

GARWOOD BOARD OF EDUCATION, 400 Second Ave., Garwood, NJ 07027

**Regular Public Meeting
December 15, 2020**

I. Sunshine Statement / Call to Order / Roll Call

In accordance with the Open Public Meetings Act (*N.J.S.A. 10:4-6 et seq.*), adequate notification of this meeting has been provided by advertising in the **Westfield Leader** and posting notice on the front door of Lincoln School and filing notice with the Borough Clerk.

<i>Board Member</i>	<i>Present</i>	<i>Absent</i>
Mrs. Barnes (Adrienne)		
Mr. DelConte (Albert)		
Miss Guerriero (Christine)		
Dr. Kjetsaa (Mary Ann)		
Ms. Koenig (Linda)		
Mrs. Ridente (Denise)		
Mr. Ryan (Timothy)		
Mrs. Scepkowski (Maureen)		
Mr. Trentacosta (Ralph)		

Administration:

Dr. Teresa Quigley, Chief School Administrator
 Dr. Dennis R. Frohnepfel, Interim SBA/Board Secretary
 John Geppert, Jr., Esq., Board Attorney

II. Executive Session

Be It Resolved, that the Garwood Board of Education determines it is necessary to meet in Executive Session on Tuesday, December 15, 2020, to discuss **Legal** and **Personnel** matters; and

Be It Further Resolved, that these matters will be made public when the need for confidentiality no longer exists.

Motion: _____ Second: _____ Time: _____

Motion to Adjourn Executive Session and reconvene Regular Meeting . . .

Motion: _____ Second: _____ Time: _____

III. Flag Salute

IV. Approve Minutes

Be It Resolved, that the Garwood Board of Education approves the minutes of the following meetings, as submitted:

Regular Meeting – November 17, 2020
 Executive Session – November 17, 2020

GARWOOD BOARD OF EDUCATION, 400 Second Ave., Garwood, NJ 07027

**Regular Public Meeting
December 15, 2020**

Motion:				Second:					
Roll Call		<i>Mrs. Barnes</i>		<i>Mr. DelConte</i>		<i>Miss Guerriero</i>		<i>Dr. Kjetsaa</i>	
<i>Ms. Koenig</i>		<i>Mrs. Ridente</i>		<i>Mr. Ryan</i>		<i>Mrs. Scepkowski</i>		<i>Mr. Trentacosta</i>	

Y= Yes N = No A = Abstain

V. Presentation (Board Goals)

VI. Committee Reports

- A. Budget/Finance/Facilities
- B. Education/Personnel/Negotiations
- C. Strategic Planning/Policy
- D. School/Technology/Website

VII. Liaison Reports

- | | |
|--|--------------------|
| A. Clark Board of Education | Trustee Guerriero |
| B. Education Foundation of Garwood | Trustee Scepkowski |
| C. Garwood PTA | Trustee Barnes |
| D. Borough Council Representative | Trustee DelConte |
| E. Union County Educational Services Commission | Trustee Koenig |
| F. Union County School Boards Association | Trustee Ryan |
| G. Union County Vo-Tech | Trustee Ryan |
| H. Garwood Seniors Association | Trustee Kjetsaa |
| I. NJSBA | Trustee Guerriero |

VIII. Superintendent's Report

IX. Public Comment (Bylaw 9322)

Public Participation Meetings of the Garwood Board of Education are open to the public and all members of the community should feel free to attend. Public participation shall be governed by the following rules: **1)** A participant must be recognized by the presiding officer and must preface comments by an announcement of his/her name, municipality of residence, and group affiliation, if applicable; **2)** Each statement made by a participant shall be limited to three minutes' duration; **3)** No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard; **4)** All statements, questions, or inquiries shall be directed to the presiding officer and any questions or inquiries directed by a participant to another Board member shall be redirected to the presiding officer who shall determine if such statement, question, or inquiry shall be addressed by the presiding officer on behalf of the Board or by the individual Board member; **5)** the presiding officer may interrupt, warn, and/or terminate a participant's statement, question, or inquiry when it is too lengthy.

X. Resolutions

- A. Budget/Finance/Facilities

GARWOOD BOARD OF EDUCATION, 400 Second Ave., Garwood, NJ 07027

**Regular Public Meeting
December 15, 2020**

A1 Be It Resolved, that the Garwood Board of Education, upon the recommendation of the Interim SBA/Board Secretary, approves the A148 (Board Secretary's) and A149 (Treasurer's) reports for the months: **1)** July 1-31, 2020; **2)** August 1-31, 2020; **3)** September 1-30, 2020; **4)** October 1-31, 2020; **5)** November 1-30, 2020 and

Be It Further Resolved, that the Board of Education and Board Secretary certify that no budgetary line item account has been over-expended and that there are sufficient funds available to meet District financial obligations for the 2020/21 school year.

A2 Be It Resolved, that the Garwood Board of Education, upon the recommendation of the Interim SBA/Board Secretary, approves the payment of bills and claims:

November 14 thru December 14, 2020	\$461,257.69
------------------------------------	---------------------

A3 Be It Resolved, that the Garwood Board of Education, upon the recommendation of the Chief School Administrator, approves the Use of School Facilities:

Garwood Public Library, December 5 and 12, 2020, from 10:00 am to 1:00 pm, use of driveway outside blacktop, Cardboard Santa Photo Opportunity.

A4 Be It Resolved, that the Garwood Board of Education, upon the recommendation of the Chief School Administrator and Interim SBA/Board Secretary, approves Direct Energy Business Marketing, LLC, d/b/a Direct Energy Business, 194 Wood Avenue South, 2nd Floor, Iselin, NJ 08830, to provide natural gas through ESCNJ Cooperative, for the period commencing December 1, 2020 and ending November 30, 2022.

Budget/Finance/Facilities resolutions A1 thru A4				
<i>Motion:</i>	<i>Second:</i>			
	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
Mrs. Barnes (Adrienne)				
Mr. DelConte (Albert)				
Miss Guerriero (Christine)				
Dr. Kjetsaa (Mary Ann)				
Ms. Koenig (Linda)				
Mrs. Ridente (Denise)				
Mr. Ryan (Timothy)				
Mrs. Scepkowski (Maureen)				
Mr. Trentacosta (Ralph)				

B. Education/Personnel/Negotiations

Personnel

GARWOOD BOARD OF EDUCATION, 400 Second Ave., Garwood, NJ 07027

**Regular Public Meeting
December 15, 2020**

Education/Personnel/Negotiations resolutions				
<i>Motion:</i>	<i>Second:</i>			
	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
Mrs. Barnes (Adrienne)				
Mr. DelConte (Albert)				
Miss Guerriero (Christine)				
Dr. Kjetsaa (Mary Ann)				
Ms. Koenig (Linda)				
Mrs. Ridente (Denise)				
Mr. Ryan (Timothy)				
Mrs. Scepkowski (Maureen)				
Mr. Trentacosta (Ralph)				

C. Strategic Planning/Policy

C1 Be It Resolved, that the Garwood Board of Education, upon the recommendation of the Chief School Administrator, approves second reading of the following updated **Policies**:

- | | |
|----------------|------------------------------|
| Policy 5145.11 | Questioning and Apprehension |
| Policy 5145.12 | Search and Seizure |
| Policy 5200 | Nonpublic School Pupils |

Strategic Planning/Policy resolution C1				
<i>Motion:</i>	<i>Second:</i>			
	<i>Yes</i>	<i>No</i>	<i>Abstain</i>	<i>Absent</i>
Mrs. Barnes (Adrienne)				
Mr. DelConte (Albert)				
Miss Guerriero (Christine)				
Dr. Kjetsaa (Mary Ann)				
Ms. Koenig (Linda)				
Mrs. Ridente (Denise)				
Mr. Ryan (Timothy)				
Mrs. Scepkowski (Maureen)				
Mr. Trentacosta (Ralph)				

X. Old/New Business

XI. Adjournment

QUESTIONING AND APPREHENSION

In order to protect pupils' rights during the time they are under school control, the principal shall interview every person who wishes to question a pupil on school property during the school day. The chief school administrator shall be informed of such incidents.

Law Enforcement Officers

If a law enforcement officer has an arrest warrant, the principal shall ensure that all procedural safeguards as prescribed by law are observed. No pupil shall be taken from the school without the knowledge of the principal or other person in charge of the school. The principal shall make every reasonable effort to notify parents/guardians. The chief school administrator shall be informed whenever such apprehensions take place.

If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the principal shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses and the principal is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning.

If the law enforcement officer is an agent of the Division of Child Protection and Permanency (DCP&P), the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

Private Persons

If a private person wishes to question a pupil on school property during the school day, generally parents/guardians shall be notified of the request and give their permission before the principal will permit the private person to question the pupil. In cases involving possible harm to another pupil which might be prevented by early information, the principal may permit such questioning if the parent/guardian cannot be reached. The principal shall be present during the questioning.

Weapons and Substance Abuse Questioning by Staff

When questioning any pupil about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the Garwood Board of Education in compliance with administrative code.

Generally

The chief school administrator shall notify the Garwood Board of Education president when the police have sought to question a pupil in school, and the outcome of the incident. The district shall make every effort to establish close and cordial relationships with local law enforcement and other agencies, while ensuring that the parents/guardians are informed and pupil rights protected.

Date: May 17, 2016

Legal References:

N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure

N.J.S.A. 2C:35-5 Comprehensive Drug Reform Act of 1986

N.J.S.A. 18A:11-1 General mandatory powers and duties

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

N.J.A.C. 6A:16-4.1 Adoption of policies and procedures for the intervention
of student alcohol and other drug abuse

N.J.A.C. 6A:16-5.1 et seq. School Safety

See particularly:

N.J.A.C. 6A:16-5.7 through -5.8

N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons,
and Safety

See particularly:

N.J.A.C. 6A:16-6.1, -6.2, -6.3

N.J.A.C. 6A:32-7 et seq. Student records

New Jersey Constitution, Article I, para. 7

U.S. Constitution, Amendment IV, V, XIV

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

In re Gault, 387 U.S. 1 (1967)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement
Officials

SEARCH AND SEIZURE

School lockers remain the property of the district even when used by pupils. Lockers are subject to administrative search in the interests of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Pupils and their parents/guardians shall be informed of this policy when lockers are assigned.

A pupil's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the pupil has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the pupil. Before instituting such a search, except in cases of emergency, the principal shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any pupils under any circumstances.

Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds, and consequently, locker searches and vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted by the courts in T.L.O. and State v. Best. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied. See policies 5131.6 and 5131.7.

Date: December, 1985
Revised: October 21, 2008
Revised: May 17, 2016

Legal References:

N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-19.2 Student lockers or other storage facility; inspection; notice to students

N.J.S.A. 18A:37-6.1 Strip and body cavity searches prohibited

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons and Safety

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, *New Jersey v. T.L.O.*, 569 U.S. 325 (1985).

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995)

Joye v. Hunterdon Central Regional High School Board of Education, 176 N.J. 568 (2003)

Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. 822 (2002)

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

State v. Best 403 N.J Super 428 (App. Div. 2008) cert. granted 996 A. 2d 1078 (2009). The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds. Vehicle searches on school grounds need satisfy only the “reasonable suspicion” standard adopted in T.L.O.

NONPUBLIC SCHOOL PUPILS

New Jersey statute and regulations of the state board of education require the Garwood Board of Education to provide certain services and supplies to those New Jersey children whose parents/guardians enroll them in nonpublic schools within the confines of the district. Out-of-state pupils enrolled in nonpublic schools within the district are not included.

Nursing Services

The Garwood Board of Education shall, within the funding limitations as determined by the state's appropriations and nonpublic school enrollment, provide the mandated nursing services for pupils enrolled full-time in nonpublic schools located within the district.

Specified nursing services include:

- A. Assistance with medical examinations including dental screening;
- B. Hearing screenings;
- C. Maintenance of student health records and notification of local or county health officials of improperly immunized pupils;
- D. Conducting of scoliosis examinations for pupils between the ages of 10 and 18.

The district shall extend to pupils enrolled full-time in nonpublic schools in the district who are injured or become ill at school or during participation on a school team or squad the emergency care provided to public school pupils up to the limit of state aid provided.

No district shall be required to make expenditures for purposes of this act in excess of the amount of state aid received for these purposes.

Federal Requirements

All requirements of federal law shall be obeyed, particularly those addressed in provision of Title 1 program services, and IDEA (See policies 6171.3 At-risk and Title 1 and 6171.4 Special Education).

Implementation

The chief school administrator shall develop rules, regulations and procedures for the efficient and economical delivery of such services and supplies as are mandated by law. Wherever possible, already existing means and procedures for delivering those same supplies and services to the pupils attending the district's public schools shall be utilized.

Date: December, 1985

Date: October 21, 2008

Revised: May 17, 2016

Legal References:

N.J.S.A. 18A:39-1 et seq. Transportation To and From Schools

N.J.S.A. 18A:40-3.2 et seq. Medical and Nursing Personnel

N.J.S.A. 18A:40-23 et seq. Nursing Services for Nonpublic School Pupils

N.J.S.A. 18A:40A-1 et seq. Substance Abuse

See particularly:

N.J.S.A. 18A:40A-5, -17(c)

N.J.S.A. 18A:46-19.1 et seq. Remedial services for handicapped children in nonpublic schools

N.J.S.A. 18A:46A-1 et seq. Auxiliary services (nonpublic school pupils)

N.J.S.A. 18A:58-37.3 Purchase and loan of textbooks

N.J.A.C. 6A:14-1.1 et seq. Special Education

See particularly:

N.J.A.C. 6A:14-6.1 et seq.

N.J.A.C. 6A:16-2.5 School health services to nonpublic school students

N.J.A.C. 6A:23A-20.1 Eligibility

N.J.A.C. 6A:23A-20.2 Responsibility of district board of education

N.J.A.C. 6A:27-2.1 et seq. Nonpublic School Transportation

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act)-Part B

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

Mitchell v. Helms, No. 98-1648, 2000 U.S. Lexis 4485 (June 28, 2000) 530 U.S. 793

Parents for Student Safety, Inc. v. Board of Education of the Morris School District, 1986 S.L.D. (February 5), St. Bd. rev'g 1984 S.L.D. (August 24)

**SUPERINTENDENT'S REPORT
DECEMBER 2020**

- I. School Based News
 - 12/11 – PTA Winterfest (Virtual)
 - 12/14 – Progress reports issued
 - 12/15 – Regular BOE meeting (Virtual)
 - 12/24 – 1/1 – School Closed

- II. Other Pertinent Information
 - a. Student attendance for November: 96.74 %
 - b. Drills for November:
 - Fire: 11/10
 - Lockdown: 11/20