

**NEW JERSEY
POLICY ALERT**
Policy Alert and Support System

No. 224
August 2021

A. General Policy and Regulation Guides

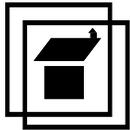
P 2422	Comprehensive Health and Physical Education (M) (Revised)
P 2467	Surrogate Parents and Resource Family Parents (M) (Revised)
P 5111	Eligibility of Resident/Nonresident Students (M) (Revised)
P 5114	Children Displaced by Domestic Violence (Abolished)
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This POLICY ALERT replaces and/or adds Policy and/or Regulation Guides in the following sections: 1000, 2000, 5000, 6000, 7000, and 8000.

Please note the comments below are organized as follows:

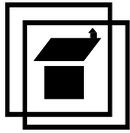
0000 NAME OF POLICY

This paragraph describes a development at the State or Federal level.

This paragraph describes the effect of the development on local Board policy. Local policy is **MANDATED** by law or monitoring standards, (these policies will be designated with a “M” in the upper right hand corner), **RECOMMENDED** by sound management practices, or merely **SUGGESTED** as may be appropriate to meet your district needs.

These Policy and Regulation Guides should be used to update the Policy and Regulation Manuals of the school district. If your district manual(s) contain any of the policies or regulations provided in this Policy Alert, they must be updated for your district manual(s) to remain current and in compliance with law. It does not matter whether or not the policy or regulation is MANDATED, all policies and regulations in district manuals contained in this Alert should be updated.

Subscribers to Strauss Esmay’s Policy Alert & Support System (PASS) receive new and/or revised policies and regulations in paper copy and through download from Strauss Esmay’s website, www.straussesmay.com. For your convenience, the revised policies and regulations have changes indicated by ~~strike-throughs~~ to denote required text deletions and **bolded text** to indicate new material. The **Policy Alerts** tab on our website contains two different folders: one titled “Alert in one Word document” with ~~strike-throughs~~ and **bolded text**; and the second titled “[Alert in one Word document - NO BOLDS OR STRIKETHROUGHS](#)” with ~~strike-throughs~~ and **bolded text** removed for a clean document. Policy and Regulation Guides enclosed in this mailing are double sided as a cost containment and paper conservation measure.



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P 2422 – Comprehensive Health and Physical Education (M) (Revised)

Six new statutes were recently approved and codified at:

1. N.J.S.A. 18A:35-4.5a – Sexual Abuse and Assault Awareness and Prevention Education
2. N.J.S.A. 18A:35-4.36a – Curriculum to Include Instruction on Diversity and Inclusion
3. N.J.S.A. 18A:35-4.38 – Incorporation of Age-Appropriate Instruction Relative to Consent for Physical Contact and Sexual Activity
4. N.J.S.A. 18A:35-4.39 – Health Curriculum to Include Instruction on Mental Health
5. N.J.S.A. 18A:35-4.40 – Information About “New Jersey Safe Haven Infant Protection Act” Included in Public School Curriculum
6. N.J.S.A. 18A:35-4.43 – Infusion of African American Accomplishments into School Curricula

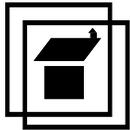
These new statutes address issues that must be included in the school district’s curriculum as required by the New Jersey Student Learning Standards (NJSLs). Strauss Esmay’s Policy and Regulation Guides do not typically list specific curriculum or NJSLs requirements, which are mostly included in the administrative code and are incorporated by reference within several Strauss Esmay Policy and Regulation Guides. However, these new statutes are included in the section of the statutes that address curriculum requirements related to the health and well-being of students and are listed in the New Jersey Department of Education’s “2020 New Jersey Student Learning Standards – Comprehensive Health and Physical Education Introduction”. The provisions of these new statutes may eventually be a QSAC or other monitoring requirement as the original provisions listed in Policy Guide 2422 are QSAC monitoring requirements. The title of the revised Policy Guide 2422 has been updated from “Health and Physical Education” to “Comprehensive Health and Physical Education” to reflect the change in the updated statutes. Therefore, Policy Guide 2422 has been revised to include the requirements of these six new statutes. Policy Guide 2422 is mandated.

Policy Guide 2422 is **MANDATED**

P 2467 – Surrogate Parents and Resource Family Parents (M) (Revised)

N.J.A.C. 6A:14-2.2 was recently revised. The revisions mainly focus on terminology updates, including the replacement of “foster parent” with “resource family parent”. Those revisions and several other minor language changes in the Administrative Code section have been incorporated into Policy Guide 2467. Policy Guide 2467 is mandated.

Policy Guide 2467 is **MANDATED**



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P 5111 – Eligibility of Resident/Nonresident Students (M) (Revised)

Strauss Esmay conducted a review of Policy Guide 5111 and determined N.J.S.A. 18A:7B-12 should be added to the Policy Guide 5111. The statutory language added to Policy Guide 5111 addresses residency criteria for a student residing outside the district to be allowed to continue attending school in the district. The law also provides that if the student continues to attend school in the district while living outside the district for more than one year, the State will assume fiscal responsibility for the tuition costs associated with the student's attendance. Policy Guide 5111 is mandated.

Policy Guide 5111 is **MANDATED**

P 5114 – Children Displaced by Domestic Violence (Abolished)

After review, Strauss Esmay has determined after the most recent revision to Policy Guide 5111 in this Policy Alert 224, Policy Guide 5114 is no longer necessary. The information contained in Policy Guide 5114 is now thoroughly addressed in Policy and Regulation Guides 5111. Policy Guide 5114 should be abolished.

Policy Guide 5114 is **ABOLISHED**

P 5116 – Education of Homeless Children (Revised)

N.J.S.A. 18A:38-1 was recently revised and now requires districts to annually report to the Office of Homelessness Prevention in the Department of Community Affairs an accounting of each instance in which the district is made aware that a student enrolled in the district because the student's parent moved from one district to another district as a result of being homeless. Strauss Esmay added the required language to the end of Policy Guide 5116 to reflect the recent changes in the law. Although the law does not require a district have a Board adopted policy on this subject, Strauss Esmay strongly recommends a Board adopt Policy Guide 5116 to ensure compliance with applicable code and statute.

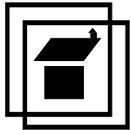
Policy Guide 5116 is **RECOMMENDED**

P & R 7432 – Eye Protection (M) (Revised)

Policy and Regulation Guides 7432 were updated to address a revision to N.J.A.C. 6A:26-12.5. Several subsections of N.J.A.C. 6A:26-12.5 were rewritten and there were also several small grammatical changes. Policy and Regulation Guides 7432 do not change any substantive requirements in the existing Policy and Regulation Guides 7432, but provide more detail as to a school district's requirements to provide appropriate eye protective devices pursuant to N.J.A.C. 6A:26-12.5.

Policy and Regulation Guides 7432 are mandated and both must be adopted by the Board.

Policy Guide 7432 is **MANDATED**
Regulation Guide 7432 is **MANDATED**



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**P 8420 – Emergency and Crisis Situations (M) (Revised)
R 8420.1 – Fire and Fire Drills (M) (Revised)**

Policy Guide 8420 was revised to align with the updated statutes by inserting language provided by N.J.S.A. 18A:41-1 regarding fire and school security drills. The reference to the New Jersey Office of Homeland Security and Preparedness has been removed from Policy Guide 8420 as school districts utilize many different sources when educating school employees on proper evacuation and lockdown procedures. Regulation Guide 8420.1 also includes added language from N.J.S.A. 18A:41-2 and N.J.S.A. 18A:41-5 to directly align with a school district’s responsibilities regarding fire safety as mandated by law.

Policy Guide 8420 and Regulation Guide 8420.1 are mandated and both must be adopted by the Board.

Policy Guide 8420 is **MANDATED**
Regulation Guide 8420.1 is **MANDATED**

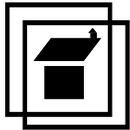
P 8540 – School Nutrition Programs (M) (Revised)

P.L. 2018, c. 25 was recently passed and requires school districts to provide eligible students with a “Breakfast After the Bell” program. The new statute, N.J.S.A. 18A:33-11.1 et seq., states districts that satisfy the requirements of the statute must implement a program in which students who do not arrive to school in time for the School Breakfast Program are offered an opportunity to be served breakfast after the beginning of the school day.

Policy Guide 8540 addresses requirements for all School Nutrition Programs of the New Jersey Department of Agriculture including the National School Lunch Program, the School Breakfast Program, the After-School Snack Program, and the Special Milk Program. The “Breakfast After the Bell” program is a new subset of the School Breakfast Program. Strauss Esmay has revised Policy Guide 8540 to require the “Breakfast After the Bell” program as part of the district’s school nutrition programs if the school district meets certain eligibility requirements in N.J.S.A. 18A:33-11.1 et seq.

Revised Policy Guide 8540 is mandated for any school district that operates any school nutrition program.

Policy Guide 8540 is **MANDATED**



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P 8550 – Meal Charges/Outstanding Food Service Bill (M) (Revised)

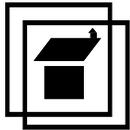
N.J.S.A. 18A:33-21 et seq. was recently amended requiring several major revisions to Policy Guide 8550. Below please find an explanation of the major revisions:

1. The amended statute prohibits a school district from taking certain actions in response to a student’s school meal bill being in arrears. These prohibited actions include, but are not limited to: the student not being publicly identified; requiring the student to sit at a separate table, wear a wristband, or do chores or other work to pay for the school meal; requiring a student to discard a meal after it has been served because of the student’s inability to pay for the meal if the student’s meal bill is in arrears; and serving the student an alternate meal;
2. The amended statute requires a school district to take certain actions if a student owes money for the equivalent of five or more school meals. These required actions include but are not limited to: a determination by the school district to assess if the student is eligible for a free or reduced school meal; school district assistance to the parent in completing the school lunch application; and a school district determination if there are household issues causing the situation; and
3. The amended statute removed language that indicated the school district would provide a final notice to a parent who has not paid their child’s outstanding meal bill, after being provided multiple previous notices, that “school breakfast or lunch shall not be served to the student beginning one week from the date of a second notice.” The amended statute replaced the “school breakfast or lunch shall not be served to the student beginning one week from the date of a second notice” with the final notice to inform the parent “of any action to be taken by the school district in response to a student’s breakfast or lunch bill being in arrears.” In summary, a school district may, but is no longer required to, withhold a child’s breakfast or lunch if their school lunch bill is in arrears.

The United States Department of Agriculture requires Boards of Education to develop and implement a meal charge program pursuant to NJDOE guidance. Boards have discretion in developing a meal charge program which includes, but is not limited to:

- a. Permitting students to charge all or a limited number of available reimbursable meals;
or
- b. Not permitting students to charge any meal.

This updated Policy Guide 8550 includes an option for a district to permit or prohibit students from charging meals. A district that permits charging of meals must address in its program how it will collect routine payment of meal(s) consistent with the provisions of N.J.S.A. 18A:33-21. Policy Guide 8550 is now aligned with the provisions outlined in N.J.S.A. 18A:33-21, which addresses the statutory requirements for the collection of an outstanding meal bill.



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Revised Policy Guide 8550 incorporates the new requirements in the revised statute (1. and 2. above) and no longer requires a school district to withhold a breakfast or lunch after the parent receives multiple notes that the student has an arrearage in their school lunch bill (3. above). However, the revised Policy Guide indicates a school district *may* deny the student a meal. School districts will not typically deny a student a meal if their lunch bill is in arrears, but the revised Policy Guide provides the school district the option should the district determine circumstances require denying a meal to a student. This provision will not impact students eligible for free and reduced meals. The revised statute expressly prohibits serving an alternative meal to a student whose lunch bill is in arrears, which was not expressly prohibited in the past.

This updated Policy Guide 8550 shall replace a district's current Policy Guide 8550 as it is mandated for school districts that participate in the National School Lunch Program and the School Breakfast Program. Policy Guide 8550 is mandated.

Policy Guide 8550 is **MANDATED**

P 8600 – Student Transportation (M) (Revised)

Policy Guide 8600 has been revised to address a new subsection in the Administrative Code located at N.J.A.C. 6A:27-11.5. The new Code section provides a Board of Education the option to adopt a provision in a policy that requires the compilation of a list of students transported by a school bus to school sponsored activities. Strauss Esmay has added the language from N.J.A.C. 6A:27-11.5 as an option in Policy Guide 8600. However, a Board should be aware that if they choose to adopt the new option in Policy Guide 8600, they must follow all the requirements outlined in N.J.A.C. 6A:27-11.5 which are included in the option of the Policy Guide. Policy Guide 8600 is mandated.

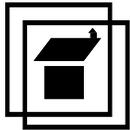
Policy Guide 8600 is **MANDATED**

P 8810 – Religious Holidays (Abolished)

Policy Guide 8810 – Religious Holidays is no longer required as the legal requirements in Policy Guide 8810 are addressed in Policy Guide 2270 – Religion in Schools. The United States Department of Education (USDOE) updated its Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools on January 16, 2020. Policy Guide 2270 was revised to address the USDOE's updated guidance in Alert 220 in June 2020 rendering Policy Guide 8810 no longer necessary.

Policy Guide 8810 should be abolished.

Policy Guide 8810 is **ABOLISHED**



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**B. New Jersey Department of Education – Office of Fiscal Accountability and Compliance Audit –
New and Revised Policy Guides**

The New Jersey Department of Education (NJDOE) – Office of Fiscal Accountability and Compliance (OFAC) has conducted audits in several school districts. As a result of these audits, OFAC now requires two areas of revisions to school district's policies and regulations. The first area requires school districts to change all references of the No Child Left Behind Act (NCLB) to Every Student Succeeds Act (ESSA). The second area requires three new Policy Guides and one revised Policy Guide that address internal controls for Federal Awards/Funds received by a school district.

1. NCLB to ESSA

Strauss Esmay revised all Strauss Esmay Policy and Regulation Guides that referenced NCLB to address the new ESSA's requirements in Policy Alert 222 provided to school districts in January 2021. School districts should ensure those revised Policy Guides in Policy Alert 222 have been adopted by the Board.

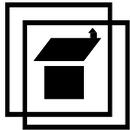
2. Internal Controls for Federal Awards/Funds Received by a School District

The following three new Policy Guides (6115.01, 6115.02 and 6115.03) have been developed and one Policy Guide (6311) has been revised in response to the OFAC audits requiring school districts to develop and adopt policies to address internal controls for Federal Awards/Funds received by school districts.

P 6115.01 – Federal Awards/Funds Internal Controls – Allowability of Costs (M) (New)

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.302(b)(7) requires written procedures for determining the allowability of costs in order to be eligible under Federal awards. Policy Guide 6115.01 requires the School Business Administrator/Board Secretary or designee to be responsible to determine the allowability of costs under Federal regulations. Based on the OFAC audit, Policy Guide 6115.01 is mandated for school districts that receive Federal funds.

Policy Guide 6115.01 is **MANDATED**



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P 6115.02 – Federal Awards/Funds Internal Controls – Mandatory Disclosures (M) (New)

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.113 requires a Board of Education to disclose, in a timely manner, in writing, to the Federal awarding agency or pass through entity, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. This general reporting requirement is for a Board of Education that has current active grants, cooperative agreements, and procurement contracts from Federal agencies that exceed \$10,000,000 for any period of time during the period of performance of a Federal award. Based on the OFAC audit, Policy Guide 6115.02 is mandated for school districts that receive Federal funds.

Policy Guide 6115.02 is **MANDATED**

P 6115.03 – Federal Awards/Funds Internal Controls – Conflict of Interest (M) (New)

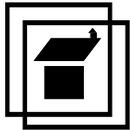
The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.318 addresses standards of conduct covering conflict of interest and governs the actions of school district employees, officers, and agents in the selection, award, and administration of contracts supported by a Federal award. These requirements are required in addition to the New Jersey conflict of interest laws and the School Ethics Act. Based on the OFAC audit, Policy Guide 6115.03 is mandated for school districts that receive Federal funds.

Policy Guide 6115.03 is **MANDATED**

P 6311 – Contracts for Goods or Services Funded by Federal Grants (M) (Revised)

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UGG), 2 CFR §200.213 requires the Board of Education to refer to the Federal System for Award Management (SAM) to search for debarred/suspended vendors for contracts providing goods or services to the school district to be funded by a Federal grant. Policy Guide 6311 has been updated to refer to the updated CFR section and the new SAM technology to replace the Excluded Parties Lists System (EPLS). Based on the OFAC audit, Policy Guide 6311 is now mandated for school districts that receive Federal funds.

Policy Guide 6311 is **MANDATED**



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C. COVID-19 Policy Guide Updates

On June 26, 2020 the New Jersey Department of Education (NJDOE) released “The Road Back: Restart and Recovery Plan for Education” (The Road Back). In response to The Road Back being published, Strauss Esmay developed the following Policy Guides to address the requirements outlined in The Road Back: 1648 Restart and Recovery Plan; 1648.02 Remote Learning Options for Families; and 1648.03 Restart and Recovery Plan – Full-Time Remote Instruction. Strauss Esmay also developed the “Restart and Recovery Plan Template” for school districts to utilize in developing reopening plans for September 2020.

The Road Back is no longer applicable and was supplanted by “The Road Forward: Health and Safety Guidance for the 2021-2022 School Year” (The Road Forward) published by the NJDOE in June 2021. Strauss Esmay has developed a new Policy Guide 1648.11 – The Road Forward COVID-19 – Health and Safety to address The Road Forward and provide school districts a framework to develop their reopening plans for the 2021-2022 school year. The Road Forward requires all school districts to plan to provide full-day, full-time, in-person instruction and operations for the 2021-2022 school year which is addressed in Policy Guide 1648.11.

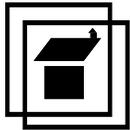
Strauss Esmay’s previous COVID-19 Policy Guides should be abolished because they are not consistent with The Road Forward. The Policy Guides that should be abolished are: Policy Guide 1648; Policy Guide 1648.02; and Policy Guide 1648.03.

Bylaw 0164.6 – Remote Public Board Meetings During a Declared Emergency is still required for Boards of Education that wish to conduct a Board meeting remotely. The current state of emergency is still in place notwithstanding the recent passage of P.L. 2021, c. 103 indicating the public health emergency will sunset in January 2022. A Board of Education that cannot conduct an in-person Board meeting in accordance with the Open Public Meetings Act must comply with the provisions of N.J.A.C. 5:39-1.1 et seq. and Bylaw 0164.6.

P 1648 – Restart and Recovery Plan (M) (Abolished)

The New Jersey Department of Education (NJDOE) released The Road Forward in June 2021 which is intended to supplant the health and safety protocols outlined in Executive Order No. 175 and the NJDOE’s June 2020 “The Road Back: Restart and Recovery Plan for Education”. The absence of one or more of the strategies outlined in the June 2021 Guidance does not preclude the reopening of a school facility for the 2021-2022 school year. Policy Guide 1648 – Restart and Recovery Plan is no longer necessary as the anticipated minimum standards in The Road Back and Policy Guide 1648 are not mandatory for the reopening of school for the 2021-2022 school year pursuant to the June 2021 Guidance. Policy Guide 1648 should be abolished.

Policy Guide 1648 is **ABOLISHED**



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P 1648.02 – Remote Learning Options for Families (M) (Abolished)

On May 17, 2021, the Governor of New Jersey announced that upon the conclusion of the 2020-2021 school year, portions of Executive Order 175 allowing remote learning are rescinded. As per The Road Forward, all schools must plan to provide full-day, full-time, in-person instruction and operations for the 2021-2022 school year for COVID-19 related matters. Families will no longer have the option to elect to keep their children home for remote/virtual instruction for the 2021-2022 school year for COVID-19 related matters. Therefore, Policy Guide 1648.02 – Remote Learning Options for Families is no longer applicable. Policy Guide 1648.02 should be abolished.

Policy Guide 1648.02 is **ABOLISHED**

P 1648.03 – Restart and Recovery Plan – Full-Time Remote Instruction (M) (Abolished)

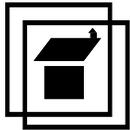
On August 13, 2020, the Governor of New Jersey signed Executive Order 175 which indicated public school districts shall resume partial or full-time in-person instruction during the fall of school year 2020-2021. Executive Order 175 indicated public school districts that are or become unable to satisfy the health and safety requirements for in-person instruction delineated in the New Jersey Department of Education’s (NJDOE) “Checklist for Re-Opening of School 2020-2021” and detailed in The Road Back, may provide full-time remote instruction to all students pursuant to N.J.S.A. 18A:7F-9.

In June 2021, the NJDOE released The Road Forward which is intended to supplant the health and safety protocols outlined in Executive Order 175 and The Road Back. Additionally, The Road Forward indicates a school district must plan to provide full-day, full-time, in-person instruction and operations for the 2021-2022 school year and the absence of one or more of the strategies outlined in this document does not preclude the reopening of a school facility for full-day in-person operation with all enrolled students and staff present. Therefore, Policy Guide 1648.03 is no longer applicable and necessary as all schools must open all school facilities for in-person operation. Policy Guide 1648.03 should be abolished.

Policy Guide 1648.03 is **ABOLISHED**

P 1648.11 – The Road Forward COVID-19 – Health and Safety (M) (New)

The New Jersey Department of Education (NJDOE) released The Road Forward in June 2021. The Road Forward provides school districts with recommendations regarding safety and health protocols regarding COVID-19 for opening schools safely and effectively at the start of the 2021-2022 school year. Strauss Esmay has developed Policy Guide 1648.11 to address The Road Forward recommendations for districts.



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The Road Forward is intended to replace the anticipated minimum standards outlined in Executive Order 175 and The Road Back. However, unlike Executive Order 175 and The Road Back, The Road Forward contains recommendations rather than mandatory standards.

The Road Forward states, “Schools should anticipate potential updates to this guidance prior to the start of the new school year, as additional Federal recommendations from the Centers for Disease Control and Prevention (CDC) become available.” Policy Guide 1648.11 does not address each content area outlined in The Road Forward in detail because of the high likelihood The Road Forward will be updated by the NJDOE. Strauss Esmay drafted Policy Guide 1648.11 broadly to allow school districts the flexibility necessary to develop local protocols as health and safety guidance continues to be updated.

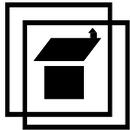
Strauss Esmay previously developed the “Restart and Recovery Plan Template” for school districts to utilize in developing their September 2020 reopening plans to comply with The Road Back. Strauss Esmay recommends districts utilize and adjust the protocols included in the Appendices developed by school districts for the “Restart and Recovery Plan Template” in June 2020 to develop local protocols addressing the recommendations outlined in The Road Forward. Strauss Esmay recommends school districts develop their local health and safety protocols and include these protocols in the Appendices listed in Policy Guide 1648.11.

Below is a chart aligning the Appendices provided in the “Restart and Recovery Plan Template” that are referenced in Policy Guide 1648.11:

“Restart and Recovery Plan Template”

Policy Guide 1648.11

N/A	Appendix A - Vaccination
Appendices – G and L	Appendix B - Communication with the Local Health Department
Appendices – A, B, D, and E	Appendix C - Mask Wearing Protocol
Appendices – B, D, E, H, I, J, N, and O	Appendix D - Physical, Distancing, and Cohorting Protocols
Appendices – A, B, H, I, and O	Appendix E - Hand Hygiene and Respiratory Etiquette Protocols
Appendices – H and K	Appendix F - Provision of Meals
Appendix – C	Appendix G - Transportation Protocols
Appendices – B and G	Appendix H - Cleaning, Disinfection, and Airflow
Appendices – D and E	Appendix I - Screening, Exclusion, and Response to Symptomatic Students and Staff Members
Appendices – E and F	Appendix J - Contact Tracing
N/A	Appendix K - Testing
N/A	Appendix L - Student and Staff Member Travel



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In the above chart the term “N/A” (Not Available) is meant to represent sections of the Road Forward that were not addressed in either Executive Order 175 or The Road Back. Therefore, there is no corresponding Appendix in the “Restart and Recovery Plan Template”.

There is no requirement a school district adopt a Board policy to address The Road Forward, in consideration of the importance of this issue to school districts Strauss Esmay is classifying Policy Guide 1648.11 as mandated.

Policy Guide 1648.11 is **MANDATED**

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