

District
Bylaws/Policies/
Regulations for
Second Reading
and Adoption

0143 BOARD MEMBER ELECTION AND APPOINTMENT

The election and appointment of Board of Education members will be conducted in strict compliance with law.

Applicable For Type II Districts With an Elected Board And Regional School District Boards

Vacancies in the membership of Boards of Type II districts having elected Boards shall be filled in accordance with N.J.S.A. 18A:12-15. Vacancies in the membership of a regional Board shall be filled from the constituent districts represented by the former incumbents in the same manner as vacancies in the membership of Boards of Type II districts having elected Boards in accordance with N.J.S.A. 18A:13-11. Such vacancies shall be filled as follows:

- 1. By the Executive County Superintendent, if the vacancy is caused by the absence of candidates for election to the Board or by the removal of a member because of lack of qualifications, or is not filled within sixty-five days following its occurrence;**
- 2. By the Executive County Superintendent, to a number sufficient to make up a quorum of the Board if, by reason of vacancies, a quorum is lacking;**
- 3. By special election, if in the annual school election two or more candidates qualified by law for membership on the Board receive an equal number of votes. Such special election shall be held only upon recount and certification by the County Board of Elections of such election result, shall be restricted to such candidates, shall be held within sixty days of the annual school election, and shall be conducted in accordance with procedures for annual and special school elections set forth in Title 19 of the Revised Statutes. The vacancy shall be filled by the Executive County Superintendent if in such special election two or more candidates qualified by law for membership on the Board receive an equal number of votes;**
- 4. By special election, if there is a failure to elect a member at the annual school election due to improper election procedures. Such special election shall be restricted to those persons who were candidates at such annual school election, shall be held within sixty days of such annual school election, and shall be conducted in accordance with the procedures for annual and special school elections set forth in Title 19 of the Revised Statutes;**
- 5. By the Commissioner of Education if there is a failure to elect a member at the annual school election due to improper campaign practices; or**

6. By a majority vote of the remaining members of the Board after the vacancy occurs in all other cases.

Each member so appointed shall serve until the organizational meeting following the next annual election unless the member is appointed to fill a vacancy occurring within the sixty days immediately preceding such election if the annual election is held in April, or occurring after the third Monday in July if the election is held in November, to fill a term extending beyond such election, in which case the member shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy, and any vacancy for the remainder of the term shall be filled at the annual election or the second annual election next succeeding the occurrence of the vacancy, as the case may be in accordance with N.J.S.A. 18A:12-15.

~~A vacancy in the membership of a regional Board of Education shall be filled in accordance with N.J.S.A. 18A:13-11. A vacancy be filled from the constituent districts represented by the former incumbents in the same manner as vacancies in the membership of Boards of Education of Type II districts having elected Boards of Education are filled.~~

~~A vacancy in the membership of a Board of Education shall be filled as follows:-~~

- ~~1. By the Executive County Superintendent, if the vacancy is caused by:
 - a. The absence of candidates for election to the school Board; or
 - b. The removal of a member because of lack of qualifications; or
 - c. The failure of the Board to appoint a person to a vacancy within sixty-five days following its occurrence; or
 - d. Two or more candidates qualified by law for membership on the Board receiving an equal number of votes in a special runoff election.~~
- ~~2. By the Executive County Superintendent, to a number sufficient to make up a quorum of the Board if, by reason of vacancies, a quorum is lacking;~~
- ~~3. By special election within sixty days of the annual school election, if:
 - a. Two or more candidates qualified by law for membership on the school Board receive an equal number of votes in the annual school election; or
 - b. The annual election is disqualified due to improper election procedures.~~
- ~~4. By the Commissioner of Education if there is a failure to elect a member at the annual school election due to improper campaign practices; or~~
- ~~5. By a majority vote of the remaining members of the Board of Education after the vacancy occurs in all other cases.~~

The Board Secretary shall promptly notify the President of a vacancy to be filled by the Board. The President shall inform all other Board members. The Board will give public notice of the vacancy and invite any qualified person to submit a written request for consideration of ~~their~~ ~~his or her~~ candidacy for the vacancy. The Board may also require candidates submit a resume with their written request.

In considering candidates who have expressed an interest in a vacancy, the Board of Education may interview candidates in public or executive session. The Board must vote to appoint a candidate to a vacancy in public session and there shall be no decisions made in executive session. In the event interviews are conducted in executive session, Board members, in the public session nomination and voting process, shall express their opinion in support of their vote so the public can witness any deliberations, policy formulation, and the decision making process of the Board.

A roll call vote will be conducted on candidates in the order the candidates were nominated with a second. If there are two or more vacancies, each vacancy will be filled by a separate election process. The first candidate who receives the votes of a majority of the remaining Board members will be elected to the vacancy. In the event no candidate receives a majority vote of the remaining Board members, another election process shall be conducted between the two candidates receiving the highest number of votes.

~~A vacancy on the Board of Education of a county vocational school district shall be filled in accordance with N.J.S.A. 18A:54-16 et seq.] (8410)~~

[N.J.S.A. 18A:12-11](#); [18A:12-15](#)

N.J.S.A. 18A:13-5; 18A:13-10; 18A:13-11 [regional district]

N.J.S.A. 18A:54-16

N.J.S.A. 40A:9-12.1 [vocational district]

Adopted: 13 July 1964

Revised: 9 April 1984

11 February 1991

7 January 2010

12 October 2023

Berkeley Heights Public School District

0173 DUTIES OF PUBLIC SCHOOL ACCOUNTANT

The Board of Education shall cause an audit of the annual financial statements to be made pursuant to N.J.S.A. 18A:23-1 et seq., and shall engage, to conduct the annual audit, only a licensed public school accountant who has an external peer/quality report performed in accordance with Government Auditing Standards (Yellow Book) by the Comptroller General of the United States (U.S. Government Printing Office, Stop SSOP, Washington, DC 20402-0001). The Board shall ensure that the external peer/quality report is completed within the time established the Government Auditing Standards issued by the Comptroller General of the United States unless the accountant or firm can show good cause as to why there is a delay. ~~The Board will engage only a licensed public school accountant to conduct the annual audit in accordance with N.J.S.A. 18A:23-1 et seq. The accountant must have an external peer/quality report performed in accordance with N.J.A.C. 6A:23A-16.2(i)1, unless the accountant or firm can show good cause as to why there was a delay completing such report within the required timelines established by Government Auditing Standards issued by the Comptroller General of the United States.~~

The Board shall ~~will~~ require the submission of the most recent external peer/quality report and letter of comment to the Board for review and evaluation prior to each the appointment of a ~~the~~ licensed public school accountant to conduct the annual audit in accordance with the provisions of N.J.A.C. 6A:23A-16.2(i)2.

The Board shall ~~will~~ acknowledge the receipt, review, and evaluation of the external peer/quality report in the public session and Board minutes in which the Board authorizes the engagement of the accountant or firm to perform the audit is ~~engaged~~ in accordance with the provisions of N.J.A.C. 6A:23A-16.2(i)2.i.

~~The Board will acknowledge the receipt, review, and evaluation of the external peer/quality report in the public session and Board minutes in which the accountant or firm to perform the audit is engaged.~~

The Board shall ~~will~~ require the submission of an updated external peer/quality report of the engaged licensed public school accountant within thirty days after the issuance date of the external peer/quality report if ~~such~~ the report is issued prior to the date of the audit opinion for the most recent fiscal year in accordance with the provisions of N.J.A.C. 6A:23A-16.2(i)2.ii.

In accordance with NJOMB Circular Letter 15-08 ~~98-07~~, Single Audit Policy for Recipients of Federal Grants, State Grants, and State Aid, including any amendments or revisions thereto, the Board shall ensure the public school accountant ~~will~~ provide a copy of the most recent external peer/quality report to

the **New Jersey** Department of Education, within thirty days after the initial engagement of a **licensed public school accountant or firm** ~~by the Board~~ and within thirty days after the issuance of a subsequent peer/quality report **in accordance with the provisions of N.J.A.C. 6A:23A-16.2(i)2.iii.**

The Board shall engage a public school accountant during the audit engagement period for non-auditing, management, or other consulting services only if **the such** services comply with the **independence independent** standards as established in Government Auditing Standards (Yellow Book) by the Comptroller General of the United States **in accordance with the provisions of N.J.A.C. 6A:23A-16.2(i)3.**

The ~~Board may be prohibited for good cause by the~~ Commissioner of Education **may prohibit, for good cause, the Board** from engaging a particular licensed public school accountant, or may ~~be directed the use of a process for by the Commissioner on a process to be used in~~ the appointment of a licensed public school accountant pursuant to [N.J.A.C. 6A:23A-16.2\(i\)4.](#)

The public school accountant ~~shall will~~ complete the annual audit as required by the **New Jersey** Department of Education and [N.J.S.A. 18A:23-12.](#) Each annual audit shall include an audit of the books, accounts and moneys, and a verification of all cash and bank balances, of the Board and of any officer or employee **thereof** and of moneys derived from athletic events or ~~the other~~ activities of any organization of **public school** students conducted under the auspices of the Board, from the date of the last annual audit to the date of the **current** audit **in question.** ~~Such The~~ audit ~~shall will~~ also include a determination of the extent to which the district **has** used contracts entered into by the State Division of Purchase and Property pursuant to ~~P.L. 1969 c. 104 (C. N.J.S.A. 52:25-16.1 et seq.)~~ in the purchase of materials, supplies or equipment for the district **in accordance with N.J.S.A. 18A:23-2.** The report of each **annual** audit ~~shall will~~ be completed in accordance with the time requirements of [N.J.S.A. 18A:23-1](#) and ~~shall will~~ be filed by the public school accountant in accordance with [N.J.S.A. 18A:23-2.3.](#)

The Board Secretary shall prepare or have prepared a synopsis or summary of the annual audit and recommendations, prior to the holding of the meeting of the Board to take action thereon; a copy of which synopsis or summary shall be available for distribution to interested parties at the meeting in accordance with N.J.S.A. 18A:23-4. Within thirty days following **the** receipt of the report of the **annual audit** the Board ~~shall~~, at a regularly scheduled public meeting, ~~will~~ cause the recommendations of the **auditor accountant** to be read and **to be** discussed and the discussion ~~will be~~ duly noted ~~on in~~ the Board meeting minutes in accordance with [N.J.S.A. 18A:23-5.](#) ~~The Board Secretary will prepare or have prepared a summary of the annual audit for this Board meeting in accordance with N.J.S.A. 18A:23-4.~~

[N.J.S.A. 18A:23-1 et seq.](#)

[N.J.A.C. 6A:23A-16.2](#)

~~Cross-reference: Policy Guide No. 6830-~~

Adopted: 14 September 1964
Revised: 11 November 1974
11 February 1991
3 March 2011
16 November 2023

Berkeley Heights Public School District

2422 ~~COMPREHENSIVE HEALTH AND PHYSICAL EDUCATION (M)~~ **STATUTORY CURRICULAR REQUIREMENTS** **M**

The New Jersey Student Learning Standards (NJSLS) provide clear and consistent learning goals across distinct content areas to help prepare students for postsecondary success. The NJSLS demonstrate what students are expected to learn at specific grade levels and bands, so that every parent and teacher can understand and support learning. The NJSLS offer the foundation on which school districts build coherent curriculum and plan instruction to prepare each student with the knowledge and skills needed to succeed.

~~The Board of Education requires all students to participate in a comprehensive, sequential, health and physical education program aligned with the New Jersey Student Learning Standards (NJSLS) that emphasizes the natural interdisciplinary connection between wellness and health and physical education. The primary focus of the NJSLS is the development of knowledge and skills that influence healthy behaviors within the context of self, family, school, and the local and global community.~~

~~The curriculum requirements listed below address the need for students to gain knowledge and skill in caring for themselves, interacting effectively with others, and analyzing the impact of choices and consequences. The primary focus of the curriculum listed below is to help students develop concepts and skills that promote and influence healthy behaviors.~~

The New Jersey State Board of Education adopts the NJSLS and the ~~The NJSLS incorporate~~ New Jersey statutes require instruction to be part of the school district's implementation of the NJSLS. ~~related to health and well-being of students in New Jersey schools.~~ The following statutes that require instruction to be part of the school district's implementation of ~~incorporated into~~ the NJSLS include: ~~, but are not limited to, the following requirements:~~

1. Accident and Fire Prevention ([N.J.S.A. 18A:6-2](#)) requires regular courses of instruction in accident and fire prevention.
2. Breast Self-Examination ([N.J.S.A. 18A:35-5.4](#)) requires offering instruction on breast self-examination for students in grades seven through twelve.
3. Bullying Prevention Programs ([N.J.S.A. 18A:37-17](#)) requires the establishment of bullying prevention programs.
4. Cancer Awareness ([N.J.S.A. 18A:40-33](#)) requires the development of a school program on cancer awareness by the Commissioner of Education.

5. Dating Violence Education ([N.J.S.A. 18A:35-4.23a](#)) requires instruction regarding dating violence in grades seven through twelve.
6. Domestic Violence Education ([N.J.S.A. 18A:35-4.23](#)) allows instruction on problems related to domestic violence and child abuse.
7. Gang Violence Prevention ([N.J.S.A. 18A:35-4.26](#)) requires instruction in gang violence prevention for elementary school students.
8. Health, Safety, and Physical Education ([N.J.S.A. 18A:35-5](#)) requires that all students in grades one through twelve participate in at least two and one-half hours of health, safety, and physical education each school week.
9. Drugs, Alcohol, Tobacco, Controlled Dangerous Substances, and Anabolic Steroids ([N.J.S.A. 18A:40A-1](#)) requires instructional programs on drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances and the development of curriculum guidelines for each grade Kindergarten through twelve.
10. Lyme Disease Prevention ([N.J.S.A. 18A:35-5.1 through 18A:35-5.3](#)) requires the development of Lyme ~~d~~Disease curriculum guidelines **for the teaching of information on the prevention of Lyme disease and other tick-borne diseases and training to all teaching staff members who instruct students with Lyme Disease.**
11. Organ Donation ([N.J.S.A. 18A:7F-4.3](#)) requires information relative to organ donation to be given to students in grades nine through twelve.
12. Sexual Assault Prevention ([N.J.S.A. 18A:35-4.3](#)) requires the development of a sexual assault prevention education program by the Commissioner of Education for utilization by school districts.
13. Stress Abstinence ([N.J.S.A. 18A:35-4.19 through ~~N.J.S.A. 18A:35-4.22~~](#)), also known as the “AIDS Prevention Act of 1999,” requires sex education programs to stress abstinence.
14. Suicide Prevention ([N.J.S.A. 18A:6-111 through 18A:6-113](#)) requires instruction in suicide prevention in public schools.
15. Cardiopulmonary Resuscitation (CPR)/Automated External Defibrillator (AED) ([N.J.S.A. 18A:35-4.28](#) and [18A:35-4.29](#)) requires public high schools and charter schools to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student prior to graduation.
16. Sexually Explicit Images through Electronic Means ([N.J.S.A. 18A:35-4.32](#) and [18A:35-4.33](#)) requires instruction, once during middle school, on the social,

emotional, and legal consequences of distributing and soliciting sexually explicit images through electronic means.

17. History of Disabled and LGBT Persons ([N.J.S.A. 18A:35-4.35](#) and [18A:35-4.36](#)) requires instruction on the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people for middle and high school students.
18. Financial Literacy ([N.J.S.A. 18A:35-4.34](#)) requires instruction with basic financial literacy necessary for sound financial decision-making in each of the grades six through eight.
19. Sexual Abuse and Assault Awareness and Prevention Education ([N.J.S.A. 18A:35-4.5a](#)) requires age-appropriate sexual abuse and assault awareness and prevention education in grades preschool through twelve.
20. Curriculum to Include Instruction on Diversity and Inclusion ([N.J.S.A. 18A:35-4.36a](#)) requires instruction on diversity and inclusion in an appropriate place in the curriculum for students in grades Kindergarten through twelve.
21. Incorporation of Age-Appropriate Instruction Relative to Consent for Physical Contact and Sexual Activity ([N.J.S.A. 18A:35-4.38](#)) requires age-appropriate instruction in grades six through twelve on the law and meaning of consent for physical contact and sexual activity.
22. Health Curriculum to Include Instruction on Mental Health ([N.J.S.A. 18A:35-4.39](#)) requires health education programs to include instruction on mental health and the relation of physical and mental health for students in grades Kindergarten through twelve.
23. Information About “New Jersey Safe Haven Infant Protection Act” Included in Public School Curriculum ([N.J.S.A. 18A:35-4.40](#)) **requires** information on the provisions of the “New Jersey Safe Haven Infant Protection Act” shall be included in curriculum for public school students in grades nine through twelve.
24. Infusion of African American Accomplishments into School Curricula (N.J.S.A. 18A:35-4.43) requires in the curriculum for all elementary and secondary students instruction that infuses into all courses on the United States the centuries of accomplishments by African Americans in the building and development of America.
- 25. Asian American, Pacific Islander History, Contributions; Instruction Included in Curriculum (N.J.S.A. 18A:35-4.44) requires instruction on the history and contributions of Asian Americans and Pacific Islanders in an appropriate place in the curriculum of students in**

grades Kindergarten through twelve as part of the district's implementation of the NJSLs in Social Studies.

~~26-26. Any other sStatutory or aAdministrative cCodes requiring instruction to be part of the district's implementation of the NJSLs. The Board will incorporate into its health and physical education curriculum any other requirements of the NJSLs in Comprehensive Health and Physical Education.~~

In accordance with the provisions of [N.J.S.A. 18A:35-4.7](#), any student whose parent presents to the Principal a signed statement that any part of the instruction in health, family life education, or sex education is in conflict with **their** ~~his/her~~ conscience or sincerely held moral or religious beliefs shall be excused from that portion of the course where such instruction is being given and no penalties as to credit or graduation shall result.

The Board ~~of Education~~ must provide two and one-half hours of health, safety, and physical education courses in each school week, or proportionately less when holidays fall within the week. Recess period(s) shall not be used to meet the requirements of [N.J.S.A. 18A:35-5](#), [7](#), and [8](#).

In accordance with [N.J.S.A. 18A:35-4.31](#), the Board ~~of Education~~ shall provide a daily recess period of at least twenty minutes for students in grades Kindergarten through five. A recess period is not required on a school day in which the day is substantially shortened due to a delayed opening or early dismissal. The recess period shall be outdoors, if feasible. A student shall not be denied recess for any reason, except as a consequence of a violation of the school district's Code of Student Conduct, including a harassment, intimidation, or bullying (HIB) investigation pursuant to [N.J.S.A. 18A:37-13 et seq.](#) Students may not be denied recess more than twice per week for a violation of the Code of Student Conduct or HIB investigation and these students shall be provided restorative justice activities during the recess period.

Restorative justice activities are defined as activities designed to improve the socioemotional and behavioral responses of students through the use of more appropriate and less punitive interventions thereby establishing a more supportive and inclusive school culture. The student's recess period should be scheduled in a manner that does not interfere with the implementation of a student's Individualized Education Program (IEP). School staff may deny recess for a student on the advice of a medical professional, school nurse, or the provisions of a student's IEP and/or 504 Plan.

A copy of the NJSLs ~~for Comprehensive Health and Physical Education~~ and all related curriculum/course guides and instructional material shall be available for public inspection ~~in each school~~.

Adopted: 14 September 1981

Revised: 11 February 1991
15 February 2001
17 October 2002
23 September 2021

Berkeley Heights Public School District

Regulation 2200-R CURRICULUM CONTENT (M)

M

Courses of study and instructional materials and programs shall be designed to eliminate discrimination on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) and promote understanding and mutual respect between children. ~~regardless of race, color, creed, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, ancestry, national origin, socioeconomic status, and/or disability.~~

The Superintendent or designee shall develop a process to address and eliminate any possible bias in the curriculum.

In order to eliminate possible bias in the curriculum, staff shall use the following criteria:

- A. When instructional material contains stereotypes or discriminatory statements, staff should help students identify the stereotypes or discriminatory statement(s) and discuss with students the consequences of repeated stereotyping and discriminatory statements.**
- B. If a particular instructional material is highly objectionable, staff should not use it, such material should be brought to the attention of the Building Principal so that the Affirmative Action Officer can evaluate the objectionable material. Alternatively, the teacher might discuss the questionable material instead of eliminating it, depending on the makeup and maturity of the class and the purposes of the instruction.**
- C. Another recommended technique for handling materials that contain biases or stereotypes is to offset it by using unbiased supplementary materials.**
- D. Community involvement when developing instructional programs and attendant materials shall be encouraged.**

All curriculum documents are available to the community on the BHPS website after board approval.

Issued: 12/6/2022

REVISED:

Berkeley Heights Public School District