the specific misuse.
7. All changes to vehicle assignment, whether pool or individual, shall require prior written approval of the Superintendent and the authorization of an affirmative majority vote of the full Board.
8. No luxury vehicle, one which exceeds the greater of \$30,000 or any current dollar limit established in IRS law or regulation, shall be purchased, lease-purchased, or leased by the school district. If a vehicle is assigned to the Superintendent, it may be a full size or intermediate, four-door sedan of the non-luxury class. All other vehicles shall be compact sedans, unless special passenger, cargo, equipment, or use requirements make the standard vehicle unsuitable for documented school district needs.
9. All damage to school district vehicles, regardless of cause, shall be reported within twenty-four hours to the school vehicle coordinator and the employee assigned to file insurance claims.
10. No physical alterations shall be made to a vehicle without prior Board approval.
11. Operators of a school district vehicle shall possess a valid driver's license to operate a vehicle in New Jersey. The school vehicle coordinator(s) shall be responsible to maintain a copy of each driver's license on file. In the event a driver's license is revoked, suspended or otherwise makes the driver unable to operate a school district vehicle in accordance with law, the driver shall immediately notify the school vehicle coordinator, who will immediately revoke the driver's authorization to operate a school district vehicle.

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12. When a vehicle is due for routine maintenance in accordance with the manufacturer's schedule, the driver of an individually assigned vehicle or, in the case of a pool vehicle, the school vehicle coordinator shall be responsible for ensuring the vehicle receives the scheduled service.
13. A driver assigned a school district vehicle shall be responsible for the security of the vehicle and its contents.
14. Drivers shall be personally responsible for all fines accrued as a result of traffic violations related to operation of school district vehicles.
15. The driver, or the driver's supervisor, if the driver is incapacitated, of a school district vehicle involved in an accident resulting in damage to the school district vehicle or other vehicle shall file, within twenty-four hours of the accident, a detailed written report with the school vehicle coordinator and the school district staff member responsible for making insurance claims.
16. Police shall be immediately notified of an accident by the driver or school vehicle coordinator, if the driver is incapacitated. A copy of the police report shall be submitted to the school vehicle coordinator and the school district staff member responsible for making insurance claims as soon as possible.
17. If a school district vehicle is misused in any of the following ways, the driver's driving privileges for school district vehicles shall be suspended or revoked, and additional disciplinary action shall be taken as appropriate:
  - a. Frequent violation of traffic laws;
  - b. Flagrant violation of traffic laws;
  - c. Operation of a vehicle which the police or insurance company determined was the cause of an accident;
  - d. Use of a vehicle for unauthorized use whether personal use, business use, or commuting;
  - e. Violation of these rules or school district policy governing the assignment, use, operation, repair, and/or maintenance of vehicles. This includes the failure to submit a vehicle for routine maintenance as called for in the manufacturer's routine maintenance schedule;

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- f. Operation of a vehicle while impaired to any degree, or under the influence of alcohol or narcotics as defined by State statutes;
- g. Use of a school district vehicle by an unauthorized individual while assigned to an employee;
- h. Use of a school district vehicle to transport any person or child, other than in the course of their assigned duties and responsibilities; and/or
- i. Use of radar detectors in school district vehicles.

The Board shall implement a progressive and uniform mandatory disciplinary program to be applied as necessary in the event it is determined a staff member misused a school vehicle.

**B. School Vehicle Inventory Control Record**

The school vehicle coordinator(s) shall be responsible to maintain the following inventory control records for every school district vehicle:

- 1. Vehicle make, model and year;
- 2. Vehicle identification numbers (VIN);
- 3. Original purchase price;
- 4. Date purchased;
- 5. License plate number;
- 6. Person assigned or pool if not individually assigned;
- 7. Driver's license number of person assigned and the expiration date;
- 8. Insurer and policy number of person assigned; and
- 9. Usage category such as regular business, maintenance, security, or student transportation.

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C. Driving Record of Operators of School District Vehicles

The school vehicle coordinator(s) shall be responsible to obtain and maintain the following driving records of operators of school district vehicles:

1. Name of driver;
2. Drivers license number and expiration date;
3. Insurer and policy number of person assigned;
4. Motor vehicle code violations;
5. Incidents of improper or non-business usage;
6. Accidents; and
7. Other relevant information.

D. Record of Maintenance, Repair and Body Work for School District Vehicles

The school vehicle coordinator(s) shall be responsible to maintain the following records of maintenance, repair and body work for each school vehicle:

1. Vehicle make, model and year;
2. Vehicle identification numbers (VIN);
3. Original purchase price;
4. Date purchased;
5. License plate number;
6. Usage category such as regular business, maintenance, security or student transportation;
7. Manufacturer's routine maintenance schedule;

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8. Category of work performed (routine maintenance, repair or body work);
9. Purchase order number;
10. Date work was performed;
11. Detailed description of work performed;
12. Mileage on date work was performed; and
13. Cost of work performed.

All records maintained by the school vehicle coordinator(s) shall be maintained in the school district office of the school vehicle coordinator(s).

In Effect: