



## LIVINGSTON BOARD OF EDUCATION VOTING MEETING AGENDA

Wednesday, September 2, 2020

Executive Session - Virtual Meeting Via Zoom - 7:00 p.m.

Public Session - Virtual Meeting Via Zoom and Facebook Live - 8:00 p.m.

*This is a public meeting of the Board of Education. The Livingston Board of Education will be video recording and posting its open public meetings on the district website. The Board reserves the right to edit the videotape prior to posting to protect the privacy of students and staff.*

*The Board's Bylaw #0168 allows videotaping and livestreaming of public meetings with prior approval from the Board Secretary. Any member of the public may record the proceedings of a public meeting of the Board in a manner that does not interrupt the proceedings, inhibit the conduct of the meeting, distract Board members or other observers present at the meeting, or violate the privacy of students and staff. The Board will permit the use of tape recorder(s), video camera(s) or live streaming only when notice of such intended use has been given to the Board Secretary five days in advance of the meeting. Any camera(s) must be operated in an inconspicuous location in the meeting room. The Board reserves the right to request a copy of the tape. The presiding officer shall determine when any recording device interferes with the conduct of a Board meeting and may order that an interfering device be removed.*

***While the Board of Education discourages the videotaping/livestreaming of students without written parental consent, public meetings are not subject to the same restrictions as other school events. Please be aware that you and your children may be videotaped or livestreamed as a result of your participation at this meeting.***

*In accordance with Policy #9131, the Livingston Board of Education members, district administration, and staff will treat students, parents/guardians and other members of the public with respect and expect the same consideration in return. The district is committed to maintaining orderly educational and administrative processes in keeping schools and administrative offices free from disruptions and preventing unauthorized persons from entering school/district grounds.*

### **I. OPEN SESSION**

#### **A. Call to Order – Ronnie Konner, President**

#### **B. Reading of Meeting Notice**

Adequate notice of this meeting has been provided by amendment to notice approved at the Board's reorganization meeting on January 7, 2020 and posted at the Board of Education office and communicated to *The Star Ledger*, *West Essex Tribune*, *TAPinto Livingston* and the Livingston Township Clerk.

#### **C. Executive Session**

**Whereas**, the Open Public Meetings Act, N.J.S.A. 10:4-11, permits the Board of Education to meet in closed session to discuss certain matters; now, therefore be it

**Resolved**, that the Livingston Board of Education adjourns to closed session to discuss:

September 2, 2020

Page 1 of 4

- Personnel and Negotiations

Action may be taken upon return to public session. The full length of the meeting is anticipated to be approximately 60 minutes and be it

**Further Resolved**, the minutes of this closed session be made public when the need for confidentiality no longer exists.

#### **D. Pledge of Allegiance / Roll Call**

#### **E. Superintendent's Report**

#### **F. Board Reports**

#### **G. Public Input on Agenda Items ~ up to 15 minutes**

An excerpt from Policy #0167 adopted on January 10, 2011 and reviewed on March 4, 2013 states that The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

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, place of residence, and group affiliation, if appropriate;
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 shall be directed to the presiding officer; no participant may address or question Board members individually.

The portion of the meeting during which the participation of the public is invited shall be limited to fifteen minutes, or at the discretion of the presiding officer.

## **II. RECOMMENDATIONS FOR APPROVAL**

### **3. BUSINESS**

The Superintendent recommends the following:

#### **3.1 Policies and Regulations**

**Resolved**, that the Livingston Board of Education, in accordance with N.J.S.A. 18A:7F-9, approves the use of a program of virtual or remote instruction to meet the 180-day requirement for the 2020-2021 school year for parents opting full time remote learning pursuant to the NJDOE guidance issued on July 24, 2020; and / or District schools are closed due to a declared state of emergency, health emergency, or a public health-related closure. Further, the Board suspends Bylaw #0131 for Policies #1648 and #1648.02 only and hereby approves Policy #1648 and Policy #1648.02.

## **ROLL CALL VOTE**

#### **H. Public Comment ~ up to 15 minutes**

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## **I. Old Business**

## **J. New Business**

### **III. ADJOURNMENT**

#### **EXECUTIVE SESSION**

1. Legal Matters
2. Negotiations
3. Personnel

**Whereas**, N.J.S.A. 10:4-1 *et seq.*, also known as the "Sunshine Law," authorizes a public body to meet in executive or private session under certain limited circumstances, and

**Whereas**, said law requires the Board to adopt a resolution at a public hearing before it can meet in such an executive or private session, now, therefore, be it

**Resolved**, by the Livingston Board of Education that:

- (A) It does hereby determine that it is necessary to meet in executive session on September 2, 2020 to discuss the matters stipulated, in conformance with the subsections of said act which are indicated.
  1. Matter rendered confidential by federal law, state statute or rule of court.
  2. Matter in which the release of information would impair a right to receive federal funds.
  3. Matter, the disclosure of which would constitute an unwarranted invasion of individual privacy unless the individual concerned shall request in writing that the same be disclosed publicly.
  4. Collective bargaining matter.
  5. Matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates, etc. where it would adversely affect the public interest if discussion were disclosed.
  6. Tactics and techniques utilized in protecting public property where disclosure could impair protection.
  7. Investigation of violations or possible violations of law.
  8. Pending or anticipated litigation or contract negotiation other than collective bargaining agreement.
  9. Personnel matters unless the individual employees or appointees affected requested that such matter be discussed at a public meeting.
  10. Deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty.
- (B) The matters discussed will be made public when confidentiality is no longer required and formal action pursuant to said discussion shall take place only at a meeting to which the public has been invited.
- (C) No action will be taken.

#### **PROPOSED FUTURE AGENDA ITEMS (dates subject to change)**

September 9, 2020 (*workshop/voting*)

- Enrollment Update

September 21, 2020 (*voting*)

- District Goals

October 12, 2020 (*workshop*)

- Public Hearing for District and School HIB Self-Assessment Report
- Board Self-Evaluation with Charlene Peterson
- NJSLA (as per Policy 2610)

October 19, 2020 (*voting*)

- Conference with the Livingston Education Association
- Summer Curriculum Writing Update
- District Nursing Services Plan

November 9, 2020 (*workshop*)

- Board Budget Goals
- Assessment Update

November 23, 2020 (*voting*)

- NJQSAC Statement of Assurance

December 7, 2020 (*voting*)

- Comprehensive Annual Financial Report
- Counseling Report – LHS Report on Graduates for Class of 2020 (as per Policy 2610)
- New Course Offerings
- Approval of Comprehensive Annual Financial Report (Corrective Action Plan)

January 4, 2021 (*Reorganization*)

## 1648 RESTART AND RECOVERY PLAN (M)

On June 26, 2020, the New Jersey Department of Education (NJDOE) published “The Road Back – Restart and Recovery Plan for Education” (Guidance), a guidance document for reopening New Jersey schools during the COVID-19 pandemic. The Guidance provided school officials with the information necessary to ensure that schools reopen safely and are prepared to accommodate staff and students’ unique needs during these unprecedented times. The NJDOE required school districts in the State to develop, in collaboration with community stakeholders, a “Restart and Recovery Plan” (Plan) to reopen schools that best fits the district’s local needs.

The Guidance requires the Board of Education to adopt certain policies and the Board adopts Policy 1648 to address those policy requirements in the Guidance. Policy 1648 shall only be effective through the current COVID-19 pandemic and will take precedence over any existing Policy on the same or similar subject, unless determined otherwise by the Superintendent. ■

### A. NJDOE Guidance – Key Subject Area 1 – Conditions for Learning

#### 1. Transportation

a. If the school district is providing transportation services on a school bus, face covering must be worn by all students upon entering the school bus unless doing so would inhibit the student’s health. It is necessary to acknowledge that enforcing the use of face coverings may be impractical for young children or individuals with disabilities. Exceptions to the face covering requirements shall be those outlined in A.2.d. below:

(1) Accommodations for students who are unable to wear a face covering should be addressed according to that student's particular need and in accordance with all applicable laws and regulations.

b. The school district shall use best practices for cleaning and disinfecting district-owned school buses and other transportation vehicles in accordance with A.3. below.

## RESTART AND RECOVERY PLAN (M)

- c. District-employed school bus drivers and aides on district-owned school buses shall practice all safety actions and protocols as indicated for other school staff.
  - d. If the school district is using contracted transportation services, the contractor shall ensure all Board of Education safety actions and protocols are followed by the contractor and its employees and/or its agents.
2. Screening, Personal Protective Equipment (PPE), and Response to Students and Staff Presenting Symptoms
- a. The school district shall screen students and employees upon arrival to a school building or work location for COVID-19 symptoms and a history of exposure.
    - (1) School staff must visually check students and employees for symptoms upon arrival (which may include temperature checks) and/or confirm with families that students are free of COVID-19 symptoms.
    - (2) Health checks must be conducted safely and respectfully, and in accordance with any applicable privacy laws and regulations.
    - (3) Results must be documented when signs/symptoms of COVID-19 are observed.
    - (4) The screening protocol will take into account students and employees with disabilities and accommodations that may be needed in the screening process for those students and employees.
    - (5) Students and employees with symptoms related to COVID-19 must be safely and respectfully isolated from others.
    - (6) If the school district becomes aware that an individual who has spent time in a school district facility tests positive for COVID-19, district

## RESTART AND RECOVERY PLAN (M)

officials must immediately notify local health officials, staff, and families of a confirmed case while maintaining confidentiality.

- b. School staff and visitors are required to wear face coverings unless doing so would inhibit the individual's health or the individual is under two years of age.
  - (1) If a visitor refuses to wear a face covering for non-medical reasons and if such covering cannot be provided to the individual at the point of entry, the visitor's entry to the school/district facility may be denied.
- c. Students are required to wear face coverings, unless doing so would inhibit the student's health. It is necessary to acknowledge that enforcing the use of face coverings may be impractical for young children or individuals with disabilities.
  - (1) Accommodations for students who are unable to wear a face covering should be addressed according to that student's need and in accordance with all applicable laws and regulations.
- d. Exceptions to the Requirement for Face Coverings
  - (1) Doing so would inhibit the individual's health.
  - (2) The individual is in extreme heat outdoors.
  - (3) The individual is in water.
  - (4) A student's documented medical condition, or disability as reflected in an Individualized Education Program (IEP), precludes the use of a face covering.
  - (5) The student is under the age of two.
  - (6) During the period a student is eating or drinking.

- (7) Face coverings should not be placed on anyone who has trouble breathing or is unconscious, or anyone who is incapacitated or otherwise unable to remove the face covering without assistance (e.g. face coverings should not be worn by Pre-K students during nap time).
  - (8) The student is engaged in high intensity aerobic or anaerobic activities.
  - (9) Face coverings may be removed during gym and music classes when individuals are in a well-ventilated location and able to maintain a physical distance of six feet apart.
  - (10) When wearing a face covering creates an unsafe condition in which to operate equipment or execute a task.
3. Facilities Cleaning Practices
    - a. The school district must continue to adhere to existing required facilities cleaning practices and procedures and any new specific requirements of the local health department as they arise.
    - b. A procedure manual must be developed to establish cleaning and disinfecting schedules for schools and school equipment, targeted areas to be cleaned, and methods and materials to be used.
  4. Wraparound Supports
    - a. Mental Health Supports

The school district's approach to student mental health supports will be affected by the learning environment in place at the beginning of the school year. If in-person instruction is not feasible, the district must find other ways to assess and monitor students' mental health.



5. Contact Tracing
  - a. Upon notification that a resident has tested positive for COVID-19, the local health department will call the school district to determine close contacts to whom they may have spread the virus, where close contact is defined as being within six feet for a period of at least ten minutes.
  - b. The school district shall assist the local health department in conducting contact tracing activities, including ongoing communication with the identified individual and/or their contacts.
  - c. The school district shall ensure adequate information and training is provided to the staff as necessary to enable staff to carry out responsibilities assigned to them.
  - d. A staff liaison(s) shall be designated by the Superintendent or designee and shall be responsible for providing notifications and carrying out other components that could help ensure notifications are carried out in a prompt and responsible manner.
  - e. School districts shall allow staff, students, and families to self-report symptoms and/or suspected exposure.
- B. NJDOE Guidance – Key Subject Area 2 – Leadership and Planning
  1. Scheduling
    - a. The school district’s Plan must account for resuming some in-person instruction and shall provide steps to shift back to virtual learning models if circumstances change and in-person instruction guidelines can no longer be followed.
    - b. The school district’s Plan accommodates opportunities for both synchronous and asynchronous instruction, while ensuring requirements for a 180-day school year are met.

## RESTART AND RECOVERY PLAN (M)

c. The school district recognizes special populations will require unique considerations to ensure the continuity of learning as well as the health and safety of students and staff within the least restrictive environment.

(1) Special Education and English Language Learners (ELL)

(a) The school district shall provide educators with professional development to best utilize the accessibility features and accommodations tools made available through technology-based formats in accordance with this Policy.

(b) The school district shall continue to ensure students receive individualized supports that meet the requirements of the IEP and 504 Plans.

### 2. Staffing

a. The school district shall comply with all applicable employment laws when making staffing and scheduling requirements, including, but not limited to, the Americans Disabilities Act (ADA), and all applicable State laws.

b. As the school district adjusts schedules, teaching staff members must maintain quality instruction for students pursuant to the minimum requirements set forth in NJDOE regulation.

### C. NJDOE Guidance – Key Subject Area 3 – Policy and Funding

#### 1. School Funding

##### a. Purchasing

The school district may likely need to purchase items not needed in the past and may experience increased demand for previously purchased goods and services to implement

## RESTART AND RECOVERY PLAN (M)

the Plan. The school district shall continue to comply with the provisions of the “Public School Contracts Law”, N.J.S.A. 18A:18A-1 et seq.

b. Use of Reserve Accounts, Transfers, and Cashflow

The school district shall apply for the approval from the Commissioner of Education, prior to performing certain budget actions, such as withdrawing from the emergency reserve account or making transfers that cumulatively exceed ten percent of the amount originally budgeted.

c. Costs and Contracting

The school district shall follow all New Jersey State laws and regulations applicable to local school districts for purchasing when procuring devices and connectivity or any technology related item.

D. NJDOE Guidance – Key Subject Area 4 – Continuity of Learning

1. Ensuring the Delivery of Special Education and Related Services to Students with Disabilities

a. The school district shall continue to meet their obligations to students with disabilities to the greatest extent possible.

2. Professional Learning

a. The school district shall prepare and support teaching staff members in meeting the social, emotional, health, and academic needs of all students throughout the implementation of the Plan.

(1) Professional Learning

(a) The school district shall grow each teaching staff member’s professional capacity to deliver developmentally appropriate standards-based instruction remotely.

## RESTART AND RECOVERY PLAN (M)

- (2) Mentoring and Induction
  - (a) The school district shall ensure:
    - (i) All novice provisional teachers new to the district be provided induction;
    - (ii) One-to-one mentoring is provided to novice provisional teachers by qualified mentors;
    - (iii) Mentors can provide sufficient support and guidance to novice provisional teachers working in a remote environment;
    - (iv) Mentoring is provided in both hybrid and fully remote learning environments and that mentors and provisional teachers will agree upon scheduling, structure, and communication strategies they will use to maintain the mentoring experience; and
    - (v) The use of online collaborative tools for school staff to remain connected to other mentors, new teachers, and administrators to maintain a sense of communal support.
- (3) Evaluation
  - (a) The school district has considered the requirements and best practices with provisional status teachers, nontenured educators, and those on Corrective Action Plans (including extra observations, extra observers, assuring more frequent feedback and face-to-face).

**RESTART AND RECOVERY PLAN (M)**

3. **Career and Technical Education (CTE)**
  - a. **The school district shall implement innovative learning models for new learning environments regarding CTE.**
  - b. **Quality CTE Programs**

The school district shall ensure students have access to appropriate industry-recognized, high-value credentials.
  - c. **Work-Based Learning**

The school district will ensure students are provided the opportunity to participate in safe work-based learning, either remotely (simulations, virtual tours, etc.) or in-person.

New Jersey Department of Education “The Road Back – Restart and Recovery Plan for Education”

Memorandum – New Jersey Governor and Department of Education – Conditions for Learning – Health and Safety – August 3, 2020

## 1648.02 REMOTE LEARNING OPTIONS FOR FAMILIES

On July 24, 2020, the New Jersey Governor and the Commissioner of Education published a supplemental guidance document titled “Clarifying Expectations Regarding Fulltime Remote Learning Options for Families 2020-2021” as a result of the COVID-19 pandemic. This supplemental guidance includes an additional “anticipated minimum standard,” as this phrase is used throughout “The Road Back: Restart and Recovery Plan for Education” (NJDOE Guidance). This additional “anticipated minimum standard” provides that, in addition to the methods and considerations explicitly referenced in the NJDOE Guidance for scheduling students for in-person, remote, or hybrid learning, families/guardians (hereinafter referred to as “parents”) may submit, and school districts shall accommodate, requests for full-time remote learning.

Requests for full-time remote learning may include any service or combination of services that would otherwise be delivered to students on an in-person schedule, which may be a hybrid schedule, such as instruction, behavioral and support services, special education, and related services. A parent may request some services be delivered entirely remotely, while other services follow the same schedule they otherwise would according to the provisions in the school district’s Restart and Recovery Plan (Plan) and Policy 1648.

A parent may contact the Principal or designee of the building the student would attend with any questions on: a request to transition from in-person services to full-time remote learning; a request to transition from full-time remote learning to in-person services; the procedures of this Policy; and/or any other information regarding the school district’s Plan and Policy 1648.

To ensure clarity and consistency in implementation of full-time remote learning, the Board of Education adopts this Policy that addresses the following:

- A. Unconditional Eligibility for Full-time Remote Learning
  - 1. All students are eligible for full-time remote learning.

## REMOTE LEARNING OPTIONS FOR FAMILIES (M)

- a. Eligibility for full-time remote learning cannot be conditioned on a parent demonstrating a risk of illness or other selective criteria.
  - b. Unconditional eligibility for full-time remote learning includes students with disabilities who attend in-district schools or receiving schools (county special services school districts, educational services commissions, jointure commissions, Katzenbach School for the Deaf, regional day schools, college operated programs, and approved private schools for students with disabilities).
- B. Procedures for Submitting Full-time Remote Learning Requests
1. A parent may request a student receive full-time remote learning from the school district by submitting a written request to the Principal of the school building their child would attend.
  2. The written request for the student to receive full-time remote learning shall include:
    - a. The student's name, school, and grade;
    - b. The technology the student will be using to receive full-time remote learning, including the student's connectivity capabilities;
    - c. A request for any service or combination of services that would otherwise be delivered to the student on an in-person or hybrid schedule, such as instruction, behavioral and support services, special education, and related services;
    - d. For students with disabilities, the school district staff will determine if an Individualized Education Plan (IEP) meeting or an amendment to a student's IEP is needed for full-time remote learning; and
    - e. Any additional information the Principal or designee requests to ensure the student, when receiving remote learning, will receive the same quality and scope of

## REMOTE LEARNING OPTIONS FOR FAMILIES (M)

instruction and other educational services as any other student otherwise participating in school district programs.

- (1) The documentation required by the school district to be provided in the parent's request for full-time remote learning shall not exclude any students from the school district's full-time remote learning option, but rather be limited to the minimum information needed to ensure proper recordkeeping and implementation of successful remote learning.
  3. Upon receiving the written request, the Principal or designee may request additional information from the parent to assist the Principal or designee in providing the student the same quality and scope of instruction and other educational services as any other student otherwise participating in school district programs.
  4. The Principal or designee will review the written request and upon satisfaction of the procedures outlined in this Policy, the Principal or designee will provide written approval of the parent's request for full-time remote learning.
    - a. In the event the request does not satisfy the procedures outlined in this Policy, the Principal or designee will notify the parent in writing of the issues that need to be addressed by the parent to satisfy the procedures outlined in this Policy.
  5. The Principal's written approval of the request shall be provided to the parent within two school days of receiving the parent's written request.
    - a. The written approval will include the date the remote learning program will commence for the student in accordance with B.2. above.
- C. Scope and Expectations of Full-Time Remote Learning
1. The scope and expectations of the school district's full-time remote learning program will include, but not be limited to, the following:



## REMOTE LEARNING OPTIONS FOR FAMILIES (M)

- a. The length of the school day pursuant to N.J.A.C. 6A:32-8.3 and compliance with the Board's Attendance Policy and Regulation 5200; the provisions of the district's remote learning program outlined in the school district's Plan; and any other Board policies and regulations that govern the delivery of services to, and district expectations of, students participating in the remote learning program and their families;
  - b. The technology and the connectivity options to be used and/or provided to the student during remote learning; and
  - c. Any additional information the Principal or designee determines is needed to ensure the student, when receiving remote learning, will receive the same quality and scope of instruction and other educational services as any other student otherwise participating in school district programs (i.e. students participating in a hybrid model).
    - (1) This includes, for example, access to standards-based instruction of the same quality and rigor as afforded all other students of the district, the district making its best effort to ensure that every student participating in remote learning has access to the requisite educational technology, and the provision of special education and related services to the greatest extent possible.
  - d. The school district will endeavor to provide supports and resources to assist parents, particularly those of younger students, with meeting the expectations of the school district's remote learning option.
- D. Procedures to Transition from Full-Time Remote Learning to In-Person Services

A student is only eligible to transition from full-time remote learning to in-person services commencing in accordance with the schedule published by the school district.

## REMOTE LEARNING OPTIONS FOR FAMILIES (M)

This will allow parents to make the arrangements needed to effectively serve students' home learning needs and will support educators in ensuring continuity of instruction for the student.

### F. Procedures for Communicating District Policy with Families

1. The school district will have clear and frequent communication with parents, in their home language, to help ensure this important flexibility is as readily accessible as possible. Communication must include, at a minimum, information regarding:
  - a. Summaries of, and opportunities to review, the school district's full-time remote learning Policy/Plan;
  - b. Procedures for submitting full-time remote learning requests in accordance with B. above;
  - c. Scope and expectations of full-time remote learning in accordance with C. above;
  - d. The transition from full-time remote learning to in-person services and vice-versa in accordance with B. and D. above; and
  - e. The school district's procedures for ongoing communication with families and for addressing families' questions or concerns.

### G. Home or Out-of-School Instruction

1. No provision of this Policy supersedes the district's requirements to provide home or out-of-school instruction for the reasons outlined in N.J.S.A. 18A, N.J.A.C. 6A, or any applicable Board policy unless determined otherwise by the Superintendent or designee.

[See the District's Restart and Recovery Plan – Appendix Q for the protocols/procedures for “Remote Learning Options for Families” which is outlined in the school district's Restart and Recovery Plan.]

# POLICY

LIVINGSTON  
**BOARD OF EDUCATION**

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Administration  
1648.02/Page 5 of 5

## REMOTE LEARNING OPTIONS FOR FAMILIES (M)

New Jersey Department of Education Guidance Document:  
“Clarifying Expectations Regarding Fulltime Remote Learning  
Options for Families 2020-2021”

Adopted: