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**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Friday, February 1, 2019 1:09 PM  
**To:** Martha Hickson  
**Cc:** Michael Kane; Yulee Kim  
**Subject:** Fun Home Meeting Follow-Up

Martha,

As I discussed at our meeting today, the book Fun Home was purchased for the library without a review of the images that it contains.

It has been brought to my attention that the book contains graphics images of sexual situations. I do not feel that the images on page 214 of the book Fun Home are appropriate as they graphically depict nudity and a sexual act. I feel that this book should be removed from our library collection. Based on regulation 2530, now that I am aware of the images within the book, I proposed removing the book as it is no longer appropriate. Also as discussed at this meeting, you expressed that you feel that the book is appropriate and should remain in the collection of the NHHS Library. Please confirm this opinion. If this is your opinion, we will convene a committee as outlined in regulation 9130 to review if the the book Fun Home is appropriate for the NHHS Library.

Please reply to this email to confirm or clarify your point of view.  
Thanks

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Martha Hickson <mhickson@nhvweb.net>  
**Sent:** Monday, February 11, 2019 10:01 PM  
**To:** Greg Cottrell  
**Cc:** Yulee Kim; Michael Kane  
**Subject:** Questions re Fun Home permissions  
**Attachments:** Memo.pdf

Greg:

I am writing to acknowledge receipt of your *Fun Home* memo, provide written documentation of my concerns, and request clarification for implementing your instructions.

**Acknowledge receipt:** I have received the hand-delivered Feb. 7 memo (copy attached), which directs me to remove *Fun Home* by Alison Bechdel from accessible library shelving, place it on protected shelving within the library office, and restrict circulation of the title to only those students who present a signed parent permission slip. Enclosed with the memo, I have received the parent permission slip, which you presented with verbal instruction that the permission slip is an example that can be modified as needed.

**Concerns:** During our Jan. 31 and Feb. 7 meetings about this matter, I expressed numerous concerns about attempts to ban or restrict access to this book. I would like to document my concerns in writing; they include:

- The process by which this book challenge was handled, including administrators requesting removal before having read the book, sending a lead teacher to request removal of the book, claiming falsely that a parent had objected to the book, and making judgments about the entirety of the work based on a single page
- Not following procedures outlined in board policies 2530 and 9130 regarding reconsideration of library materials
- The condemnation of *Fun Home* as “pornographic” (based solely on the content of a single page), despite the book’s literary merit, critical acclaim, conformance to Board selection criteria, and its inclusion in the English curriculum at Watchung Hills High School and the library collections of numerous high schools across the state, including at least six of the top 20 schools in *New Jersey Monthly’s* 2018 list of top public high schools (Millburn, #3; West Morris Mendham, #7; Ridge, #10; Northern Valley Demarest, #15; West Windsor Plainsboro-South, #17; Princeton, #20)
- The dangerous precedent established by the directive set forth in your Feb. 7 memo, which will enable current and future administrators to bypass board policies and remove library materials from general circulation at will based on personal objections
- The abridgement of students’ civil liberties, as expressed in the First Amendment and supported by the ALA Bill of Rights and NCTE Students’ Right to Read, documents which are referenced in the board policies and which I provided you in hard-copy form when we met on Jan. 31
- The unique and excessive burden that the new requirement for a permission slip places on LGBTQ students, who may not be in a position to obtain parent permission, thereby barring their access to a milestone work in LGBTQ literature, written by a MacArthur “genius” grant-winning author, which has been hailed as “one of the best graphic novels ever” (*Booklist*), one of the “10 Best Books of the Decade” (*Entertainment Weekly*), and one of “13 Beautiful Books Every LGBTQ Teen Should Read” (*Seventeen* magazine), among other accolades

**Request for clarification:** As I attempt to implement the restrictions you have established, I request the following clarifications:

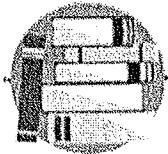
- Is signed parental permission required for students over age 18?
- If students over age 18 are exempt from the permission-slip requirement, what proof of age must students present?
- How will parent signatures be verified to prevent and detect forgeries?
- What is the retention requirement for the signed permission slips?
- Where will signed permission slips be stored?
- How will privacy of signed permission slips (and therefore student library records) be protected?
- What disciplinary consequences will result for an “authorized” student who shares the book with an “unauthorized” student?

Please advise at your earliest convenience.

Thanks,

Martha Hickson, MLIS  
Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobo



**Know Better**  
@ the NHHS Media Center  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

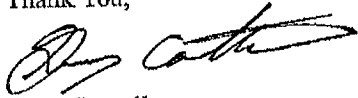
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North Hunterdon  
Regional High School

**To: Martha Hickson**  
**From: Greg Cottrell**  
**CC: Mike Kane, Yulee Kim**  
**Date: 2/7/19**  
**Subject: Fun Home Book Permission**

It has come to my attention that the book titled *Fun Home: A family Tragicomic* contains sexually explicit illustrations on page 214. It is also the only book in our library collection which Follet Destiny labels has having "adult content". As a school, we have an obligation to ensure that the children who attend our school do not access adult content that they are not emotionally or developmentally prepared to encounter. Based on this information, I am directing you to make the book available to students only after parent permission is received to acknowledge that the parent gives consent for their child to view a book with "adult content".

Thank You,



Greg Cottrell  
Principal  
North Hunterdon High School

## Permission Slip

To Whom It May Concern:

I give my student \_\_\_\_\_ permission to read Fun Home.

Thank you,

---

Parent/Guardian Signature

Date

## Permission Slip

To Whom It May Concern:

I give my student \_\_\_\_\_ permission to read Fun Home.

Thank you,

---

Parent/Guardian Signature

Date

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 9:51 AM  
**To:** Martha Hickson  
**Cc:** Yulee Kim; Michael Kane  
**Subject:** Re: Questions re Fun Home permissions

Martha,

I would once again like to reiterate that the additional scrutiny that we are placing on *Fun Home* is a result of the sexually explicit graphic content. It is not related to the LGBTQ themes within the book. There are 170 books in the library that fall within LGBTQ topic listings. Feel free to purchase additional books to fill any LGBTQ literary void that you think exists within the library.

Below are the answers to your questions:

- **Is signed parental permission required for students over age 18?** Yes, We still require parent permission for a variety of school requirements such as field trips, unless the student is emancipated from their parents.
- **If students over age 18 are exempt from the permission-slip requirement, what proof of age must students present?** N/A
- **How will parent signatures be verified to prevent and detect forgeries?** If you suspect a note is forged, please forward it to Ms. Kim for verification. Again this is the same as we would do for an attendance note or any other signed parent form. We assume the signature is real unless we have reason to think otherwise.
- **What is the retention requirement for the signed permission slips?** We should keep the notes until the students graduate.
- **Where will signed permission slips be stored?** I suggest in your office but if you do not want that burden, you can store them with Ms. Kim.
- **How will privacy of signed permission slips (and therefore student library records) be protected?** As with other student record such as conduct, attendance, grades and counselor meeting notes, the permission slips should be kept in a secure location. Preferably in a locked cabinet within a teacher's office. Again, if this is an issue, we can store them with Ms. Kim.
- **What disciplinary consequences will result for an “authorized” student who shares the book with an “unauthorized” student?** We will review the circumstances on a case by case basis if the situation arises.

Thanks  
Greg

On Mon, Feb 11, 2019 at 10:01 PM Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)> wrote:

Greg:

I am writing to acknowledge receipt of your *Fun Home* memo, provide written documentation of my concerns, and request clarification for implementing your instructions.

**Acknowledge receipt:** I have received the hand-delivered Feb. 7 memo (copy attached), which directs me to remove *Fun Home* by Alison Bechdel from accessible library shelving, place it on protected shelving within the library office, and restrict circulation of the title to only those students who present a signed parent permission slip. Enclosed with the memo, I have received the parent permission slip, which you presented with verbal instruction that the permission slip is an example that can be modified as needed.

**Concerns:** During our Jan. 31 and Feb. 7 meetings about this matter, I expressed numerous concerns about attempts to ban or restrict access to this book. I would like to document my concerns in writing; they include:

- The process by which this book challenge was handled, including administrators requesting removal before having read the book, sending a lead teacher to request removal of the book, claiming falsely that a parent had objected to the book, and making judgments about the entirety of the work based on a single page
- Not following procedures outlined in board policies 2530 and 9130 regarding reconsideration of library materials
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- The dangerous precedent established by the directive set forth in your Feb. 7 memo, which will enable current and future administrators to bypass board policies and remove library materials from general circulation at will based on personal objections
- The abridgement of students’ civil liberties, as expressed in the First Amendment and supported by the ALA Bill of Rights and NCTE Students’ Right to Read, documents which are referenced in the board policies and which I provided you in hard-copy form when we met on Jan. 31
- The unique and excessive burden that the new requirement for a permission slip places on LGBTQ students, who may not be in a position to obtain parent permission, thereby barring their access to a milestone work in LGBTQ literature, written by a MacArthur “genius” grant-winning author, which has been hailed as “one of the best graphic novels ever” (*Booklist*), one of the “10 Best Books of the Decade” (*Entertainment Weekly*), and one of “13 Beautiful Books Every LGBTQ Teen Should Read” (*Seventeen* magazine), among other accolades

**Request for clarification:** As I attempt to implement the restrictions you have established, I request the following clarifications:

- Is signed parental permission required for students over age 18?
- If students over age 18 are exempt from the permission-slip requirement, what proof of age must students present?

- How will parent signatures be verified to prevent and detect forgeries?
- What is the retention requirement for the signed permission slips?
- Where will signed permission slips be stored?
- How will privacy of signed permission slips (and therefore student library records) be protected?
- What disciplinary consequences will result for an “authorized” student who shares the book with an “unauthorized” student?

Please advise at your earliest convenience.

Thanks,

**Martha Hickson, MLIS**

Librarian

North Hunterdon High School

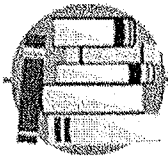
1445 Route 31

Annandale, NJ 08801

908-713-4199 x6414

[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobi



**Know Better**  
@ the NHHS Media Center  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Karla Ivarson <if@njasl.org>  
**Sent:** Thursday, February 14, 2019 10:22 AM  
**To:** rkirchberger@nhvweb.net; jbender@nhvweb.net; gcottrell@nhvweb.net  
**Cc:** fgoger@nhvweb.net; ldiederich@nhvweb.net; callen-munley@nhvweb.net;  
jmelick@nhvweb.net; rmclaughlin@nhvweb.net; hrichards@nhvweb.net;  
rstraight@nhvweb.net; tjroll@nhvweb.net; thintz@nhvweb.net;  
scrisologo@nhvweb.net; jviotto@nhvweb.net  
**Subject:** Removal of book without board input

Dear Mr. Kirchberger, Mr. Bender and Dr. Cottrell,

As the head of the Intellectual Freedom subcommittee of the New Jersey Association of School Librarians, I am writing to you because the removal of Alison Bechdel's Fun Home from the shelves of the North Hunterdon High School media center did not follow the policy set forth by the Board of Education.

Your school board's policies for the selection, as well as reconsideration, of resource materials (#2530) are exemplary, acknowledging that some material is bound to be controversial and that staff "place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users."

Although the complaint originated with a staff member, it still must follow the process specified in Regulation #9130. Because the North Hunterdon-Voorhees Regional High School District Board of Education publicly supports the principles of intellectual freedom, set forth in the First Amendment to the U.S. Constitution and laid out in the American Library Association's Library Bill of Rights (<http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/intfreedom/librarybill/lbor.pdf>), we expect that the book will be returned to the shelf until the procedure for dealing with complaints is followed to completion.

Sincerely,

Karla Ivarson  
NJASL Intellectual Freedom Subcommittee

Christina Cucci  
NJASL, President

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 10:29 AM  
**To:** Rich Bergacs  
**Subject:** Fwd: Removal of book without board input

FYI

----- Forwarded message -----

**From:** Karla Ivarson <if@njasl.org>  
**Date:** Thu, Feb 14, 2019 at 10:22 AM  
**Subject:** Removal of book without board input  
**To:** <rkirchberger@nhvweb.net>, <jbender@nhvweb.net>, <gcottrell@nhvweb.net>  
**Cc:** <fgoger@nhvweb.net>, <ldiederich@nhvweb.net>, <callen-munley@nhvweb.net>, <jmelick@nhvweb.net>, <rmclaughlin@nhvweb.net>, <hrichards@nhvweb.net>, <rstraight@nhvweb.net>, <tjroll@nhvweb.net>, <thintz@nhvweb.net>, <scrisologo@nhvweb.net>, <jviotto@nhvweb.net>

Dear Mr. Kirchberger, Mr. Bender and Dr. Cottrell,

As the head of the Intellectual Freedom subcommittee of the New Jersey Association of School Librarians, I am writing to you because the removal of Alison Bechdel's Fun Home from the shelves of the North Hunterdon High School media center did not follow the policy set forth by the Board of Education.

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Sincerely,

Karla Ivarson  
NJASL Intellectual Freedom Subcommittee

Christina Cucci  
NJASL, President

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School

Principal

908-713-4118

908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)

Twitter @NHPrincipal

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 3:30 PM  
**To:** Jeffrey Bender  
**Cc:** Rich Bergacs  
**Subject:** Book Dispute

Jeff,

You probably already know this but I think a good basis for our ability to regulate the use of Fun Home can be found in Regulation 2530 whereas "It should be understood that selection is an ongoing process that should include the removal of materials no longer appropriate"

Policy 2530 states that "responsibility for coordinating the selection and purchase of textbooks rests with the appropriate department chairpersons, principals or textbook evaluation committee"

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Jeffrey Bender <jbender@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 3:31 PM  
**To:** Martha Hickson  
**Cc:** Greg Cottrell; Rich Bergacs (9089960991)  
**Subject:** RE: Complaint about resource materials

Ms. Hickson,

The attachment you sent me is not a complaint but a directive issued by Dr. Cottrell to maintain inappropriate materials in a manner that prevents minors from accessing inappropriate content contained in the book *Fun Home*. Having seen the image referenced in Dr. Cottrell's memo it appears to me that the district could be accused of debauching the morals of minors if we were to allow free access to this material.

If your intention is to imply that the directive has violated board policy I disagree. You were not directed to remove the material from the library but to require parent permission prior to allowing student access. Board of Education policy 2530 states in part that materials "be appropriate to the level of the user". It is proper to allow parents to determine the appropriateness of this book for their minor children.

If you would like to discuss this issue further please contact my assistant, Kathleen Trontis to schedule an appointment.

Respectfully,

Jeff Bender

**From:** Martha Hickson <mhickson@nhvweb.net>  
**Sent:** Wednesday, February 13, 2019 11:01 AM  
**To:** Jeffrey Bender <jbender@nhvweb.net>  
**Subject:** Complaint about resource materials

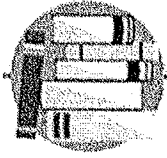
Mr. Bender:

I have received by hand delivery a written complaint (attached) about resource materials, the library book *Fun Home* by Alison Bechdel. As outlined in board policies 2530 and 9130, I am directing this complaint to your attention.

**Martha Hickson, MLIS**

Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobo



**Know Better**  
**@ the NHHS Media Center**  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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**From:** Abena Hutchful <abena@ncac.org>  
**Sent:** Tuesday, February 19, 2019 3:27 PM  
**To:** jbender@nhvweb.net; rkirchberger@nhvweb.net  
**Cc:** gcottrell@nhvweb.net; rpeterston@nhvweb.net  
**Subject:** Letter from NCAC and Partners re: 'Fun Home'

Good afternoon Superintendent Bender,

I hope this finds you well. I manage the Kids' Right to Read Project, an initiative by civil liberties and literary organizations dedicated to protecting students' freedom to read. We recently learned of restrictions placed by administrators in your district on the graphic novel, *Fun Home*, by Alison Bechdel and are writing to advise you on the legal and educational implications of this decision. Please share this letter with members of the board of education, administration, and any other interested staff.

Please do not hesitate to reach out to us if you have any questions or need further guidance.

Thank you and kind regards,

Abena

**NATIONAL** ■■■■■  
**COALITION** ■■■■■  
**AGAINST** ■■■■■  
**CENSORSHIP** ■■■■■

Abena Hutchful  
Youth Free Expression Program Associate  
National Coalition Against Censorship  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



19 Fulton Street, #407, New York, NY 10038  
[ncac.org](http://ncac.org)



**NATIONAL  
COALITION  
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RIGHT  
TO READ**

A project of the National  
Coalition Against Censorship

**CO-SPONSORED BY**

American Booksellers for Free  
Expression  
Comic Book Legal Defense  
Fund

February 19, 2019

Jeffrey Bender, Superintendent  
North Hunterdon-Voorhees School District  
1445 Route 31  
Annandale, NJ 08801

Sent via Electronic Mail to: [jbender@nhvweb.net](mailto:jbender@nhvweb.net)

Dear Superintendent Bender,

Our coalition of advocates for freedom of expression in education is concerned by reports that administrators have restricted student access to the graphic novel *Fun Home: A Family Tragicomic*, by Alison Bechdel in both high school libraries in your district, North Hunterdon and Voorhees.

In the interest of preserving intellectual freedom and equal protection in your district, **we urge you to respect your students' constitutional rights and return *Fun Home* to library shelves** where all who choose to read it may do so. We also encourage you to familiarize your administration with the relevant district policies in order to ensure that **future decisions about instructional materials are based on pedagogical motives, rather than ideological ones.**

We understand that administrators from both schools requested to inspect *Fun Home*. After that inspection, administrators objected to images on a single page and circumvented district policies by restricting the book's circulation to only those students with parental permission.

Our legal system recognizes images, like words, as First Amendment-protected symbolic expression. Graphic novels like *Fun Home* combine visual art with literary and cinematic techniques for educationally rich storytelling. **Disregarding the book's educational value and restricting students' access to *Fun Home* before review by a board-sanctioned reconsideration committee to determine its educational suitability does not comport with First Amendment imperatives and is constitutionally suspect.**<sup>1</sup>

The Supreme Court has long established that the First Amendment limits public school officials' discretion regarding the suppression of *library* books because "students must always remain free to inquire, to study, and to evaluate, to gain new maturity and understanding"

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<sup>1</sup> See *Monteiro v. Tempe Union High School District* (9th Cir. 1998) (recognizing the First Amendment right of students to read books selected for their "legitimate educational value," even if offensive to some parents and students).

and “the school library is the principal locus of such freedom.”<sup>2</sup> According to the Court, public schools should base curricular decisions on pedagogical reasoning, not to satisfy an “officially prescribed orthodoxy.”<sup>3</sup>

North Hunterdon-Voorhees School District Policy No. 2530 and Regulation 9130 (E) act as due process safeguards from arbitrary denial of students’ First Amendment rights by ensuring that decisions about student access to information is based on an official review of objective criteria, not on the subjective viewpoint of individual administrators. Protecting freedom of expression in your district requires that all school officials understand and carefully adhere to these policies.

*Fun Home* is an essential text that has been recognized with significant literary awards. The book has been heralded within the literary and arts community as “a pioneering work” in the comics and memoir genres. (*New York Times Sunday Book Review*). Bechdel’s memoir is resonant with many youth experiences and offers teen readers a safe place to examine questions related to personal identity, family relationships, and the need to face the truth in their own lives.

*Booklist* has recommended *Fun Home* for young adult readers, noting that the “the very few incidental sex scenes” are “non-prurient” and that “the family story rings utterly and movingly true.” While the book does contain a few images that some may find sexually explicit, these images are an integral part of the larger narrative and do not negate the book’s educational value taken as a whole. The Comic Book Legal Defense Fund has produced a [discussion guide](#) to aid educators in moderating discussions on the novel’s philosophical questions and Bechdel’s use of illustration. We hope your committee will find the guide useful in its review.

Not only does restricting LGBTQ books like *Fun Home* likely violate the First Amendment, it further stigmatizes and marginalizes LGBTQ youth and fosters an atmosphere of intolerance. *Fun Home* is so highly regarded for LGBTQ teens that *Seventeen* magazine included the book on its list of “13 Beautiful Books Every LGBTQ Teen Should Read.”

In addition, as you may be aware, on Jan. 31, 2019, New Jersey Governor Phil Murphy signed legislation requiring boards of education to include instruction, and adopt instructional materials, that accurately portray political, economic, and social contributions of LGBTQ people. As a MacArthur “genius” grant-winning author of an acclaimed work that redefined the memoir genre and became the basis for a Tony-award winning Best Musical, author/illustrator Alison Bechdel is a pioneering LGBT contributor worthy of study and inclusion in your libraries.

For the above stated reasons, we ask you to follow board policies to establish a reconsideration committee and we urge the committee to prioritize educational qualities over ideological objections and keep *Fun Home* on library shelves. Regulation 9130 requires that the review committee include teachers and librarians. Policy 2530 also specifies criteria that the committee should consider in assessing the book including its “artistic, historic, and literary qualities,” reflection of real-world problems and representation of diverse viewpoints. Should some parents find their children are not yet mature enough to appreciate the literary and artistic value of the novel, they can guide their own children to make reading choices

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<sup>2</sup> *Board of Education v. Pico*, 457 U.S. 853, 868-69 (1982)(plurality opinion)

<sup>3</sup> *Id.*

suiting to their preferences rather than infringing the rights of all other students. *Fun Home* should remain accessible to all those who seek inspiration from its pages.

Please do not hesitate to contact us for further guidance. Thank you.

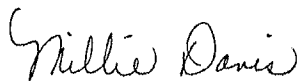
With warm regards,



Chris Finan, Executive Director  
National Coalition Against Censorship



Charles Brownstein, Executive Director  
Comic Book Legal Defense Fund



Millie Davis, Director  
Intellectual Freedom Center  
National Council of Teachers of English



Jeanne LoCicero, Legal Director  
American Civil Liberties Union  
of New Jersey



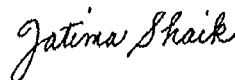
Karen Loewy, Senior Counsel  
Lambda Legal



Mary Rasenberger, Executive Director  
The Authors Guild



David Grogan, Director  
American Booksellers for Free Expression  
Committee



Fatima Shaikh, Co-Chair  
PEN Children's and Young Adult Books



Christian Fuscarino, Executive Director  
Garden State Equality

Cc:  
Robert Kirchberger, President  
North Hunterdon-Voorhees Board of Education  
[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)

Dr. Greg Cottrell, Principal  
North Hunterdon High School  
[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)

Ron Peterson, Principal  
Voorhees High School  
[rpeterson@nhvweb.net](mailto:rpeterson@nhvweb.net)

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**From:** Abena Hutchful <abena@ncac.org>  
**Sent:** Wednesday, February 20, 2019 3:01 PM  
**To:** jbender@nhvweb.net; rkirchberger@nhvweb.net  
**Cc:** Greg Cottrell; Ron Peterson  
**Subject:** FOLLOW-UP -- Re: Letter from NCAC and Partners re: 'Fun Home'

Dear Superintendent Bender,

I am writing to confirm receipt of our letter to you yesterday and follow up on your response. Please note that other groups (including the Bayard Rustin Center) have expressed support for our position and may be contacting you directly.

Specifically, we are all interested to know the status of *Fun Home* in your libraries and whether any other books have been restricted. We urge you to make all books accessible to the students who wish to read them. If your administration has any concerns about *Fun Home* or any other library or classroom materials, we strongly urge you to abide by policy and convene a committee to review their pedagogical value.

Please respond by **Thursday, February 21** to confirm receipt of our letter, the current status of *Fun Home* in your libraries, and any plans for committee review.

Thank you and kind regards,

Abena

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP**

Abena Hutchful  
Youth Free Expression Program Associate  
National Coalition Against Censorship  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



19 Fulton Street, #407, New York, NY 10038  
[ncac.org](http://ncac.org)

On Tue, Feb 19, 2019 at 3:26 PM Abena Hutchful <[abena@ncac.org](mailto:abena@ncac.org)> wrote:  
Good afternoon Superintendent Bender,

I hope this finds you well. I manage the Kids' Right to Read Project, an initiative by civil liberties and literary organizations dedicated to protecting students' freedom to read. We recently learned of restrictions placed by administrators in your district on the graphic novel, *Fun Home*, by Alison Bechdel and are writing to advise you on the legal and educational implications of this decision. Please share this letter with members of the board of education, administration, and any other interested staff.

Please do not hesitate to reach out to us if you have any questions or need further guidance.

Thank you and kind regards,

Abena

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP**

**Abena Hutchful**  
**Youth Free Expression Program Associate**  
**National Coalition Against Censorship**  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



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[ncac.org](http://ncac.org)

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP**  **KIDS'  
RIGHT  
TO READ**

A project of the National  
Coalition Against Censorship

**CO-SPONSORED BY**

American Booksellers for Free  
Expression  
Comic Book Legal Defense  
Fund

February 19, 2019

Jeffrey Bender, Superintendent  
North Hunterdon-Voorhees School District  
1445 Route 31  
Annandale, NJ 08801

Sent via Electronic Mail to: [jbender@nhvweb.net](mailto:jbender@nhvweb.net)

Dear Superintendent Bender,

Our coalition of advocates for freedom of expression in education is concerned by reports that administrators have restricted student access to the graphic novel *Fun Home: A Family Tragicomic*, by Alison Bechdel in both high school libraries in your district, North Hunterdon and Voorhees.

In the interest of preserving intellectual freedom and equal protection in your district, **we urge you to respect your students' constitutional rights and return *Fun Home* to library shelves** where all who choose to read it may do so. We also encourage you to familiarize your administration with the relevant district policies in order to ensure that **future decisions about instructional materials are based on pedagogical motives, rather than ideological ones.**

We understand that administrators from both schools requested to inspect *Fun Home*. After that inspection, administrators objected to images on a single page and circumvented district policies by restricting the book's circulation to only those students with parental permission.

Our legal system recognizes images, like words, as First Amendment-protected symbolic expression. Graphic novels like *Fun Home* combine visual art with literary and cinematic techniques for educationally rich storytelling. **Disregarding the book's educational value and restricting students' access to *Fun Home* before review by a board-sanctioned reconsideration committee to determine its educational suitability does not comport with First Amendment imperatives and is constitutionally suspect.**<sup>1</sup>

The Supreme Court has long established that the First Amendment limits public school officials' discretion regarding the suppression of *library* books because "students must always remain free to inquire, to study, and to evaluate, to gain new maturity and understanding"

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<sup>1</sup> See *Monteiro v. Tempe Union High School District* (9th Cir. 1998) (recognizing the First Amendment right of students to read books selected for their "legitimate educational value," even if offensive to some parents and students).

and “the school library is the principal locus of such freedom.”<sup>2</sup> According to the Court, public schools should base curricular decisions on pedagogical reasoning, not to satisfy an “officially prescribed orthodoxy.”<sup>3</sup>

North Hunterdon-Voorhees School District Policy No. 2530 and Regulation 9130 (E) act as due process safeguards from arbitrary denial of students’ First Amendment rights by ensuring that decisions about student access to information is based on an official review of objective criteria, not on the subjective viewpoint of individual administrators. Protecting freedom of expression in your district requires that all school officials understand and carefully adhere to these policies.

*Fun Home* is an essential text that has been recognized with significant literary awards. The book has been heralded within the literary and arts community as “a pioneering work” in the comics and memoir genres. (*New York Times Sunday Book Review*). Bechdel’s memoir is resonant with many youth experiences and offers teen readers a safe place to examine questions related to personal identity, family relationships, and the need to face the truth in their own lives.

*Booklist* has recommended *Fun Home* for young adult readers, noting that the “the very few incidental sex scenes” are “non-prurient” and that “the family story rings utterly and movingly true.” While the book does contain a few images that some may find sexually explicit, these images are an integral part of the larger narrative and do not negate the book’s educational value taken as a whole. The Comic Book Legal Defense Fund has produced a [discussion guide](#) to aid educators in moderating discussions on the novel’s philosophical questions and Bechdel’s use of illustration. We hope your committee will find the guide useful in its review.

Not only does restricting LGBTQ books like *Fun Home* likely violate the First Amendment, it further stigmatizes and marginalizes LGBTQ youth and fosters an atmosphere of intolerance. *Fun Home* is so highly regarded for LGBTQ teens that *Seventeen* magazine included the book on its list of “13 Beautiful Books Every LGBTQ Teen Should Read.”

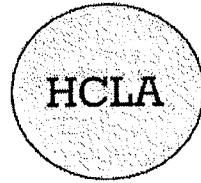
In addition, as you may be aware, on Jan. 31, 2019, New Jersey Governor Phil Murphy signed legislation requiring boards of education to include instruction, and adopt instructional materials, that accurately portray political, economic, and social contributions of LGBTQ people. As a MacArthur “genius” grant-winning author of an acclaimed work that redefined the memoir genre and became the basis for a Tony-award winning Best Musical, author/illustrator Alison Bechdel is a pioneering LGBT contributor worthy of study and inclusion in your libraries.

For the above stated reasons, we ask you to follow board policies to establish a reconsideration committee and we urge the committee to prioritize educational qualities over ideological objections and keep *Fun Home* on library shelves. Regulation 9130 requires that the review committee include teachers and librarians. Policy 2530 also specifies criteria that the committee should consider in assessing the book including its “artistic, historic, and literary qualities,” reflection of real-world problems and representation of diverse viewpoints. Should some parents find their children are not yet mature enough to appreciate the literary and artistic value of the novel, they can guide their own children to make reading choices

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<sup>2</sup> *Board of Education v. Pico*, 457 U.S. 853, 868-69 (1982)(plurality opinion)

<sup>3</sup> *Id.*



“There is more than one way to burn a book. And the world is full of people running about with lit matches.” – **Ray Bradbury**

To the North Hunterdon-Voorhees Board of Education:

It is with heavy hearts that the members of the Hunterdon County Librarians Association have learned about the multiple steps taken by your district to undermine students’ right to read through the replacement of policy/regulation 2530 and the abandonment of your commitment to the First Amendment. While it is natural for parents to offer feedback on their child’s reading, it is not the place of administration to preemptively block access to thought-provoking and emotionally inspiring materials.

The manner in which your long-standing board policies were hastily revised to remove all reference to intellectual freedom is disheartening. The control over materials that you’re ultimately placing in one individual’s hands is frightening. The idea of a book being “controversial” at its very heart is subjective in nature and a slippery slope that is best avoided. A certified library media specialist is trained to develop a balanced library collection and navigate the needs of the curriculum, as well as social and emotional needs of the student community, with the best resources possible. This is done with the utmost care, knowledge, and sense of responsibility, so that students can either see their personal experiences reflected in their reading or gain insight into the lives of those with different backgrounds and journeys. By “protecting” your administration and yourselves from the mere possibility of discourse, you are robbing your students of the opportunity to learn new ideas and to build empathy based on the stories and experiences of others.

We expect more from a “National Blue Ribbon School of Excellence” that claims to be committed to innovation. We believe that if your mission is truly to help students “become responsible citizens in a continually changing society,” then students should have the ability to encounter the books that broaden their world and their minds. Please reconsider your decisions regarding board policy/regulation 2530, and restore collection and challenge policies that reflect the values of freedom and intellectual curiosity.

Sincerely,  
The members of the Hunterdon County Librarians Association



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**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Friday, February 1, 2019 1:09 PM  
**To:** Martha Hickson  
**Cc:** Michael Kane; Yulee Kim  
**Subject:** Fun Home Meeting Follow-Up

Martha,

As I discussed at our meeting today, the book Fun Home was purchased for the library without a review of the images that it contains.

It has been brought to my attention that the book contains graphics images of sexual situations. I do not feel that the images on page 214 of the book Fun Home are appropriate as they graphically depict nudity and a sexual act. I feel that this book should be removed from our library collection. Based on regulation 2530, now that I am aware of the images within the book, I proposed removing the book as it is no longer appropriate. Also as discussed at this meeting, you expressed that you feel that the book is appropriate and should remain in the collection of the NHHS Library. Please confirm this opinion. If this is your opinion, we will convene a committee as outlined in regulation 9130 to review if the the book Fun Home is appropriate for the NHHS Library.

Please reply to this email to confirm or clarify your point of view.

Thanks

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Martha Hickson <mhickson@nhvweb.net>  
**Sent:** Monday, February 11, 2019 10:01 PM  
**To:** Greg Cottrell  
**Cc:** Yulee Kim; Michael Kane  
**Subject:** Questions re Fun Home permissions  
**Attachments:** Memo.pdf

Greg:

I am writing to acknowledge receipt of your *Fun Home* memo, provide written documentation of my concerns, and request clarification for implementing your instructions.

**Acknowledge receipt:** I have received the hand-delivered Feb. 7 memo (copy attached), which directs me to remove *Fun Home* by Alison Bechdel from accessible library shelving, place it on protected shelving within the library office, and restrict circulation of the title to only those students who present a signed parent permission slip. Enclosed with the memo, I have received the parent permission slip, which you presented with verbal instruction that the permission slip is an example that can be modified as needed.

**Concerns:** During our Jan. 31 and Feb. 7 meetings about this matter, I expressed numerous concerns about attempts to ban or restrict access to this book. I would like to document my concerns in writing; they include:

- The process by which this book challenge was handled, including administrators requesting removal before having read the book, sending a lead teacher to request removal of the book, claiming falsely that a parent had objected to the book, and making judgments about the entirety of the work based on a single page
- Not following procedures outlined in board policies 2530 and 9130 regarding reconsideration of library materials
- The condemnation of *Fun Home* as “pornographic” (based solely on the content of a single page), despite the book’s literary merit, critical acclaim, conformance to Board selection criteria, and its inclusion in the English curriculum at Watchung Hills High School and the library collections of numerous high schools across the state, including at least six of the top 20 schools in *New Jersey Monthly’s* 2018 list of top public high schools (Millburn, #3; West Morris Mendham, #7; Ridge, #10; Northern Valley Demarest, #15; West Windsor Plainsboro-South, #17; Princeton, #20)
- The dangerous precedent established by the directive set forth in your Feb. 7 memo, which will enable current and future administrators to bypass board policies and remove library materials from general circulation at will based on personal objections
- The abridgement of students’ civil liberties, as expressed in the First Amendment and supported by the ALA Bill of Rights and NCTE Students’ Right to Read, documents which are referenced in the board policies and which I provided you in hard-copy form when we met on Jan. 31
- The unique and excessive burden that the new requirement for a permission slip places on LGBTQ students, who may not be in a position to obtain parent permission, thereby barring their access to a milestone work in LGBTQ literature, written by a MacArthur “genius” grant-winning author, which has been hailed as “one of the best graphic novels ever” (*Booklist*), one of the “10 Best Books of the Decade” (*Entertainment Weekly*), and one of “13 Beautiful Books Every LGBTQ Teen Should Read” (*Seventeen* magazine), among other accolades

**Request for clarification:** As I attempt to implement the restrictions you have established, I request the following clarifications:

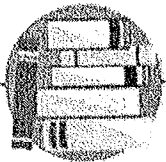
- Is signed parental permission required for students over age 18?
- If students over age 18 are exempt from the permission-slip requirement, what proof of age must students present?
- How will parent signatures be verified to prevent and detect forgeries?
- What is the retention requirement for the signed permission slips?
- Where will signed permission slips be stored?
- How will privacy of signed permission slips (and therefore student library records) be protected?
- What disciplinary consequences will result for an "authorized" student who shares the book with an "unauthorized" student?

Please advise at your earliest convenience.

Thanks,

Martha Hickson, MLIS  
Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobo



**Know Better**  
**@ the NHHS Media Center**  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

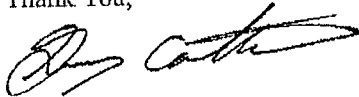
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North Hunterdon  
Regional High School

**To: Martha Hickson**  
**From: Greg Cottrell**  
**CC: Mike Kane, Yulee Kim**  
**Date: 2/7/19**  
**Subject: Fun Home Book Permission**

It has come to my attention that the book titled *Fun Home: A family Tragicomic* contains sexually explicit illustrations on page 214. It is also the only book in our library collection which Follet Destiny labels as having "adult content". As a school, we have an obligation to ensure that the children who attend our school do not access adult content that they are not emotionally or developmentally prepared to encounter. Based on this information, I am directing you to make the book available to students only after parent permission is received to acknowledge that the parent gives consent for their child to view a book with "adult content".

Thank You,



Greg Cottrell  
Principal  
North Hunterdon High School

## Permission Slip

To Whom It May Concern:

I give my student \_\_\_\_\_ permission to read Fun Home.

Thank you,

---

Parent/Guardian Signature

Date

## Permission Slip

To Whom It May Concern:

I give my student \_\_\_\_\_ permission to read Fun Home.

Thank you,

---

Parent/Guardian Signature

Date

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 9:51 AM  
**To:** Martha Hickson  
**Cc:** Yulee Kim; Michael Kane  
**Subject:** Re: Questions re Fun Home permissions

---

Martha,

I would once again like to reiterate that the additional scrutiny that we are placing on *Fun Home* is a result of the sexually explicit graphic content. It is not related to the LGBTQ themes within the book. There are 170 books in the library that fall within LGBTQ topic listings. Feel free to purchase additional books to fill any LGBTQ literary void that you think exists within the library.

Below are the answers to your questions:

- **Is signed parental permission required for students over age 18?** Yes, We still require parent permission for a variety of school requirements such as field trips, unless the student is emancipated from their parents.
- **If students over age 18 are exempt from the permission-slip requirement, what proof of age must students present?** N/A
- **How will parent signatures be verified to prevent and detect forgeries?** If you suspect a note is forged, please forward it to Ms. Kim for verification. Again this is the same as we would do for an attendance note or any other signed parent form. We assume the signature is real unless we have reason to think otherwise.
- **What is the retention requirement for the signed permission slips?** We should keep the notes until the students graduate.
- **Where will signed permission slips be stored?** I suggest in your office but if you do not want that burden, you can store them with Ms. Kim.
- **How will privacy of signed permission slips (and therefore student library records) be protected?** As with other student record such as conduct, attendance, grades and counselor meeting notes, the permission slips should be kept in a secure location. Preferably in a locked cabinet within a teacher's office. Again, if this is an issue, we can store them with Ms. Kim.
- **What disciplinary consequences will result for an "authorized" student who shares the book with an "unauthorized" student?** We will review the circumstances on a case by case basis if the situation arises.

Thanks  
Greg

On Mon, Feb 11, 2019 at 10:01 PM Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)> wrote:

Greg:

I am writing to acknowledge receipt of your *Fun Home* memo, provide written documentation of my concerns, and request clarification for implementing your instructions.

**Acknowledge receipt:** I have received the hand-delivered Feb. 7 memo (copy attached), which directs me to remove *Fun Home* by Alison Bechdel from accessible library shelving, place it on protected shelving within the library office, and restrict circulation of the title to only those students who present a signed parent permission slip. Enclosed with the memo, I have received the parent permission slip, which you presented with verbal instruction that the permission slip is an example that can be modified as needed.

**Concerns:** During our Jan. 31 and Feb. 7 meetings about this matter, I expressed numerous concerns about attempts to ban or restrict access to this book. I would like to document my concerns in writing; they include:

- The process by which this book challenge was handled, including administrators requesting removal before having read the book, sending a lead teacher to request removal of the book, claiming falsely that a parent had objected to the book, and making judgments about the entirety of the work based on a single page
- Not following procedures outlined in board policies 2530 and 9130 regarding reconsideration of library materials
- The condemnation of *Fun Home* as “pornographic” (based solely on the content of a single page), despite the book’s literary merit, critical acclaim, conformance to Board selection criteria, and its inclusion in the English curriculum at Watchung Hills High School and the library collections of numerous high schools across the state, including at least six of the top 20 schools in *New Jersey Monthly’s* 2018 list of top public high schools (Millburn, #3; West Morris Mendham, #7; Ridge, #10; Northern Valley Demarest, #15; West Windsor Plainsboro-South, #17; Princeton, #20)
- The dangerous precedent established by the directive set forth in your Feb. 7 memo, which will enable current and future administrators to bypass board policies and remove library materials from general circulation at will based on personal objections
- The abridgement of students’ civil liberties, as expressed in the First Amendment and supported by the ALA Bill of Rights and NCTE Students’ Right to Read, documents which are referenced in the board policies and which I provided you in hard-copy form when we met on Jan. 31
- The unique and excessive burden that the new requirement for a permission slip places on LGBTQ students, who may not be in a position to obtain parent permission, thereby barring their access to a milestone work in LGBTQ literature, written by a MacArthur “genius” grant-winning author, which has been hailed as “one of the best graphic novels ever” (*Booklist*), one of the “10 Best Books of the Decade” (*Entertainment Weekly*), and one of “13 Beautiful Books Every LGBTQ Teen Should Read” (*Seventeen* magazine), among other accolades

**Request for clarification:** As I attempt to implement the restrictions you have established, I request the following clarifications:

- Is signed parental permission required for students over age 18?
- If students over age 18 are exempt from the permission-slip requirement, what proof of age must students present?

- How will parent signatures be verified to prevent and detect forgeries?
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- Where will signed permission slips be stored?
- How will privacy of signed permission slips (and therefore student library records) be protected?
- What disciplinary consequences will result for an “authorized” student who shares the book with an “unauthorized” student?

Please advise at your earliest convenience.

Thanks,

**Martha Hickson, MLIS**

Librarian

North Hunterdon High School

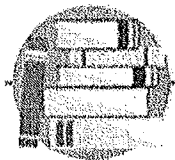
1445 Route 31

Annandale, NJ 08801

908-713-4199 x6414

[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobi



**Know Better**  
**@ the NHHS Media Center**  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Karla Ivarson <if@njasl.org>  
**Sent:** Thursday, February 14, 2019 10:22 AM  
**To:** rkirchberger@nhvweb.net; jbender@nhvweb.net; gcottrell@nhvweb.net  
**Cc:** fgoger@nhvweb.net; ldiederich@nhvweb.net; callen-munley@nhvweb.net;  
jmelick@nhvweb.net; rmdaughlin@nhvweb.net; hrichards@nhvweb.net;  
rstraight@nhvweb.net; tjroll@nhvweb.net; thintz@nhvweb.net;  
scrisologo@nhvweb.net; jviotto@nhvweb.net  
**Subject:** Removal of book without board input

Dear Mr. Kirchberger, Mr. Bender and Dr. Cottrell,

As the head of the Intellectual Freedom subcommittee of the New Jersey Association of School Librarians, I am writing to you because the removal of Alison Bechdel's Fun Home from the shelves of the North Hunterdon High School media center did not follow the policy set forth by the Board of Education.

Your school board's policies for the selection, as well as reconsideration, of resource materials (#2530) are exemplary, acknowledging that some material is bound to be controversial and that staff "place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users."

Although the complaint originated with a staff member, it still must follow the process specified in Regulation #9130. Because the North Hunterdon-Voorhees Regional High School District Board of Education publicly supports the principles of intellectual freedom, set forth in the First Amendment to the U.S. Constitution and laid out in the American Library Association's Library Bill of Rights (<http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/intfreedom/librarybill/lbor.pdf>), we expect that the book will be returned to the shelf until the procedure for dealing with complaints is followed to completion.

Sincerely,

Karla Ivarson  
NJASL Intellectual Freedom Subcommittee

Christina Cucci  
NJASL, President

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 10:29 AM  
**To:** Rich Bergacs  
**Subject:** Fwd: Removal of book without board input

FYI

----- Forwarded message -----

**From:** Karla Ivarson <if@njasl.org>  
**Date:** Thu, Feb 14, 2019 at 10:22 AM  
**Subject:** Removal of book without board input  
**To:** <rkirchberger@nhvweb.net>, <jbender@nhvweb.net>, <gcottrell@nhvweb.net>  
**Cc:** <fgoger@nhvweb.net>, <ldiederich@nhvweb.net>, <callen-munley@nhvweb.net>, <jmelick@nhvweb.net>, <rmclaughlin@nhvweb.net>, <hrichards@nhvweb.net>, <rstraight@nhvweb.net>, <tjroll@nhvweb.net>, <thintz@nhvweb.net>, <scrisologo@nhvweb.net>, <jviotto@nhvweb.net>

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Your school board's policies for the selection, as well as reconsideration, of resource materials (#2530) are exemplary, acknowledging that some material is bound to be controversial and that staff "place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users."

Although the complaint originated with a staff member, it still must follow the process specified in Regulation #9130. Because the North Hunterdon-Voorhees Regional High School District Board of Education publicly supports the principles of intellectual freedom, set forth in the First Amendment to the U.S. Constitution and laid out in the American Library Association's Library Bill of Rights (<http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/intfreedom/librarybill/lbor.pdf>), we expect that the book will be returned to the shelf until the procedure for dealing with complaints is followed to completion.

Sincerely,

Karla Ivarson  
NJASL Intellectual Freedom Subcommittee

Christina Cucci  
NJASL, President

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 3:30 PM  
**To:** Jeffrey Bender  
**Cc:** Rich Bergacs  
**Subject:** Book Dispute

Jeff,

You probably already know this but I think a good basis for our ability to regulate the use of Fun Home can be found in Regulation 2530 whereas "It should be understood that selection is an ongoing process that should include the removal of materials no longer appropriate"

Policy 2530 states that "responsibility for coordinating the selection and purchase of textbooks rests with the appropriate department chairpersons, principals or textbook evaluation committee"

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Jeffrey Bender <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
**Sent:** Thursday, February 14, 2019 3:31 PM  
**To:** Martha Hickson  
**Cc:** Greg Cottrell; Rich Bergacs (9089960991)  
**Subject:** RE: Complaint about resource materials

Ms. Hickson,

The attachment you sent me is not a complaint but a directive issued by Dr. Cottrell to maintain inappropriate materials in a manner that prevents minors from accessing inappropriate content contained in the book *Fun Home*. Having seen the image referenced in Dr. Cottrell's memo it appears to me that the district could be accused of debauching the morals of minors if we were to allow free access to this material.

If your intention is to imply that the directive has violated board policy I disagree. You were not directed to remove the material from the library but to require parent permission prior to allowing student access. Board of Education policy 2530 states in part that materials "be appropriate to the level of the user". It is proper to allow parents to determine the appropriateness of this book for their minor children.

~~If you would like to discuss this issue further please contact my assistant, Kathleen Trontis to schedule an appointment.~~

Respectfully,

Jeff Bender

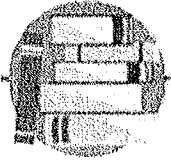
**From:** Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)>  
**Sent:** Wednesday, February 13, 2019 11:01 AM  
**To:** Jeffrey Bender <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
**Subject:** Complaint about resource materials

Mr. Bender:

I have received by hand delivery a written complaint (attached) about resource materials, the library book *Fun Home* by Alison Bechdel. As outlined in board policies 2530 and 9130, I am directing this complaint to your attention.

**Martha Hickson, MLIS**  
Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobel



**Know Better**  
@ the NHHS Media Center  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

**Confidentiality Notice:** This e-mail contains information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. You are prohibited from copying, distributing or otherwise using this information if you are not the intended recipient. If you have received this e-mail in error, please notify us immediately by return e-mail and delete this e-mail and all attachments from your system. Thank You.

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**Confidentiality Notice:** This e-mail contains information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. You are prohibited from copying, distributing or otherwise using this information if you are not the intended recipient. If you have received this e-mail in error, please notify us immediately by return e-mail and delete this e-mail and all attachments from your system. Thank You.

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**From:** Abena Hutchful <abena@ncac.org>  
**Sent:** Tuesday, February 19, 2019 3:27 PM  
**To:** jrbender@nhvweb.net; rkirchberger@nhvweb.net  
**Cc:** gcottrell@nhvweb.net; rpeteron@nhvweb.net  
**Subject:** Letter from NCAC and Partners re: 'Fun Home'

Good afternoon Superintendent Bender,

I hope this finds you well. I manage the Kids' Right to Read Project, an initiative by civil liberties and literary organizations dedicated to protecting students' freedom to read. We recently learned of restrictions placed by administrators in your district on the graphic novel, *Fun Home*, by Alison Bechdel and are writing to advise you on the legal and educational implications of this decision. Please share this letter with members of the board of education, administration, and any other interested staff.

Please do not hesitate to reach out to us if you have any questions or need further guidance.

Thank you and kind regards,

Abena

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP**

Abena Hutchful  
Youth Free Expression Program Associate  
National Coalition Against Censorship  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



19 Fulton Street, #407, New York, NY 10038  
[ncac.org](http://ncac.org)



NATIONAL  
COALITION  
AGAINST  
CENSORSHIP

KIDS'  
RIGHT  
TO READ

A project of the National  
Coalition Against Censorship

CO-SPONSORED BY

American Booksellers for Free  
Expression  
Comic Book Legal Defense  
Fund

February 19, 2019

Jeffrey Bender, Superintendent  
North Hunterdon-Voorhees School District  
1445 Route 31  
Annandale, NJ 08801

Sent via Electronic Mail to: [jbender@nhvweb.net](mailto:jbender@nhvweb.net)

Dear Superintendent Bender,

Our coalition of advocates for freedom of expression in education is concerned by reports that administrators have restricted student access to the graphic novel *Fun Home: A Family Tragicomic*, by Alison Bechdel in both high school libraries in your district, North Hunterdon and Voorhees.

In the interest of preserving intellectual freedom and equal protection in your district, **we urge you to respect your students' constitutional rights and return *Fun Home* to library shelves** where all who choose to read it may do so. We also encourage you to familiarize your administration with the relevant district policies in order to ensure that **future decisions about instructional materials are based on pedagogical motives, rather than ideological ones.**

We understand that administrators from both schools requested to inspect *Fun Home*. After that inspection, administrators objected to images on a single page and circumvented district policies by restricting the book's circulation to only those students with parental permission.

Our legal system recognizes images, like words, as First Amendment-protected symbolic expression. Graphic novels like *Fun Home* combine visual art with literary and cinematic techniques for educationally rich storytelling. **Disregarding the book's educational value and restricting students' access to *Fun Home* before review by a board-sanctioned reconsideration committee to determine its educational suitability does not comport with First Amendment imperatives and is constitutionally suspect.**<sup>1</sup>

The Supreme Court has long established that the First Amendment limits public school officials' discretion regarding the suppression of *library* books because "students must always remain free to inquire, to study, and to evaluate, to gain new maturity and understanding"

<sup>1</sup> See *Monteiro v. Tempe Union High School District* (9th Cir. 1998) (recognizing the First Amendment right of students to read books selected for their "legitimate educational value," even if offensive to some parents and students).

and “the school library is the principal locus of such freedom.”<sup>2</sup> According to the Court, public schools should base curricular decisions on pedagogical reasoning, not to satisfy an “officially prescribed orthodoxy.”<sup>3</sup>

North Hunterdon-Voorhees School District Policy No. 2530 and Regulation 9130 (E) act as due process safeguards from arbitrary denial of students’ First Amendment rights by ensuring that decisions about student access to information is based on an official review of objective criteria, not on the subjective viewpoint of individual administrators. Protecting freedom of expression in your district requires that all school officials understand and carefully adhere to these policies.

*Fun Home* is an essential text that has been recognized with significant literary awards. The book has been heralded within the literary and arts community as “a pioneering work” in the comics and memoir genres. (*New York Times Sunday Book Review*). Bechdel’s memoir is resonant with many youth experiences and offers teen readers a safe place to examine questions related to personal identity, family relationships, and the need to face the truth in their own lives.

*Booklist* has recommended *Fun Home* for young adult readers, noting that the “the very few incidental sex scenes” are “non-prurient” and that “the family story rings utterly and movingly true.” While the book does contain a few images that some may find sexually explicit, these images are an integral part of the larger narrative and do not negate the book’s educational value taken as a whole. The Comic Book Legal Defense Fund has produced a [discussion guide](#) to aid educators in moderating discussions on the novel’s philosophical questions and Bechdel’s use of illustration. We hope your committee will find the guide useful in its review.

Not only does restricting LGBTQ books like *Fun Home* likely violate the First Amendment, it further stigmatizes and marginalizes LGBTQ youth and fosters an atmosphere of intolerance. *Fun Home* is so highly regarded for LGBTQ teens that *Seventeen* magazine included the book on its list of “13 Beautiful Books Every LGBTQ Teen Should Read.”

In addition, as you may be aware, on Jan. 31, 2019, New Jersey Governor Phil Murphy signed legislation requiring boards of education to include instruction, and adopt instructional materials, that accurately portray political, economic, and social contributions of LGBTQ people. As a MacArthur “genius” grant-winning author of an acclaimed work that redefined the memoir genre and became the basis for a Tony-award winning Best Musical, author/illustrator Alison Bechdel is a pioneering LGBT contributor worthy of study and inclusion in your libraries.

For the above stated reasons, we ask you to follow board policies to establish a reconsideration committee and we urge the committee to prioritize educational qualities over ideological objections and keep *Fun Home* on library shelves. Regulation 9130 requires that the review committee include teachers and librarians. Policy 2530 also specifies criteria that the committee should consider in assessing the book including its “artistic, historic, and literary qualities,” reflection of real-world problems and representation of diverse viewpoints. Should some parents find their children are not yet mature enough to appreciate the literary and artistic value of the novel, they can guide their own children to make reading choices

---

<sup>2</sup> *Board of Education v. Pico*, 457 U.S. 853, 868-69 (1982)(plurality opinion)

<sup>3</sup> *Id.*

suiting to their preferences rather than infringing the rights of all other students. *Fun Home* should remain accessible to all those who seek inspiration from its pages.

Please do not hesitate to contact us for further guidance. Thank you.

With warm regards,



Chris Finan, Executive Director  
National Coalition Against Censorship



Charles Brownstein, Executive Director  
Comic Book Legal Defense Fund



Millie Davis, Director  
Intellectual Freedom Center  
National Council of Teachers of English



Jeanne LoCicero, Legal Director  
American Civil Liberties Union  
of New Jersey



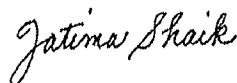
Karen Loewy, Senior Counsel  
Lambda Legal



Mary Rasenberger, Executive Director  
The Authors Guild



David Grogan, Director  
American Booksellers for Free Expression  
Committee



Fatima Shaikh, Co-Chair  
PEN Children's and Young Adult Books



Christian Fuscarino, Executive Director  
Garden State Equality

Cc:

Robert Kirchberger, President  
North Hunterdon-Voorhees Board of Education  
[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)

Dr. Greg Cottrell, Principal  
North Hunterdon High School  
[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)

Ron Peterson, Principal  
Voorhees High School  
[rpeterson@nhvweb.net](mailto:rpeterson@nhvweb.net)

---

**From:** Abena Hutchful <abena@ncac.org>  
**Sent:** Wednesday, February 20, 2019 3:01 PM  
**To:** jbender@nhvweb.net; rkirchberger@nhvweb.net  
**Cc:** Greg Cottrell; Ron Peterson  
**Subject:** FOLLOW-UP -- Re: Letter from NCAC and Partners re: 'Fun Home'

Dear Superintendent Bender,

I am writing to confirm receipt of our letter to you yesterday and follow up on your response. Please note that other groups (including the Bayard Rustin Center) have expressed support for our position and may be contacting you directly.

Specifically, we are all interested to know the status of *Fun Home* in your libraries and whether any other books have been restricted. We urge you to make all books accessible to the students who wish to read them. If your administration has any concerns about *Fun Home* or any other library or classroom materials, we strongly urge you to abide by policy and convene a committee to review their pedagogical value.

Please respond by **Thursday, February 21** to confirm receipt of our letter, the current status of *Fun Home* in your libraries, and any plans for committee review.

Thank you and kind regards,

Abena



Abena Hutchful  
Youth Free Expression Program Associate  
National Coalition Against Censorship  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



19 Fulton Street, #407, New York, NY 10038  
[ncac.org](http://ncac.org)

On Tue, Feb 19, 2019 at 3:26 PM Abena Hutchful <[abena@ncac.org](mailto:abena@ncac.org)> wrote:  
Good afternoon Superintendent Bender,

I hope this finds you well. I manage the Kids' Right to Read Project, an initiative by civil liberties and literary organizations dedicated to protecting students' freedom to read. We recently learned of restrictions placed by administrators in your district on the graphic novel, *Fun Home*, by Alison Bechdel and are writing to advise you on the legal and educational implications of this decision. Please share this letter with members of the board of education, administration, and any other interested staff.

Please do not hesitate to reach out to us if you have any questions or need further guidance.

Thank you and kind regards,

Abena

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP**

**Abena Hutchful**  
**Youth Free Expression Program Associate**  
**National Coalition Against Censorship**  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



19 Fulton Street, #407, New York, NY 10038  
[ncac.org](http://ncac.org)

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KIDS'  
RIGHT  
TO READ

A project of the National  
Coalition Against Censorship

CO-SPONSORED BY

American Booksellers for Free  
Expression  
Comic Book Legal Defense  
Fund

February 19, 2019

Jeffrey Bender, Superintendent  
North Hunterdon-Voorhees School District  
1445 Route 31  
Annandale, NJ 08801

Sent via Electronic Mail to: [jbender@nhvweb.net](mailto:jbender@nhvweb.net)

Dear Superintendent Bender,

Our coalition of advocates for freedom of expression in education is concerned by reports that administrators have restricted student access to the graphic novel *Fun Home: A Family Tragicomic*, by Alison Bechdel in both high school libraries in your district, North Hunterdon and Voorhees.

In the interest of preserving intellectual freedom and equal protection in your district, **we urge you to respect your students' constitutional rights and return *Fun Home* to library shelves** where all who choose to read it may do so. We also encourage you to familiarize your administration with the relevant district policies in order to ensure that **future decisions about instructional materials are based on pedagogical motives, rather than ideological ones.**

We understand that administrators from both schools requested to inspect *Fun Home*. After that inspection, administrators objected to images on a single page and circumvented district policies by restricting the book's circulation to only those students with parental permission.

Our legal system recognizes images, like words, as First Amendment-protected symbolic expression. Graphic novels like *Fun Home* combine visual art with literary and cinematic techniques for educationally rich storytelling. **Disregarding the book's educational value and restricting students' access to *Fun Home* before review by a board-sanctioned reconsideration committee to determine its educational suitability does not comport with First Amendment imperatives and is constitutionally suspect.**<sup>1</sup>

The Supreme Court has long established that the First Amendment limits public school officials' discretion regarding the suppression of *library* books because "students must always remain free to inquire, to study, and to evaluate, to gain new maturity and understanding"

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<sup>1</sup> See *Monteiro v. Tempe Union High School District* (9th Cir. 1998) (recognizing the First Amendment right of students to read books selected for their "legitimate educational value," even if offensive to some parents and students).

and “the school library is the principal locus of such freedom.”<sup>2</sup> According to the Court, public schools should base curricular decisions on pedagogical reasoning, not to satisfy an “officially prescribed orthodoxy.”<sup>3</sup>

North Hunterdon-Voorhees School District Policy No. 2530 and Regulation 9130 (E) act as due process safeguards from arbitrary denial of students’ First Amendment rights by ensuring that decisions about student access to information is based on an official review of objective criteria, not on the subjective viewpoint of individual administrators. Protecting freedom of expression in your district requires that all school officials understand and carefully adhere to these policies.

*Fun Home* is an essential text that has been recognized with significant literary awards. The book has been heralded within the literary and arts community as “a pioneering work” in the comics and memoir genres. (*New York Times Sunday Book Review*). Bechdel’s memoir is resonant with many youth experiences and offers teen readers a safe place to examine questions related to personal identity, family relationships, and the need to face the truth in their own lives.

*Booklist* has recommended *Fun Home* for young adult readers, noting that the “the very few incidental sex scenes” are “non-prurient” and that “the family story rings utterly and movingly true.” While the book does contain a few images that some may find sexually explicit, these images are an integral part of the larger narrative and do not negate the book’s educational value taken as a whole. The Comic Book Legal Defense Fund has produced a discussion guide to aid educators in moderating discussions on the novel’s philosophical questions and Bechdel’s use of illustration. We hope your committee will find the guide useful in its review.

Not only does restricting LGBTQ books like *Fun Home* likely violate the First Amendment, it further stigmatizes and marginalizes LGBTQ youth and fosters an atmosphere of intolerance. *Fun Home* is so highly regarded for LGBTQ teens that *Seventeen* magazine included the book on its list of “13 Beautiful Books Every LGBTQ Teen Should Read.”

In addition, as you may be aware, on Jan. 31, 2019, New Jersey Governor Phil Murphy signed legislation requiring boards of education to include instruction, and adopt instructional materials, that accurately portray political, economic, and social contributions of LGBTQ people. As a MacArthur “genius” grant-winning author of an acclaimed work that redefined the memoir genre and became the basis for a Tony-award winning Best Musical, author/illustrator Alison Bechdel is a pioneering LGBT contributor worthy of study and inclusion in your libraries.

---

For the above stated reasons, we ask you to follow board policies to establish a reconsideration committee and we urge the committee to prioritize educational qualities over ideological objections and keep *Fun Home* on library shelves. Regulation 9130 requires that the review committee include teachers and librarians. Policy 2530 also specifies criteria that the committee should consider in assessing the book including its “artistic, historic, and literary qualities,” reflection of real-world problems and representation of diverse viewpoints. Should some parents find their children are not yet mature enough to appreciate the literary and artistic value of the novel, they can guide their own children to make reading choices

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<sup>2</sup> *Board of Education v. Pico*, 457 U.S. 853, 868-69 (1982)(plurality opinion)

<sup>3</sup> *Id.*

suiting to their preferences rather than infringing the rights of all other students. *Fun Home* should remain accessible to all those who seek inspiration from its pages.

Please do not hesitate to contact us for further guidance. Thank you.

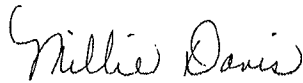
With warm regards,



Chris Finan, Executive Director  
National Coalition Against Censorship



Charles Brownstein, Executive Director  
Comic Book Legal Defense Fund



Millie Davis, Director  
Intellectual Freedom Center  
National Council of Teachers of English



Jeanne LoCicero, Legal Director  
American Civil Liberties Union  
of New Jersey



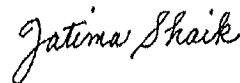
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Mary Rasenberger, Executive Director  
The Authors Guild



David Grogan, Director  
American Booksellers for Free Expression



Fatima Shaikh, Co-Chair  
PEN Children's and Young Adult Books  
Committee



Christian Fuscarino, Executive Director  
Garden State Equality



Robt Seda-Schreiber, Chief Activist  
Bayard Rustin Center for Social Justice

Cc:

Robert Kirchberger, President  
North Hunterdon-Voorhees Board of Education  
[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)

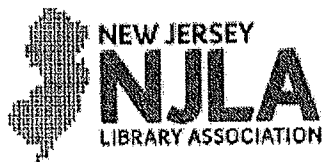
Dr. Greg Cottrell, Principal  
North Hunterdon High School  
[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)

Ron Peterson, Principal  
Voorhees High School  
[rpeterson@nhvweb.net](mailto:rpeterson@nhvweb.net)



---

**From:** Leah Wagner <lwagner@monroetwplibrary.org>  
**Sent:** Thursday, February 21, 2019 3:22 PM  
**To:** <jbender@njvweb.net>  
**Cc:** <rkirchberger@nhvweb.net>; <gcottrell@nhvweb.net>  
**Subject:** New Jersey Library Association  
**Attachments:** NHVRHS Letter 2-21-19.pdf



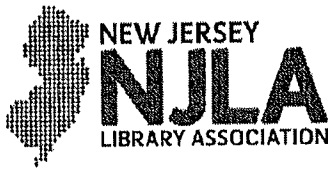
Dear Mr. Bender,

Attached is a letter from the New Jersey Library Association expressing out concerns regarding the District's lending policy for the book *Fun Home: A Family Tragicomic*.  
If you have further questions please feel free to contact me.

Sincerely,

Leah Wagner  
President, New Jersey Library Association  
Assistant Director  
Monroe Township Library  
4 Municipal Plaza  
Monroe Township, NJ 08831  
732-521-5000  
lwagner@monroetwplibrary





February 21, 2019

Jeffery Bender  
Superintendent,  
North Hunterdon-Voorhees Regional High School District  
1445 Route 31  
Annandale, NJ 08801

Dear Mr. Bender,

As President of the New Jersey Library Association I am writing to you in order to express our concern about the removal of the graphic novel *Fun Home: A Family Tragicomic* by Alison Bechdel from high school libraries in your district.

The North Hunterdon-Voorhees School District has established excellent selection criteria that we worry may have been circumvented in the course of this action, particularly policy numbers 2530 and 9130.

We encourage you to establish a reconsideration committee in accordance with your policy and we further hope that said committee will take into account the numerous positive reviews of the title, the author's significance as a prominent and positive LGBTQ figure, as well as the recently passed law (S1569 PL2019 c.6) which states that school boards must adopt instructional materials that accurately and adequately represent the LGBTQ community.

We affirm and support the principles of Intellectual Freedom as laid out in the First Amendment of the Constitution of the United States as well as in the American Library Association's Library Bill of Rights. In light of these concerns, we urge you to respect your students' constitutional rights and reconsider your position.

Sincerely,

Leah Wagner  
President, New Jersey Library Association

Cc: North Hunterdon—Voorhees Regional Board of Education  
Greg Cottrell, Principal, North Hunterdon High School  
Ron Peterson, Principal, Voorhees High School

NJLA, PO Box 1534, Trenton, NJ 08607 | Phone :(609) 394-8032 | Fax: (609) 394-8164

---

**From:** Karla Ivarson <if@njasl.org>  
**Sent:** Thursday, February 14, 2019 11:56 AM  
**To:** rpeterson@nhvweb.net  
**Subject:** Fwd: Removal of book without board input

Dear Mr. Peterson,

As the head of the Intellectual Freedom subcommittee of the New Jersey Association of School Librarians, I am writing to you because the removal of Alison Bechdel's Fun Home from the shelves of the North Hunterdon High School media center did not follow the policy set forth by the Board of Education.

Your school board's policies for the selection, as well as reconsideration, of resource materials (#2530) are exemplary, acknowledging that some material is bound to be controversial and that staff "place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users."

Although the complaint originated with a staff member, it still must follow the process specified in Regulation #9130. Because the North Hunterdon-Voorhees Regional High School District Board of Education publicly supports the principles of intellectual freedom, set forth in the First Amendment to the U.S. Constitution and laid out in the American Library Association's Library Bill of Rights (<http://www.ala.org/advocacy/sites/ala.org/advocacy/files/content/intfreedom/librarybill/lbor.pdf>), we expect that the book will be returned to the shelf until the procedure for dealing with complaints is followed to completion.

Sincerely,

Karla Ivarson  
NJASL Intellectual Freedom Subcommittee

Christina Cucci  
NJASL, President

---

**From:** Karla Ivarson <if@njasl.org>  
**Sent:** Thursday, February 14, 2019 11:57 AM  
**To:** rpeterson@nhvweb.net  
**Subject:** Fwd: Removal of book without board input

Hello!

I just sent the email below to your principal. Let me know if I can help.

Regards,  
Karla

Karla Ivarson  
School Media Specialist  
NJASL Intellectual Freedom Subcommittee

----- Forwarded message -----

**From:** Karla Ivarson <if@njasl.org>  
**Date:** Thu, Feb 14, 2019 at 11:56 AM  
**Subject:** Fwd: Removal of book without board input  
**To:** <rpeterson@nhvweb.net>

Dear Mr. Peterson,

As the head of the Intellectual Freedom subcommittee of the New Jersey Association of School Librarians, I am writing to you because the removal of Alison Bechdel's Fun Home from the shelves of the North Hunterdon High School media center did not follow the policy set forth by the Board of Education.

Your school board's policies for the selection, as well as reconsideration, of resource materials (#2530) are exemplary, acknowledging that some material is bound to be controversial and that staff "place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users."

Although the complaint originated with a staff member, it still must follow the process specified in Regulation #9130. Because the North Hunterdon-Voorhees Regional High School District Board of Education publicly supports the principles of intellectual freedom, set forth in the First Amendment to the U.S. Constitution and laid out in the American Library Association's Library Bill of Rights (<http://www.ala.org/advocacy/sites/ala.org/advocacy/files/content/intfreedom/librarybill/lbor.pdf>), we expect that the book will be returned to the shelf until the procedure for dealing with complaints is followed to completion.

Sincerely,

Karla Ivarson  
NJASL Intellectual Freedom Subcommittee

Christina Cucci  
NJASL, President

---

**From:** Bender, Jeffrey <jbender@nhvweb.net>  
**Sent:** Tuesday, February 19, 2019 9:18 AM  
**To:** Ron Peterson  
**Subject:** Fwd: Complaint about resource materials

FYI

----- Forwarded message -----

**From:** Jeffrey Bender <jbender@nhvweb.net>  
**Date:** Thu, Feb 14, 2019 at 3:31 PM  
**Subject:** RE: Complaint about resource materials  
**To:** Martha Hickson <mhickson@nhvweb.net>  
**CC:** Greg Cottrell <gcottrell@nhvweb.net>, Rich Bergacs (9089960991) <rbergacs@nhvweb.net>

Ms. Hickson,

The attachment you sent me is not a complaint but a directive issued by Dr. Cottrell to maintain inappropriate materials in a manner that prevents minors from accessing inappropriate content contained in the book Fun Home. Having seen the image referenced in Dr. Cottrell's memo it appears to me that the district could be accused of debauching the morals of minors if we were to allow free access to this material.

If your intention is to imply that the directive has violated board policy I disagree. You were not directed to remove the material from the library but to require parent permission prior to allowing student access. Board of Education policy 2530 states in part that materials "be appropriate to the level of the user". It is proper to allow parents to determine the appropriateness of this book for their minor children.

If you would like to discuss this issue further please contact my assistant, Kathleen Trontis to schedule an appointment.

Respectfully,

Jeff Bender

**From:** Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)>  
**Sent:** Wednesday, February 13, 2019 11:01 AM  
**To:** Jeffrey Bender <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
**Subject:** Complaint about resource materials

Mr. Bender:

I have received by hand delivery a written complaint (attached) about resource materials, the library book *Fun Home* by Alison Bechdel. As outlined in board policies 2530 and 9130, I am directing this complaint to your attention.

**Martha Hickson, MLIS**

Librarian

North Hunterdon High School

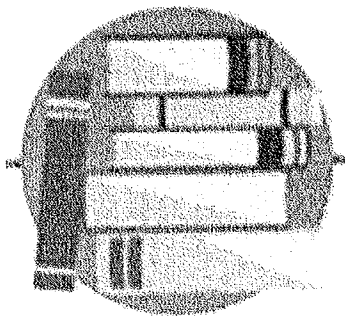
1445 Route 31

Annandale, NJ 08801

908-713-4199 x6414

[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobo



**Know Better**  
**@ the NHHS Media Center**  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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**Jeffrey Bender**  
**Superintendent of Schools**  
**North Hunterdon-Voorhees Regional HS District**  
**908-735-2846 ext. 5101**

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**From:** Jeffrey Bender <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
**Sent:** Thursday, February 14, 2019 3:42 PM  
**To:** Cheryl Allen-Munley; Fran Goger; Heather Richards; Jessica Viotto; John Melick; Lisa Diederich; Rachel McLaughlin; Robert Kirchberger; Roger Straight; Shelley Crisologo; Tara Marie Hintz; Tom Roll  
**Subject:** Removal of book without Board input

All;

Earlier today you received an e-mail regarding removal of a book titled Fun Home.

I am forwarding an e-mail I received from North Hunterdon High School Librarian, Martha Hickson, who I believe is the source of the complaint. I will not forward the image, a web search using "fun home graphic novel controversy" will generate the information.

Also in this forward is my response to Ms. Hickson. If you have any questions please call me at 267-372-9475.

Regards,  
Jeff

---

**From:** Jeffrey Bender <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
**Sent:** Thursday, February 14, 2019 3:31 PM  
**To:** Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)>  
**Cc:** Greg Cottrell <[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)>; Rich Bergacs (9089960991) <[rbergacs@nhvweb.net](mailto:rbergacs@nhvweb.net)>  
**Subject:** RE: Complaint about resource materials

Ms. Hickson,

The attachment you sent me is not a complaint but a directive issued by Dr. Cottrell to maintain inappropriate materials in a manner that prevents minors from accessing inappropriate content contained in the book Fun Home. Having seen the image referenced in Dr. Cottrell's memo it appears to me that the district could be accused of debauching the morals of minors if we were to allow free access to this material.

If your intention is to imply that the directive has violated board policy I disagree. You were not directed to remove the material from the library but to require parent permission prior to allowing student access. Board of Education policy 2530 states in part that materials "be appropriate to the level of the user". It is proper to allow parents to determine the appropriateness of this book for their minor children.

If you would like to discuss this issue further please contact my assistant, Kathleen Trontis to schedule an appointment.

Respectfully,

Jeff Bender

**From:** Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)>  
**Sent:** Wednesday, February 13, 2019 11:01 AM  
**To:** Jeffrey Bender <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
**Subject:** Complaint about resource materials

Mr. Bender:

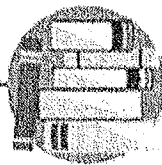
I have received by hand delivery a written complaint (attached) about resource materials, the library book *Fun Home* by Alison Bechdel. As outlined in board policies 2530 and 9130, I am directing this complaint to your attention.

**Martha Hickson, MLIS**

Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

---

Currently reading: *Pride* by Ibi Aanu Zobel



**Know Better**  
**@ the NHHS Media Center**  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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---

**From:** Martha Hickson <mhickson@nhvweb.net>  
**Sent:** Wednesday, February 13, 2019 11:01 AM  
**To:** Jeffrey Bender  
**Subject:** Complaint about resource materials  
**Attachments:** Memo.pdf

Mr. Bender:

I have received by hand delivery a written complaint (attached) about resource materials, the library book *Fun Home* by Alison Bechdel. As outlined in board policies 2530 and 9130, I am directing this complaint to your attention.

**Martha Hickson, MLIS**

Librarian

North Hunterdon High School

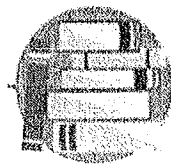
1445 Route 31

Annandale, NJ 08801

908-713-4199 x6414

[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobi



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North Hunterdon  
Regional High School

**To: Martha Hickson**  
**From: Greg Cottrell**  
**CC: Mike Kane, Yulee Kim**  
**Date: 2/7/19**  
**Subject: Fun Home Book Permission**

It has come to my attention that the book titled *Fun Home: A family Tragicomic* contains sexually explicit illustrations on page 214. It is also the only book in our library collection which Follet Destiny labels as having "adult content". As a school, we have an obligation to ensure that the children who attend our school do not access adult content that they are not emotionally or developmentally prepared to encounter. Based on this information, I am directing you to make the book available to students only after parent permission is received to acknowledge that the parent gives consent for their child to view a book with "adult content".

Thank You,



Greg Cottrell  
Principal  
North Hunterdon High School

## Permission Slip

To Whom It May Concern:

I give my student \_\_\_\_\_ permission to read Fun Home.

Thank you,

---

Parent/Guardian Signature

Date

## Permission Slip

To Whom It May Concern:

I give my student \_\_\_\_\_ permission to read Fun Home.

Thank you,

---

Parent/Guardian Signature

Date

---

**From:** Jeffrey Bender <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
**Sent:** Thursday, February 14, 2019 3:31 PM  
**To:** Martha Hickson  
**Cc:** Greg Cottrell; Rich Bergacs (9089960991)  
**Subject:** RE: Complaint about resource materials

Ms. Hickson,

The attachment you sent me is not a complaint but a directive issued by Dr. Cottrell to maintain inappropriate materials in a manner that prevents minors from accessing inappropriate content contained in the book *Fun Home*. Having seen the image referenced in Dr. Cottrell's memo it appears to me that the district could be accused of debauching the morals of minors if we were to allow free access to this material.

If your intention is to imply that the directive has violated board policy I disagree. You were not directed to remove the material from the library but to require parent permission prior to allowing student access. Board of Education policy 2530 states in part that materials "be appropriate to the level of the user". It is proper to allow parents to determine the appropriateness of this book for their minor children.

If you would like to discuss this issue further please contact my assistant, Kathleen Trontis to schedule an appointment.

Respectfully,

Jeff Bender

**From:** Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)>  
**Sent:** Wednesday, February 13, 2019 11:01 AM  
**To:** Jeffrey Bender <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
**Subject:** Complaint about resource materials

Mr. Bender:

I have received by hand delivery a written complaint (attached) about resource materials, the library book *Fun Home* by Alison Bechdel. As outlined in board policies 2530 and 9130, I am directing this complaint to your attention.

**Martha Hickson, MLIS**  
Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobi



**Know Better**  
@ the NHHS Media Center  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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**From:** Leah Wagner <lwagner@monroetwplibrary.org>  
**Sent:** Thursday, February 21, 2019 4:38 PM  
**To:** <jbender@nhvweb.net>  
**Subject:** New Jersey Library Association  
**Attachments:** NHVRHS Letter 2-21-19.pdf

Dear Mr. Bender,

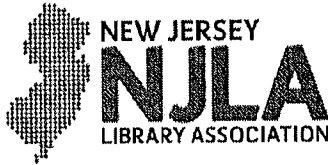
Attached is a letter from the New Jersey Library Association expressing out concerns regarding the District's lending policy for the book Fun Home: A Family Tragicomic.

If you have further questions please feel free to contact me.

Sincerely,

Leah Wagner  
President, New Jersey Library Association  
Assistant Director  
Monroe Township Library  
4 Municipal Plaza





February 21, 2019

Jeffery Bender  
Superintendent,  
North Hunterdon-Voorhees Regional High School District  
1445 Route 31  
Annandale, NJ 08801

Dear Mr. Bender,

As President of the New Jersey Library Association I am writing to you in order to express our concern about the removal of the graphic novel *Fun Home: A Family Tragicomic* by Alison Bechdel from high school libraries in your district.

The North Hunterdon-Voorhees School District has established excellent selection criteria that we worry may have been circumvented in the course of this action, particularly policy numbers 2530 and 9130.

We encourage you to establish a reconsideration committee in accordance with your policy and we further hope that said committee will take into account the numerous positive reviews of the title, the author's significance as a prominent and positive LGBTQ figure, as well as the recently passed law (S1569 PL2019 c.6) which states that school boards must adopt instructional materials that accurately and adequately represent the LGBTQ community.

We affirm and support the principles of Intellectual Freedom as laid out in the First Amendment of the Constitution of the United States as well as in the American Library Association's Library Bill of Rights. In light of these concerns, we urge you to respect your students' constitutional rights and reconsider your position.

Sincerely,

Leah Wagner  
President, New Jersey Library Association

Cc: North Hunterdon—Voorhees Regional Board of Education  
Greg Cottrell, Principal, North Hunterdon High School  
Ron Peterson, Principal, Voorhees High School

NJLA, PO Box 1534, Trenton, NJ 08607 | Phone :(609) 394-8032 | Fax: (609) 394-8164

~~-----Original message-----~~  
Sent: Friday, May 10, 2019 1:38 PM  
To: Susan Press <[spress@nhvweb.net](mailto:spress@nhvweb.net)>  
Subject: Fwd: Guidance Letter from NCAC and Partners for Intellectual Freedom

----- Forwarded message -----

From: **Abena Hutchful** <[abena@ncac.org](mailto:abena@ncac.org)>  
Date: Wed, Apr 24, 2019 at 12:12 PM  
Subject: Guidance Letter from NCAC and Partners for Intellectual Freedom  
To: <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
Cc: <[schools@co.hunterdon.nj.us](mailto:schools@co.hunterdon.nj.us)>, <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)>, Greg Cottrell <[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)>, Ron Peterson <[rpeterson@nhvweb.net](mailto:rpeterson@nhvweb.net)>, <[hrichards@nhvweb.net](mailto:hrichards@nhvweb.net)>, <[rstraight@nhvweb.net](mailto:rstraight@nhvweb.net)>, <[tjroll@nhvweb.net](mailto:tjroll@nhvweb.net)>, <[thintz@nhvweb.net](mailto:thintz@nhvweb.net)>, <[scrisologo@nhvweb.net](mailto:scrisologo@nhvweb.net)>, <[jviotto@nhvweb.net](mailto:jviotto@nhvweb.net)>, <[rmclaughlin@nhvweb.net](mailto:rmclaughlin@nhvweb.net)>, <[jmelick@nhvweb.net](mailto:jmelick@nhvweb.net)>, <[callen-munley@nhvweb.net](mailto:callen-munley@nhvweb.net)>, <[ldiederich@nhvweb.net](mailto:ldiederich@nhvweb.net)>, <[fgoger@nhvweb.net](mailto:fgoger@nhvweb.net)>

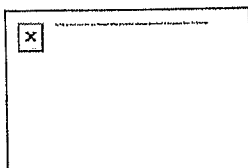
Dear Superintendent Bender,

I hope this finds you well. Attached, please find a letter from the National Coalition Against Censorship and our partners expressing our concern that recent changes to district policies undermine intellectual freedom. We urge you to reconsider these changes in the context of the attached guidelines. We are here to support you and the Board in your work to protect freedom of expression in North Hunterdon-Voorhees District.

Please do not hesitate to contact us if you have any questions.

Kind regards,

Abena



**Abena Hutchful**  
Youth Free Expression Program Coordinator  
National Coalition Against Censorship  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP** **KIDS'  
RIGHT  
TO READ**

A project of the National  
Coalition Against Censorship

**CO-SPONSORED BY**

American Booksellers for Free  
Expression  
Comic Book Legal Defense  
Fund

April 24, 2019

Jeffrey Bender, Superintendent  
North Hunterdon-Voorhees School District  
1445 Route 31  
Annandale, NJ 08801

**Sent via Electronic Mail to: [jbender@nhvweb.net](mailto:jbender@nhvweb.net)**

Dear Superintendent Bender,

We write to express our concern that recent changes to Policy 2530, which govern the selection of instructional materials in classrooms and libraries, will heighten the risk of censorship in North Hunterdon-Voorhees district. This concern is aggravated by the fact that the policy changes were adopted shortly after the graphic novel *Fun Home: A Family Tragicomic* was returned to library shelves over your personal objections. We urge you to adopt policies designed to bolster rather than undermine free expression protections in your District. We are writing to offer you guidance in the design of such policies.

The original policy 2530 played a significant role in safeguarding NHV students' right to a broad and censorship-free education by entrusting trained librarians with book selection. This delegation of responsibility assured book selections were credibly rooted in sound pedagogical reasoning, rather than subjective opinion.

As worded, the current policy vests absolute authority in the sole person of the Superintendent to select and remove books without a review of their educational merits. This change may lead to a perception that decisions about instructional material will be made based on your subjective opinion, rather than pedagogical goals. That perception is further supported by the fact that these amendments immediately followed your effort to remove *Fun Home* based on opinion about a single page, rather than a review of the book as a whole.

We strongly recommend that you restore credibility to the book selection process by delegating responsibility to librarians and teachers.

We also recommend that you reiterate your dedication to free expression. The new policy omits all references to free expression, including the Library Bill of Rights and NCTE Students Right to Read statements, which buttressed your district's commitment to intellectual freedom.

We hope you will consider the aforementioned points and our attached guidelines in rethinking the recent changes to Policy 2530.

Please do not hesitate to contact us for further guidance. Thank you.

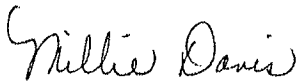
With warm regards,



Chris Finan, Executive Director  
National Coalition Against Censorship



Charles Brownstein, Executive Director  
Comic Book Legal Defense Fund



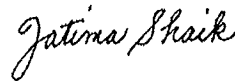
Millie Davis, Director  
Intellectual Freedom Center  
National Council of Teachers of English



Jeanne LoCicero, Legal Director  
American Civil Liberties Union  
of New Jersey



Mary Rasenberger, Executive Director  
The Authors Guild



Fatima Shaikh, Co-Chair  
PEN Children's and Young Adult Books  
Committee



David Grogan, Director  
American Booksellers for  
Free Expression



Robt Seda-Schreiber, Chief Activist  
Bayard Rustin Center for Social Justice

Cc:

Robert Kirchberger, President  
North Hunterdon-Voorhees Board of Education  
[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)

Dr. Greg Cottrell, Principal  
North Hunterdon High School  
[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)

Ron Peterson, Principal  
Voorhees High School  
[rpeterson@nhvweb.net](mailto:rpeterson@nhvweb.net)

School officials have broad discretion to establish curricula and decide what materials to include in their classrooms and libraries. However, parents, special interest groups and others sometimes attempt to impose their personal beliefs on the public school system and demand the removal of educational materials.

These are some general considerations school administrators should take into account when such a challenge arises:

1. Removing, redacting, or restricting access to any content simply because of opposition to the views expressed in it raises serious First Amendment concerns.<sup>1</sup> As state actors, public school officials could be subject to legal action if they make decisions based solely on distaste for the viewpoints expressed.
2. The difficult subjects that often prompt objections to books – violence, traumatic histories, race, religion, sexuality, etc. – are important to the lives of students, and can be addressed with sensitivity within a classroom environment under the guidance of trained educators.
3. Not everyone will like every book in the library or classroom. Parents have a right to decide what their own children read but school administrators have a responsibility to uphold all students' freedom to read and cannot limit educational materials to those approved by a specific individual or group.
4. Successful challenges to educational material often energize special interest groups and bring additional challenges, thus burdening the school administration.

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<sup>1</sup> Local school boards may not remove books from school libraries simply because they dislike the ideas contained in those books and seek by their removal to "prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." *Board of Education v. Pico*, 457 U.S. 853, 868-69 (1982)(plurality opinion) (citing *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 642)

In view of these principles, we offer the following guidelines for handling challenges:

1. Follow established policy.
2. If your school does not have a written policy, develop policies and procedures to ensure that decision-making does not violate the First Amendment by discriminating against viewpoints.
3. Invite those who object to specific materials to a discussion with teachers and librarians who can explain the materials' educational value.
4. If they continue to object to the materials, request the submission of a complaint form.
5. Establish a committee to review the educational merits of the materials at issue. The review committee should include a diverse group of professionals: educators, librarians and administrators.
6. The committee should be guided by the same criteria that were used for the selection of the material, prioritizing pedagogical value: In considering the value of a book, for instance, it should look at the book as a whole, not words and passages taken in isolation; "age appropriateness," when invoked, should refer to students' levels of reading and comprehension, not to what some parents subjectively believe is fit for a particular age group.
7. The Board has the final decision-making power and responsibility. It should take into account the recommendation of the committee, but also recognize that it may be found liable for violating the First Amendment if it discriminates against particular viewpoints.
8. If possible, offer individuals who object to assigned materials the option to opt out and offer their children alternative readings.

For additional support, consult NCAC's [Policy Guidelines for Administrators](#).

Direct support can always be requested by emailing [ncac@ncac.org](mailto:ncac@ncac.org) or visiting us at [ncac.org](http://ncac.org)

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**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Friday, February 1, 2019 1:09 PM  
**To:** Martha Hickson  
**Cc:** Michael Kane; Yulee Kim  
**Subject:** Fun Home Meeting Follow-Up

Martha,

As I discussed at our meeting today, the book Fun Home was purchased for the library without a review of the images that it contains.

It has been brought to my attention that the book contains graphics images of sexual situations. I do not feel that the images on page 214 of the book Fun Home are appropriate as they graphically depict nudity and a sexual act. I feel that this book should be removed from our library collection. Based on regulation 2530, now that I am aware of the images within the book, I proposed removing the book as it is no longer appropriate. Also as discussed at this meeting, you expressed that you feel that the book is appropriate and should remain in the collection of the NHHS Library. Please confirm this opinion. If this is your opinion, we will convene a committee as outlined in regulation 9130 to review if the the book Fun Home is appropriate for the NHHS Library.

Please reply to this email to confirm or clarify your point of view.  
Thanks

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Martha Hickson <mhickson@nhvweb.net>  
**Sent:** Monday, February 11, 2019 10:01 PM  
**To:** Greg Cottrell  
**Cc:** Yulee Kim; Michael Kane  
**Subject:** Questions re Fun Home permissions  
**Attachments:** Memo.pdf

Greg:

I am writing to acknowledge receipt of your *Fun Home* memo, provide written documentation of my concerns, and request clarification for implementing your instructions.

**Acknowledge receipt:** I have received the hand-delivered Feb. 7 memo (copy attached), which directs me to remove *Fun Home* by Alison Bechdel from accessible library shelving, place it on protected shelving within the library office, and restrict circulation of the title to only those students who present a signed parent permission slip. Enclosed with the memo, I have received the parent permission slip, which you presented with verbal instruction that the permission slip is an example that can be modified as needed.

**Concerns:** During our Jan. 31 and Feb. 7 meetings about this matter, I expressed numerous concerns about attempts to ban or restrict access to this book. I would like to document my concerns in writing; they include:

- The process by which this book challenge was handled, including administrators requesting removal before having read the book, sending a lead teacher to request removal of the book, claiming falsely that a parent had objected to the book, and making judgments about the entirety of the work based on a single page
- Not following procedures outlined in board policies 2530 and 9130 regarding reconsideration of library materials
- The condemnation of *Fun Home* as “pornographic” (based solely on the content of a single page), despite the book’s literary merit, critical acclaim, conformance to Board selection criteria, and its inclusion in the English curriculum at Watchung Hills High School and the library collections of numerous high schools across the state, including at least six of the top 20 schools in *New Jersey Monthly’s* 2018 list of top public high schools (Millburn, #3; West Morris Mendham, #7; Ridge, #10; Northern Valley Demarest, #15; West Windsor Plainsboro-South, #17; Princeton, #20)
- The dangerous precedent established by the directive set forth in your Feb. 7 memo, which will enable current and future administrators to bypass board policies and remove library materials from general circulation at will based on personal objections
- The abridgement of students’ civil liberties, as expressed in the First Amendment and supported by the ALA Bill of Rights and NCTE Students’ Right to Read, documents which are referenced in the board policies and which I provided you in hard-copy form when we met on Jan. 31
- The unique and excessive burden that the new requirement for a permission slip places on LGBTQ students, who may not be in a position to obtain parent permission, thereby barring their access to a milestone work in LGBTQ literature, written by a MacArthur “genius” grant-winning author, which has been hailed as “one of the best graphic novels ever” (*Booklist*), one of the “10 Best Books of the Decade” (*Entertainment Weekly*), and one of “13 Beautiful Books Every LGBTQ Teen Should Read” (*Seventeen* magazine), among other accolades



**Request for clarification:** As I attempt to implement the restrictions you have established, I request the following clarifications:

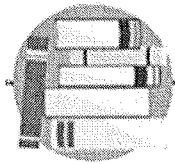
- Is signed parental permission required for students over age 18?
- If students over age 18 are exempt from the permission-slip requirement, what proof of age must students present?
- How will parent signatures be verified to prevent and detect forgeries?
- What is the retention requirement for the signed permission slips?
- Where will signed permission slips be stored?
- How will privacy of signed permission slips (and therefore student library records) be protected?
- What disciplinary consequences will result for an “authorized” student who shares the book with an “unauthorized” student?

Please advise at your earliest convenience.

Thanks,

**Martha Hickson, MLIS**  
Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobi



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**@ the NHHS Media Center**  
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**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 9:51 AM  
**To:** Martha Hickson  
**Cc:** Yulee Kim; Michael Kane  
**Subject:** Re: Questions re Fun Home permissions

Martha,

I would once again like to reiterate that the additional scrutiny that we are placing on *Fun Home* is a result of the sexually explicit graphic content. It is not related to the LGBTQ themes within the book. There are 170 books in the library that fall within LGBTQ topic listings. Feel free to purchase additional books to fill any LGBTQ literary void that you think exists within the library.

Below are the answers to your questions:

- **Is signed parental permission required for students over age 18?** Yes, We still require parent permission for a variety of school requirements such as field trips, unless the student is emancipated from their parents.
- **If students over age 18 are exempt from the permission-slip requirement, what proof of age must students present?** N/A
- **How will parent signatures be verified to prevent and detect forgeries?** If you suspect a note is forged, please forward it to Ms. Kim for verification. Again this is the same as we would do for an attendance note or any other signed parent form. We assume the signature is real unless we have reason to think otherwise.
- **What is the retention requirement for the signed permission slips?** We should keep the notes until the students graduate.
- **Where will signed permission slips be stored?** I suggest in your office but if you do not want that burden, you can store them with Ms. Kim.
- **How will privacy of signed permission slips (and therefore student library records) be protected?** As with other student record such as conduct, attendance, grades and counselor meeting notes, the permission slips should be kept in a secure location. Preferably in a locked cabinet within a teacher's office. Again, if this is an issue, we can store them with Ms. Kim.
- **What disciplinary consequences will result for an “authorized” student who shares the book with an “unauthorized” student?** We will review the circumstances on a case by case basis if the situation arises.

Thanks  
Greg

On Mon, Feb 11, 2019 at 10:01 PM Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)> wrote:

Greg:

I am writing to acknowledge receipt of your *Fun Home* memo, provide written documentation of my concerns, and request clarification for implementing your instructions.

**Acknowledge receipt:** I have received the hand-delivered Feb. 7 memo (copy attached), which directs me to remove *Fun Home* by Alison Bechdel from accessible library shelving, place it on protected shelving within the library office, and restrict circulation of the title to only those students who present a signed parent permission slip. Enclosed with the memo, I have received the parent permission slip, which you presented with verbal instruction that the permission slip is an example that can be modified as needed.

**Concerns:** During our Jan. 31 and Feb. 7 meetings about this matter, I expressed numerous concerns about attempts to ban or restrict access to this book. I would like to document my concerns in writing; they include:

- The process by which this book challenge was handled, including administrators requesting removal before having read the book, sending a lead teacher to request removal of the book, claiming falsely that a parent had objected to the book, and making judgments about the entirety of the work based on a single page
- Not following procedures outlined in board policies 2530 and 9130 regarding reconsideration of library materials
- The condemnation of *Fun Home* as “pornographic” (based solely on the content of a single page), despite the book’s literary merit, critical acclaim, conformance to Board selection criteria, and its inclusion in the English curriculum at Watchung Hills High School and the library collections of numerous high schools across the state, including at least six of the top 20 schools in *New Jersey Monthly’s* 2018 list of top public high schools (Millburn, #3; West Morris Mendham, #7; Ridge, #10; Northern Valley Demarest, #15; West Windsor Plainsboro-South, #17; Princeton, #20)
- The dangerous precedent established by the directive set forth in your Feb. 7 memo, which will enable current and future administrators to bypass board policies and remove library materials from general circulation at will based on personal objections
- The abridgement of students’ civil liberties, as expressed in the First Amendment and supported by the ALA Bill of Rights and NCTE Students’ Right to Read, documents which are referenced in the board policies and which I provided you in hard-copy form when we met on Jan. 31
- The unique and excessive burden that the new requirement for a permission slip places on LGBTQ students, who may not be in a position to obtain parent permission, thereby barring their access to a milestone work in LGBTQ literature, written by a MacArthur “genius” grant-winning author, which has been hailed as “one of the best graphic novels ever” (*Booklist*), one of the “10 Best Books of the Decade” (*Entertainment Weekly*), and one of “13 Beautiful Books Every LGBTQ Teen Should Read” (*Seventeen* magazine), among other accolades

**Request for clarification:** As I attempt to implement the restrictions you have established, I request the following clarifications:

- Is signed parental permission required for students over age 18?
- If students over age 18 are exempt from the permission-slip requirement, what proof of age must students present?

- How will parent signatures be verified to prevent and detect forgeries?
- What is the retention requirement for the signed permission slips?
- Where will signed permission slips be stored?
- How will privacy of signed permission slips (and therefore student library records) be protected?
- What disciplinary consequences will result for an “authorized” student who shares the book with an “unauthorized” student?

Please advise at your earliest convenience.

Thanks,

**Martha Hickson, MLIS**

Librarian

North Hunterdon High School

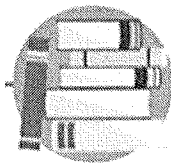
1445 Route 31

Annandale, NJ 08801

908-713-4199 x6414

[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobi



**Know Better**  
**@ the NHHS Media Center**  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Karla Ivarson <if@njasl.org>  
**Sent:** Thursday, February 14, 2019 10:22 AM  
**To:** rkirchberger@nhvweb.net; jbender@nhvweb.net; gcottrell@nhvweb.net  
**Cc:** fgoger@nhvweb.net; ldiederich@nhvweb.net; callen-munley@nhvweb.net;  
jmelick@nhvweb.net; rmclaughlin@nhvweb.net; hrichards@nhvweb.net;  
rstraight@nhvweb.net; tjroll@nhvweb.net; thintz@nhvweb.net;  
scrisologo@nhvweb.net; jviotto@nhvweb.net  
**Subject:** Removal of book without board input

Dear Mr. Kirchberger, Mr. Bender and Dr. Cottrell,

As the head of the Intellectual Freedom subcommittee of the New Jersey Association of School Librarians, I am writing to you because the removal of Alison Bechdel's Fun Home from the shelves of the North Hunterdon High School media center did not follow the policy set forth by the Board of Education.

Your school board's policies for the selection, as well as reconsideration, of resource materials (#2530) are exemplary, acknowledging that some material is bound to be controversial and that staff "place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users."

Although the complaint originated with a staff member, it still must follow the process specified in Regulation #9130. Because the North Hunterdon-Voorhees Regional High School District Board of Education publicly supports the principles of intellectual freedom, set forth in the First Amendment to the U.S. Constitution and laid out in the American Library Association's Library Bill of Rights (<http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/intfreedom/librarybill/lbor.pdf>), we expect that the book will be returned to the shelf until the procedure for dealing with complaints is followed to completion.

Sincerely,

Karla Ivarson  
NJASL Intellectual Freedom Subcommittee

Christina Cucci  
NJASL, President

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 10:29 AM  
**To:** Rich Bergacs  
**Subject:** Fwd: Removal of book without board input

FYI

----- Forwarded message -----

**From:** Karla Ivarson <if@njasl.org>  
**Date:** Thu, Feb 14, 2019 at 10:22 AM  
**Subject:** Removal of book without board input  
**To:** <rkirchberger@nhvweb.net>, <jbender@nhvweb.net>, <gcottrell@nhvweb.net>  
**Cc:** <fgoger@nhvweb.net>, <ldiederich@nhvweb.net>, <callen-munley@nhvweb.net>, <jmelick@nhvweb.net>, <rmclaughlin@nhvweb.net>, <hrichards@nhvweb.net>, <rstraight@nhvweb.net>, <tjroll@nhvweb.net>, <thintz@nhvweb.net>, <scrisologo@nhvweb.net>, <jviotto@nhvweb.net>

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Sincerely,

Karla Ivarson  
NJASL Intellectual Freedom Subcommittee

Christina Cucci  
NJASL, President

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School

Principal

908-713-4118

908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)

Twitter @NHPrincipal



---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 3:30 PM  
**To:** Jeffrey Bender  
**Cc:** Rich Bergacs  
**Subject:** Book Dispute

Jeff,

You probably already know this but I think a good basis for our ability to regulate the use of Fun Home can be found in Regulation 2530 whereas "It should be understood that selection is an ongoing process that should include the removal of materials no longer appropriate"

Policy 2530 states that "responsibility for coordinating the selection and purchase of textbooks rests with the appropriate department chairpersons, principals or textbook evaluation committee"

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Jeffrey Bender <jbender@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 3:31 PM  
**To:** Martha Hickson  
**Cc:** Greg Cottrell; Rich Bergacs (9089960991)  
**Subject:** RE: Complaint about resource materials

Ms. Hickson,

The attachment you sent me is not a complaint but a directive issued by Dr. Cottrell to maintain inappropriate materials in a manner that prevents minors from accessing inappropriate content contained in the book *Fun Home*. Having seen the image referenced in Dr. Cottrell's memo it appears to me that the district could be accused of debauching the morals of minors if we were to allow free access to this material.

If your intention is to imply that the directive has violated board policy I disagree. You were not directed to remove the material from the library but to require parent permission prior to allowing student access. Board of Education policy 2530 states in part that materials "be appropriate to the level of the user". It is proper to allow parents to determine the appropriateness of this book for their minor children.

If you would like to discuss this issue further please contact my assistant, Kathleen Trontis to schedule an appointment.

Respectfully,

Jeff Bender

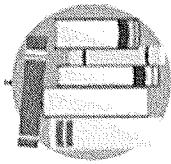
**From:** Martha Hickson <mhickson@nhvweb.net>  
**Sent:** Wednesday, February 13, 2019 11:01 AM  
**To:** Jeffrey Bender <jbender@nhvweb.net>  
**Subject:** Complaint about resource materials

Mr. Bender:

I have received by hand delivery a written complaint (attached) about resource materials, the library book *Fun Home* by Alison Bechdel. As outlined in board policies 2530 and 9130, I am directing this complaint to your attention.

**Martha Hickson, MLIS**  
Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobi



**Know Better**  
@ the NHHS Media Center  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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**From:** Abena Hutchful <abena@ncac.org>  
**Sent:** Tuesday, February 19, 2019 3:27 PM  
**To:** jbender@nhvweb.net; rkirchberger@nhvweb.net  
**Cc:** gcottrell@nhvweb.net; rpeterson@nhvweb.net  
**Subject:** Letter from NCAC and Partners re: 'Fun Home'

Good afternoon Superintendent Bender,

I hope this finds you well. I manage the Kids' Right to Read Project, an initiative by civil liberties and literary organizations dedicated to protecting students' freedom to read. We recently learned of restrictions placed by administrators in your district on the graphic novel, *Fun Home*, by Alison Bechdel and are writing to advise you on the legal and educational implications of this decision. Please share this letter with members of the board of education, administration, and any other interested staff.

Please do not hesitate to reach out to us if you have any questions or need further guidance.

Thank you and kind regards,

Abena

**NATIONAL** ■■■■■  
**COALITION** ■■■■■  
**AGAINST** ■■■■■  
**CENSORSHIP** ■■■■■

Abena Hutchful  
Youth Free Expression Program Associate  
National Coalition Against Censorship  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



19 Fulton Street, #407, New York, NY 10038  
[ncac.org](http://ncac.org)

NATIONAL  
COALITION  
AGAINST  
CENSORSHIP

KIDS'  
RIGHT  
TO READ

A project of the National  
Coalition Against Censorship

CO-SPONSORED BY

American Booksellers for Free  
Expression  
Comic Book Legal Defense  
Fund

February 19, 2019

Jeffrey Bender, Superintendent  
North Hunterdon-Voorhees School District  
1445 Route 31  
Annandale, NJ 08801

Sent via Electronic Mail to: [jbender@nhvweb.net](mailto:jbender@nhvweb.net)

Dear Superintendent Bender,

Our coalition of advocates for freedom of expression in education is concerned by reports that administrators have restricted student access to the graphic novel *Fun Home: A Family Tragicomic*, by Alison Bechdel in both high school libraries in your district, North Hunterdon and Voorhees.

In the interest of preserving intellectual freedom and equal protection in your district, **we urge you to respect your students' constitutional rights and return *Fun Home* to library shelves** where all who choose to read it may do so. We also encourage you to familiarize your administration with the relevant district policies in order to ensure that **future decisions about instructional materials are based on pedagogical motives, rather than ideological ones.**

We understand that administrators from both schools requested to inspect *Fun Home*. After that inspection, administrators objected to images on a single page and circumvented district policies by restricting the book's circulation to only those students with parental permission.

Our legal system recognizes images, like words, as First Amendment-protected symbolic expression. Graphic novels like *Fun Home* combine visual art with literary and cinematic techniques for educationally rich storytelling. **Disregarding the book's educational value and restricting students' access to *Fun Home* before review by a board-sanctioned reconsideration committee to determine its educational suitability does not comport with First Amendment imperatives and is constitutionally suspect.**<sup>1</sup>

The Supreme Court has long established that the First Amendment limits public school officials' discretion regarding the suppression of *library* books because "students must always remain free to inquire, to study, and to evaluate, to gain new maturity and understanding"

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<sup>1</sup> See *Monteiro v. Tempe Union High School District* (9th Cir. 1998) (recognizing the First Amendment right of students to read books selected for their "legitimate educational value," even if offensive to some parents and students).

and “the school library is the principal locus of such freedom.”<sup>2</sup> According to the Court, public schools should base curricular decisions on pedagogical reasoning, not to satisfy an “officially prescribed orthodoxy.”<sup>3</sup>

North Hunterdon-Voorhees School District Policy No. 2530 and Regulation 9130 (E) act as due process safeguards from arbitrary denial of students’ First Amendment rights by ensuring that decisions about student access to information is based on an official review of objective criteria, not on the subjective viewpoint of individual administrators. Protecting freedom of expression in your district requires that all school officials understand and carefully adhere to these policies.

*Fun Home* is an essential text that has been recognized with significant literary awards. The book has been heralded within the literary and arts community as “a pioneering work” in the comics and memoir genres. (*New York Times Sunday Book Review*). Bechdel’s memoir is resonant with many youth experiences and offers teen readers a safe place to examine questions related to personal identity, family relationships, and the need to face the truth in their own lives.

*Booklist* has recommended *Fun Home* for young adult readers, noting that the “the very few incidental sex scenes” are “non-prurient” and that “the family story rings utterly and movingly true.” While the book does contain a few images that some may find sexually explicit, these images are an integral part of the larger narrative and do not negate the book’s educational value taken as a whole. The Comic Book Legal Defense Fund has produced a [discussion guide](#) to aid educators in moderating discussions on the novel’s philosophical questions and Bechdel’s use of illustration. We hope your committee will find the guide useful in its review.

Not only does restricting LGBTQ books like *Fun Home* likely violate the First Amendment, it further stigmatizes and marginalizes LGBTQ youth and fosters an atmosphere of intolerance. *Fun Home* is so highly regarded for LGBTQ teens that *Seventeen* magazine included the book on its list of “13 Beautiful Books Every LGBTQ Teen Should Read.”

In addition, as you may be aware, on Jan. 31, 2019, New Jersey Governor Phil Murphy signed legislation requiring boards of education to include instruction, and adopt instructional materials, that accurately portray political, economic, and social contributions of LGBTQ people. As a MacArthur “genius” grant-winning author of an acclaimed work that redefined the memoir genre and became the basis for a Tony-award winning Best Musical, author/illustrator Alison Bechdel is a pioneering LGBT contributor worthy of study and inclusion in your libraries.

For the above stated reasons, we ask you to follow board policies to establish a reconsideration committee and we urge the committee to prioritize educational qualities over ideological objections and keep *Fun Home* on library shelves. Regulation 9130 requires that the review committee include teachers and librarians. Policy 2530 also specifies criteria that the committee should consider in assessing the book including its “artistic, historic, and literary qualities,” reflection of real-world problems and representation of diverse viewpoints. Should some parents find their children are not yet mature enough to appreciate the literary and artistic value of the novel, they can guide their own children to make reading choices

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<sup>2</sup> *Board of Education v. Pico*, 457 U.S. 853, 868-69 (1982)(plurality opinion)

<sup>3</sup> *Id.*

suiting to their preferences rather than infringing the rights of all other students. *Fun Home* should remain accessible to all those who seek inspiration from its pages.

Please do not hesitate to contact us for further guidance. Thank you.


With warm regards,



Chris Finan, Executive Director  
National Coalition Against Censorship



Charles Brownstein, Executive Director  
Comic Book Legal Defense Fund



Millie Davis, Director  
Intellectual Freedom Center  
National Council of Teachers of English



Jeanne LoCicero, Legal Director  
American Civil Liberties Union  
of New Jersey



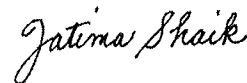
Karen Loewy, Senior Counsel  
Lambda Legal



Mary Rasenberger, Executive Director  
The Authors Guild



David Grogan, Director  
American Booksellers for Free Expression  
Committee



Fatima Shaikh, Co-Chair  
PEN Children's and Young Adult Books



Christian Fuscarino, Executive Director  
Garden State Equality

Cc:

Robert Kirchberger, President  
North Hunterdon-Voorhees Board of Education  
[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)

Dr. Greg Cottrell, Principal  
North Hunterdon High School  
[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)

Ron Peterson, Principal  
Voorhees High School  
[rpeterson@nhvweb.net](mailto:rpeterson@nhvweb.net)

---

**From:** Abena Hutchful <abena@ncac.org>  
**Sent:** Wednesday, February 20, 2019 3:01 PM  
**To:** jbender@nhvweb.net; rkirchberger@nhvweb.net  
**Cc:** Greg Cottrell; Ron Peterson  
**Subject:** FOLLOW-UP -- Re: Letter from NCAC and Partners re: 'Fun Home'

Dear Superintendent Bender,

I am writing to confirm receipt of our letter to you yesterday and follow up on your response. Please note that other groups (including the Bayard Rustin Center) have expressed support for our position and may be contacting you directly.

Specifically, we are all interested to know the status of *Fun Home* in your libraries and whether any other books have been restricted. We urge you to make all books accessible to the students who wish to read them. If your administration has any concerns about *Fun Home* or any other library or classroom materials, we strongly urge you to abide by policy and convene a committee to review their pedagogical value.

Please respond by **Thursday, February 21** to confirm receipt of our letter, the current status of *Fun Home* in your libraries, and any plans for committee review.

Thank you and kind regards,

Abena

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP**

Abena Hutchful  
Youth Free Expression Program Associate  
National Coalition Against Censorship  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



19 Fulton Street, #407, New York, NY 10038  
[ncac.org](http://ncac.org)

On Tue, Feb 19, 2019 at 3:26 PM Abena Hutchful <[abena@ncac.org](mailto:abena@ncac.org)> wrote:  
Good afternoon Superintendent Bender,

I hope this finds you well. I manage the Kids' Right to Read Project, an initiative by civil liberties and literary organizations dedicated to protecting students' freedom to read. We recently learned of restrictions placed by administrators in your district on the graphic novel, *Fun Home*, by Alison Bechdel and are writing to advise you on the legal and educational implications of this decision. Please share this letter with members of the board of education, administration, and any other interested staff.



Please do not hesitate to reach out to us if you have any questions or need further guidance.

Thank you and kind regards,

Abena

**NATIONAL** ■■■■■  
**COALITION** ■■■■■  
**AGAINST** ■■■■■  
**CENSORSHIP** ■■■■■

**Abena Hutchful**  
**Youth Free Expression Program Associate**  
**National Coalition Against Censorship**  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



19 Fulton Street, #407, New York, NY 10038  
[ncac.org](http://ncac.org)

**NATIONAL  
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CENSORSHIP** **KIDS'  
RIGHT  
TO READ**

A project of the National  
Coalition Against Censorship

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Expression  
Comic Book Legal Defense  
Fund

February 19, 2019

Jeffrey Bender, Superintendent  
North Hunterdon-Voorhees School District  
1445 Route 31  
Annandale, NJ 08801

Sent via Electronic Mail to: [jbender@nhvweb.net](mailto:jbender@nhvweb.net)

Dear Superintendent Bender,

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---

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<sup>3</sup> *Id.*

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With warm regards,



Chris Finan, Executive Director  
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Millie Davis, Director  
Intellectual Freedom Center  
National Council of Teachers of English



Jeanne LoCicero, Legal Director  
American Civil Liberties Union  
of New Jersey



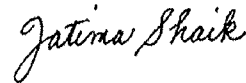
Karen Loewy, Senior Counsel  
Lambda Legal



Mary Rasenberger, Executive Director  
The Authors Guild



David Grogan, Director  
American Booksellers for Free Expression



Fatima Shaikh, Co-Chair  
PEN Children's and Young Adult Books  
Committee



Christian Fuscarino, Executive Director  
Garden State Equality



Robt Seda-Schreiber, Chief Activist  
Bayard Rustin Center for Social Justice

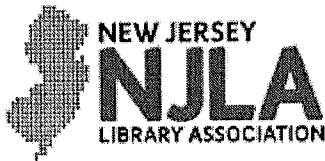
Cc:  
Robert Kirchberger, President  
North Hunterdon-Voorhees Board of Education  
[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)

Dr. Greg Cottrell, Principal  
North Hunterdon High School  
[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)

Ron Peterson, Principal  
Voorhees High School  
[rpeterson@nhvweb.net](mailto:rpeterson@nhvweb.net)

---

**From:** Leah Wagner <lwagner@monroetwplibrary.org>  
**Sent:** Thursday, February 21, 2019 3:22 PM  
**To:** <jbender@njvweb.net>  
**Cc:** <rkirchberger@nhvweb.net>; <gcottrell@nhvweb.net>  
**Subject:** New Jersey Library Association  
**Attachments:** NHVRHS Letter 2-21-19.pdf



Dear Mr. Bender,

Attached is a letter from the New Jersey Library Association expressing out concerns regarding the District's lending policy for the book Fun Home: A Family Tragicomic.  
If you have further questions please feel free to contact me.

Sincerely,

Leah Wagner  
President, New Jersey Library Association  
Assistant Director  
Monroe Township Library  
4 Municipal Plaza  
Monroe Township, NJ 08831  
732-521-5000  
lwagner@monroetwplibrary





February 21, 2019

Jeffery Bender  
Superintendent,  
North Hunterdon-Voorhees Regional High School District  
1445 Route 31  
Annandale, NJ 08801

Dear Mr. Bender,

As President of the New Jersey Library Association I am writing to you in order to express our concern about the removal of the graphic novel *Fun Home: A Family Tragicomic* by Alison Bechdel from high school libraries in your district.

The North Hunterdon-Voorhees School District has established excellent selection criteria that we worry may have been circumvented in the course of this action, particularly policy numbers 2530 and 9130.

We encourage you to establish a reconsideration committee in accordance with your policy and we further hope that said committee will take into account the numerous positive reviews of the title, the author's significance as a prominent and positive LGBTQ figure, as well as the recently passed law (S1569 PL2019 c.6) which states that school boards must adopt instructional materials that accurately and adequately represent the LGBTQ community.

We affirm and support the principles of Intellectual Freedom as laid out in the First Amendment of the Constitution of the United States as well as in the American Library Association's Library Bill of Rights. In light of these concerns, we urge you to respect your students' constitutional rights and reconsider your position.

Sincerely,

Leah Wagner  
President, New Jersey Library Association

Cc: North Hunterdon—Voorhees Regional Board of Education  
Greg Cottrell, Principal, North Hunterdon High School  
Ron Peterson, Principal, Voorhees High School

NJLA, PO Box 1534, Trenton, NJ 08607 | Phone :(609) 394-8032 | Fax: (609) 394-8164

---

**From:** Karla Ivarson <if@njasl.org>  
**Sent:** Thursday, February 14, 2019 11:56 AM  
**To:** rpeterson@nhvweb.net  
**Subject:** Fwd: Removal of book without board input

Dear Mr. Peterson,

As the head of the Intellectual Freedom subcommittee of the New Jersey Association of School Librarians, I am writing to you because the removal of Alison Bechdel's Fun Home from the shelves of the North Hunterdon High School media center did not follow the policy set forth by the Board of Education.

Your school board's policies for the selection, as well as reconsideration, of resource materials (#2530) are exemplary, acknowledging that some material is bound to be controversial and that staff "place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users."

Although the complaint originated with a staff member, it still must follow the process specified in Regulation #9130. Because the North Hunterdon-Voorhees Regional High School District Board of Education publicly supports the principles of intellectual freedom, set forth in the First Amendment to the U.S. Constitution and laid out in the American Library Association's Library Bill of Rights (<http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/intfreedom/librarybill/lbor.pdf>), we expect that the book will be returned to the shelf until the procedure for dealing with complaints is followed to completion.

Sincerely,

Karla Ivarson  
NJASL Intellectual Freedom Subcommittee

Christina Cucci  
NJASL, President

---

**From:** Karla Ivarson <if@njasl.org>  
**Sent:** Thursday, February 14, 2019 11:57 AM  
**To:** rpeterson@nhvweb.net  
**Subject:** Fwd: Removal of book without board input

Hello!

I just sent the email below to your principal. Let me know if I can help.

Regards,  
Karla

Karla Ivarson  
School Media Specialist  
NJASL Intellectual Freedom Subcommittee

----- Forwarded message -----  
**From:** **Karla Ivarson** <if@njasl.org>  
**Date:** Thu, Feb 14, 2019 at 11:56 AM  
**Subject:** Fwd: Removal of book without board input  
**To:** <rpeterson@nhvweb.net>

Dear Mr. Peterson,

As the head of the Intellectual Freedom subcommittee of the New Jersey Association of School Librarians, I am writing to you because the removal of Alison Bechdel's Fun Home from the shelves of the North Hunterdon High School media center did not follow the policy set forth by the Board of Education.

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Although the complaint originated with a staff member, it still must follow the process specified in Regulation #9130. Because the North Hunterdon-Voorhees Regional High School District Board of Education publicly supports the principles of intellectual freedom, set forth in the First Amendment to the U.S. Constitution and laid out in the American Library Association's Library Bill of Rights (<http://www.ala.org/advocacy/sites/ala.org.advocacy/files/content/intfreedom/librarybill/lbor.pdf>), we expect that the book will be returned to the shelf until the procedure for dealing with complaints is followed to completion.



Sincerely,

Karla Ivarson  
NJASL Intellectual Freedom Subcommittee

Christina Cucci  
NJASL, President

---

**From:** Bender, Jeffrey <jbender@nhvweb.net>  
**Sent:** Tuesday, February 19, 2019 9:18 AM  
**To:** Ron Peterson  
**Subject:** Fwd: Complaint about resource materials

FYI

----- Forwarded message -----

**From:** Jeffrey Bender <jbender@nhvweb.net>  
**Date:** Thu, Feb 14, 2019 at 3:31 PM  
**Subject:** RE: Complaint about resource materials  
**To:** Martha Hickson <mhickson@nhvweb.net>  
**CC:** Greg Cottrell <gcottrell@nhvweb.net>, Rich Bergacs (9089960991) <rbergacs@nhvweb.net>

Ms. Hickson,

The attachment you sent me is not a complaint but a directive issued by Dr. Cottrell to maintain inappropriate materials in a manner that prevents minors from accessing inappropriate content contained in the book Fun Home. Having seen the image referenced in Dr. Cottrell's memo it appears to me that the district could be accused of debauching the morals of minors if we were to allow free access to this material.

If your intention is to imply that the directive has violated board policy I disagree. You were not directed to remove the material from the library but to require parent permission prior to allowing student access. Board of Education policy 2530 states in part that materials "be appropriate to the level of the user". It is proper to allow parents to determine the appropriateness of this book for their minor children.

If you would like to discuss this issue further please contact my assistant, Kathleen Trontis to schedule an appointment.

Respectfully,

Jeff Bender

**From:** Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)>  
**Sent:** Wednesday, February 13, 2019 11:01 AM  
**To:** Jeffrey Bender <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
**Subject:** Complaint about resource materials

Mr. Bender:

I have received by hand delivery a written complaint (attached) about resource materials, the library book *Fun Home* by Alison Bechdel. As outlined in board policies 2530 and 9130, I am directing this complaint to your attention.

**Martha Hickson, MLIS**

Librarian

North Hunterdon High School

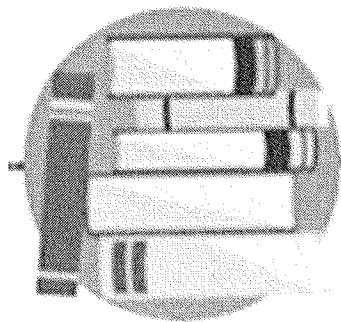
1445 Route 31

Annandale, NJ 08801

908-713-4199 x6414

[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobi



**Know Better**  
**@ the NHHS Media Center**  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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--

**Jeffrey Bender**  
**Superintendent of Schools**  
**North Hunterdon-Voorhees Regional HS District**  
**908-735-2846 ext. 5101**

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**From:** Jeffrey Bender <jbender@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 3:42 PM  
**To:** Cheryl Allen-Munley; Fran Goger; Heather Richards; Jessica Viotto; John Melick; Lisa Diederich; Rachel McLaughlin; Robert Kirchberger; Roger Straight; Shelley Crisologo; Tara Marie Hintz; Tom Roll  
**Subject:** Removal of book without Board input

All;

Earlier today you received an e-mail regarding removal of a book titled Fun Home.

I am forwarding an e-mail I received from North Hunterdon High School Librarian, Martha Hickson, who I believe is the source of the complaint. I will not forward the image, a web search using "fun home graphic novel controversy" will generate the information.

Also in this forward is my response to Ms. Hickson. If you have any questions please call me at 267-372-9475.

Regards,  
Jeff

**From:** Jeffrey Bender <jbender@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 3:31 PM  
**To:** Martha Hickson <mhickson@nhvweb.net>  
**Cc:** Greg Cottrell <gcottrell@nhvweb.net>; Rich Bergacs (9089960991) <rbergacs@nhvweb.net>  
**Subject:** RE: Complaint about resource materials

Ms. Hickson,

The attachment you sent me is not a complaint but a directive issued by Dr. Cottrell to maintain inappropriate materials in a manner that prevents minors from accessing inappropriate content contained in the book Fun Home. Having seen the image referenced in Dr. Cottrell's memo it appears to me that the district could be accused of debauching the morals of minors if we were to allow free access to this material.

If your intention is to imply that the directive has violated board policy I disagree. You were not directed to remove the material from the library but to require parent permission prior to allowing student access. Board of Education policy 2530 states in part that materials "be appropriate to the level of the user". It is proper to allow parents to determine the appropriateness of this book for their minor children.

If you would like to discuss this issue further please contact my assistant, Kathleen Trontis to schedule an appointment.

Respectfully,

Jeff Bender

**From:** Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)>  
**Sent:** Wednesday, February 13, 2019 11:01 AM  
**To:** Jeffrey Bender <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>  
**Subject:** Complaint about resource materials

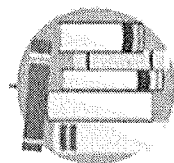
Mr. Bender:

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**Martha Hickson, MLIS**

Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zobi



**Know Better**  
**@ the NHHS Media Center**  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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---

**From:** Jeffrey Bender <jbender@nhvweb.net>  
**Sent:** Thursday, February 14, 2019 3:31 PM  
**To:** Martha Hickson  
**Cc:** Greg Cottrell; Rich Bergacs (9089960991)  
**Subject:** RE: Complaint about resource materials

Ms. Hickson,

The attachment you sent me is not a complaint but a directive issued by Dr. Cottrell to maintain inappropriate materials in a manner that prevents minors from accessing inappropriate content contained in the book *Fun Home*. Having seen the image referenced in Dr. Cottrell's memo it appears to me that the district could be accused of debauching the morals of minors if we were to allow free access to this material.

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If you would like to discuss this issue further please contact my assistant, Kathleen Trontis to schedule an appointment.

Respectfully,

Jeff Bender

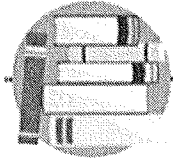
**From:** Martha Hickson <mhickson@nhvweb.net>  
**Sent:** Wednesday, February 13, 2019 11:01 AM  
**To:** Jeffrey Bender <jbender@nhvweb.net>  
**Subject:** Complaint about resource materials

Mr. Bender:

I have received by hand delivery a written complaint (attached) about resource materials, the library book *Fun Home* by Alison Bechdel. As outlined in board policies 2530 and 9130, I am directing this complaint to your attention.

**Martha Hickson, MLIS**  
Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *Pride* by Ibi Aanu Zoboi



**Know Better**  
**@ the NHHS Media Center**  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

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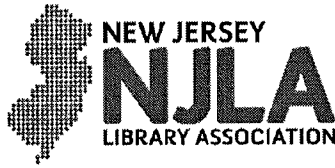
**From:** Leah Wagner <lwagner@monroetwplibrary.org>  
**Sent:** Thursday, February 21, 2019 4:38 PM  
**To:** <jbender@nhvweb.net>  
**Subject:** New Jersey Library Association  
**Attachments:** NHVRHS Letter 2-21-19.pdf

Dear Mr. Bender,

Attached is a letter from the New Jersey Library Association expressing out concerns regarding the District's lending policy for the book Fun Home: A Family Tragicomic.  
If you have further questions please feel free to contact me.

Sincerely,

Leah Wagner  
President, New Jersey Library Association  
Assistant Director  
Monroe Township Library  
4 Municipal Plaza



February 21, 2019

Jeffery Bender  
Superintendent,  
North Hunterdon-Voorhees Regional High School District  
1445 Route 31  
Annandale, NJ 08801

Dear Mr. Bender,

As President of the New Jersey Library Association I am writing to you in order to express our concern about the removal of the graphic novel *Fun Home: A Family Tragicomic* by Alison Bechdel from high school libraries in your district.

The North Hunterdon-Voorhees School District has established excellent selection criteria that we worry may have been circumvented in the course of this action, particularly policy numbers 2530 and 9130.

We encourage you to establish a reconsideration committee in accordance with your policy and we further hope that said committee will take into account the numerous positive reviews of the title, the author's significance as a prominent and positive LGBTQ figure, as well as the recently passed law (S1569 PL2019 c.6) which states that school boards must adopt instructional materials that accurately and adequately represent the LGBTQ community.

We affirm and support the principles of Intellectual Freedom as laid out in the First Amendment of the Constitution of the United States as well as in the American Library Association's Library Bill of Rights. In light of these concerns, we urge you to respect your students' constitutional rights and reconsider your position.

Sincerely,

Leah Wagner  
President, New Jersey Library Association

Cc: North Hunterdon—Voorhees Regional Board of Education  
Greg Cottrell, Principal, North Hunterdon High School  
Ron Peterson, Principal, Voorhees High School

**NJLA, PO Box 1534, Trenton, NJ 08607 | Phone :(609) 394-8032 | Fax: (609) 394-8164**

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**From:** Bender, Jeffrey <jbender@nhvweb.net>  
**Sent:** Tuesday, February 19, 2019 4:41 PM  
**To:** Rich Bergacs  
**Subject:** Fwd: Letter from NCAC and Partners re: 'Fun Home'

FYI

----- Forwarded message -----  
**From:** Abena Hutchful <[abena@ncac.org](mailto:abena@ncac.org)>  
**Date:** Tue, Feb 19, 2019 at 3:27 PM  
**Subject:** Letter from NCAC and Partners re: 'Fun Home'  
**To:** <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>, <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)>  
**CC:** <[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)>, <[rpeterson@nhvweb.net](mailto:rpeterson@nhvweb.net)>

Good afternoon Superintendent Bender,

I hope this finds you well. I manage the Kids' Right to Read Project, an initiative by civil liberties and literary organizations dedicated to protecting students' freedom to read. We recently learned of restrictions placed by administrators in your district on the graphic novel, *Fun Home*, by Alison Bechdel and are writing to advise you on the legal and educational implications of this decision. Please share this letter with members of the board of education, administration, and any other interested staff.

Please do not hesitate to reach out to us if you have any questions or need further guidance.

Thank you and kind regards,

Abena



Abena Hutchful  
Youth Free Expression Program Associate  
National Coalition Against Censorship  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



19 Fulton Street, #407, New York, NY 10038  
[ncac.org](http://ncac.org)

--  
Jeffrey Bender  
Superintendent of Schools  
North Hunterdon-Voorhees Regional HS District  
908-735-2846 ext. 5101

NATIONAL  
COALITION  
AGAINST  
CENSORSHIP

KIDS'  
RIGHT  
TO READ

A project of the National  
Coalition Against Censorship

CO-SPONSORED BY

American Booksellers for Free  
Expression  
Comic Book Legal Defense  
Fund

February 19, 2019

Jeffrey Bender, Superintendent  
North Hunterdon-Voorhees School District  
1445 Route 31  
Annandale, NJ 08801

Sent via Electronic Mail to: [jbender@nhvweb.net](mailto:jbender@nhvweb.net)

Dear Superintendent Bender,

Our coalition of advocates for freedom of expression in education is concerned by reports that administrators have restricted student access to the graphic novel *Fun Home: A Family Tragicomic*, by Alison Bechdel in both high school libraries in your district, North Hunterdon and Voorhees.

In the interest of preserving intellectual freedom and equal protection in your district, **we urge you to respect your students' constitutional rights and return *Fun Home* to library shelves** where all who choose to read it may do so. We also encourage you to familiarize your administration with the relevant district policies in order to ensure that **future decisions about instructional materials are based on pedagogical motives, rather than ideological ones.**

We understand that administrators from both schools requested to inspect *Fun Home*. After that inspection, administrators objected to images on a single page and circumvented district policies by restricting the book's circulation to only those students with parental permission.

Our legal system recognizes images, like words, as First Amendment-protected symbolic expression. Graphic novels like *Fun Home* combine visual art with literary and cinematic techniques for educationally rich storytelling. **Disregarding the book's educational value and restricting students' access to *Fun Home* before review by a board-sanctioned reconsideration committee to determine its educational suitability does not comport with First Amendment imperatives and is constitutionally suspect.**<sup>1</sup>

The Supreme Court has long established that the First Amendment limits public school officials' discretion regarding the suppression of *library* books because "students must always remain free to inquire, to study, and to evaluate, to gain new maturity and understanding"

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<sup>1</sup> See *Monteiro v. Tempe Union High School District* (9th Cir. 1998) (recognizing the First Amendment right of students to read books selected for their "legitimate educational value," even if offensive to some parents and students).

and “the school library is the principal locus of such freedom.”<sup>2</sup> According to the Court, public schools should base curricular decisions on pedagogical reasoning, not to satisfy an “officially prescribed orthodoxy.”<sup>3</sup>

North Hunterdon-Voorhees School District Policy No. 2530 and Regulation 9130 (E) act as due process safeguards from arbitrary denial of students’ First Amendment rights by ensuring that decisions about student access to information is based on an official review of objective criteria, not on the subjective viewpoint of individual administrators. Protecting freedom of expression in your district requires that all school officials understand and carefully adhere to these policies.

*Fun Home* is an essential text that has been recognized with significant literary awards. The book has been heralded within the literary and arts community as “a pioneering work” in the comics and memoir genres. (*New York Times Sunday Book Review*). Bechdel’s memoir is resonant with many youth experiences and offers teen readers a safe place to examine questions related to personal identity, family relationships, and the need to face the truth in their own lives.

*Booklist* has recommended *Fun Home* for young adult readers, noting that the “the very few incidental sex scenes” are “non-prurient” and that “the family story rings utterly and movingly true.” While the book does contain a few images that some may find sexually explicit, these images are an integral part of the larger narrative and do not negate the book’s educational value taken as a whole. The Comic Book Legal Defense Fund has produced a discussion guide to aid educators in moderating discussions on the novel’s philosophical questions and Bechdel’s use of illustration. We hope your committee will find the guide useful in its review.

Not only does restricting LGBTQ books like *Fun Home* likely violate the First Amendment, it further stigmatizes and marginalizes LGBTQ youth and fosters an atmosphere of intolerance. *Fun Home* is so highly regarded for LGBTQ teens that *Seventeen* magazine included the book on its list of “13 Beautiful Books Every LGBTQ Teen Should Read.”

In addition, as you may be aware, on Jan. 31, 2019, New Jersey Governor Phil Murphy signed legislation requiring boards of education to include instruction, and adopt instructional materials, that accurately portray political, economic, and social contributions of LGBTQ people. As a MacArthur “genius” grant-winning author of an acclaimed work that redefined the memoir genre and became the basis for a Tony-award winning Best Musical, author/illustrator Alison Bechdel is a pioneering LGBT contributor worthy of study and inclusion in your libraries.

For the above stated reasons, we ask you to follow board policies to establish a reconsideration committee and we urge the committee to prioritize educational qualities over ideological objections and keep *Fun Home* on library shelves. Regulation 9130 requires that the review committee include teachers and librarians. Policy 2530 also specifies criteria that the committee should consider in assessing the book including its “artistic, historic, and literary qualities,” reflection of real-world problems and representation of diverse viewpoints. Should some parents find their children are not yet mature enough to appreciate the literary and artistic value of the novel, they can guide their own children to make reading choices

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<sup>2</sup> *Board of Education v. Pico*, 457 U.S. 853, 868-69 (1982)(plurality opinion)

<sup>3</sup> *Id.*

suitied to their preferences rather than infringing the rights of all other students. *Fun Home* should remain accessible to all those who seek inspiration from its pages.

Please do not hesitate to contact us for further guidance. Thank you.

With warm regards,



Chris Finan, Executive Director  
National Coalition Against Censorship



Charles Brownstein, Executive Director  
Comic Book Legal Defense Fund



Millie Davis, Director  
Intellectual Freedom Center  
National Council of Teachers of English



Jeanne LoCicero, Legal Director  
American Civil Liberties Union  
of New Jersey



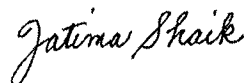
Karen Loewy, Senior Counsel  
Lambda Legal



Mary Rasenberger, Executive Director  
The Authors Guild



David Grogan, Director  
American Booksellers for Free Expression  
Committee



Fatima Shaikh, Co-Chair  
PEN Children's and Young Adult Books



Christian Fuscarino, Executive Director  
Garden State Equality

Cc:

Robert Kirchberger, President  
North Hunterdon-Voorhees Board of Education  
[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)

Dr. Greg Cottrell, Principal  
North Hunterdon High School  
[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)

Ron Peterson, Principal  
Voorhees High School  
[rpeterson@nhvweb.net](mailto:rpeterson@nhvweb.net)

---

**From:** Kristin Pekoll <kpekoll@ala.org>  
**Sent:** Friday, February 15, 2019 3:16 PM  
**To:** jrbender@nhvweb.net; rpeterson@nhvweb.net; gcottrell@nhvweb.net;  
rkirchberger@nhvweb.net; fgoger@nhvweb.net; ldiederich@nhvweb.net; callen-  
munley@nhvweb.net; jmelick@nhvweb.net; rmclaughlin@nhvweb.net;  
hrichards@nhvweb.net; rstraight@nhvweb.net; tjroll@nhvweb.net;  
thintz@nhvweb.net; scrisologo@nhvweb.net; jviotto@nhvweb.net  
**Cc:** Deborah Caldwell-Stone  
**Subject:** American Library Association Letter to North Hunterdon-Voorhees Regional High  
School District  
**Attachments:** ALA.NorthHunterdon-Voorhees.NJ.pdf

Dear Mr. Bender,

ALA's Office for Intellectual Freedom (OIF) has been apprised of the recent challenge to Alison Bechdel's *Fun Home: A Family Tragicomic* in the North Hunterdon-Voorhees Regional High School District. I have attached a letter on behalf of Deborah Caldwell Stone, OIF interim director, addressing our concerns and urging you to reconsider your actions to restrict this book. Please share this letter with members of the board of education, administration, and any other staff that may be interested. We are always available should you have any questions or need any assistance.

*Kristin*

Kristin Pekoll, Assistant Director  
[Office for Intellectual Freedom](#)

**ALA American Library Association**  
50 E. Huron Street, Chicago, IL 60611  
312.280.4221  
800.545.2433 x4221

50 East Huron Street  
Chicago, Illinois 60611-2795  
USA

Telephone: 312 280 4226  
E-mail: [oif@ala.org](mailto:oif@ala.org)  
[www.ala.org/oif](http://www.ala.org/oif)

# ALA American Library Association

Office for Intellectual Freedom

February 15, 2019

Jeffrey Bender  
Superintendent,  
North Hunterdon-Voorhees Regional High School District  
1445 Route 31  
Annandale, NJ 08801

Dear Mr. Bender,

I'm writing on behalf of the American Library Association's Office for Intellectual Freedom. We wish to express our deep concern regarding the proposed restrictions on the availability of the graphic novel *Fun Home: A Family Tragicomic* by Alison Bechdel in the high school libraries.

Decisions about the availability of materials in the school library – including removing or restricting students' access to books – should be done according to written selection and reconsideration policies. Such policies and procedures are vital to preserving free inquiry and the First Amendment right to read within the school and its library. Further, they offer important procedural and substantive protections for the student's right to access materials, the faculty's integrity and professional responsibilities, and the principles of free speech and freedom of information. Most importantly, written selection and reconsideration policies prevent anyone from subjectively blocking all students from accessing materials simply because he or she does not like them or fears public controversy.

Under the best professional standards, selection and review policies ask administrators, board members, and faculty to set aside their personal beliefs and evaluate the work in light of the objective educational standards outlined in the district's curriculum development policy. Passages or parts of the work are not to be considered out of context, and the work's value should be weighed based on the reviewer's evaluation of the work as a whole. Challenged materials should not be restricted or removed from the library except upon the recommendation of the reconsideration committee or upon formal action of the school board after thorough review and all perspectives are considered.

Because the decision to restrict students' access to *Fun Home* was made unilaterally, the students, parents, and faculty affected by the decision were never given the opportunity for a fair hearing to voice their views or raise their concerns. In addition, the Supreme Court and other federal courts have concluded that the First Amendment imposes limitations upon the discretion of school officials to remove library books from school libraries when the motivation for removing the book is disapproval of the social perspectives, political ideas, or opinions expressed in the book. See *Board of Educ. v. Pico*,

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457 U.S. 853 (1982) and *Case v. Unified School District No. 233*, 908 F. Supp. 864 (1995).

Actions which fall short of removal but nonetheless abridge students' ability to freely browse or access library materials can also violate students' First Amendment rights. In *Counts, et al. v. Cedarville School District*, 295 F.Supp.2d 996 (W.D. Ark. 2003) a federal court ruled that a school board's requirement that students obtain parental permission to read particular books was an unconstitutional infringement of students' First Amendment right to access materials in the school library. In so ruling, the court said that while the school board necessarily performed highly discretionary functions related to the schools' operation, it was still bound by the Constitution and the Bill of Rights and could not abridge students' First Amendment right to read a book because the board or administration disagreed with the ideas contained in the book.

We understand the concerns about the content of *Fun Home* – particularly regarding its format using images that deal with sexual identity or that contain nudity. Images are a powerful tool for storytelling. But neither the use of images nor the inclusion of complex themes about one's coming of age or sexual identity make *Fun Home* "inappropriate to the level of the user." As Elizabeth Jewett, Superintendent of the Watchung Hills School District noted, when [addressing similar concerns](#) raised by parents in her district, "We acknowledge that a few such images appear in the novel, but we do not feel their presence in any way diminishes the literary quality of the work. Thumbing through the novel and pointing to an image or two misses the context in which these images are presented. We endeavor to create readers who can analyze and evaluate an image – whether presented visually or rendered in prose – and who can view this image in context." It is plain in examining the work as a whole in light of the law, it is neither obscene nor indecent, but instead a work of literary merit that is regularly included in high school curricula across the United States.

*Fun Home: A Family Tragicomic* has received numerous awards and starred reviews by professional publications like *Kirkus Reviews*, *Booklist*, and *Library Journal* that recommend the book for teen audiences. It was a finalist for the 2006 National Book Critics Circle Award and received notable honors such as the best of 2006 by the *New York Times*, *Time*, *Entertainment Weekly*, *Salon*, and *Publishers Weekly*. "[With] uncommon richness [and] depth... [*Fun Home*] shares as much in spirit with...other contemporary memoirists of considerable literary accomplishment" (*Kirkus Reviews*, Starred). *Fun Home*'s appeal for a teen audience is demonstrated by its inclusion in the library collections at numerous high schools in New Jersey and across the country.

Students have a right to read literature of their choice, particularly high-quality literature like *Fun Home*, which illuminates contemporary social issues and may reflect the lives and concerns of many of North Hunterdon and Voorhees students. While parents and community members may rightfully voice their concerns, and select different materials for themselves and their children, those objecting to particular books should not be given the power to restrict other users' rights of access to the material.

We urge you to recognize the North Hunterdon-Voorhees Regional High School District's legal obligation to respect and protect students' constitutional rights. We strongly encourage you to "reset the clock," and initiate a reconsideration procedure for *Fun Home* that will provide all parties with a fair

opportunity to have their concerns heard and allow for evaluation of the book. We further encourage you to remove the restrictions placed on *Fun Home* and return the book as quickly as possible to library shelves. Such action will reaffirm the importance and value of the freedom to read and send a message to students that in this country they have the right and responsibility to think critically about what they read, rather than allowing others to do their thinking for them.

Sincerely,

A handwritten signature in black ink that reads "Deborah Caldwell Stone". The signature is fluid and cursive, with a long horizontal line extending to the right.

Deborah Caldwell Stone  
Interim Director  
American Library Association  
Office for Intellectual Freedom

Cc:

North Hunterdon-Voorhees Regional Board of Education  
Greg Cottrell, Principal, North Hunterdon High School  
Ron Peterson, Principal, Voorhees High School

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Friday, February 15, 2019 4:03 PM  
**To:** Jeffrey Bender  
**Subject:** Fun home

Not that you need anymore rational with the BOE, but in case you do, we are one of the only schools in the area that has the book. PHS, HCHS and WHHS all do not have it. It certainly is not a literary masterpiece that is on the shelf of every library.

---

**From:** Bender, Jeffrey <jbender@nhvweb.net>  
**Sent:** Friday, February 15, 2019 6:33 PM  
**To:** Cottrell, Greg  
**Subject:** Re: Fun home

Got it, thanks

On Fri, Feb 15, 2019 at 4:03 PM Cottrell, Greg <gcottrell@nhvweb.net> wrote:

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--

**Jeffrey Bender**  
**Superintendent of Schools**  
**North Hunterdon-Voorhees Regional HS District**  
**908-735-2846 ext. 5101**

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**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Friday, February 1, 2019 10:45 AM  
**To:** Jeffrey Bender; Rich Bergacs  
**Subject:** Fun Home

FYI, This article is about NHHS  
<http://cblfd.org/2019/01/fun-home-removed-without-review-in-nj-high-school-library/>

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Friday, February 1, 2019 10:45 AM  
**To:** Yulee Kim  
**Subject:** Fun Home

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<http://cblfd.org/2019/01/fun-home-removed-without-review-in-nj-high-school-library/>

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---

**From:** Kim, Yulee <ykim@nhvweb.net>  
**Sent:** Friday, February 1, 2019 11:38 AM  
**To:** Cottrell, Greg  
**Subject:** Re: Fun Home

thank goodness no specific names included... see you later

On Fri, Feb 1, 2019 at 10:45 AM Cottrell, Greg <gcottrell@nhvweb.net> wrote:

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--  
Ms. Yulee Kim  
Assistant Principal  
North Hunterdon High School  
(908) 713-4199 ext. 6354  
[ykim@nhvweb.net](mailto:ykim@nhvweb.net)

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**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Tuesday, February 5, 2019 9:40 AM  
**To:** Bender, Jeffrey; rkirchberger@nhvweb.net; camille.delavaux@ku.edu  
**Subject:** Re: Removal of "Fun Home" ignoring Protocol NHHS

Camille,

I hope that you are doing well. I appreciate your concern for the book Fun Home. Please be aware that proper procedures were followed for the review of this book.

Follett Destiny is the management system that we use to manage our library resources. We have thousands of books in our media center and Fun Home is the only one that is listed as having adult content. Please know that we do not take the removal of any book lightly. We are evaluating how best to move forward with ensuring that the explicit scenes graphically illustrated within the book do not unintentionally end up in the hands of a minor who may be unaware of the context of the book.

Thank You.

On Mon, Feb 4, 2019 at 1:59 PM Bender, Jeffrey <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)> wrote:

----- Forwarded message -----

From: **Camille Delavaux** <[camille.delavaux@ku.edu](mailto:camille.delavaux@ku.edu)>

Date: Mon, Feb 4, 2019 at 1:30 PM

Subject: Removal of "Fun Home" ignoring Protocol NHHS

To: <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>, <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)>, <[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)>

Good afternoon all,

My name is Camille Delavaux and I was a NHHS student (class of 2010). It has come to my attention that the school has removed the book "Fun Home" without going through the normal protocol for requesting and assessing the request of book removal.

As a proud NHHS graduate, I strongly disapprove of this decision without regard to the policy in place for such decisions.

I ask you to use the proper protocol set in place to address this issue.

Thank you for your time,

Camille

--

Camille Suzanne Delavaux  
Madison and Lila Self Fellow  
*Doctoral Student, Ecology and Evolutionary Biology*  
University of Kansas  
*Master's of Environmental Science*

Yale School of Forestry and Environmental Studies

<http://camilledelavaux.weebly.com>  
[www.linkedin.com/in/camilledelavaux](http://www.linkedin.com/in/camilledelavaux)

--

**Jeffrey Bender**  
**Superintendent of Schools**  
**North Hunterdon-Voorhees Regional HS District**  
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Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Thursday, February 7, 2019 1:32 PM  
**To:** Ron Peterson  
**Subject:** Fun Home

Ron,  
This is the directive that I gave to Martha.

**To: Martha Hickson**  
**From: Greg Cottrell**  
**CC: Mike Kane, Yulee Kim**  
**Date: 2/7/19**  
**Subject: Fun Home Book Permission**

It has come to my attention that the book titled *Fun Home: A family Tragicomic* contains sexually explicit illustrations on page 214. It is also the only book in our library collection which Follet Destiny labels as having "adult content". As a school, we have an obligation to ensure that the children who attend our school do not access adult content that they are not emotionally or developmentally prepared to encounter. Based on this information, I am directing you to make the book available to students only after parent permission is received to acknowledge that the parent gives consent for their child to view a book with "adult content".

Thank You,

Greg Cottrell  
Principal  
North Hunterdon High School

--

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Twitter @NHPrincipal

---

**From:** Peterson, Ron <rpeterson@nhvweb.net>  
**Sent:** Thursday, February 7, 2019 1:59 PM  
**To:** Cottrell, Greg  
**Subject:** Re: Fun Home

Thanks.

***Ron Peterson***

Principal  
Voorhees High School  
256 County Road 513  
Glen Gardner, New Jersey 08826  
(908)638-6116

On Thu, Feb 7, 2019 at 1:31 PM Cottrell, Greg <gcottrell@nhvweb.net> wrote:

Ron,  
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**To: Martha Hickson**  
**From: Greg Cottrell**  
**CC: Mike Kane, Yulee Kim**  
**Date: 2/7/19**  
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Principal  
North Hunterdon High School

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Greg Cottrell  
Principal  
North Hunterdon High School

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**Sent:** Friday, February 1, 2019 10:45 AM  
**To:** Yulee Kim  
**Subject:** Fun Home

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<http://cbldf.org/2019/01/fun-home-removed-without-review-in-nj-high-school-library/>

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**From:** Martha Hickson <mhickson@nhvweb.net>  
**Sent:** Friday, February 22, 2019 7:58 AM  
**To:** Greg Cottrell; Michael Kane; Yulee Kim  
**Subject:** RE: Fun Home

Greg:

Thank you for giving additional thought to your decisions regarding *Fun Home*. I was out of the office on Wednesday (snow day) and Thursday (professional day), but will return to the book to accessible shelving today.

Can you please confirm that your most recent directive has the consent of Mr. Bender, who last week warned me that providing access to the book would be “debauching the morals of minors”? After the stress and controversy of the last month, I do not wish to now be accused of defying Mr. Bender’s orders or “debauchery.”

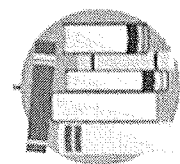
Thanks!

Martha

**Martha Hickson, MLIS**

Librarian  
North Hunterdon High School  
1445 Route 31  
Annandale, NJ 08801  
908-713-4199 x6414  
[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)

Currently reading: *A Tale for the Time Being* by Ruth Ozeki



**Know Better**  
**@ the NHHS Media Center**  
[tinyurl.com/nhmc-home](http://tinyurl.com/nhmc-home)

**From:** Cottrell, Greg <[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)>  
**Sent:** Tuesday, February 19, 2019 5:49 PM  
**To:** Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)>; Michael Kane <[mkane@nhvweb.net](mailto:mkane@nhvweb.net)>; Yulee Kim <[ykim@nhvweb.net](mailto:ykim@nhvweb.net)>  
**Subject:** Fun Home

Martha,

I have reconsidered the restrictions placed on *Fun Home* and the process taken to reach those restrictions. At this time you may put *Fun Home* back on the shelves without restrictions. There may be a committee established to review the book in the future but the details of that have yet to be determined. In the meantime, *Fun Home* may be made available to any student who wishes to read it.

Thank you,  
Greg

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**From:** Martha Hickson <mhickson@nhvweb.net>  
**Sent:** Friday, February 22, 2019 11:41 AM  
**To:** Greg Cottrell  
**Subject:** RE: Fun Home

Thanks for the update. I'll take care of it.

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Friday, February 22, 2019 11:39 AM  
**To:** Martha Hickson <mhickson@nhvweb.net>  
**Cc:** Michael Kane <mkane@nhvweb.net>; Yulee Kim <ykim@nhvweb.net>  
**Subject:** Re: Fun Home

That is correct. Mr. Bender has given consent to have the book on the shelves.

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Greg:

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Thanks!

Martha

**Martha Hickson, MLIS**

Librarian

North Hunterdon High School

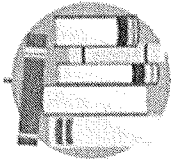
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Currently reading: *A Tale for the Time Being* by Ruth Ozeki



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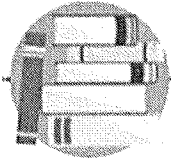
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**Subject:** Fun Home

Martha,

I have reconsidered the restrictions placed on Fun Home and the process taken to reach those restrictions. At this time you may put Fun Home back on the shelves without restrictions. There may be a committee established to review the book in the future but the details of that have yet to be determined. In the meantime, Fun Home may be made available to any student who wishes to read it.

Thank you,

Greg

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--

*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

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---

**From:** Bender, Jeffrey <jbender@nhvweb.net>  
**Sent:** Monday, February 4, 2019 2:00 PM  
**To:** Cottrell, Greg  
**Subject:** Fwd: Removal of "Fun Home" ignoring Protocol NHHS

----- Forwarded message -----

**From:** **Camille Delavaux** <[camille.delavaux@ku.edu](mailto:camille.delavaux@ku.edu)>  
**Date:** Mon, Feb 4, 2019 at 1:30 PM  
**Subject:** Removal of "Fun Home" ignoring Protocol NHHS  
**To:** <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>, <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)>, <[gcotrell@nhvweb.net](mailto:gcotrell@nhvweb.net)>

Good afternoon all,

My name is Camille Delavaux and I was a NHHS student (class of 2010). It has come to my attention that the school has removed the book "Fun Home" without going through the normal protocol for requesting and assessing the request of book removal.

As a proud NHHS graduate, I strongly disapprove of this decision without regard to the policy in place for such decisions.

I ask you to use the proper protocol set in place to address this issue.

Thank you for your time,

Camille

--  
Camille Suzanne Delavaux  
Madison and Lila Self Fellow  
*Doctoral Student, Ecology and Evolutionary Biology*  
University of Kansas  
*Master's of Environmental Science*  
Yale School of Forestry and Environmental Studies

<http://camilledelavaux.weebly.com>  
[www.linkedin.com/in/camilledelavaux](http://www.linkedin.com/in/camilledelavaux)

--  
**Jeffrey Bender**  
**Superintendent of Schools**  
**North Hunterdon-Voorhees Regional HS District**  
**908-735-2846 ext. 5101**

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---

**From:** Michael Kane <mkane@nhvweb.net>  
**Sent:** Monday, February 4, 2019 2:35 PM  
**To:** Greg Cottrell; Martha Hickson; Stephen Halldorson  
**Subject:** Follow Up

Hi Greg,

Thank you for meeting with us on Friday. We will wait to hear from you in the next week or two regarding the development of a book removal review committee for Fun Home.

Thank you,

Mike

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---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Tuesday, February 5, 2019 9:43 AM  
**To:** Michael Kane; Yulee Kim  
**Cc:** Martha Hickson; Stephen Halldorson  
**Subject:** Re: Follow Up

Mike and Martha,  
I have some new information regarding this situation that I would like to discuss with you. Would a meeting on Thursday at 12:00 work for you both?  
Thanks  
Greg

On Mon, Feb 4, 2019 at 2:34 PM Michael Kane <[mkane@nhvweb.net](mailto:mkane@nhvweb.net)> wrote:

Hi Greg,

Thank you for meeting with us on Friday. We will wait to hear from you in the next week or two regarding the development of a book removal review committee for Fun Home.

Thank you,

Mike

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--

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Principal

908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
Twitter @NHPrincipal

---

**From:** Kane, Michael <mkane@nhvweb.net>  
**Sent:** Tuesday, February 5, 2019 3:16 PM  
**To:** Cottrell, Greg  
**Cc:** Martha Hickson; Stephen Halldorson; Yulee Kim  
**Subject:** Re: Follow Up

Greg,

Meeting Thursday at noon works for Martha and I. We just need to finish by 12:25 so Martha can make her class.

Thanks,

Mike

On Tue, Feb 5, 2019 at 9:42 AM Cottrell, Greg <[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)> wrote:

Mike and Martha,

I have some new information regarding this situation that I would like to discuss with you. Would a meeting on Thursday at 12:00 work for you both?

Thanks

Greg

On Mon, Feb 4, 2019 at 2:34 PM Michael Kane <[mkane@nhvweb.net](mailto:mkane@nhvweb.net)> wrote:

Hi Greg,

Thank you for meeting with us on Friday. We will wait to hear from you in the next week or two regarding the development of a book removal review committee for Fun Home.

Thank you,

Mike

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--  
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---

**From:** Greg Cottrell <gcottrell@nhvweb.net>  
**Sent:** Wednesday, February 6, 2019 7:10 AM  
**To:** gcottrell@nhvweb.net  
**Subject:** Accepted: Fun Home Meeting @ Thu Feb 7, 2019 12pm - 12:30pm (EST) (Greg Cottrell)

Yulee Kim has accepted this invitation.  
**Fun Home Meeting**

<i>When</i>	Thu Feb 7, 2019 12pm – 12:30pm Eastern Time - New York
<i>Calendar</i>	Greg Cottrell
<i>Who</i>	<ul style="list-style-type: none"><li>• Greg Cottrell - organizer</li><li>• ykim@nhvweb.net</li><li>• mhickson@nhvweb.net</li><li>• Michael Kane</li></ul>

Invitation from [Learn More](#).

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delete this e-mail and all attachments from your system. Thank You.



---

**Subject:** Fun Home Meeting

**Start:** Thu 2/7/2019 12:00 PM  
**End:** Thu 2/7/2019 12:30 PM

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Greg Cottrell

---

**From:** "Martha Hickson" <mhickson@nhvweb.net>  
**Sent:** Wednesday, February 6, 2019 7:23 AM  
**To:** Greg Cottrell  
**Subject:** Accepted: Fun Home Meeting

--

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---

**From:** Greg Cottrell <gcottrell@nhvweb.net>  
**Sent:** Wednesday, February 6, 2019 7:52 AM  
**To:** gcottrell@nhvweb.net  
**Subject:** Accepted: Fun Home Meeting @ Thu Feb 7, 2019 12pm - 12:30pm (EST) (Greg Cottrell)

Michael Kane has accepted this invitation.

**Fun Home Meeting**

*When*

Thu Feb 7, 2019 12pm – 12:30pm Eastern Time - New York

*Calendar*

Greg Cottrell

*Who*

- 
- 
- 
- 

**Greg Cottrell** - organizer  
ykim@nhvweb.net  
mhickson@nhvweb.net  
Michael Kane

Invitation from [Learn More](#).

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delete this e-mail and all attachments from your system. Thank You.

---

**Subject:** Fun Home Meeting

**Start:** Thu 2/7/2019 12:00 PM  
**End:** Thu 2/7/2019 12:30 PM

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Greg Cottrell

---

**From:** Kim, Yulee <ykim@nhvweb.net>  
**Sent:** Wednesday, February 6, 2019 8:46 AM  
**To:** Cottrell, Greg  
**Subject:** Permission slip

As long as this looks fine with you, I can share this with Martha or we can ask her to review it at the meeting tomorrow and share her input. Whatever you feel is best.

--

Ms. Yulee Kim  
Assistant Principal  
North Hunterdon High School  
(908) 713-4199 ext. 6354  
[ykim@nhvweb.net](mailto:ykim@nhvweb.net)

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## Permission Slip

To Whom It May Concern:

I give my student \_\_\_\_\_ permission to read Fun Home.

Thank you,

---

Parent/Guardian Signature

Date

## Permission Slip

To Whom It May Concern:

I give my student \_\_\_\_\_ permission to read Fun Home.

Thank you,

---

Parent/Guardian Signature

Date

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Tuesday, February 19, 2019 5:49 PM  
**To:** Martha Hickson; Michael Kane; Yulee Kim  
**Subject:** Fun Home

Martha,

I have reconsidered the restrictions placed on Fun Home and the process taken to reach those restrictions. At this time you may put Fun Home back on the shelves without restrictions. There may be a committee established to review the book in the future but the details of that have yet to be determined. In the meantime, Fun Home may be made available to any student who wishes to read it.

Thank you,

Greg

---

**From:** Cottrell, Greg <gcottrell@nhvweb.net>  
**Sent:** Monday, April 1, 2019 2:32 PM  
**To:** Rich Broan  
**Cc:** Yulee Kim; Jeffrey Bender; Ron Peterson  
**Subject:** Resource Materials Selection Committee

Rich,

We would like to put together a selection committee to provide consultation for the selection of Resource Materials in accordance with BOE Policy 2530. This includes the selection and removal of library books. The policy states that selection should have "effective consultation of teaching staff members at all appropriate grade levels". I am thinking that the committee should be made up of the Principal, AP responsible for ELA, Librarian, Lead English Teacher, Lead Social Studies teacher and you.

Do you think that there is anyone else that should be included? Do you want to meet as a district level committee or building level?

--

*Dr. Greg Cottrell*

North Hunterdon Regional High School  
Principal  
908-713-4118  
908-713-4199 ext.6350

[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
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---

**From:** Broan, Rich <rbroan@nhvweb.net>  
**Sent:** Monday, April 1, 2019 3:16 PM  
**To:** Cottrell, Greg  
**Cc:** Yulee Kim; Jeffrey Bender; Ron Peterson  
**Subject:** Re: Resource Materials Selection Committee

Hi, Greg. I think that is a good group for the committee. The regulation states principal, so I think this should be a building-level committee. Each school can have its own committee.

Let me know if you need anything for this.

Rich

Richard Broan  
Director of Curriculum, Articulation, and Student Achievement  
North Hunterdon-Voorhees Regional High School District  
908-735-2846 X5159  
Currently reading: *The Pillars of the Earth*, by Ken Follett

On Mon, Apr 1, 2019 at 2:32 PM Cottrell, Greg <[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)> wrote:

Rich,

We would like to put together a selection committee to provide consultation for the selection of Resource Materials in accordance with BOE Policy 2530. This includes the selection and removal of library books. The policy states that selection should have "effective consultation of teaching staff members at all appropriate grade levels". I am thinking that the committee should be made up of the Principal, AP responsible for ELA, Librarian, Lead English Teacher, Lead Social Studies teacher and you.

Do you think that there is anyone else that should be included? Do you want to meet as a district level committee or building level?

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---

**From:** Peterson, Ron <rpeterson@nhvweb.net>  
**Sent:** Tuesday, April 2, 2019 7:25 AM  
**To:** Broan, Rich  
**Cc:** Cottrell, Greg; Yulee Kim; Jeffrey Bender  
**Subject:** Re: Resource Materials Selection Committee

Greg,

That committee looks good to me. We will create the same one at Voorhees. Thanks.

***Ron Peterson***

Principal  
Voorhees High School  
256 County Road 513  
Glen Gardner, New Jersey 08826  
(908)638-6116

On Mon, Apr 1, 2019 at 3:19 PM Broan, Rich <[rbroan@nhvweb.net](mailto:rbroan@nhvweb.net)> wrote:

Hi, Greg. I think that is a good group for the committee. The regulation states principal, so I think this should be a building-level committee. Each school can have its own committee.

Let me know if you need anything for this.

Rich

Richard Broan  
Director of Curriculum, Articulation, and Student Achievement  
North Hunterdon-Voorhees Regional High School District  
908-735-2846 X5159  
Currently reading: *The Pillars of the Earth*, by Ken Follett

On Mon, Apr 1, 2019 at 2:32 PM Cottrell, Greg <[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)> wrote:

Rich,

We would like to put together a selection committee to provide consultation for the selection of Resource Materials in accordance with BOE Policy 2530. This includes the selection and removal of library books. The policy states that selection should have "effective consultation of teaching staff members at all appropriate grade levels". I am thinking that the committee should be made up of the Principal, AP responsible for ELA, Librarian, Lead English Teacher, Lead Social Studies teacher and you.

Do you think that there is anyone else that should be included? Do you want to meet as a district level committee or building level?

--

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[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)  
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---

**From:** pam <pammolnar@hotmail.com>  
**Sent:** Sunday, April 7, 2019 2:20 PM  
**To:** jbender@nhvweb.net  
**Subject:** Policy Change

I strongly ask that you reconsider your recent policy change regarding , what many view as an attack on our school libraries. I believe the NH/V district is suffocating its libraries and suppressing intellectual freedom, a major tenant of the previous policy.

The attempt to ban \_Fun Home\_ demonstrates the superintendent's willingness to circumnavigate the system in place that has worked well since 2001. Mr Bender, your track record is deplorable! Under your tenure in Union Twp, the libraries went unstaffed for 8 years! Imagine that! Its unconscionable.

This policy regulation lacks transparency and oversight as well as a collaborations of those working directly with students, becoming a subjective decision and conclusion instead of a collaborative effort. I strongly object. We need checks and balances; regulation/policy 9130 accomplished this.

The school based committees do not serve as an adequate checks and balance. They're pre-emptive censors. In my opinion the committees should include students, English teachers, librarians and parents if there is a question concerning a chosen book, not a hand picked committee of administrators.

A certified librarian should continue to do the job they were hired to do. They work directly with students, knowing their needs, desires and levels. They research, read and choose books based on the needs of students.

PLEASE restore commitment to intellectual freedom, 1st amendment, ALA Library Bill of Rights, NCTE Students Right to Read.

Please restore the 2001 version of the policy/regulation 2530. Please, Sir ,follow a system that was not broken.

Sincerely,  
Pamela Molnar

134 observatory rd  
Glen Gardner, NJ 08826

---

**From:** Maren Smagala <msmagala@nhvweb.net>  
**Sent:** Thursday, April 11, 2019 10:44 AM  
**To:** Jeffrey Bender  
**Subject:** Policy 2530 Resource Materials  
**Attachments:** Policy 2530 Resource Materials.docx

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## **2530 RESOURCE MATERIALS**

### Policy for Media Selection

The North Hunterdon-Voorhees Regional High School District Board of Education hereby declares it is the policy of the North Hunterdon Regional High School District to provide a wide range of instructional materials on all levels of difficulty, with diversity of appeal, and the presentation of different points of view and to allow the review of allegedly inappropriate instructional materials through established procedures.

### Objectives of Selection

In order to assure that the school media program is an integral part of the educational program of the school, the following selection objectives are adopted:

- To provide materials that will enrich and support the curriculum and personal needs of the users, taking into consideration their varied interests, abilities, and learning styles;
- To provide materials that will stimulate growth in factual knowledge, literacy appreciation, aesthetic values, and ethical standards;
- To provide materials on opposing sides of controversial issues so that users may develop under guidance the practice of critical analysis;
- To provide materials which realistically represent our pluralistic society and reflect the contributions made by these groups and individuals to our American heritage;
- To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users;
- To provide exposure to information technologies and techniques to enable students to participate in life-long learning skills.

### Responsibility for Selection

Although the North Hunterdon-Voorhees Regional High School District Board of Education is legally responsible for the operation of the schools, the responsibility for media selection materials is delegated to the certificated library/media personnel

While selection of materials involves many people, including library/media specialists, teachers, students, supervisors, administrators, and community persons, the responsibility for coordinating and recommending the selection and purchase of media rests with the certificated library/media personnel. Responsibility for coordinating the selection and purchase of textbooks rests with appropriate department chairpersons, principals or textbook evaluation committees.

### Criteria for Selection

Educational goals of the local school district, individual student learning modes, teaching styles, curricula needs, faculty and student needs, existing materials and networking arrangement should

be considered in developing the media collection. Guidelines for the evaluation and selection of curricula resources are listed.

- Curricular materials should:
- Be relevant to today's world;
- Represent artistic, historic, and literary qualities;
- Reflect problems, aspirations, attitudes and ideals of a society;
- Contribute to the objectives of the instructional program;
- Be appropriate to the level of the user;
- Represent differing viewpoints on controversial subjects;
- Provide a stimulus to creativity.

Technical materials should:

- Be of acceptable technical quality; clear narration and sound, synchronized pictures and sound;
- Be readable; typographically well-balanced.

The Board of Education shall provide resource materials to implement district and school educational goals and objectives as student needs dictate and district resources permit. Such materials include reference books, other supplementary titles, maps, library print and non-print materials, and other sources of information for use by students that are not designated as textbooks.

The Superintendent shall be responsible for the selection and maintenance of all resource materials, in accordance with the following standards:

1. Material will be suited to the varied interests, abilities, reading levels, and maturation levels of the students to be served;
2. Wherever possible, materials will provide major opposing views on controversial issues so that students may develop under guidance the practice of critical reading and thinking;
3. Wherever possible, materials will represent the many religious, ethnic, and cultural groups and their contribution to American heritage;
4. Materials will be factually accurate and of genuine literary or artistic value;
5. Materials will be of a quality and durability appropriate to their intended uses and longevity;
6. Materials will relate to, support, and enrich the courses of study adopted by the Board.



The Superintendent will develop regulations for the selection of resource materials that provide for the effective consultation of teaching staff members at all appropriate levels; ensure that the Board's budgetary allotment for resource materials is efficiently spent and wisely distributed throughout the instructional program and the district; and ensure an inventory of resource materials that is well balanced and well rounded in coverage of subject, types of materials, and variety of content.

The Superintendent will evaluate the continuing effectiveness and utility of resource materials and recommend to the Board the removal of those materials that no longer meet the standards set forth in this policy. Any request for the removal of resource materials will be governed by Policy No. 9130 on public complaints.

Adopted: 1 May 2001

Revised:

---

**From:** Kirchberger, Robert <rkirchberger@nhvweb.net>  
**Sent:** Saturday, April 13, 2019 7:59 AM  
**To:** Bergacs, Rich; Thomas J Roll; Jeff Bender  
**Subject:** Re: Policy Committee

sorry, meant to cc: Jeff

On Sat, Apr 13, 2019 at 7:57 AM Kirchberger, Robert <rkirchberger@nhvweb.net> wrote:  
Hi Rich -

thanks for sending.

Let's add a discussion of Policy & Regulation 2530 to the agenda.

I'd like to see the "before" and "after" for Regulation 2530, which was revised effective March 19, 2019.

Thx  
Rob

On Fri, Apr 12, 2019 at 2:41 PM Bergacs, Rich <rbergacs@nhvweb.net> wrote:  
Good Afternoon All,

For your convenience, here is a direct link to the folder for this month. Let me know if you have any questions.

<https://drive.google.com/drive/folders/1KZIr9zCoOi81IKyGobnVuK5sQTP2wRtI>

Rich

On Fri, Apr 12, 2019 at 9:06 AM Grube, Cindy <cgrube@nhvweb.net> wrote:  
Good Morning,

Information for the Policy Committee Meeting on Monday is now available for your reference in the Policy Committee's electronic folder.

Thank you,

**Cindy Grube**

North Hunterdon-Voorhees Regional High School District  
1445 Route 31 South  
Annandale, NJ 08801  
Tel. 908-735-2846 x5127

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--

*Dr. Richard A. Bergacs*

*Assistant Superintendent of Schools  
North Hunterdon-Voorhees Regional High School District  
1445 State Route 31  
Annandale, NJ 08801  
(908) 713-4103  
Fax (908) 735-6914  
Email [rbergacs@nhvweb.net](mailto:rbergacs@nhvweb.net)  
WebSite - <http://www.nhvweb.net>*

The North Hunterdon-Voorhees Regional High School District, a district committed to innovation, personal excellence, high achievement, and community partnership, provides all students with personalized opportunities through a broad spectrum of exemplary educational experiences to develop their fullest potential, to foster lifelong learning, and to become responsible citizens in a continually changing society

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**From:** Bergacs, Rich <rbergacs@nhvweb.net>  
**Sent:** Saturday, April 13, 2019 8:41 AM  
**To:** Kirchberger, Robert  
**Cc:** Thomas J Roll; Jeff Bender  
**Subject:** Re: Policy Committee

You got it Rob. Spoke with Tom yesterday and he had a few more suggestions as well. See you monday night.

On Sat, Apr 13, 2019 at 7:59 AM Kirchberger, Robert <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)> wrote:  
sorry, meant to cc: Jeff

On Sat, Apr 13, 2019 at 7:57 AM Kirchberger, Robert <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)> wrote:  
Hi Rich -

thanks for sending.

Let's add a discussion of Policy & Regulation 2530 to the agenda.

I'd like to see the "before" and "after" for Regulation 2530, which was revised effective March 19, 2019.

Thx  
Rob

On Fri, Apr 12, 2019 at 2:41 PM Bergacs, Rich <[rbergacs@nhvweb.net](mailto:rbergacs@nhvweb.net)> wrote:  
Good Afternoon All,

For your convenience, here is a direct link to the folder for this month. Let me know if you have any questions.

<https://drive.google.com/drive/folders/1KZIr9zCoOi81lKyGobnVuK5sQTP2wRtI>

Rich

On Fri, Apr 12, 2019 at 9:06 AM Grube, Cindy <[cgrube@nhvweb.net](mailto:cgrube@nhvweb.net)> wrote:  
Good Morning,

Information for the Policy Committee Meeting on Monday is now available for your reference in the Policy Committee's electronic folder.

Thank you,

**Cindy Grube**  
North Hunterdon-Voorhees Regional High School District  
1445 Route 31 South  
Annandale, NJ 08801  
Tel. 908-735-2846 x5127

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*Dr. Richard A. Bergacs*

*Assistant Superintendent of Schools  
North Hunterdon-Voorhees Regional High School District  
1445 State Route 31  
Annandale, NJ 08801  
(908) 713-4103  
Fax (908) 735-6914  
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**From:** Bender, Jeffrey <jbender@nhvweb.net>  
**Sent:** Saturday, April 13, 2019 8:47 AM  
**To:** Rich Bergacs  
**Subject:** Fwd: Concerns regarding policy/regulation 2530

----- Forwarded message -----

**From:** **Hunterdon County Librarians Association** <[hclibrarians@gmail.com](mailto:hclibrarians@gmail.com)>  
**Date:** Sat, Apr 13, 2019 at 7:11 AM  
**Subject:** Concerns regarding policy/regulation 2530  
**To:** <[jviotto@nhvweb.net](mailto:jviotto@nhvweb.net)>, <[scrisologo@nhvweb.net](mailto:scrisologo@nhvweb.net)>, <[thintz@nhvweb.net](mailto:thintz@nhvweb.net)>, <[tjroll@nhvweb.net](mailto:tjroll@nhvweb.net)>, <[rstraight@nhvweb.net](mailto:rstraight@nhvweb.net)>, <[hrichards@nhvweb.net](mailto:hrichards@nhvweb.net)>, <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)>, <[rmclaughlin@nhvweb.net](mailto:rmclaughlin@nhvweb.net)>, <[jmelick@nhvweb.net](mailto:jmelick@nhvweb.net)>, <[callen-munley@nhvweb.net](mailto:callen-munley@nhvweb.net)>, <[ldiederich@nhvweb.net](mailto:ldiederich@nhvweb.net)>, <[fgoger@nhvweb.net](mailto:fgoger@nhvweb.net)>  
**CC:** <[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)>, <[rpeterston@nhvweb.net](mailto:rpeterston@nhvweb.net)>, <[jbender@nhvweb.net](mailto:jbender@nhvweb.net)>

Dear BOE members,

Please take a moment to read the letter enclosed regarding recent events surrounding board policy/regulation 2530.

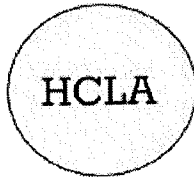
Thank you for your time and consideration.

Sincerely,

The members of the Hunterdon County Librarians Association

--

**Jeffrey Bender**  
**Superintendent of Schools**  
**North Hunterdon-Voorhees Regional HS District**  
**908-735-2846 ext. 5101**



“There is more than one way to burn a book. And the world is full of people running about with lit matches.” – **Ray Bradbury**

To the North Hunterdon-Voorhees Board of Education:

It is with heavy hearts that the members of the Hunterdon County Librarians Association have learned about the multiple steps taken by your district to undermine students’ right to read through the replacement of policy/regulation 2530 and the abandonment of your commitment to the First Amendment. While it is natural for parents to offer feedback on their child’s reading, it is not the place of administration to preemptively block access to thought-provoking and emotionally inspiring materials.

The manner in which your long-standing board policies were hastily revised to remove all reference to intellectual freedom is disheartening. The control over materials that you’re ultimately placing in one individual’s hands is frightening. The idea of a book being “controversial” at its very heart is subjective in nature and a slippery slope that is best avoided. A certified library media specialist is trained to develop a balanced library collection and navigate the needs of the curriculum, as well as social and emotional needs of the student community, with the best resources possible. This is done with the utmost care, knowledge, and sense of responsibility, so that students can either see their personal experiences reflected in their reading or gain insight into the lives of those with different backgrounds and journeys. By “protecting” your administration and yourselves from the mere possibility of discourse, you are robbing your students of the opportunity to learn new ideas and to build empathy based on the stories and experiences of others.

We expect more from a “National Blue Ribbon School of Excellence” that claims to be committed to innovation. We believe that if your mission is truly to help students “become responsible citizens in a continually changing society,” then students should have the ability to encounter the books that broaden their world and their minds. Please reconsider your decisions regarding board policy/regulation 2530, and restore collection and challenge policies that reflect the values of freedom and intellectual curiosity.

Sincerely,  
The members of the Hunterdon County Librarians Association

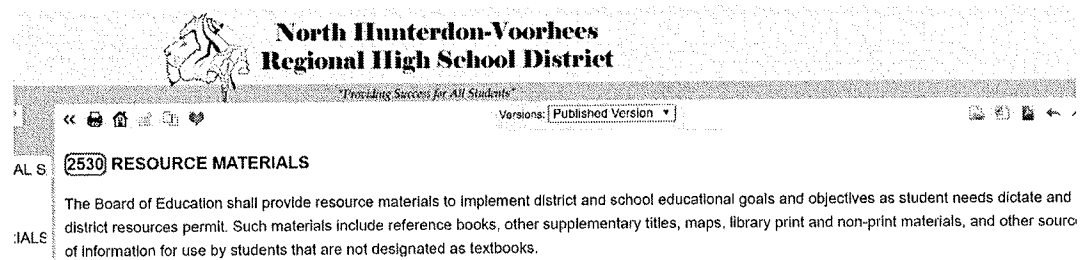


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**From:** Bergacs, Rich <rbergacs@nhvweb.net>  
**Sent:** Saturday, April 13, 2019 10:01 AM  
**To:** Thomas J Roll  
**Cc:** Cheryl Allen-Munley; Tara Hintz; Rachel McLaughlin; Jeffrey Bender; Rich Bergacs; Robert Kirchberger  
**Subject:** Re: Policy Committee

Good Morning All,

I have updated the Policy Committee agenda to include a few discussion items based on feedback from both Tom and Rob. The link I included for Policy 2530 will take you to the general online policy manual, where you can search for 2530 to see both the policy and regulation. One of the features of the online policy manual is to see previous versions so you can compare the old policy/regulation to the new version. While viewing the policy/regulation, click the "published version" drop down near the top and choose the version listed. Here is what it looks like... Hope everyone enjoys the weekend and see you Monday night.



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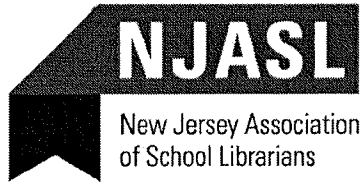
---

**From:** Christina Cucci <president@njasl.org>  
**Sent:** Sunday, April 14, 2019 8:58 AM  
**To:** callen-munley@nhvweb.net; fgoger@nhvweb.net; hrichards@nhvweb.net;  
jmelick@nhvweb.net; jviotto@nhvweb.net; ldiederich@nhvweb.net;  
rkirchberger@nhvweb.net; rmclaughlin@nhvweb.net; rstraight@nhvweb.net;  
scrisologo@nhvweb.net; thintz@nhvweb.net; tjroll@nhvweb.net;  
jbender@nhvweb.net  
**Cc:** Jill Mills; Mary Moyer  
**Subject:** Intellectual Freedom- New Jersey Association of School Librarians

Dear Dr. Kirchberger,  
Please see the attached letter on behalf of the New Jersey Association of School Librarians, regarding the replacement of policy 2530, restricting student's intellectual freedom.

Thank you for your consideration,  
Christina Cucci

--  
Christina Cucci  
New Jersey Association of School Librarians  
President 2018-2019  
President@NJASL.org  
NJASL  
PO Box 1460  
Springfield, NJ 07081  
NJASL.org



April 8, 2019

Dear Mr. Kirchberger:

As the President and President-Elect of the New Jersey Association of School Librarians, we are writing to share our concern about the recent decision to restrict the intellectual freedom of the students at North Hunterdon-Voorhees Regional High School District. A reading of the March 19 board of education minutes reveals that the school board replaced policy/regulation 2530 with new versions, giving the superintendent sole control over acquisition and removal of resource materials for classrooms and libraries.

With this action, the board removed all references to intellectual freedom, the First Amendment, the American Library Association Library Bill of Rights, and the National Council of Teachers of English Students' Right to Read. In addition, students' constitutional rights are now threatened, as the content they may select for their personal reading is being restricted by new procedures imposed on your schools' libraries.

We understand that the superintendent has established committees of senior staff at each school to vet the book selections made by the professional librarians in your employ. With no training in library management, collection development, or literature for young adults, the committee is ill equipped to make selections for the library. Collection development and management is both a science and an art, which requires specialized training at the graduate level, ongoing professional development to maintain knowledge of publishing developments, and years of day-to-day experience with staff and students to understand, anticipate, and appropriately respond to the information needs and reading interests of the school community.

The librarian's expertise is employed to create a collection that reflects diversity of ideas, authors, and readers. We devote a substantial proportion of our professional lives to selecting library materials that will stimulate intellectual growth, social development, and emotional well-being, all while meeting a variety of reading levels, interests, classroom needs, and curriculum connections. Just as no one would expect or require librarians to possess the expertise to approve or decline the material or equipment purchases recommended by the football coach, guidance department, or nurse's office, teachers and administrators without a master's degree in library and information science should not be expected to direct this essential aspect of library operations.

An informal survey of our association members found no other schools with such a selection committee in place. In that same survey, the 36 responding librarians overwhelmingly expressed concern that establishment of such a committee in their schools would diminish the effectiveness of the school library, reduce responsiveness to student needs, place an unnecessary burden on both the librarian and committee members, and ultimately represent institutionally sanctioned censorship.

The timing of the board's action, so closely following the superintendent's recent attempt to ban Alison Bechdel's *Fun Home*, suggests that this policy/regulation change is in direct response to that event. It appears that the new policy/regulation will provide the superintendent with the unilateral censorship ability that was unavailable when vigilant librarians and intellectual freedom activists insisted upon compliance with the 2001 policies/regulations that blocked the *Fun Home* ban.

In that the changes to 2530 were embedded in an 87-page policy-change document, we assume that board members were unaware of the intellectual freedom implications of their March 19 vote. However, now that the severity of the board's actions is clear, NJASL urges the board to consider the following measures to ensure that the district is in compliance with professional school library standards for the well being of the student population:

1. Restore the 2001 version of policy/regulation 2530, which we endorse for its clear support of the value of the library program, the expertise of school librarians, and the importance of intellectual freedom
2. Restore the district's written commitment to intellectual freedom, the First Amendment, the ALA Library Bill of Rights, and the NCTE Students' Right to Read, concepts and documents essential to preventing censorship
3. Remove the arbitrary and punitive restrictions placed on your school libraries, and allow your qualified professional librarians to do the jobs for which you hired them.

Such actions will reaffirm that the school library is a valuable and essential space for students to freely read, explore their interests, and become informed, critical thinkers fully prepared to participate in our democratic society.

Sincerely,  
*Christina Cucci*  
*Jill Mills*

Christina Cucci, NJASL President  
Jill Mills, NJASL President-Elect

cc: North Hunterdon Voorhees Board of Education

Jeffrey Bender

---

**From:** Bender, Jeffrey <jbender@nhvweb.net>  
**Sent:** Sunday, April 14, 2019 11:35 AM  
**To:** Rich Bergacs  
**Subject:** Fwd: Intellectual Freedom- New Jersey Association of School Librarians

----- Forwarded message -----

**From:** Christina Cucci <president@njasl.org>  
**Date:** Sun, Apr 14, 2019 at 8:58 AM  
**Subject:** Intellectual Freedom- New Jersey Association of School Librarians  
**To:** <callen-munley@nhvweb.net>, <fgoger@nhvweb.net>, <hrichards@nhvweb.net>, <jmelick@nhvweb.net>, <jviotto@nhvweb.net>, <ldiederich@nhvweb.net>, <rkirchberger@nhvweb.net>, <rmclaughlin@nhvweb.net>, <rstraight@nhvweb.net>, <scrisologo@nhvweb.net>, <thintz@nhvweb.net>, <tjroll@nhvweb.net>, <jbender@nhvweb.net>  
**CC:** Jill Mills <presidentelect@njasl.org>, Mary Moyer <mmoyer@njasl.org>

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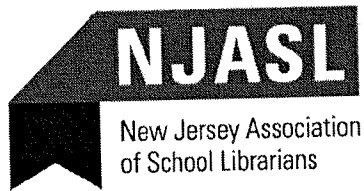
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President 2018-2019  
President@NJASL.org  
NJASL  
PO Box 1460  
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Superintendent of Schools  
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*Jill Mills*

Christina Cucci, NJASL President  
Jill Mills, NJASL President-Elect

cc: North Hunterdon Voorhees Board of Education

Jeffrey Bender

---

**From:** Robert Kirchberger <rkirchberger@nhvweb.net>  
**Sent:** Monday, April 15, 2019 2:02 PM  
**To:** Bergacs, Rich  
**Cc:** Thomas J Roll; Cheryl Allen-Munley; Tara Hintz; Rachel McLaughlin; Jeffrey Bender  
**Subject:** Re: Policy Committee

Rich -

Thanks. That's good to know that comparison functionality exists!  
In addition however, Could you send a "clean" version (without the revision marks) of the prior version of the 2530 policy.

Thanks!  
Rob

Sent to you by AT&T... America's Fastest Broadband Network  
Rethink Possible

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**Sent:** Monday, April 15, 2019 2:25 PM  
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**Subject:** Re: Policy Committee

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On Fri, Apr 12, 2019 at 2:41 PM Bergacs, Rich <[rbergacs@nhvweb.net](mailto:rbergacs@nhvweb.net)> wrote:  
Good Afternoon All,

For your convenience, here is a direct link to the folder for this month. Let me know if you have any questions.

<https://drive.google.com/drive/folders/1KZIr9zCoOi81IKyGobnVuK5sQTP2wRtI>

Rich

On Fri, Apr 12, 2019 at 9:06 AM Grube, Cindy <[cgrube@nhvweb.net](mailto:cgrube@nhvweb.net)> wrote:  
Good Morning,

Information for the Policy Committee Meeting on Monday is now available for your reference in the Policy Committee's electronic folder.

Thank you,

**Cindy Grube**

North Hunterdon-Voorhees Regional High School District  
1445 Route 31 South  
Annandale, NJ 08801  
Tel. 908-735-2846 x5127

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--

*Dr. Richard A. Bergacs*

*Assistant Superintendent of Schools  
North Hunterdon-Voorhees Regional High School District  
1445 State Route 31  
Annandale, NJ 08801  
(908) 713-4103  
Fax (908) 735-6914  
Email [rbergacs@nhvweb.net](mailto:rbergacs@nhvweb.net)  
WebSite - <http://www.nhvweb.net>*

The North Hunterdon-Voorhees Regional High School District, a district committed to innovation, personal excellence, high achievement, and community partnership, provides all students with personalized opportunities through a broad spectrum of exemplary educational experiences to develop their fullest potential, to foster lifelong learning, and to become responsible citizens in a continually changing society

--

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## **2530 RESOURCE MATERIALS**

### Policy for Media Selection

The North Hunterdon-Voorhees Regional High School District Board of Education hereby declares it is the policy of the North Hunterdon Regional High School District to provide a wide range of instructional materials on all levels of difficulty, with diversity of appeal, and the presentation of different points of view and to allow the review of allegedly inappropriate instructional materials through established procedures.

### Objectives of Selection

In order to assure that the school media program is an integral part of the educational program of the school, the following selection objectives are adopted:

- To provide materials that will enrich and support the curriculum and personal needs of the users, taking into consideration their varied interests, abilities, and learning styles;
- To provide materials that will stimulate growth in factual knowledge, literacy appreciation, aesthetic values, and ethical standards;
- To provide materials on opposing sides of controversial issues so that users may develop under guidance the practice of critical analysis;
- To provide materials which realistically represent our pluralistic society and reflect the contributions made by these groups and individuals to our American heritage;
- To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users;
- To provide exposure to information technologies and techniques to enable students to participate in life-long learning skills.

### Responsibility for Selection

Although the North Hunterdon-Voorhees Regional High School District Board of Education is legally responsible for the operation of the schools, the responsibility for media selection materials is delegated to the certificated library/media personnel

While selection of materials involves many people, including library/media specialists, teachers, students, supervisors, administrators, and community persons, the responsibility for coordinating and recommending the selection and purchase of media rests with the certificated library/media personnel. Responsibility for coordinating the selection and purchase of textbooks rests with appropriate department chairpersons, principals or textbook evaluation committees.

### Criteria for Selection

Educational goals of the local school district, individual student learning modes, teaching styles, curricula needs, faculty and student needs, existing materials and networking arrangement should be considered in developing the media collection. Guidelines for the evaluation and selection of curricula resources are listed.

- Curricular materials should:
  - Be relevant to today's world;
  - Represent artistic, historic, and literary qualities;
  - Reflect problems, aspirations, attitudes and ideals of a society;
  - Contribute to the objectives of the instructional program;
  - Be appropriate to the level of the user;
  - Represent differing viewpoints on controversial subjects;
  - Provide a stimulus to creativity.

Technical materials should:

- Be of acceptable technical quality; clear narration and sound, synchronized pictures and sound;
- Be readable; typographically well-balanced.

Adopted: 1 May 2001

**North Hunterdon Voorhees School District**

## **Regulation 2530 RESOURCE MATERIALS**

### Procedures for Selection

In selecting materials for school media programs, the certificated library/media personnel, sometimes in conjunction with staff, will: evaluate the existing collection; assess curricula needs; examine materials and consult reputable, professionally prepared selection aids. Recommendations for acquisition will be solicited from faculty and students.

Gift materials should be judged by the criteria listed in the preceding section and should be accepted or rejected on the basis of those criteria.

It should be understood that selection is an ongoing process which should include the removal of materials no longer appropriate and the replacement of lost and worn materials still of educational value.

### Procedure for Reconsideration of Materials

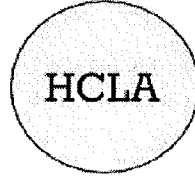
The North Hunterdon-Voorhees Regional High School District Board of Education supports principles of intellectual freedom inherent in the First Amendment of the Constitution of the United States and expressed in the Library Bill of Rights of the American Library Association and Students' Right to Read of the National Council of Teachers of English. In the event that materials are questioned, the principles of intellectual freedom, the right to access of materials and the integrity of the certificated library/media personnel must be defended rather than the materials.

If a complaint is made, procedures as outlined in Regulation No. 9130 will be followed.

Issued: 1 May 2001

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**North Hunterdon Voorhees School District**



“There is more than one way to burn a book. And the world is full of people running about with lit matches.” – **Ray Bradbury**

To the North Hunterdon-Voorhees Board of Education:

It is with heavy hearts that the members of the Hunterdon County Librarians Association have learned about the multiple steps taken by your district to undermine students’ right to read through the replacement of policy/regulation 2530 and the abandonment of your commitment to the First Amendment. While it is natural for parents to offer feedback on their child’s reading, it is not the place of administration to preemptively block access to thought-provoking and emotionally inspiring materials.

The manner in which your long-standing board policies were hastily revised to remove all reference to intellectual freedom is disheartening. The control over materials that you’re ultimately placing in one individual’s hands is frightening. The idea of a book being “controversial” at its very heart is subjective in nature and a slippery slope that is best avoided. A certified library media specialist is trained to develop a balanced library collection and navigate the needs of the curriculum, as well as social and emotional needs of the student community, with the best resources possible. This is done with the utmost care, knowledge, and sense of responsibility, so that students can either see their personal experiences reflected in their reading or gain insight into the lives of those with different backgrounds and journeys. By “protecting” your administration and yourselves from the mere possibility of discourse, you are robbing your students of the opportunity to learn new ideas and to build empathy based on the stories and experiences of others.

We expect more from a “National Blue Ribbon School of Excellence” that claims to be committed to innovation. We believe that if your mission is truly to help students “become responsible citizens in a continually changing society,” then students should have the ability to encounter the books that broaden their world and their minds. Please reconsider your decisions regarding board policy/regulation 2530, and restore collection and challenge policies that reflect the values of freedom and intellectual curiosity.

Sincerely,  
The members of the Hunterdon County Librarians Association

---

**From:** Abena Hutchful <abena@ncac.org>  
**Sent:** Wednesday, April 24, 2019 12:11 PM  
**To:** jbender@nhvweb.net  
**Cc:** schools@co.hunterdon.nj.us; rkirchberger@nhvweb.net; Greg Cottrell; Ron Peterson; hrichards@nhvweb.net; rstraight@nhvweb.net; tjroll@nhvweb.net; thintz@nhvweb.net; scriologo@nhvweb.net; jviotto@nhvweb.net; rmclaughlin@nhvweb.net; jmelick@nhvweb.net; callen-munley@nhvweb.net; ldiederich@nhvweb.net; fgoger@nhvweb.net  
**Subject:** Guidance Letter from NCAC and Partners for Intellectual Freedom

Dear Superintendent Bender,

I hope this finds you well. Attached, please find a letter from the National Coalition Against Censorship and our partners expressing our concern that recent changes to district policies undermine intellectual freedom. We urge you to reconsider these changes in the context of the attached guidelines. We are here to support you and the Board in your work to protect freedom of expression in North Hunterdon-Voorhees District.

Please do not hesitate to contact us if you have any questions.

Kind regards,


Abena

**NATIONAL** ■■■■■  
**COALITION** ■■■■■  
**AGAINST** ■■■■■  
**CENSORSHIP** ■■■■■

Abena Hutchful  
Youth Free Expression Program Coordinator  
National Coalition Against Censorship  
Office: 212-807-6222, ext. 109  
[abena@ncac.org](mailto:abena@ncac.org) (she/her)



19 Fulton Street, #407, New York, NY 10038  
[ncac.org](http://ncac.org)

**NATIONAL  
COALITION  
AGAINST  
CENSORSHIP**  **KIDS'  
RIGHT  
TO READ**

A project of the National  
Coalition Against Censorship

**CO-SPONSORED BY**

American Booksellers for Free  
Expression  
Comic Book Legal Defense  
Fund

April 24, 2019

Jeffrey Bender, Superintendent  
North Hunterdon-Voorhees School District  
1445 Route 31  
Annandale, NJ 08801

Sent via Electronic Mail to: [jbender@nhvweb.net](mailto:jbender@nhvweb.net)

Dear Superintendent Bender,

We write to express our concern that recent changes to Policy 2530, which govern the selection of instructional materials in classrooms and libraries, will heighten the risk of censorship in North Hunterdon-Voorhees district. This concern is aggravated by the fact that the policy changes were adopted shortly after the graphic novel *Fun Home: A Family Tragicomic* was returned to library shelves over your personal objections. We urge you to adopt policies designed to bolster rather than undermine free expression protections in your District. We are writing to offer you guidance in the design of such policies.

The original policy 2530 played a significant role in safeguarding NHV students' right to a broad and censorship-free education by entrusting trained librarians with book selection. This delegation of responsibility assured book selections were credibly rooted in sound pedagogical reasoning, rather than subjective opinion.

As worded, the current policy vests absolute authority in the sole person of the Superintendent to select and remove books without a review of their educational merits. This change may lead to a perception that decisions about instructional material will be made based on your subjecting opinion, rather than pedagogical goals. That perception is further supported by the fact that these amendments immediately followed your effort to remove *Fun Home* based on opinion about a single page, rather than a review of the book as a whole.

We strongly recommend that you restore credibility to the book selection process by delegating responsibility to librarians and teachers.

We also recommend that you reiterate your dedication to free expression. The new policy omits all references to free expression, including the Library Bill of Rights and NCTE Students Right to Read statements, which buttressed your district's commitment to intellectual freedom.

We hope you will consider the aforementioned points and our attached guidelines in rethinking the recent changes to Policy 2530.

Please do not hesitate to contact us for further guidance. Thank you.

With warm regards,



Chris Finan, Executive Director  
National Coalition Against Censorship



Charles Brownstein, Executive Director  
Comic Book Legal Defense Fund



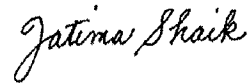
Millie Davis, Director  
Intellectual Freedom Center  
National Council of Teachers of English



Jeanne LoCicero, Legal Director  
American Civil Liberties Union  
of New Jersey



Mary Rasenberger, Executive Director  
The Authors Guild



Fatima Shaikh, Co-Chair  
PEN Children's and Young Adult Books  
Committee



David Grogan, Director  
American Booksellers for  
Free Expression



Robt Seda-Schreiber, Chief Activist  
Bayard Rustin Center for Social Justice

Cc:  
Robert Kirchberger, President  
North Hunterdon-Voorhees Board of Education  
[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)

Dr. Greg Cottrell, Principal  
North Hunterdon High School  
[gcottrell@nhvweb.net](mailto:gcottrell@nhvweb.net)

Ron Peterson, Principal  
Voorhees High School  
[rpeterson@nhvweb.net](mailto:rpeterson@nhvweb.net)

School officials have broad discretion to establish curricula and decide what materials to include in their classrooms and libraries. However, parents, special interest groups and others sometimes attempt to impose their personal beliefs on the public school system and demand the removal of educational materials.

These are some general considerations school administrators should take into account when such a challenge arises:

1. Removing, redacting, or restricting access to any content simply because of opposition to the views expressed in it raises serious First Amendment concerns.<sup>1</sup> As state actors, public school officials could be subject to legal action if they make decisions based solely on distaste for the viewpoints expressed.
2. The difficult subjects that often prompt objections to books – violence, traumatic histories, race, religion, sexuality, etc. – are important to the lives of students, and can be addressed with sensitivity within a classroom environment under the guidance of trained educators.
3. Not everyone will like every book in the library or classroom. Parents have a right to decide what their own children read but school administrators have a responsibility to uphold all students' freedom to read and cannot limit educational materials to those approved by a specific individual or group.
4. Successful challenges to educational material often energize special interest groups and bring additional challenges, thus burdening the school administration.

---

<sup>1</sup> Local school boards may not remove books from school libraries simply because they dislike the ideas contained in those books and seek by their removal to "prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion." *Board of Education v. Pico*, 457 U.S. 853, 868-69 (1982)(plurality opinion) (citing *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 642)

In view of these principles, we offer the following guidelines for handling challenges:

1. Follow established policy.
2. If your school does not have a written policy, develop policies and procedures to ensure that decision-making does not violate the First Amendment by discriminating against viewpoints.
3. Invite those who object to specific materials to a discussion with teachers and librarians who can explain the materials' educational value.
4. If they continue to object to the materials, request the submission of a complaint form.
5. Establish a committee to review the educational merits of the materials at issue. The review committee should include a diverse group of professionals: educators, librarians and administrators.
6. The committee should be guided by the same criteria that were used for the selection of the material, prioritizing pedagogical value: In considering the value of a book, for instance, it should look at the book as a whole, not words and passages taken in isolation; "age appropriateness," when invoked, should refer to students' levels of reading and comprehension, not to what some parents subjectively believe is fit for a particular age group.
7. The Board has the final decision-making power and responsibility. It should take into account the recommendation of the committee, but also recognize that it may be found liable for violating the First Amendment if it discriminates against particular viewpoints.
8. If possible, offer individuals who object to assigned materials the option to opt out and offer their children alternative readings.

For additional support, consult NCAC's [Policy Guidelines for Administrators](#).

Direct support can always be requested by emailing [ncac@ncac.org](mailto:ncac@ncac.org) or visiting us at [ncac.org](http://ncac.org)



---

**From:** Linda D. Leonhardt <LLeonhardt@njsda.gov>  
**Sent:** Wednesday, April 17, 2019 4:06 PM  
**To:** 'jennings@alexandriaschools.org'; 'ekeegan@btschools.org';  
'meppolite@bburyes.org'; 'jkornegay@califonschool.org'; 'scohen@cpsnj.org';  
'pfiander@ctsdnj.org'; 'rwiener@dtsk8.org'; 'dariawasserbach@dvrhs.k12.nj.us';  
'estoloski@eastamwell.org'; 'gnolan@frsd.k12.nj.us'; 'Cfredericks@fchool.org';  
'ghobaugh@hbsdboe.org'; 'dbail@hollandschool.org'; 'jeffrey.moore@hcrhs.org';  
'kmetz@hcpolytech.org'; 'rfalkenstein@kingwoodschool.org';  
'jkornegay@lebtwpk8.org'; 'estoloski@eastamwell.org'; 'jbender@nhvweb.net';  
'plewandowski@readington.k12.nj.us'; 'lou.muenker@shrhs.org';  
'mrowland@tewksburyschools.org'; 'ndiaz@uniontwpschool.org'  
**Cc:** 'pawlowskid@alexandriaschools.org'; 'ekent@btschools.org'; 'tmantz@bburyes.org';  
'klaraway@califonschool.org'; 'lcraft@cpsnj.org'; 'pmartucci@dtsk8.org';  
'svoorhee@frsd.k12.nj.us'; 'Cdelsandro@fchool.org'; 'teresabarna@dvrhs.k12.nj.us';  
'mmcann@hbsdboe.org'; 'apost@hollandschool.org'; 'gcorbin@hcrhs.org';  
'sjoyce@hcpolytech.org'; 'mmccann@kingwoodschool.org'; 'apostma@lebtwpk8.org';  
'spress@nhvweb.net'; 'sdecasas@readington.k12.nj.us'; 'kerry.sevilis@shrsd.org';  
'jblack@tewksburyschools.org'; 'ekent@uniontwpschool.org'; 'trowe@lebtwpk8.org'  
**Subject:** Bond Compliance Survey Hunterdon County - 2019 2nd Response  
**Attachments:** Bond Compliance Survey - 2019 2nd response.pdf; 2019 Hunterdon County Facilities List.xlsx

Dear Superintendent of Schools:

The New Jersey Schools Development Authority (“SDA”) is conducting its annual Tax Exempt Bond Compliance Survey. As in previous years, the Survey is being emailed to all local public school districts throughout the State of New Jersey that have received funding assistance from the SDA since 2001. The SDA, which receives its funding from New Jersey Economic Authority (“EDA”) School Facilities Construction Bonds (“Bonds”), administers the school facilities construction program pursuant to the Educational Facilities Construction and Financing Act of 2000, as amended.

The purpose of this annual survey is to ensure compliance with the Internal Revenue Code, and the regulations promulgated thereunder with respect to the Bonds’ tax exempt status. As you will find, the survey questions inquire about the private use of facilities [projects] financed, in whole or in part, from the proceeds of the Bonds.

**Since your District responded to the survey previously, you may indicate on the page attached as Exhibit I that none of your survey responses have changed from the previous year, including those pertaining to projects initiated since the last survey, if that is the case.**

**If any of your previously submitted Survey responses have changed, please complete the Survey attached as Exhibit II.** To assist you, we have attached to this email the list of facilities in your Local District that have received funding assistance from the SDA. Further, if you have questions concerning this survey, you may call the SDA’s Lin Leonhardt at (609) 858-5151, or email your questions to the same at [lleonhardt@njsda.gov](mailto:lleonhardt@njsda.gov).

We kindly request that you return your completed, signed and scanned survey to the email address shown at the bottom of the survey by no later than May 30, 2019. If you prefer, you may complete, sign and mail the survey to the mailing address shown at the bottom of the survey. Your cooperation in this regard is highly appreciated. Due to the importance of preserving the tax exempt status of the Bonds, non-compliance on your part could result in loss of state funding of school facilities projects in your Local District.

Respectfully,



Robert E. Carney

*Director – Financial Operations*

*New Jersey Schools Development Authority*

“CONFIDENTIALITY NOTICE: The information contained in this communication from the New Jersey Schools Development Authority is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this email, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the New Jersey Schools Development Authority at 609-943-5955 to arrange for the return of this information.”



STATE OF NEW JERSEY

# SCHOOLS DEVELOPMENT AUTHORITY

32 EAST FRONT STREET  
P.O. BOX 991  
TRENTON, NJ 08625-0991  
609-943-5955

April 16, 2019

RE: Tax Exempt Bond Compliance Survey –  
New Jersey Economic Development Authority School Facilities Construction Bonds

Dear Superintendent of Schools:

The New Jersey Schools Development Authority (“SDA”) is conducting its annual Tax Exempt Bond Compliance Survey. As in previous years, the survey is being emailed to all local public school districts throughout the State of New Jersey that have received funding assistance from the SDA since 2001. The SDA, which receives its funding from New Jersey Economic Authority (“EDA”) School Facilities Construction Bonds (“Bonds”), administers the school facilities construction program pursuant to the Educational Facilities Construction and Financing Act of 2000, as amended.

The purpose of this annual survey is to ensure compliance with the Internal Revenue Code, and the regulations promulgated thereunder with respect to the Bonds’ tax exempt status. As you will find, the survey questions inquire about the private use of facilities [projects] financed, in whole or in part, from the proceeds of the Bonds.

**Since your district responded to the survey previously, you may indicate on the page attached as Exhibit I that none of your survey responses have changed from the previous year, including those pertaining to projects initiated since the last survey, if that is the case.**

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We kindly request that you return your completed, signed and scanned survey to the email address shown at the bottom of the survey by no later than May 30, 2019. If you prefer, you may complete, sign and mail the survey to the mailing address shown at the bottom of the survey. Your cooperation in this regard is highly appreciated. Due to the importance of preserving the tax exempt status of the Bonds, non-compliance on your part could result in loss of state funding of school facilities projects in your Local District.

Sincerely,

Robert E. Carney

*Director – Financial Operations*

*New Jersey Schools Development Authority*

**Exhibit I**

The following certification must be signed by a duly authorized representative of the Local District. Duly authorized representative may include such titles as Superintendent, Business Administrator or Chief Financial Officer, or other equivalent/similar title.

**Certification of No Change in Survey Responses**

I DO HEREBY CERTIFY that the information provided and survey responses included in prior year(s) *Tax Exempt Bond Compliance Survey* remain true and accurate to the best of my knowledge as of the execution date.

IN WITNESS WHEREOF, I have executed this Certification as of the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

[School District Name] \_\_\_\_\_

(Signature): \_\_\_\_\_

(Printed Name):

(Printed Title):

**Exhibit II**

**New Jersey Schools Development Authority  
Tax Exempt Bond Compliance Survey**

(A)(i) Has the Local District entered into an arrangement to sell (including an installment sale) any portion of the facility to a person other than a State or local government entity?

Yes  No

(ii) Is the Local District contemplating such a sale, including an installment sale?

Yes  No

(B)(i) Has the Local District entered into a lease of any portion of the bond financed facility with a person who is other than a State or local governmental entity?

Yes  No

(ii) Is the Local District contemplating entering into such a leasing arrangement?

Yes  No

(C)(i) Has the Local District entered into a management contract for any portion of the bond financed facility with a person other than a State or local governmental entity?

Yes  No

(ii) Is the Local District contemplating entering into such a management contract?

Yes  No

(D)(i) Has the Local District entered into an agreement whereby an entity other than a State or local governmental entity will occupy, operate or otherwise direct the use of any portion of the bond-financed facility?

Yes  No

(ii) Is the Local District contemplating entering into an agreement whereby an entity other than a State or local governmental unit will occupy, operate or otherwise direct the use of any portion of the bond-financed facility?

Yes  No

*If you answered "Yes" to any of these survey questions, please explain on a separate sheet.  
Please note that the SDA may need to contact you for additional information.*

## Private Uses Exempt from Reporting in this Survey

For purposes of the foregoing, private use of the property financed with the proceeds of the Bonds, does not include the following:

- (A) Contracts for services that are solely incidental to the primary governmental function or functions of bond financed property (e.g., contracts for janitorial, office equipment repair, billing, or similar services).
- (B) Contracts to provide for services, if the only compensation is the reimbursement of the service provider for actual and direct expenses paid by the service provider to unrelated parties.
- (C) Arrangements, including renewal options, the term of which is not greater than 200 days. For purposes of this provision, a right of first refusal to renew will not be treated as a renewal option if (1) the compensation for the use under the arrangement is redetermined at generally applicable, fair market value rates that are in effect at the time of renewal; and (2) the use of the financed property under the same or similar arrangements is predominately by natural persons who are not engaged in a trade or business.
- (D) Arrangements (which do not otherwise result in the ownership of financed property) (1) the term of which, including all renewal options, as defined above, is not longer than 100 days; (2) that would be treated as general public use, except that the bond financed property is not available for use on the same basis by natural persons that are engaged in a trade business because generally applicable and uniform rates are not reasonably available to natural persons not engaged in a trade or business; and (3) wherein the property is not financed for a principal purpose of providing such property for use by a non-exempt person.
- (E) Arrangements (other than an arrangement resulting in ownership of the property) (1) the term of which, including all renewal options as described above, is not longer than 50 days; (2) that are negotiated at arm's length and the compensation is at fair market value; and (3) wherein the property is not financed for a principal purpose of providing such property for use by a non-exempt person.

The term limits described in each of the three foregoing contractual arrangements ((C), (D) and (E)) are not required to relate to consecutive days; that is, if the contract provides for use of bond financed property for ten days per year for six years, the contract would have to comply with the requirements applicable to contractual arrangements set forth in paragraph (E) above, because the term of the contract would exceed 50 days.

- (F) Incidental use of bond financed property is similarly disregarded to the extent that those uses do not involve the transfer, to non-exempt persons, of possession and control of the space that is separated from other areas of the facility by walls, partitions, or other physical barriers, such as a night gate affixed to a structural component of a building (a nonpossessory use); the nonpossessory use is not functionally related to any other use of the facility by the same person (other than a different nonpossessory use); and all nonpossessory uses do not, in the aggregate, involve the use of more than 2.5 percent of the bond financed property.

The following certification must be signed by a duly authorized representative of the Local District. Duly authorized representative may include such titles as Superintendent, Business Administrator or Chief Financial Officer, or other equivalent/similar title.

### **Certification**

I DO HEREBY CERTIFY that the information provided in the attached *Tax Exempt Bond Compliance Survey* is true and accurate to the best of my knowledge as of the execution date.

IN WITNESS WHEREOF, I have executed this Certification as of the \_\_\_\_ day of \_\_\_\_\_, 2019.

[School District Name] \_\_\_\_\_

(Signature): \_\_\_\_\_

(Printed Name):

(Printed Title):

**Please Return Your Completed Survey – signed  
and scanned via email to:**

**lleonhardt@njsda.gov**

**OR**

**Return Your Completed Survey – printed and  
signed to:**

**New Jersey Schools Development Authority  
Attention: Tax Compliance Officer  
PO Box 991  
Trenton, NJ 08625-0991**

**Due Date: May 30, 2019**



District	School Name	County	Facility ID	New to List
Alexandria Township	Alexandria M.S.	Hunterdon	0020-005	
Alexandria Township	Lester D. Wilson E.S.	Hunterdon	0020-010	
Bethlehem Township	Ethel Hoppock Elementary	Hunterdon	0370-020	
Bethlehem Township	Thomas B. Conley E.S.	Hunterdon	0370-070	
Bloomsbury	Bloomsbury E.S.	Hunterdon	0430-020	
Califon	Califon Borough E.S.	Hunterdon	0670-030	NEW
Clinton Town	Clinton E.S.	Hunterdon	0910-030	
Clinton Township	New 7-8 Middle School	Hunterdon	0920-n01	
Clinton Township	Patrick McGaheran	Hunterdon	0920-035	
Clinton Township	Round Valley M.S.	Hunterdon	0920-040	
Clinton Township	Spruce Run E.S.	Hunterdon	0920-030	
Delaware Township	Delaware Township E.S. #1	Hunterdon	1040-040	
Delaware Township	Sergentsville School	Hunterdon	1040-x01	
Delaware Valley Regional High	Delaware Valley Regional H.S.	Hunterdon	1050-040	
East Amwell Township	East Amwell Township E.S.	Hunterdon	1160-050	
Flemington-Raritan Regional	Barley Sheaf E.S.	Hunterdon	1510-030	
Flemington-Raritan Regional	Flemington Raritan M.S.	Hunterdon	1510-N01	
Flemington-Raritan Regional	Francis A. Desmares E.S.	Hunterdon	1510-035	
Flemington-Raritan Regional	Reading-Fleming M.S.	Hunterdon	1510-040	
Flemington-Raritan Regional	Robert Hunter E.S.	Hunterdon	1510-050	
Franklin Township - Hunterdon	Franklin Township E.S.	Hunterdon	1600-050	
Frenchtown Borough	Edith Ort Thomas E.S.	Hunterdon	1680-050	
High Bridge Borough	High Bridge E.S.	Hunterdon	2140-060	
High Bridge Borough	High Bridge M.S.	Hunterdon	2140-055	
Holland Township	Holland Twp. School	Hunterdon	2220-060	
Hunterdon Central Regional	Hunterdon Central H.S.	Hunterdon	2300-050	
Hunterdon County Vocational School District	Hunterdon Co Voc Sch	Hunterdon	2308-050	
Kingwood Township	Kingwood Township E.S.	Hunterdon	2450-050	
Lambertville	Lambertville E.S.	Hunterdon	2530-050	
Lebanon Borough	Lebanon Borough E.S.	Hunterdon	2590-050	
Lebanon Township	Valley View E.S.	Hunterdon	2600-060	
Lebanon Township	Woodglen E.S.	Hunterdon	2600-050	
Milford Borough	Milford E.S.	Hunterdon	3180-050	
North Hunterdon/Voorhees Reg High	North Hunterdon H.S.	Hunterdon	3660-050	
North Hunterdon/Voorhees Reg High	Voorhees H.S.	Hunterdon	3660-060	
Readington Township	Holland Brook E.S.	Hunterdon	4350-030	
Readington Township	Readington M.S.	Hunterdon	4350-050	
Readington Township	Three Bridges E.S.	Hunterdon	4350-060	
Readington Township	Whitehouse E.S.	Hunterdon	4350-070	
South Hunterdon Regional	South Hunterdon Regional H.S.	Hunterdon	4890-050	
Stockton Borough	Stockton E.S.	Hunterdon	5050-050	
Tewksbury Township	New ES	Hunterdon	5180-N01	
Tewksbury Township	New Tewksbury E.S.	Hunterdon	5180-055	
Tewksbury Township	Old Turnpike M.S.	Hunterdon	5180-030	
Union (Hunterdon Co.)	Union Township E.S.	Hunterdon	5270-050	
Union (Hunterdon Co.)	Union Twp E.S.	Hunterdon	5270-060	
West Amwell Township	West Amwell Township E.S.	Hunterdon	5600-050	

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Bethlehem Township	Ethel Hoppock Elementary	Hunterdon	0370-020	
Bethlehem Township	Thomas B. Conley E.S.	Hunterdon	0370-070	
Bloomsbury	Bloomsbury E.S.	Hunterdon	0430-020	
Califon	Califon Borough E.S.	Hunterdon	0670-030	NEW
Clinton Town	Clinton E.S.	Hunterdon	0910-030	
Clinton Township	New 7-8 Middle School	Hunterdon	0920-n01	
Clinton Township	Patrick McGaheran	Hunterdon	0920-035	
Clinton Township	Round Valley M.S.	Hunterdon	0920-040	
Clinton Township	Spruce Run E.S.	Hunterdon	0920-030	
Delaware Township	Delaware Township E.S. #1	Hunterdon	1040-040	
Delaware Township	Sergentsville School	Hunterdon	1040-x01	
Delaware Valley Regional High	Delaware Valley Regional H.S.	Hunterdon	1050-040	
East Amwell Township	East Amwell Township E.S.	Hunterdon	1180-050	
Flemington-Raritan Regional	Barley Sheaf E.S.	Hunterdon	1510-030	
Flemington-Raritan Regional	Flemington Raritan M.S.	Hunterdon	1510-N01	
Flemington-Raritan Regional	Francis A. Desmares E.S.	Hunterdon	1510-035	
Flemington-Raritan Regional	Reading-Fleming M.S.	Hunterdon	1510-040	
Flemington-Raritan Regional	Robert Hunter E.S.	Hunterdon	1510-050	
Franklin Township - Hunterdon	Franklin Township E.S.	Hunterdon	1600-050	
Frenchtown Borough	Edith Ort Thomas E.S.	Hunterdon	1680-050	
High Bridge Borough	High Bridge E.S.	Hunterdon	2140-060	
High Bridge Borough	High Bridge M.S.	Hunterdon	2140-055	
Holland Township	Holland Twp. School	Hunterdon	2220-060	
Hunterdon Central Regional	Hunterdon Central H.S.	Hunterdon	2300-050	
Hunterdon County Vocational School District	Hunterdon Co Voc Sch	Hunterdon	2308-050	
Kingwood Township	Kingwood Township E.S.	Hunterdon	2450-050	
Lambertville	Lambertville E.S.	Hunterdon	2530-050	
Lebanon Borough	Lebanon Borough E.S.	Hunterdon	2590-050	
Lebanon Township	Valley View E.S.	Hunterdon	2600-060	
Lebanon Township	Woodglen E.S.	Hunterdon	2600-050	
Milford Borough	Milford E.S.	Hunterdon	3180-050	
North Hunterdon/Voorhees Reg High	North Hunterdon H.S.	Hunterdon	3660-050	
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Readington Township	Three Bridges E.S.	Hunterdon	4350-060	
Readington Township	Whitehouse E.S.	Hunterdon	4350-070	
South Hunterdon Regional	South Hunterdon Regional H.S.	Hunterdon	4890-050	
Stockton Borough	Stockton E.S.	Hunterdon	5050-050	
Tewksbury Township	New ES	Hunterdon	5180-N01	
Tewksbury Township	New Tewksbury E.S.	Hunterdon	5180-055	
Tewksbury Township	Old Turnpike M.S.	Hunterdon	5180-030	
Union (Hunterdon Co.)	Union Township E.S.	Hunterdon	5270-050	
Union (Hunterdon Co.)	Union Twp E.S.	Hunterdon	5270-060	
West Amwell Township	West Amwell Township E.S.	Hunterdon	5600-050	

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**From:** Robert Kirchberger <rkirchberger@nhvweb.net>  
**Sent:** Wednesday, April 24, 2019 1:58 PM  
**To:** jbender@nhvweb.net  
**Subject:** Fwd: Chat about Policy 2530

Jeff -

I will give you a ring this afternoon.

Thx,  
Rob

Sent to you by AT&T... America's Fastest Broadband Network  
Rethink Possible

Begin forwarded message:

**From:** "Hickson, Martha" <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)>  
**Date:** April 24, 2019 at 1:10:26 PM EDT  
**To:** [rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)  
**Cc:** Leslie Edwards <[ledwards@nhvweb.net](mailto:ledwards@nhvweb.net)>  
**Subject:** Fwd: Chat about Policy 2530

Rob:

Thanks for reaching out. I apologize for the delay in responding to you. My spring break is devoted to my own medical appointments, health care for my elderly parents, and settling my 97-year-old mother-in-law into an assisted living facility. As a result, I have had little opportunity to check my email.

I agree that a chat with you about the status of policy/regulation 2530 could be productive. However, scheduling it is a bit tricky. First, because we're talking about a policy that affects both schools in the district, my colleague at Voorhees, Leslie Edwards, should be part of the conversation. She, too, has multiple commitments during spring break. Second, whenever staff meet with senior district administration, it's advisable for us to have a union representative at the table to ensure that all parties conform to the parameters of the contract (that's not my area of expertise).

The earliest availability for me, Leslie, and a union rep to meet with you would be during the day on Tuesday, April 30, any time before 2 p.m. Is that a possibility for you? Do you want to meet in person (preferable, if possible) or over the phone? Also, are there any other participants in the meeting whose schedules need to be factored into our decisions about time and place?

Thanks again for your note. I look forward to chatting with you next week.

Martha

----- Forwarded message -----

From: **Kirchberger, Robert** <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)>

Date: Tue, Apr 23, 2019 at 12:25 PM

Subject: Chat about Policy 2530

To: Martha Hickson <[mhickson@nhvweb.net](mailto:mhickson@nhvweb.net)>

Hi Martha -

Hope you are having a great spring break! If you are available, I wanted to meet with you to discuss the Resource Materials Policy / Regulation 2530.

I understand the concerns raised by you and others in the Library / Media Specialist community, and wanted to chat about those concerns and some thoughts I had about possible modifications to address them.

I am available to meet in person tomorrow if that works for you, and can meet via telephone at other times this week if tomorrow doesn't work.

Thanks in advance for your time. I look forward to meeting with you.

Thx,

Rob Kirchberger  
908-230-0269

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recipient. If you have received this e-mail in error, please notify us immediately by return e-mail and delete this e-mail and all attachments from your system. Thank You.

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**From:** Allen-Munley, Cheryl <callen-munley@nhvweb.net>  
**Sent:** Saturday, April 27, 2019 11:00 PM  
**To:** Maren Smagala; Jeffrey Bender  
**Subject:** Fwd: This coming Tuesday's board meeting

Dear Maren/Jeffrey,

I just checked the agenda - I didn't see any planned action. What is Ms. Murdock referring to?

Cheryl

----- Forwarded message -----

**From:** **Mary Murdock** <[wicket21@hotmail.com](mailto:wicket21@hotmail.com)>

**Date:** Sat, Apr 27, 2019 at 10:00 PM

**Subject:** This coming Tuesday's board meeting

**To:** [fgoger@nhvweb.net](mailto:fgoger@nhvweb.net) <[fgoger@nhvweb.net](mailto:fgoger@nhvweb.net)>, [ldiederich@nhvweb.net](mailto:ldiederich@nhvweb.net) <[ldiederich@nhvweb.net](mailto:ldiederich@nhvweb.net)>, [callen-munley@nhvweb.net](mailto:callen-munley@nhvweb.net) <[callen-munley@nhvweb.net](mailto:callen-munley@nhvweb.net)>, [jmelick@nhvweb.net](mailto:jmelick@nhvweb.net) <[jmelick@nhvweb.net](mailto:jmelick@nhvweb.net)>, [rmclaughlin@nhvweb.net](mailto:rmclaughlin@nhvweb.net) <[rmclaughlin@nhvweb.net](mailto:rmclaughlin@nhvweb.net)>, [rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net) <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)>, [hrichards@nhvweb.net](mailto:hrichards@nhvweb.net) <[hrichards@nhvweb.net](mailto:hrichards@nhvweb.net)>, [rstraight@nhvweb.net](mailto:rstraight@nhvweb.net) <[rstraight@nhvweb.net](mailto:rstraight@nhvweb.net)>, [tjroll@nhvweb.net](mailto:tjroll@nhvweb.net) <[tjroll@nhvweb.net](mailto:tjroll@nhvweb.net)>, [thintz@nhvweb.net](mailto:thintz@nhvweb.net) <[thintz@nhvweb.net](mailto:thintz@nhvweb.net)>, [scrisologo@nhvweb.net](mailto:scrisologo@nhvweb.net) <[scrisologo@nhvweb.net](mailto:scrisologo@nhvweb.net)>, [jviotto@nhvweb.net](mailto:jviotto@nhvweb.net) <[jviotto@nhvweb.net](mailto:jviotto@nhvweb.net)>

Dear Board President and Members,

My apologies for not addressing this email by your names individually, but more so as a whole. My name is Mary Murdock and I live in High Bridge, NJ. Both myself and my children have attended schools in the North Hunterdon/Voorhees District. My three children attended Voorhees High School and graduated with my youngest son graduating in 2017, whereas I graduated from North Hunterdon in 1978. I went on to become an educator, due to the influences of the teachers that I had while at North Hunterdon.

I was recently made aware of a situation with the board and superintendent that has me perplexed and appalled at the same time. It seems that there was a proposed banning of the book "Fun Home" from the school library, and I need to ask, why? Being an educator, I have had to face experiences that most people normally do not have to face- the suicide of a student- attending the funeral and viewing of that student, the coming out of a student, the horrors of the lives some of my students have had- being raped at the age of five, being sexually molested by a family member, being beaten, and hearing of the suffering and the pain they have had to endure. Having to address these situations hasn't always been easy, especially in an elementary or middle school classroom to say the least. Why am I telling you this? Because sometimes children and young adults need to know that they are not alone. Sometimes it isn't a person that can help them, but maybe a book can reach out to them and help them where others could not. This book may help those students who otherwise would not have any other alternative.

I know that you are now thinking about permitting *one person* in making decisions such as allowing or disallowing books in the school libraries- *please do not do this!* This is curtailing years and years of discrimination and prejudice, and giving one person the power to influence or deny a student help is

unconscionable. One cannot help but draw lines to book banning done in Germany during Hitler's reign. Do you really want this type of publicity for our district schools? When I was at North, there were many books that were controversial in the library- did that change me? Of course it did- it opened my eyes to other cultures and lifestyles and I was able to understand other people on a different level had I not read those books.

I am also a former councilwoman from High Bridge. I will state unequivocally that if the board were to proceed with making the superintendent the censor with deciding the fate of books being permitted in the schools, I will be contacting the ACLU of New Jersey, the National Coalition Against Censorship, the American Library Association, local television news stations- ABC, NBC, CBS- all of whom would be contacting you and wanting to know why is there censoring happening in the district? I do not think that you would want this type of publicity for yourselves or for the district- it would look very bad to be known as the "district who bans books-" which may deter not only families from moving into our area, but also sending a message to businesses that might not come into our area of Hunterdon because of this. I am asking that you seriously contemplate what you are proposing to do with policy 2530. Be the person who makes a difference to that student in need- instead of kowtowing to peer pressure. By banning books you are entering into problems with intellectual freedoms within the First Amendment. Consider your actions and how they will affect future generations.

Respectfully submitted,  
Mary Studer Murdock  
NHRHS Class of '78  
Former Councilwoman High Bridge  
High Bridge Resident  
Former Resident of Clinton Township

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**From:** Smagala, Maren <msmagala@nhvweb.net>  
**Sent:** Sunday, April 28, 2019 10:29 AM  
**To:** Allen-Munley, Cheryl  
**Cc:** Jeffrey Bender  
**Subject:** Re: This coming Tuesday's board meeting

Dear Cheryl:

The graphic novel Fun Home was removed from the shelf in North's library but has since been put back. There are a lot of schools that have questioned whether the content and graphics are age appropriate for a school library. This article can shed some light on the controversy surrounding the book - <https://www.vox.com/2015/8/26/9211327/duke-fun-home>.

Mrs. Murdock is also referring to the recent changes to policy 2530 Resource Materials, which the Board approved at the last two board meetings. Here is a link to the policy - [https://boardpolicyonline.com/?b=north\\_hunterdon\\_voorhees&s=372984](https://boardpolicyonline.com/?b=north_hunterdon_voorhees&s=372984). The policy now matches Strauss Esmay's version, which many schools in NJ use for policy development.

Mr. Kirchberger is meeting with the librarians at both high schools prior to Tuesday's Board meeting to possibly draft new language for the policy to address their concerns.

I hope that answers your questions. Please feel free to call Mr. Bender tomorrow if you need to discuss further.

Sincerely,

***Maren Smagala***  
District Communications Coordinator  
North Hunterdon-Voorhees Regional High School District  
1445 State Route 31, Annandale, NJ 08801  
Tel: (908) 713-4195  
[msmagala@nhvweb.net](mailto:msmagala@nhvweb.net)

Executive Committee Member of New Jersey School Public Relations Association  
[www.njspra.com](http://www.njspra.com)

On Sat, Apr 27, 2019 at 11:00 PM Allen-Munley, Cheryl <[callen-munley@nhvweb.net](mailto:callen-munley@nhvweb.net)> wrote:

Dear Maren/Jeffrey,

I just checked the agenda - I didn't see any planned action. What is Ms. Murdock referring to?

Cheryl

----- Forwarded message -----

From: **Mary Murdock** <[wicket21@hotmail.com](mailto:wicket21@hotmail.com)>



Date: Sat, Apr 27, 2019 at 10:00 PM

Subject: This coming Tuesday's board meeting

To: [fgoger@nhvweb.net](mailto:fgoger@nhvweb.net) <[fgoger@nhvweb.net](mailto:fgoger@nhvweb.net)>, [ldiederich@nhvweb.net](mailto:ldiederich@nhvweb.net) <[ldiederich@nhvweb.net](mailto:ldiederich@nhvweb.net)>, [callen-munley@nhvweb.net](mailto:callen-munley@nhvweb.net) <[callen-munley@nhvweb.net](mailto:callen-munley@nhvweb.net)>, [jmelick@nhvweb.net](mailto:jmelick@nhvweb.net) <[jmelick@nhvweb.net](mailto:jmelick@nhvweb.net)>, [rmclaughlin@nhvweb.net](mailto:rmclaughlin@nhvweb.net) <[rmclaughlin@nhvweb.net](mailto:rmclaughlin@nhvweb.net)>, [rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net) <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)>, [hrichards@nhvweb.net](mailto:hrichards@nhvweb.net) <[hrichards@nhvweb.net](mailto:hrichards@nhvweb.net)>, [rstraight@nhvweb.net](mailto:rstraight@nhvweb.net) <[rstraight@nhvweb.net](mailto:rstraight@nhvweb.net)>, [tjroll@nhvweb.net](mailto:tjroll@nhvweb.net) <[tjroll@nhvweb.net](mailto:tjroll@nhvweb.net)>, [thintz@nhvweb.net](mailto:thintz@nhvweb.net) <[thintz@nhvweb.net](mailto:thintz@nhvweb.net)>, [scrisologo@nhvweb.net](mailto:scrisologo@nhvweb.net) <[scrisologo@nhvweb.net](mailto:scrisologo@nhvweb.net)>, [jviotto@nhvweb.net](mailto:jviotto@nhvweb.net) <[jviotto@nhvweb.net](mailto:jviotto@nhvweb.net)>

Dear Board President and Members,

My apologies for not addressing this email by your names individually, but more so as a whole. My name is Mary Murdock and I live in High Bridge, NJ. Both myself and my children have attended schools in the North Hunterdon/Voorhees District. My three children attended Voorhees High School and graduated with my youngest son graduating in 2017, whereas I graduated from North Hunterdon in 1978. I went on to become an educator, due to the influences of the teachers that I had while at North Hunterdon.

I was recently made aware of a situation with the board and superintendent that has me perplexed and appalled at the same time. It seems that there was a proposed banning of the book "Fun Home" from the school library, and I need to ask, why? Being an educator, I have had to face experiences that most people normally do not have to face- the suicide of a student- attending the funeral and viewing of that student, the coming out of a student, the horrors of the lives some of my students have had- being raped at the age of five, being sexually molested by a family member, being beaten, and hearing of the suffering and the pain they have had to endure. Having to address these situations hasn't always been easy, especially in an elementary or middle school classroom to say the least. Why am I telling you this? Because sometimes children and young adults need to know that they are not alone. Sometimes it isn't a person that can help them, but maybe a book can reach out to them and help them where others could not. This book may help those students who otherwise would not have any other alternative.

I know that you are now thinking about permitting *one person* in making decisions such as allowing or disallowing books in the school libraries- *please do not do this!* This is curtailing years and years of discrimination and prejudice, and giving one person the power to influence or deny a student help is unconscionable. One cannot help but draw lines to book banning done in Germany during Hitler's reign. Do you really want this type of publicity for our district schools? When I was at North, there were many books that were controversial in the library- did that change me? Of course it did- it opened my eyes to other cultures and lifestyles and I was able to understand other people on a different level had I not read those books.

I am also a former councilwoman from High Bridge. I will state unequivocally that if the board were to proceed with making the superintendent the censor with deciding the fate of books being permitted in the schools, I will be contacting the ACLU of New Jersey, the National Coalition Against Censorship, the American Library Association, local television news stations- ABC, NBC, CBS- all of whom would be contacting you and wanting to know why is there censoring happening in the district? I do not think that you would want this type of publicity for yourselves or for the district- it would look very bad to be known as the "district who bans books-" which may deter not only families from moving into our area, but also sending a message to businesses that might not come into our area of Hunterdon because of this. I am asking that you seriously contemplate what you are proposing to do with policy 2530. Be the person who makes a difference to that

student in need- instead of kowtowing to peer pressure. By banning books you are entering into problems with intellectual freedoms within the First Amendment. Consider your actions and how they will affect future generations.

Respectfully submitted,  
Mary Studer Murdock  
NHRHS Class of '78  
Former Councilwoman High Bridge  
High Bridge Resident  
Former Resident of Clinton Township

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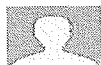
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**From:** Robert Kirchberger (via Google Docs) <drive-shares-noreply@google.com>  
**Sent:** Sunday, April 28, 2019 6:14 PM  
**To:** jbender@nhvweb.net  
**Cc:** tjroll@nhvweb.net  
**Subject:** Regarding Policy 2530  
**Attachments:** Regarding Policy 2530.docx

rkirchberger@nhvweb.net has attached the following document:



## Regarding Policy 2530



Jeff, Tom -

Attached is a statement that I wrote, and plan to read during the meeting on Tuesday night. I also recommend we send this out to all parents in the district after the meeting.

Happy to take feedback or edits...

Thanks!

Google Docs: Create and edit documents online.

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

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Members of the North Hunterdon Voorhees School District Community:

At the March 2019 Board of Education meeting, changes were approved to Policy 2530 and Regulation 2530. In recent weeks, there have been multiple concerns raised by members of the community and other interested parties and I want to address those concerns and the actions we are taking as a result.

These changes were adopted as policy recommendations from our policy development company. Our district policies have been in the process of being revised over the past several years to streamline and standardize with those policies adopted by a majority of schools throughout New Jersey. Policy development companies provide a valuable service by off-loading the painstaking work of ensuring that a district's policies remain up to date and in compliance with New Jersey law and Department of Education regulations.

Neither the Policy 2530 nor the Regulation 2530 revisions were intended to place sole authority for selecting or removing resource materials in the hands of the Superintendent. However, it is clear based on multiple letters from concerned groups and community members - the adopted language does not clearly and specifically identify the role of the Library Media Specialists in the selection process and does not go far enough to reinforce the objective to preserve intellectual freedom. To address those concerns I have met with the librarians of both North Hunterdon High School and Voorhees High School to discuss further policy revisions to alleviate concerns raised over the past several weeks.

North Hunterdon Voorhees School District has not changed its commitment to intellectual freedom. It has not placed unilateral authority for resource material selection into any one person's hands. Resource Material selection will continue to be led by the trained professionals in the school, the Library Media Specialists, with approval by the Superintendent and recommendation to the Board of Education (which is the process for any and all expenditures that take place in the district). The Policy and Regulation 2350 language will be clarified in these regards.

Also, the path for removal of specific materials from the library based on complaint or other challenges has not changed. That process is defined in Policy 9180 and detailed in Regulation 9180. Those remain unchanged, and detail the process by which any complaint is evaluated by a review committee which makes a recommendation to the Board of Education.

The past couple of weeks have been valuable. A change was made to policy without a sufficient explanation. That change was intended one way and interpreted in another, and people raised their voices to express concern. Those concerns have been heard and will be addressed by the modifications that will be proposed to the the Policy Committee for first read next month and approval in June. Thanks to all who have reached out, we appreciate the beneficial dialogue with the community of our outstanding school district.

Sincerely,

Rob Kirchberger  
President, NHV Board of Education

---

**From:** Kirchberger, Robert <rkirchberger@nhvweb.net>  
**Sent:** Sunday, April 28, 2019 6:18 PM  
**To:** Jeff Bender; Thomas J Roll  
**Subject:** Regarding Policy 2530

Hi Jeff and Tom -

tried to send this a minute ago, but not sure it went through.

This is a statement that I plan to read at the meeting on Tuesday night.

I also recommend that we email this as a letter to the parents after the meeting so that everyone hears the same message.

Happy to get your edits or suggestions.

Thx  
Rob

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Members of the North Hunterdon Voorhees School District Community:

At the March 2019 Board of Education meeting, changes were approved to Policy 2530 and Regulation 2530. In recent weeks, there have been multiple concerns raised by members of the community and other interested parties and I want to address those concerns and the actions we are taking as a result.

These changes were adopted as policy recommendations from our policy development company. Our district policies have been in the process of being revised over the past several years to streamline and standardize with those policies adopted by a majority of schools throughout New Jersey. Policy development companies provide a valuable service by off-loading the painstaking work of ensuring that a district's policies remain up to date and in compliance with New Jersey law and Department of Education regulations.

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Sincerely,

Rob Kirchberger  
President, NHV Board of Education



---

**From:** Thomas J Roll <tjroll@nhvweb.net>  
**Sent:** Sunday, April 28, 2019 8:43 PM  
**To:** Robert Kirchberger  
**Cc:** jbender@nhvweb.net  
**Subject:** Re: Regarding Policy 2530

I think that you perfectly summarized the issue and the corresponding misinformation. Hopefully this will help the people that are simply reacting rather than actually finding out about the new policy to understand what is going on.

Sent from my iPhone

On Apr 28, 2019, at 6:14 PM, Robert Kirchberger (via Google Docs) <[drive-shares-noreply@google.com](mailto:drive-shares-noreply@google.com)> wrote:

rkirchberger@nhvweb.net has attached the following document:



Regarding Policy 2530



Jeff, Tom -

Attached is a statement that I wrote, and plan to read during the meeting on Tuesday night. I also recommend we send this out to all parents in the district after the meeting.

Happy to take feedback or edits...

Thanks!

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<Regarding Policy 2530.docx>

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**From:** Jeffrey Bender <jbender@nhvweb.net>  
**Sent:** Monday, April 29, 2019 12:11 PM  
**To:** Maren Smagala  
**Subject:** RIKER\_DOCS2-#5042807-v1-Statement\_Regarding\_Policy\_2530  
**Attachments:** RIKER\_DOCS2-#5042807-v1-Statement\_Regarding\_Policy\_2530.docx

Members of the North Hunterdon Voorhees School District Community:

At the March 2019 Board of Education meeting, changes were approved to Policy 2530 and Regulation 2530. In recent weeks, there have been multiple concerns raised by members of the community and other interested parties and I want to address those concerns and the actions we are taking as a result.

These changes were adopted as policy recommendations from our policy development company. Our district policies have been in the process of being revised over the past several years to streamline and standardize with those policies adopted by a majority of public schools boards throughout New Jersey. Policy development companies provide a valuable service by off-loading the painstaking work of ensuring that a district's policies remain up to date and in compliance with New Jersey law and Department of Education regulations.

Neither the Policy 2530 nor the Regulation 2530 revisions were intended to place sole authority for selecting or removing resource materials in the hands of the Superintendent. However, it is clear based on multiple letters from concerned groups and community members - that in their view, the adopted language does not clearly and specifically identify the role of the Library Media Specialists in the selection process and does not go far enough to reinforce the objective to preserve intellectual freedom. To address those concerns I have met with the librarians of both North Hunterdon High School and Voorhees High School to discuss further policy revisions to alleviate address concerns raised over the past several weeks.

North Hunterdon Voorhees School District has not changed its commitment to intellectual freedom. It has not placed unilateral authority for resource material selection into any one person's hands. Resource Material selection will continue to be led by the trained professionals in the school, the Library Media Specialists, with approval by the Superintendent and recommendation to the Board of Education upon recommendation by the Superintendent, all in the interests of the welfare and educational benefit to our students (which is the process for any and all expenditures that take place in the district). The Policy and Regulation 2350 language will be clarified in these regards.

Also, the path for removal of specific materials from the library based on complaint or other challenges has not changed. That process is defined in Policy 9180 and detailed in Regulation 9180. Those remain unchanged, and detail the process by which any complaint is evaluated by a review committee which makes a recommendation to the Board of Education.

The past couple of weeks have been valuable. A policy change was made to policy without a sufficient explanation. That change was intended one way and interpreted in another, and people raised their voices to express concern. Those concerns have been heard and will be addressed by the modifications that will be proposed to discussed and recommended by the the Policy Committee for first reading next month and approval by the Board of Education in June. Thanks to all who have reached out, we appreciate the beneficial dialogue with the community of our outstanding school district.

Sincerely,

Rob Kirchberger  
President, NHV Board of Education

---

**From:** Hintz, Tara <thintz@nhvweb.net>  
**Sent:** Monday, April 29, 2019 1:28 PM  
**To:** Thomas J Roll; Jeffrey Bender

Good afternoon Thomas and Jeffrey,

During research that I have been compiling regarding Policy 2530, I came across this article on the CBDLF website.

I thought you both would find it of interest.

<http://cbldf.org/2019/04/autocratic-policy-change-in-nj-high-school-after-fun-home-victory/>

I look forward to discussing this issue further when the time permits.

See you tomorrow evening.

Kindest regards,

Tara Marie Hintz

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**From:** Maren Smagala <msmagala@nhvweb.net>  
**Sent:** Monday, April 29, 2019 3:05 PM  
**To:** Announce - BOE  
**Cc:** Jeffrey Bender; Rich Bergacs; Susan Press; Lynn Baumeister  
**Subject:** Hand Carry - Statement from Board President

Dear Board Members:

Please be advised that we have added a hand carry document to the agenda for tomorrow. Mr. Kirchberger will be reading a statement during his President's Report regarding the recent revisions to Policy 2530-Resource Materials. It is posted on the agenda and in the Google Team Drive for your review.

Sincerely,

*Maren Smagala*  
District Communications Coordinator  
North Hunterdon-Voorhees Regional High School District  
Tel: (908) 713-4195  
[msmagala@nhvweb.net](mailto:msmagala@nhvweb.net)

Vice President of Programming – NJ School Public Relations Association

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**From:** Roll, Thomas J <tjroll@nhvweb.net>  
**Sent:** Tuesday, April 30, 2019 11:53 AM  
**To:** Robert Kirchberger; Rich Bergacs; Jeffrey Bender  
**Subject:** Policy & Security Committee - 04-15-2019

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## **Policy Committee meeting – 04/15/2019**

Attending Members: Tara Hintz, Rachel McLaughlin, Thomas Roll, and Robert Kirchberger (Cheryl Allen-Munley was absent)

Other Interested Member: Fran Goger

Administers: Jeff Bender and Rich Bergacs.

- Reviewed Committee goals: (1) Review and update BOE Policies (2) Audit all district policies for compliance and necessity. Reminder: this has been an ongoing process for about three years.
- First reading of ten policies for April 30, 2019 meeting, most are just an update of language, substance is not really changing. Updates are based on the recommendation of Strauss Esmay, policy consultants, based on changes in the applicable statutes.
- P1320 Duties of the School Business Administrator/Board Secretary have been extensively rewritten to reflect the responsibilities of that position and to remove the duty of that position of acting as Superintendent in the absence of the Superintendent.
- Policy 2530 was discussed as Mr. Kirchberger addressed in his President's Report.
- The recently updated Athletic Handbook was discussed. Ms. McLaughlin is going to present some proposed changes at the next meeting of the committee.
- Policy Committee will now be Policy and Security since that aspect is gaining in importance and rather than it being dealt with piecemeal by Buildings or Technology it will be under Policy and Security.
- In that new capacity, additional safeguards are in place and more are being implemented including technological, personnel, and physical improvements.

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**From:** Robert Kirchberger <rkirchberger@nhvweb.net>  
**Sent:** Wednesday, May 1, 2019 8:40 AM  
**To:** tjroll@nhvweb.net; rbergacs@nhvweb.net; jbender@nhvweb.net  
**Subject:** Next Policy Committee Meeting

Hi Tom -

When is the next Policy Committee meeting scheduled? As mentioned yesterday, I've invited the North and Voorhees librarians to that meeting to collaborate on Policy 2530.

Rich - could you or someone in the office add Martha and Leslie to the invite for that meeting? I suggest extending it to 1 hour in length.

Thanks!  
Rob

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**From:** Bergacs, Rich <rbergacs@nhvweb.net>  
**Sent:** Wednesday, May 1, 2019 10:48 AM  
**To:** Robert Kirchberger  
**Cc:** Thomas J Roll; Jeff Bender  
**Subject:** Re: Next Policy Committee Meeting

Hi Rob,

The next policy committee is a week from today, May 8th, at 5:30. I have already invited both Martha and Leslie by adding them to the calendar invite, but will follow up with each of them in person as well. I will come up with a sample policy and reg based on the previous versions, but with the chain of command language added, and I think it would be beneficial to share that as a Google doc with everyone so we can come to agreement on language before the policy meeting and avoid spending time starting from scratch that night, but let me know your thoughts on that strategy. There are no other meetings scheduled after policy, so if it has to go over to an hour that will not be an issue.

Rich

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*Dr. Richard A. Bergacs*

*Assistant Superintendent of Schools  
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Fax (908) 735-6914  
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**From:** Robert Kirchberger <rkirchberger@nhvweb.net>  
**Sent:** Wednesday, May 1, 2019 11:05 AM  
**To:** Bergacs, Rich  
**Cc:** Thomas J Roll; Jeff Bender  
**Subject:** Re: Next Policy Committee Meeting

Thanks Rich!

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And before we share it with them, I'll probably send an email describing the approach (in context of my meeting with them yesterday) and then we can share the google doc with the language / revisions...

Make sense?

LMK if you want to discuss further.

Thx  
Rob

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**From:** Bergacs, Rich <rbergacs@nhvweb.net>  
**Sent:** Wednesday, May 1, 2019 11:10 AM  
**To:** Robert Kirchberger  
**Cc:** Thomas J Roll; Jeff Bender  
**Subject:** Re: Next Policy Committee Meeting

Yes, I will share it with both of you first, and then I like the rest of the approach.

Rich

On Wed, May 1, 2019 at 11:04 AM Robert Kirchberger <[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)> wrote:  
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**Sent:** Wednesday, May 1, 2019 12:53 PM  
**To:** Robert Kirchberger; Thomas J Roll  
**Cc:** Jeff Bender  
**Subject:** Re: Next Policy Committee Meeting

I just shared both the policy and regulation with you for us to work on, but wanted to add this observation. The language in the regulation, really isn't regulation language. There is no requirement to have a regulation, so we could just move that language that is currently in the regulation over to the policy, and simply adopt the policy. Let me know your thoughts.

On Wed, May 1, 2019 at 11:09 AM Bergacs, Rich <rbergacs@nhvweb.net> wrote:  
Yes, I will share it with both of you first, and then I like the rest of the approach.

Rich

On Wed, May 1, 2019 at 11:04 AM Robert Kirchberger <rkirchberger@nhvweb.net> wrote:  
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*Dr. Richard A. Bergacs*

*Assistant Superintendent of Schools  
North Hunterdon-Voorhees Regional High School District  
1445 State Route 31  
Annandale, NJ 08801  
(908) 713-4103  
Fax (908) 735-6914  
Email [rbergacs@nhvweb.net](mailto:rbergacs@nhvweb.net)  
WebSite - <http://www.nhvweb.net>*

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**From:** Thomas J Roll <tjroll@nhvweb.net>  
**Sent:** Wednesday, May 1, 2019 2:29 PM  
**To:** Bergacs, Rich  
**Cc:** Robert Kirchberger; Jeff Bender  
**Subject:** Re: Next Policy Committee Meeting

Hi all,

I just read the policy and it looks fine with the addition of the chain of command added. I didn't have a problem with the old policy, it was just being updated per recommendation. I also felt the new policy allowed for more consistency between the schools since the district level would be the final say rather than someone at the school level. That is addressed with the added language.

Tom

Sent from my iPad

On May 1, 2019, at 12:52 PM, Bergacs, Rich <rbergacs@nhvweb.net> wrote:

I just shared both the policy and regulation with you for us to work on, but wanted to add this observation. The language in the regulation, really isn't regulation language. There is no requirement to have a regulation, so we could just move that language that is currently in the regulation over to the policy, and simply adopt the policy. Let me know your thoughts.

On Wed, May 1, 2019 at 11:09 AM Bergacs, Rich <rbergacs@nhvweb.net> wrote:  
Yes, I will share it with both of you first, and then I like the rest of the approach.

Rich

On Wed, May 1, 2019 at 11:04 AM Robert Kirchberger <rkirchberger@nhvweb.net> wrote:  
Thanks Rich!

Can you share that google doc with me and Tom first... I'd like to have a look before we send it over to Martha and Leslie. But in general I agree with the approach.

And before we share it with them, I'll probably send an email describing the approach (in context of my meeting with them yesterday) and then we can share the google doc with the language / revisions...

Make sense?

LMK if you want to discuss further.

Thx  
Rob

Sent to you by AT&T... America's Fastest Broadband Network

Rethink Possible

On May 1, 2019, at 10:48 AM, Bergacs, Rich <[rbergacs@nhvweb.net](mailto:rbergacs@nhvweb.net)> wrote:

Hi Rob,

The next policy committee is a week from today, May 8th, at 5:30. I have already invited both Martha and Leslie by adding them to the calendar invite, but will follow up with each of them in person as well. I will come up with a sample policy and reg based on the previous versions, but with the chain of command language added, and I think it would be beneficial to share that as a Google doc with everyone so we can come to agreement on language before the policy meeting and avoid spending time starting from scratch that night, but let me know your thoughts on that strategy. There are no other meetings scheduled after policy, so if it has to go over to an hour that will not be an issue.

Rich

On Wed, May 1, 2019 at 8:40 AM Robert Kirchberger  
<[rkirchberger@nhvweb.net](mailto:rkirchberger@nhvweb.net)> wrote:

Hi Tom -

When is the next Policy Committee meeting scheduled? As mentioned yesterday, I've invited the North and Voorhees librarians to that meeting to collaborate on Policy 2530.

Rich - could you or someone in the office add Martha and Leslie to the invite for that meeting? I suggest extending it to 1 hour in length.

Thanks!

Rob

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Rethink Possible

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**North Hunterdon-Voorhees Regional High School District**  
**April 30, 2019 Board of Education Meeting**  
**Hand Carry 04302019-1**

Members of the North Hunterdon-Voorhees School District Community:

At the March 2019 Board of Education meeting, changes were approved to Policy 2530. In recent weeks, there have been multiple concerns raised by members of the community and other interested parties and I want to address those concerns and the actions we are taking as a result.

These changes were adopted as policy recommendations from our policy development company. Our district policies have been in the process of being revised over the past several years to streamline and standardize with those policies adopted by a majority of public school boards throughout New Jersey. Policy development companies provide a valuable service by off-loading the painstaking work of ensuring that a district's policies remain up to date and in compliance with New Jersey law and Department of Education regulations.

The revisions to Policy 2530 were not intended to place sole authority for selecting or removing resource materials in the hands of the Superintendent. However, it is clear based on multiple letters from concerned groups and community members that in their view, the adopted language does not clearly and specifically identify the role of the Library Media Specialists in the selection process and does not go far enough to reinforce the objective to preserve intellectual freedom. To address those concerns, I have met with the librarians of both North Hunterdon High School and Voorhees High School to discuss further policy revisions to address concerns raised over the past several weeks.

North Hunterdon-Voorhees School District has not changed its commitment to intellectual freedom. It has not placed unilateral authority for resource material selection into any one person's hands. Resource material selection will continue to be led by the trained professionals in the school with approval by the Board of Education upon recommendation by the Superintendent, all in the interests of the welfare and educational benefit to our students (which is the process for any and all expenditures that take place in the district). The language in Policy 2530 will be clarified in these regards.

Also, the path for removal of specific materials from the library based on complaint or other challenges has not changed. That process is defined in Policy 9130 and detailed in Regulation 9130. Those remain unchanged, and detail the process by which any complaint is evaluated by a review committee, which makes a recommendation to the Board of Education.

The past couple of weeks have been valuable. A policy change was intended one way and interpreted in another, and people raised their voices to express concern. Those concerns have been heard and will be addressed by the modifications that will be discussed and recommended by the Policy Committee for first reading next month and approval by the Board of Education in June. Thanks to all who have reached out, we appreciate the beneficial dialogue with the community of our outstanding school district.

Sincerely,

Rob Kirchberger  
President, NHV Board of Education

## Policy 2530 RESOURCE MATERIALS

### Policy for Media Selection

The North Hunterdon-Voorhees Regional High School District Board of Education hereby declares it is the policy of the North Hunterdon Regional High School District to provide a wide range of instructional materials on all levels of difficulty, with diversity of appeal, and the presentation of different points of view and to allow the review of allegedly inappropriate instructional materials through established procedures.

### Objectives of Selection

In order to assure that the school media program is an integral part of the educational program of the school, the following selection objectives are adopted:

- To provide materials that will enrich and support the curriculum and personal needs of the users, taking into consideration their varied interests, abilities, and learning styles;
- To provide materials that will stimulate growth in factual knowledge, literacy appreciation, aesthetic values, and ethical standards;
- To provide materials on opposing sides of controversial issues so that users may develop under guidance the practice of critical analysis;
- To provide materials which realistically represent our pluralistic society and reflect the contributions made by these groups and individuals to our American heritage;
- To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users;
- To provide exposure to information technologies and techniques to enable students to participate in life-long learning skills.

### Responsibility for Selection

Although the North Hunterdon-Voorhees Regional High School District Board of Education is legally responsible for the operation of the schools, the responsibility for media selection materials is delegated to the certificated library/media personnel

While selection of materials involves many people, including library/media specialists, teachers, students, supervisors, administrators, and community persons, the responsibility for coordinating and recommending the selection and purchase of media rests with the certificated library/media personnel. Responsibility for coordinating the selection and purchase of textbooks rests with appropriate department chairpersons, principals or textbook evaluation committees.

### Criteria for Selection

Educational goals of the local school district, individual student learning modes, teaching styles, curricula needs, faculty and student needs, existing materials and networking arrangement should be considered in developing the media collection. Guidelines for the evaluation and selection of curricula resources are listed.

- Curricular materials should:
  - Be relevant to today's world;
  - Represent artistic, historic, and literary qualities;
  - Reflect problems, aspirations, attitudes and ideals of a society;
  - Contribute to the objectives of the instructional program;
  - Be appropriate to the level of the user;
  - Represent differing viewpoints on controversial subjects;
  - Provide a stimulus to creativity.

Technical materials should:

- Be of acceptable technical quality; clear narration and sound, synchronized pictures and sound;
- Be readable; typographically well-balanced.

Adopted: 1 May 2001

North Hunterdon Voorhees School District

## Policy 2530 RESOURCE MATERIALS

The Board of Education shall provide resource materials to implement district and school educational goals and objectives as student needs dictate and district resources permit. Such materials include reference books, other supplementary titles, maps, library print and non-print materials, and other sources of information for use by students that are not designated as textbooks.

The Superintendent shall be responsible for the selection and maintenance of all resource materials, in accordance with the following standards:

1. Material will be suited to the varied interests, abilities, reading levels, and maturation levels of the students to be served;
2. Wherever possible, materials will provide major opposing views on controversial issues so that students may develop under guidance the practice of critical reading and thinking;
3. Wherever possible, materials will represent the many religious, ethnic, and cultural groups and their contribution to American heritage;
4. Materials will be factually accurate and of genuine literary or artistic value;
5. Materials will be of a quality and durability appropriate to their intended uses and longevity;
6. Materials will relate to, support, and enrich the courses of study adopted by the Board.

The Superintendent will develop regulations for the selection of resource materials that provide for the effective consultation of teaching staff members at all appropriate levels; ensure that the Board's budgetary allotment for resource materials is efficiently spent and wisely distributed throughout the instructional program and the district; and ensure an inventory of resource materials that is well balanced and well rounded in coverage of subject, types of materials, and variety of content.

The Superintendent will evaluate the continuing effectiveness and utility of resource materials and recommend to the Board the removal of those materials that no longer meet the standards set forth in this policy. Any request for the removal of resource materials will be governed by Policy No. 9130 on public complaints.

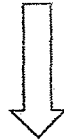
Adopted: 1 May 2001

Revised: March 19, 2019

North Hunterdon Voorhees School District

## Selection of library media

2530: "... responsibility for coordinating and recommending the selection and purchase of media rests with the certificated library/media personnel"



### 2530: Criteria for selection

- Be relevant to today's world;
- Represent artistic, historic, and literary qualities;
- Reflect problems, aspirations, attitudes and ideals of a society;
- Contribute to the objectives of the instructional program;
- Be appropriate to the level of the user;
- Represent differing viewpoints on controversial subjects;
- Provide a stimulus to creativity.



## Complaints about resource materials

2530: "... it is the policy of the North Hunterdon Regional High School District to provide a wide range of instructional materials ... and to allow the review of allegedly inappropriate instructional materials through established procedures ... If a complaint is made, procedures as outlined in **Regulation No. 9130** will be followed."



9130: "... a complaint about instructional or resource materials should be addressed to the Superintendent."



9130: "In the case of complaints about instructional or resource materials, the initial complaint must set forth in writing ... No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board of Education, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some."



9130: "Within ten working days of the receipt of the complaint form, the Superintendent shall appoint a review committee ... The standards used by the committee will be those set forth in **Policy No. 2530**."



**AGENDA**  
**NORTH HUNTERDON-VOORHEES REGIONAL HIGH SCHOOL DISTRICT**  
**BOARD OF EDUCATION - HUNTERDON COUNTY, NJ**  
**BOARD MEETING**

Meeting Location - District Administration Office, 1445 Route 31, Annandale, NJ 08801  
 Tuesday, March 19, 2019 at 7:00 p.m.

---

1. **Call to Order and Open Public Meeting Act Statement**

- 1.1. The North Hunterdon-Voorhees Regional High School District Board of Education meeting on Tuesday, March 19, 2019, is now called to order.
- 1.2. In accordance with the requirements of the Open Public Meeting Act, N.J.S.A. 10:4-6 et seq., adequate notice of the meeting has been provided by posting of notice at North Hunterdon High School and Voorhees High School, delivery by facsimile to the Hunterdon County Democrat, Star-Ledger, municipal clerks of Bethlehem Township, Califon Borough, Town of Clinton, Clinton Township, Franklin Township, Glen Gardner Borough, Hampton Borough, High Bridge Borough, Lebanon Borough, Lebanon Township, Tewksbury Township and Union Township as well as other interested parties.
- 1.3. Fire exits are located in the direction indicated. If alerted to fire, please move in a calm and orderly fashion to the nearest smoke-free exit. At this time, please silence all cell phones.

2. **Roll Call**

Cheryl Allen-Munley	Califon Borough / Tewksbury Township
Shelley Crisologo	Town of Clinton / Franklin Township / Glen Gardner Borough
Lisa Diederich	Union Township
Francis Goger	Bethlehem Township / Hampton Borough
Tara Marie Hintz	High Bridge Borough / Lebanon Township
Robert Kirchberger	Clinton Township / Lebanon Borough
Rachel McLaughlin	Clinton Township / Lebanon Borough
John Melick	Califon Borough / Tewksbury Township
Heather Richards	Clinton Township / Lebanon Borough
Thomas Roll	High Bridge Borough / Lebanon Township
Roger Straight	Clinton Township / Lebanon Borough
Jessica Viotto	Town of Clinton / Franklin Township / Glen Gardner Borough

5. **Flag Salute**

6. **Call for a motion and second** to approve agenda item 6.1 **Voice Vote**

- 6.1. Minutes of the [February 19, 2019](#) board meeting

7. **Superintendent's Report**

- 7.1. Report on Harassment, Intimidation and Bullying (HIB)
- 7.2. **Call for a motion and second** to affirm the determinations on the [HIB incidents](#) reported at the February 19, 2019 board meeting. **Voice Vote**
- 7.3. [Monthly reports](#)



8. **President's Report**

- 8.1. April 30, 2019 - Public hearing and adoption of the 2019 - 2020 budget and Board meeting - 7:00 p.m. - District Administration Office
- 8.2. May 21, 2019 - Board meeting - 7:00 p.m. - District Administration Office
- 8.3. Action Needed - Pursuant to N.J.S.A. 18A:17-20.3a, and in preparation for the June 18, 2019 Board Goal Setting Meeting, Board members are requested to complete the Board Self-Evaluation and Chief School Administrator Evaluation now available online at [New Jersey](#) School Boards Association.

9. **Board Committee [Reports](#)**

10. **Opportunity for Public Comment**

- 10.1. During this portion of the meeting, the public is invited to address the Board with questions or comments.
- 10.2. The public is requested to sign the register provided for this purpose and to state their name, address, and direct their comments to the Board President.
- 10.3. While all comments will be considered and a response will be forthcoming if and when appropriate, the Board will not respond to the speakers at the time of their appearance.
- 10.4. The public comment period will be a maximum of thirty minutes in length unless there are unusual circumstances.
- 10.5. Those appearing will be allocated three minutes to speak and no one will be permitted to speak twice until those wishing to speak have had a turn.

11. **Call for a motion and second** to approve action item 11.1

- 11.1. [Resolution F31919 -1](#) authorizing adoption of the 2019 - 2020 preliminary budget  
**Roll Call Vote**

12. **Call for a motion and second** to approve agenda items 13.1 - 15.11 **Voice Vote**

13. **Curriculum, Instruction and Technology**

- 13.1. [Home instruction](#) and out-of-district placements
- 13.2. Addition of Dr. Jacob Jacoby of Bayonne, NJ to the professional consultants list at a rate of \$1,200 for the provision of conducting psychiatric evaluations
- 13.3. Pursuant to Board Policy 1140, establish an Affirmative Action Team to conduct a needs assessment and develop a new three-year comprehensive equity plan
- 13.4. [Spanish](#) immersion summer camp
- 13.5. [STEM](#) summer camp

14. **Policy**

- 14.1. Second reading of board [policies](#)

15. **Finance, Facilities and Transportation**

- 15.1. [Resolution F31919-2](#) authorizing a withdrawal from the capital reserve fund
- 15.2. [Resolution F31919-3](#) authorizing competitive contracting
- 15.3. [Agreement](#) with Spiegle Architectural Group, Inc. of Hamilton, NJ, for classroom alterations at North Hunterdon High School
- 15.4. Payment, in the amount of \$1,140.15, be made on behalf of student #20200144 for instructional services provided to the student for the period of 2/20/19 thru 3/6/19
- 15.5. Participating [addendum](#) to WSCA-NASPO Cooperative Purchasing Organization for copiers, printers and related devices
- 15.6. Agreement with [Dr. Eric Milou](#) of Sewell, NJ, in the amount of \$3,500, for the provision of two mathematics professional development sessions

- 15.7. Declare [district property](#) as damaged and / or obsolete and grant authorization for disposal
- 15.8. [Check journals](#)
- 15.9. Treasurer and Board Secretary report [February 2019](#)
- 15.10. Transfer report [February 2019](#)
- 15.11. [Staff training](#) and travel requests
16. **Call for a motion and second** to adopt the resolution for executive session.  
  
**Resolution read by the Board President:** Whereas, Section 7 of the Open Public Meetings Act, N.J.S.A. 10:4-12 authorizes a public body to exclude the public from that portion of a meeting at which the Board discusses topics falling within certain specified exceptions to the requirement for open public meetings, and Whereas the matters to be discussed fall within one or more of those exceptions, now therefore be it Resolved that the Board of Education of the North Hunterdon-Voorhees Regional High School District now adjourns from public session to executive session for the purpose of discussing the following:
  - 16.1. Personnel - recommendations for appointments, separations, changes in salary, changes in assignment, and leaves of absence
  - 16.2. Pending and threatened litigation and matters falling within the attorney-client privilege
  - 16.3. Executive session minutes February 19, 2019  
**Voice Vote**
17. **Call for a motion and second** to reconvene public session. **Voice Vote**
18. **New Business**
19. **Call for a motion and second** to approve agenda items 19.1 - 19.2 **Roll Call Vote**
  - 19.1. [Personnel agenda P03192019](#)
  - 19.2. Executive session minutes February 19, 2019
20. **Call for a motion and second** to adjourn. **Voice Vote**

**AGENDA**  
**NORTH HUNTERDON-VOORHEES REGIONAL HIGH SCHOOL DISTRICT**  
**BOARD OF EDUCATION - HUNTERDON COUNTY, NJ**  
**BOARD MEETING**

Meeting Location - District Administration Office, 1445 Route 31, Annandale, NJ 08801  
Tuesday, April 30, 2019 at 7:00 p.m.

---

1. **Call to Order and Open Public Meeting Act Statement**

- 1.1. The North Hunterdon-Voorhees Regional High School District Board of Education meeting on Tuesday, April 30, 2019, is now called to order.
- 1.2. In accordance with the requirements of the Open Public Meeting Act, N.J.S.A. 10:4-6 et seq., adequate notice of the meeting has been provided by posting of notice at North Hunterdon High School and Voorhees High School, delivery by facsimile to the Hunterdon County Democrat, Star-Ledger, municipal clerks of Bethlehem Township, Califon Borough, Town of Clinton, Clinton Township, Franklin Township, Glen Gardner Borough, Hampton Borough, High Bridge Borough, Lebanon Borough, Lebanon Township, Tewksbury Township and Union Township as well as other interested parties.
- 1.3. Fire exits are located in the direction indicated. If alerted to fire, please move in a calm and orderly fashion to the nearest smoke-free exit.
- 1.4. At this time, please silence all cell phones.

2. **Roll Call**

Cheryl Allen-Munley	Califon Borough / Tewksbury Township
Shelley Crisologo	Town of Clinton / Franklin Township / Glen Gardner Borough
Lisa Diederich	Union Township
Francis Goger	Bethlehem Township / Hampton Borough
Tara Marie Hintz	High Bridge Borough / Lebanon Township
Robert Kirchberger	Clinton Township / Lebanon Borough
Rachel McLaughlin	Clinton Township / Lebanon Borough
John Melick	Califon Borough / Tewksbury Township
Heather Richards	Clinton Township / Lebanon Borough
Thomas Roll	High Bridge Borough / Lebanon Township
Roger Straight	Clinton Township / Lebanon Borough
Jessica Viotto	Town of Clinton / Franklin Township / Glen Gardner Borough

3. **Flag Salute**

4. **Call for a motion and second to approve agenda item 4.1**

- 4.1. Minutes of the [March 19, 2019](#) board meeting **Voice vote**

5. **Public Hearing and Adoption of the 2019-2020 School Year Budget**
  - 5.1. Slide presentation on the 2019-2020 school year budget.
  - 5.2. **Public comment** - during this portion of the meeting, the public is invited to address the Board with questions or comments on the 2019-2020 school year budget. The public is requested to sign the register provided for this purpose and to state their name, address and direct their comments to the Board President.
  - 5.3. **Call for a motion and second** to adopt [resolution F43019-1](#) establishing the 2019-2020 school year budget including maximum travel reimbursement and maximum expenditures for professional services. **Roll call vote**
6. **Chief School Administrator's Report**
  - 6.1. Report on Harassment, Intimidation and Bullying (HIB)
  - 6.2. **Call for a motion and second** to affirm the determinations on the [HIB incidents](#) reported at the March 19, 2019 board meeting. **Voice vote**
  - 6.3. **Call for a motion and second** to adopt [resolution F43019-2](#) recognizing Teacher Appreciation Week May 6 -10, 2019. **Voice Vote**
  - 6.4. [Monthly reports](#)
7. **President's Report**
  - 7.1. **May 21, 2019** - Board meeting - 7:00 p.m. - District Administration Office
  - 7.2. **June 7, 2019** - Pursuant to N.J.S.A. 18A:17-20.3a, and in preparation for the June 18, 2019 Board Goal Setting Meeting, Board members are requested to complete the Board Self-Evaluation and Chief School Administrator Evaluation now available online at [New Jersey School Boards Association](#).
  - 7.3. **June 18, 2019** - Goal setting meeting and Board meeting - **6:00 p.m.** - District Administration Office
  - 7.4. **July 29, 2019** at 4:00 p.m. - Deadline for submission, of [November School Election Nominating Petitions](#), to the office of the Hunterdon County Clerk
  - 7.5. [Statement regarding Policy 2530](#) (added 4/29/19)
8. **Board Committee Reports**
9. **Old Business**
  - 9.1. Facilities, Finance and Transportation Committee review of policies related to school security
  - 9.2. Policy Committee review of the Athletic Handbook
  - 9.3. Order of the Board agenda - New Business
10. **Opportunity for Public Comment**
  - 10.1. During this portion of the meeting, the public is invited to address the Board with questions or comments.
  - 10.2. The public is requested to sign the register provided for this purpose and to state their name, address, and direct their comments to the Board President.
  - 10.3. While all comments will be considered and a response will be forthcoming if and when appropriate, the Board will not respond to the speakers at the time of their appearance.
  - 10.4. The public comment period will be a maximum of thirty minutes in length unless there are unusual circumstances.
  - 10.5. Those appearing will be allocated three minutes to speak and no one will be permitted to speak twice until those wishing to speak have had a turn.

11. **Call for a motion and second** to approve agenda items 12.1 - 15.14 **Voice vote**
12. **Curriculum, Instruction and Technology**
  - 12.1. [Home instruction](#) and out-of-district placements
13. **Community Relations / Student Affairs**
  - 13.1. Authorization to submit application for [membership](#) to the New Jersey State Interscholastic Athletic Association for North Hunterdon High School and Voorhees High School for the 2019-2020 school year
14. **Policy**
  - 14.1. [First reading](#) of board policies
15. **Finance, Facilities and Transportation**
  - 15.1. [Agreement](#) with Comcast Cable Communication Management, LLC of Philadelphia, PA for the provision of internet services
  - 15.2. [Agreement](#) with ESS Northeast, LLC of Cherry Hill, NJ for the provision of substitute staffing services for the 2019-2020 school year
  - 15.3. [Agreement](#) with Stronge and Associates Educational Consulting, LLC of Celebration, FL in the amount of \$3,400 for training on August 13, 2019
  - 15.4. [Agreement](#) with Educational Services Commission of Morris County of Morristown, NJ for professional support / non-public services for the 2019-2020 school year
  - 15.5. Hunterdon County Educational Services Commission 2019-2020 [rates](#)
  - 15.6. Payment, in the amount of \$1,762.05, be made on behalf of student 20200144 for instructional services provided to the student for the period of March 7, 2019 through March 29, 2019
  - 15.7. [Change order](#) #13 in the amount of \$1,960.47 - state project #3660-050-18-5000 renovations to room 125 and 126 at North Hunterdon High School
  - 15.8. Declare [district property](#) as damaged and / or obsolete and grant authorization for disposal
  - 15.9. [Check journals](#)
  - 15.10. Treasurer and Board Secretary report [March 2019](#)
  - 15.11. Transfer report [March 2019](#)
  - 15.12. [State contract purchases](#) pursuant to N.J.A.C. 18A:18A
  - 15.13. [Staff training](#) and travel requests
  - 15.14. [Board member](#) training and travel requests
16. **Call for a motion and second** to adopt the resolution for executive session.  
**Resolution read by the Board President:** Whereas, Section 7 of the Open Public Meetings Act, N.J.S.A. 10:4-12 authorizes a public body to exclude the public from that portion of a meeting at which the Board discusses topics falling within certain specified exceptions to the requirement for open public meetings; and Whereas, the matters to be discussed fall within one or more of those exceptions, now therefore be it Resolved, that the Board of Education of the North Hunterdon-Voorhees Regional High School District now adjourns from public session to executive session for the purpose of discussing the following:
  - 16.1. Personnel - recommendations for appointments, separations, changes in salary, changes in assignment, and leaves of absence
  - 16.2. Pending and threatened litigation and matters falling within the attorney-client privilege
  - 16.3. Executive session minutes March 19, 2019**Voice vote**

17. **Call** for a **motion** and **second** to reconvene public session. ***Voice vote***
18. **New Business**
19. **Call** for a **motion** and **second** to approve agenda items 19.1 - 19.2 ***Roll call vote***
  - 19.1. [Personnel agenda P04302019](#)
  - 19.2. Executive session minutes March 19, 2019
20. **Call for a motion and second** to adjourn. ***Voice vote***

**AGENDA**  
**NORTH HUNTERDON-VOORHEES REGIONAL HIGH SCHOOL DISTRICT**  
**BOARD OF EDUCATION - HUNTERDON COUNTY, NJ**  
**BOARD MEETING**

Meeting Location - District Administration Office, 1445 Route 31, Annandale, NJ 08801  
 Tuesday, May 21, 2019 at 7:00 p.m.

---

1. **Call to Order and Open Public Meeting Act Statement**

- 1.1. The North Hunterdon-Voorhees Regional High School District Board of Education meeting on Tuesday, May 21, 2019, is now called to order.
- 1.2. In accordance with the requirements of the Open Public Meeting Act, N.J.S.A. 10:4-6 et seq., adequate notice of the meeting has been provided by posting of notice at North Hunterdon High School and Voorhees High School, delivery by facsimile to the Hunterdon County Democrat, Star-Ledger, municipal clerks of Bethlehem Township, Califon Borough, Town of Clinton, Clinton Township, Franklin Township, Glen Gardner Borough, Hampton Borough, High Bridge Borough, Lebanon Borough, Lebanon Township, Tewksbury Township and Union Township as well as other interested parties.
- 1.3. Fire exits are located in the direction indicated. If alerted to fire, please move in a calm and orderly fashion to the nearest smoke-free exit.
- 1.4. At this time, please silence all cell phones.

2. **Roll Call**

Cheryl Allen-Munley	Califon Borough / Tewksbury Township
Shelley Crisologo	Town of Clinton / Franklin Township / Glen Gardner Borough
Lisa Diederich	Union Township
Francis Goger	Bethlehem Township / Hampton Borough
Tara Marie Hintz	High Bridge Borough / Lebanon Township
Robert Kirchberger	Clinton Township / Lebanon Borough
Rachel McLaughlin	Clinton Township / Lebanon Borough
John Melick	Califon Borough / Tewksbury Township
Heather Richards	Clinton Township / Lebanon Borough
Thomas Roll	High Bridge Borough / Lebanon Township
Roger Straight	Clinton Township / Lebanon Borough
Jessica Viotto	Town of Clinton / Franklin Township / Glen Gardner Borough

3. **Flag Salute**

4. **Call for a motion and second to approve agenda item 4.1**

- 4.1. Minutes of the [April 30, 2019](#) board meeting **Voice vote**

5. **Recognition**
  - 5.1. North Hunterdon High School Relay for Life Planning Committee raised \$100,000 for the American Cancer Society at their event on May 3, 2019.
  - 5.2. Voorhees High School Unified Program received a certificate of recognition from the New Jersey State Board of Education for promoting inclusion and acceptance within the school and community.
6. **Presentation and Public Hearing** - Student Safety Data System for 2017-2018 presented by Steve Schultz, District Coordinator for Harassment, Intimidation & Bullying
7. **Chief School Administrator's Report**
  - 7.1. Report on Harassment, Intimidation and Bullying (HIB)
  - 7.2. **Call for a motion and second** to affirm the determinations on the [HIB incidents](#) reported at the April 30, 2019 board meeting **Voice vote**
  - 7.3. [Monthly reports](#)
8. **School Board President's Report**
  - 8.1. **June 7, 2019** - Pursuant to N.J.S.A. 18A:17-20.3a, and in preparation for the June 18, 2019 Board Goal Setting Meeting, School Board members are requested to complete the Board Self-Evaluation and Chief School Administrator Evaluation now available online at New Jersey School Boards Association.
  - 8.2. **June 13, 2019** - Graduation Voorhees High School - 10:00 a.m.
  - 8.3. **June 13, 2019** - Graduation North Hunterdon High School - 12:00 p.m.
  - 8.4. **June 18, 2019** - Goal setting meeting and Board meeting - **6:00 p.m.** - District Administration Office
  - 8.5. **July 29, 2019** at 4:00 p.m. - Deadline for submission, of [November School Election Nominating Petitions](#), to the office of the Hunterdon County Clerk
9. **School Board Committee Reports**
10. **Old Business**
  - 10.1. Policy Committee ongoing review of the Athletic Handbook, school security policies, and consideration of the agenda format regarding new business
  - 10.2. Curriculum, Instruction and Technology Committee review of the Math program
11. **Opportunity for Public Comment**
  - 11.1. During this portion of the meeting, the public is invited to address the School Board with questions or comments.
  - 11.2. The public is requested to sign the register provided for this purpose and to state their name, address, and direct their comments to the School Board President.
  - 11.3. While all comments will be considered and a response will be forthcoming if and when appropriate, School Board members will not respond to the speakers at the time of their appearance.
  - 11.4. The public comment period will be a maximum of thirty minutes in length unless there are unusual circumstances.
  - 11.5. Those appearing will be allocated three minutes to speak and no one will be permitted to speak twice until those wishing to speak have had a turn.
12. **Call for a motion and second** to approve agenda items 13.1 - 15.8 **Voice vote**
13. **Curriculum, Instruction and Technology**
  - 13.1. [Home instruction and out-of-district placements](#)
  - 13.2. Out-of-District placement [extended school year](#) 2019-2020
  - 13.3. Appointment of Dr. Richard Bergacs as the Affirmative Action Officer for the 2019-2020 school year



- 13.4. Authorization for submission of the proposed 2019-2022 [Comprehensive Equity Plan](#)
- 13.5. Authorize practice start date for the acclimatization period for all sports at North Hunterdon High School and Voorhees High School on August 12, 2019
14. **Policy**
  - 14.1. [Second reading](#) of board policies
  - 14.2. [First reading](#) of board policies
  - 14.3. [First and only](#) reading of a regulation
15. **Finance, Facilities and Transportation**
  - 15.1. [Requisition of taxes](#) for the 2019-2020 school year
  - 15.2. Payment, in the amount of \$1,658.40, to be made on behalf of student 20200144 for instructional services for the period of April 1, 2019 through April 30, 2019
  - 15.3. [Agreement](#) with Hunterdon County Educational Services Commission of Califon, NJ to provide child study team and nursing services for 2019-2020 school year
  - 15.4. [Check journals](#)
  - 15.5. Treasurer and Board Secretary report [April 2019](#)
  - 15.6. Transfer report [April 2019](#)
  - 15.7. [State contract purchases](#) pursuant to N.J.A.C. 18A:18A
  - 15.8. [Staff training and travel](#) requests
16. **Call for a motion and second** to adopt the resolution for executive session.  
**Resolution read by the School Board President:** Whereas, Section 7 of the Open Public Meetings Act, N.J.S.A. 10:4-12 authorizes a public body to exclude the public from that portion of a meeting at which the School Board discusses topics falling within certain specified exceptions to the requirement for open public meetings; and Whereas, the matters to be discussed fall within one or more of those exceptions, now therefore be it Resolved, that the Board of Education of the North Hunterdon-Voorhees Regional High School District now adjourns from public session to executive session for the purpose of discussing the following:
  - 16.1. Personnel - recommendations for appointments, separations, changes in salary, changes in assignment, and leaves of absence
  - 16.2. Pending and threatened litigation and matters falling within the attorney-client privilege
  - 16.3. Executive session minutes April 30, 2019 **Voice vote**
17. **Call for a motion and second** to reconvene public session. **Voice vote**
18. **New Business**
19. **Call for a motion and second** to approve agenda items 19.1 - 19.2 **Roll call vote**
  - 19.1. [Personnel agenda P05212019](#)
  - 19.2. Executive session minutes April 30, 2019
20. **Call for a motion and second** to adjourn. **Voice vote**

## 3-19-19 Minutes

**MINUTES OF THE MEETING OF THE  
NORTH HUNTERDON-VOORHEES REGIONAL HIGH SCHOOL DISTRICT  
BOARD OF EDUCATION - HUNTERDON COUNTY, NJ**  
Meeting Location - District Administration Office, 1445 Route 31, Annandale, NJ 08801  
Tuesday, March 19, 2019 at 7:00 p.m.

At 7:00 p.m., Board President, R. Kirchberger called the meeting to order and led the opening activities.

**1. Call to Order and Open Public Meeting Act Statement**

**2. Roll Call**

Cheryl Allen-Munley - present	Califon Borough / Tewksbury Township
Shelley Crisologo - present	Town of Clinton / Franklin Township / Glen Gardner Borough
Lisa Diederich - present	Union Township
Francis Goger - present	Bethlehem Township / Hampton Borough
Tara Marie Hintz - present	High Bridge Borough / Lebanon Township
Robert Kirchberger - present	Clinton Township / Lebanon Borough
Rachel McLaughlin - present	Clinton Township / Lebanon Borough
John Melick - present	Califon Borough / Tewksbury Township
Heather Richards - present	Clinton Township / Lebanon Borough
Thomas Roll - present	High Bridge Borough / Lebanon Township
Roger Straight - absent	Clinton Township / Lebanon Borough
Jessica Viotto - absent	Town of Clinton / Franklin Township / Glen Gardner Borough

**Also present:** J. Bender, Superintendent of Schools, R. Bergacs, Assistant Superintendent, S. Press, Business Administrator / Board Secretary, Z. Baharev, Director of Special Services, A. Broan, Director of Curriculum, Articulation and Student Achievement, M. Squarcia, Director of School Counseling Services, L. LaMonte, District Comptroller, G. Vargas-Dellacasa, Technology Coordinator, M. Smagala, Communications Coordinator, G. Cottrell, Principal, North Hunterdon High School, R. Peterson, Principal, Voorhees High School, F. Cousland, Board Attorney, Riker Danzig, Scherer, Hyland, Perretti and approximately six members of the public.

**5. Flag Salute**

**6. Motion** by J. Melick, **second** by F. Goger to approve agenda item 6.1. The **motion carried** unanimously.

6.1. Minutes of the February 19, 2019 board meeting

**7. Superintendent's Report** - J. Bender reported the following:

7.1. Report on Harassment, Intimidation and Bullying (HIB)

7.2. **Motion** by F. Goger, **second** by T. Hintz to affirm the determinations on the HIB incidents reported at the February 19, 2019 board meeting. The **motion carried** unanimously.

7.3. Monthly reports

7.4. Provided the status of the 2019-2019 school calendar, due to closures the last day of school is now Wednesday, June 12, 2019 and graduation remains scheduled on Thursday, June 13, 2019.

7.5. The NJ Student Learning Assessments (formerly PARCC) is scheduled on April 11 and 12 for Math units and April 15, 16 and 17 for English Language Arts units.

7.6. Student recognition - Lewis Fernandes, member of the Voorhees wrestling team, who for the second year in a row won the State heavyweight title in Atlantic City. Lewis is also the Skyland Conference and NJ.com Wrestler of the Year.

7.7. Voorhees High School Drama Club is performing Big Fish on April 11 - 14, 2019

7.8. North Hunterdon High School is hosting a community program, about vaping and the impact on adolescent health on March 28, 2019 at 6:30 p.m., presented by Patty McDonnell, the Prevention Program Coordinator for Hunterdon Drug Awareness Program.

#### 8. **President's Report** - R. Kirchberger reported the following:

8.1. April 30, 2019 - Board meeting, public hearing and adoption of the 2019 - 2020 budget - 7:00 p.m. - District Administration Office

8.2. May 21, 2019 - Board meeting - 7:00 p.m. - District Administration Office

8.3. Action Needed - Pursuant to N.J.S.A. 18A:17-20.3a, and in preparation for the June 18, 2019 Board Goal Setting Meeting, Board members are requested to complete the Board Self-Evaluation and Chief School Administrator Evaluation now available online at New Jersey School Boards Association.

#### 9. **Board Committee Reports**

9.1. Curriculum, Instruction and Technology Committee Chair, F. Goger reported that the members discussed academic summer camps; upcoming math department staff professional development sessions; establishment of an Affirmative Action Team to develop a new comprehensive equity plan; upcoming use of technology survey; 2019-2020 establishment of 9th grade student / staff academic teams; 87 students earned the Seal of Biliteracy; 2019-2020 implementation of LinkedIn an online professional development tool; the State updated graduation requirements for juniors and seniors; and the State issued guidance on S1569 for 2020-2021 requiring boards of education to include instruction that accurately portrays political, economic and social contributions of persons with disabilities and lesbian, gay, bisexual and transgender people.

9.2. Policy Committee Chair, T. Roll reported that the committee did not meet.

9.3. Personnel Committee Chair, S. Crisologo reported that the committee met and discussed the personnel agenda recommendations.

9.4. Facilities, Finance and Transportation Committee Chair, J. Melick reported that the committee reviewed the status of referendum projects and discussed the capital reserve withdrawal presented on the Board agenda, and advised that the committee reviewed the preliminary budget and further comments would be made later in the meeting at the time the preliminary budget is moved.

#### 10. **Opportunity for Public Comment**

10.1. Several members of the public commented about school security. Board President, R. Kirchberger requested that the Administration compile a report on school security.

10.2. Mary Obermair, of Annandale, Trustee of the North Hunterdon Education Foundation invited Board members to participate in an upcoming fundraising event at Beaver Brook Country Club. She also requested that the District consider including Board updates in the Principal's newsletter.

11. **Motion** by F. Goger, **second** by H. Richards to approve action item 11.1. Superintendent, J. Bender reported on key budget items and several Board members commented. Upon a roll call vote, the **motion carried** unanimously.

11.1. Resolution F31919 -1 authorizing adoption of the 2019 - 2020 preliminary budget

12. **Motion** by F. Goger, **second** by T. Roll to approve agenda items 13.1 - 15.11. A brief discussion ensued and the **motion carried** unanimously.

#### 13. **Curriculum, Instruction and Technology**

13.1. Home instruction and out-of-district placements

- 13.2. Addition of Dr. Jacob Jacoby of Bayonne, NJ to the professional consultants list at a rate of \$1,200 for the provision of conducting psychiatric evaluations
- 13.3. Pursuant to Board Policy 1140, establish an Affirmative Action Team to conduct a needs assessment and develop a new three-year comprehensive equity plan
- 13.4. Spanish immersion summer camp
- 13.5. STEM summer camp

#### 14. **Policy**

- 14.1. Second reading of board policies

#### 15. **Finance, Facilities and Transportation**

- 15.1. Resolution F31919-2 authorizing a withdrawal from the capital reserve fund
- 15.2. Resolution F31919-3 authorizing competitive contracting
- 15.3. Agreement with Spiezle Architectural Group, Inc. of Hamilton, NJ, for classroom alterations at North Hunterdon High School

15.4. Payment, in the amount of \$1,140.15, be made on behalf of student #20200144 for instructional services provided to the student for the period of 2/20/19 through 3/6/19

15.5. Participating addendum to WSCA-NASPO Cooperative Purchasing Organization for copiers, printers and related devices

15.6. Agreement with Dr. Eric Milou of Sewell, NJ, in the amount of \$3,500, for the provision of two mathematics professional development sessions

15.7. Declare district property as damaged and / or obsolete and grant authorization for disposal

15.8. Check journals

15.9. Treasurer and Board Secretary report February 2019

15.10. Transfer report February 2019

15.11. Staff training and travel requests

16. **Motion** by T. Roll, **second** by H. Richards to adopt the resolution for executive session. The **motion carried** unanimously and the Board adjourned to executive session at 7:40 pm.

**Resolution read by the Board President:** Whereas, Section 7 of the Open Public Meetings Act, N.J.S.A. 10:4-12 authorizes a public body to exclude the public from that portion of a meeting at which the Board discusses topics falling within certain specified exceptions to the requirement for open public meetings, and Whereas the matters to be discussed fall within one or more of those exceptions, now therefore be it Resolved that the Board of Education of the North Hunterdon-Voorhees Regional High School District now adjourns from public session to executive session for the purpose of discussing the following:

16.12. Personnel - recommendations for appointments, separations, changes in salary, changes in assignment, and leaves of absence

16.13. Pending and threatened litigation and matters falling within the attorney-client privilege

16.14. Executive session minutes February 19, 2019

17. **Motion** by R. McLaughlin, **second** by F. Goger to reconvene public session. The **motion carried** unanimously and the Board reconvened in public session at 8:05 p.m.

#### 18. **New Business**

18.1. Board President, R. Kirchberger called for the Facilities, Finance and Transportation Committee to review policies relating to school security.

18.2. R. McLaughlin commented that the job posting section of the District website requires review and updating; and requested that the Policy Committee review the Athletic Handbook.

18.3. J. Melick requested consideration of the order of the monthly Board agenda regarding New Business.

19. **Motion** by H. Richards, **second** by R. McLaughlin to approve agenda items 19.1 - 19.2

Upon a roll call vote, the **motion carried** unanimously.

19.4. Personnel agenda P03192019

19.5. Executive session minutes February 19, 2019

20. **Motion** by F. Goger, **second** by H. Richards to adjourn. The **motion carried** unanimously and the meeting adjourned at approximately 8:10 p.m.

Respectfully Submitted,

*Susan Press*

Susan Press

School Business Administrator and Board Secretary

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## 4-30-19 Minutes

**MINUTES OF THE MEETING OF THE  
NORTH HUNTERDON-VOORHEES REGIONAL HIGH SCHOOL DISTRICT  
BOARD OF EDUCATION - HUNTERDON COUNTY, NJ**

Meeting Location - District Administration Office, 1445 Route 31, Annandale, NJ 08801  
Tuesday, April 30, 2019 at 7:00 p.m.

At 7:00 p.m., School Board President, R. Kirchberger called the meeting to order and led the opening activities.

**1. Call to Order and Open Public Meeting Act Statement**

**2. Roll Call**

ryl Allen-Munley - arrived at 7:05 p.m.	Califon Borough / Tewksbury Township
ley Crisologo - present	Town of Clinton / Franklin Township / Glen Gardner Borough
Diederich - present	Union Township
icis Goger - present	Bethlehem Township / Hampton Borough
. Marie Hintz - present	High Bridge Borough / Lebanon Township
ert Kirchberger - present	Clinton Township / Lebanon Borough
hel McLaughlin - present	Clinton Township / Lebanon Borough
γ Melick - arrived at 7:02 p.m.	Califon Borough / Tewksbury Township
ther Richards - present	Clinton Township / Lebanon Borough
mas Roll - present	High Bridge Borough / Lebanon Township
er Straight - present	Clinton Township / Lebanon Borough
sica Viotto - present	Town of Clinton / Franklin Township / Glen Gardner Borough

**Also present:** R. Bergacs, Assistant Superintendent, S. Press, Business Administrator / Board Secretary, Z. Baharev, Director of Special Services, A. Broan, Director of Curriculum, Articulation and Student Achievement, L. LaMonte, District Comptroller, G. Vargas-Dellacasa, Technology Coordinator, M. Smagala, Communications Coordinator, G. Cottrell, Principal, North Hunterdon High School, R. Peterson, Principal, Voorhees High School, F. Cousland, School Board Attorney, Riker Danzig, Scherer, Hyland, Perretti and approximately sixty members of the public.

**3. Flag Salute**

**4. Motion** by R. Straight, **second** by H. Richards to approve agenda item 4.1. The **motion carried** with abstentions by R. Straight and J. Viotto. Note: School Board members J. Melick and C. Allen-Munley were not present at the time of this vote.

4.1. Minutes of the [March 19, 2019](#) board meeting

**5. Public Hearing and Adoption of the 2019-2020 School Year Budget**

5.1. District Communications Coordinator, M. Smagala reviewed the slide presentation on the 2019-2020 school year budget. School Board President, R. Kirchberger called for comments from School Board members; there were none.

5.2. **Public comment** -School Board President, R. Kirchberger called for comments from members of the public; there were none.

5.3. **Motion** by R. Straight, **second** by H. Richards to adopt [resolution F43019-1](#) establishing the 2019-2020 school year budget including maximum travel reimbursement and maximum expenditures for professional services. School Board member, J. Melick

commented that he supports the budget and has concerns about the future. Upon a roll call vote, the **motion carried**; in favor - C. Allen-Munley, S. Crisologo, L. Diederich, F. Goger, T. Hintz, R. Kirchberger, J. Melick, H. Richards, T. Roll, R. Straight, and J. Viotto; opposed - R. McLaughlin; abstentions - none.

**6. Chief School Administrator's Report** - Assistant Superintendent of Schools, R. Bergacs presented the following items on behalf of Chief School Administrator, J. Bender, who was not in attendance:

- 6.1. Report on Harassment, Intimidation and Bullying (HIB)
- 6.2. **Motion** by R. Straight, **second** by J. Melick to affirm the determinations on the [HIB incidents](#) reported at the March 19, 2019 board meeting. The **motion carried** unanimously.
- 6.3. **Motion** by R. Straight, **second** by H. Richards to adopt [resolution F43019-2](#) recognizing Teacher Appreciation Week May 6 -10, 2019. The **motion carried** unanimously.
- 6.4. [Monthly reports](#)
- 6.5. Student recognition - North Hunterdon High School students placed in the New Jersey State Bar Foundation's Courtroom Art Contest; first place, Sarah Switlyk and honorable mention, Gerard Murjani.
- 6.6. May 6 - 17, 2019 - Advanced placement exams will be administered.
- 6.7. May 10, 2019 - Relay for Life at North Hunterdon High School.
- 6.8. Recognition - The North Hunterdon Education Foundation was recognized by the New Jersey Education Foundation Partnership with an award for Outstanding Education Foundation Program for its college bound programming.

**7. School Board President's Report** - School Board President, R. Kirchberger reported the following:

- 7.1. **May 21, 2019** - Board meeting - 7:00 p.m. - District Administration Office
- 7.2. **June 7, 2019** - Pursuant to N.J.S.A. 18A:17-20.3a, and in preparation for the June 18, 2019 Board Goal Setting Meeting, School Board members are requested to complete the Board Self-Evaluation and Chief School Administrator Evaluation now available online at [New Jersey School Boards Association](#).
- 7.3. **June 18, 2019** - Goal setting meeting and Board meeting - **6:00 p.m.** - District Administration Office
- 7.4. **July 29, 2019** at 4:00 p.m. - Deadline for submission, of [November School Election Nominating Petitions](#), to the office of the Hunterdon County Clerk
- 7.5. [Statement regarding Policy 2530](#) (added to the agenda on 4/29/19)

**8. School Board Committee Reports**

- 8.1. Community Relations & Student Affairs Committee Chair, J. Viotto advised that the committee did not meet this month.
- 8.2. Personnel Committee Chair, S. Crisologo reported that the committee met and discussed the personnel agenda recommendations.
- 8.3. Policy Committee Chair, T. Roll reported that the committee reviewed policies presented on the agenda, discussed the athletic handbook and recommended that security be included as part of the policy committee
- 8.4. Curriculum, Instruction and Technology Committee Chair, F. Goger reported on a petition from Voorhees High School for a national honor society for social studies, upcoming class observation training, student testing and the student success committee will focus on homework goals
- 8.5. Facilities, Finance and Transportation Committee member R. Straight advised that the committee discussed the 2019-2020 budget

**9. Old Business**

9.1. Facilities, Finance and Transportation Committee review of policies related to school security and identified that school security will be included as a component of the Policy Committee

9.2. Policy Committee review of the Athletic Handbook - ongoing

9.3. Order of the Board agenda - New Business to appear before executive session

10. **Opportunity for Public Comment** - The following members of the public addressed the School Board, as indicated on the public sign in sheet, [Exhibit A](#):

Name	Topic	Documents Presented
J. P. LaBelle	Board Policy 2530	<a href="#">Exhibit B</a>
Mary Fran Daley	Board Policy 2530	N/A
Kate Spann	Board Policy 2530	N/A
Joseph Suozzo	Board Policy 2530	N/A
Ellen Pozzi	Board Policy 2530	<a href="#">Exhibit C</a>
Emma Ettinger	Board Policy 2530	<a href="#">Exhibit D</a>
Jackie Braida	Board Policy 2530	<a href="#">Exhibit E</a>

11. **Motion** by J. Viotto, **second** by R. McLaughlin to approve agenda items 12.1 - 15.14 The **motion carried**, with the following abstentions, S. Crisologo on agenda item 15.14 travel request 20-0005 and T. Hintz on agenda item 15.14 travel request 20-0004.

12. **Curriculum, Instruction and Technology**

12.1. [Home instruction](#) and out-of-district placements

13. **Community Relations / Student Affairs**

13.1. Authorization to submit application for [membership](#) to the New Jersey State Interscholastic Athletic Association for North Hunterdon High School and Voorhees High School for the 2019-2020 school year

14. **Policy**

14.1. [First reading](#) of board policies

15. **Finance, Facilities and Transportation**

15.1. [Agreement](#) with Comcast Cable Communication Management, LLC of Philadelphia, PA for the provision of internet services

15.2. [Agreement](#) with ESS Northeast, LLC of Cherry Hill, NJ for the provision of substitute staffing services for the 2019-2020 school year

15.3. [Agreement](#) with Stronge and Associates Educational Consulting, LLC of Celebration, FL in the amount of \$3,400 for training on August 13, 2019

15.4. [Agreement](#) with Educational Services Commission of Morris County of Morristown, NJ for professional support / non-public services for the 2019-2020 school year

15.5. Hunterdon County Educational Services Commission 2019-2020 [rates](#)

15.6. Payment, in the amount of \$1,762.05, be made on behalf of student #20200144 for instructional services provided to the student for the period of March 7, 2019 through March 29, 2019

15.7. [Change order](#) #13 in the amount of \$1,960.47 - state project #3660-050-18-5000 renovations to room 125 and 126 at North Hunterdon High School



- 15.8. Declare [district property](#) as damaged and / or obsolete and grant authorization for disposal
- 15.9. [Check journals](#)
- 15.10. Treasurer and Board Secretary report [March 2019](#)
- 15.11. Transfer report [March 2019](#)
- 15.12. [State contract purchases](#) pursuant to N.J.A.C. 18A:18A
- 15.13. [Staff training](#) and travel requests
- 15.14. [Board member](#) training and travel requests

16. **Motion** by S. Crisologo, **second** by T. Roll to adopt the resolution for executive session. The **motion carried** unanimously and the Board adjourned to executive session at approximately 8:00 p.m.

**Resolution read by the School Board President, R. Kirchberger:** Whereas, Section 7 of the Open Public Meetings Act, N.J.S.A. 10:4-12 authorizes a public body to exclude the public from that portion of a meeting at which the Board discusses topics falling within certain specified exceptions to the requirement for open public meetings; and Whereas, the matters to be discussed fall within one or more of those exceptions, now therefore be it Resolved, that the Board of Education of the North Hunterdon-Voorhees Regional High School District now adjourns from public session to executive session for the purpose of discussing the following:

- 16.15. Personnel - recommendations for appointments, separations, changes in salary, changes in assignment, and leaves of absence
- 16.16. Pending and threatened litigation and matters falling within the attorney-client privilege
- 16.17. Executive session minutes March 19, 2019

17. **Motion** by R. McLaughlin, **second** by J. Viotto to reconvene public session. The **motion carried** unanimously and the School Board reconvened in public session at 9:08 p.m.

#### 18. **New Business**

- 18.1. Recommendation by School Board member L. Diederich, for the Curriculum, Instruction and Technology Committee to review the Math program
- 18.2. Request by School Board member R. McLaughlin for consideration to invite students and employees to School Board meetings for recognition

19. **Motion** by S. Crisologo, **second** by T. Hintz to approve agenda items 19.1 - 19.2 including three hand carried items as read by Board President, R. Kirchberger and noted as follows:

**Hand carry 1** - Motion to approve the settlement of litigation involving former employee #1995 in accordance with terms discussed by the Board of Education in closed session, subject to review and approval of a written settlement agreement by the Board Attorney and Superintendent; and upon such review and approval, to authorize the Superintendent to execute the settlement agreement on behalf of the Board of Education; and to direct its implementation.

**Hand carry 2** - Motion to approve the settlement of litigation involving student #20227628 in accordance with terms discussed by the Board of Education in closed session and to authorize the Superintendent to execute the settlement agreement on behalf of the Board of Education; and to direct its implementation.

**Hand carry 3** - Motion to approve the settlement of litigation involving student #20222803 in accordance with terms discussed by the Board of Education in closed session and to authorize the Superintendent to execute the settlement agreement on behalf of the Board of Education; and to direct its implementation.

- 19.3. [Personnel agenda P04302019](#)
- 19.4. Executive session minutes March 19, 2019

Upon a roll call vote, the **motion carried** with abstentions by R. Straight and J. Viotto on agenda item 19.2, minutes for a meeting they did not attend.

20. **Motion** by J. Viotto, **second** by H. Richards to adjourn. The **motion carried** unanimously and the meeting adjourned at 9:15 p.m.

Respectfully Submitted,

*Susan Press*

Susan Press

School Business Administrator and Board Secretary

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**North Hunterdon-Voorhees Regional High School District**  
Annandale, NJ  
March 19, 2019

The following policies are presented for the second reading – (P) denotes policy, (M) denotes mandatory:

- P 2415.06     Unsafe School Choice Option (M) - *Revised*
- P 2422        Health and Physical Education (M) - *Revised*
- P 2431.3     Practice and Pre-Season Heat-Acclimation for School-Sponsored Athletics and  
Extra-Curricular Activities - *Revised*
- P 2530        Resource Materials - *Revised*
- P 2610        Educational Program Evaluation (M) - *Revised*
- P 4219        Commercial Driver's License Controlled Substance and Alcohol Use Testing (M)  
- *Revised*
- P 5111        Eligibility of Resident / Nonresident Students (M) – *Revised*
- P 5330.04     Administering an Opioid Antidote (M) - *Revised*
- P 5337        Service Animals - *Revised*
- P 5600        Student Discipline / Code of Conduct (M) - *Revised*
- P 5611        Removal of Students for Firearms Offenses (M) - *Revised*
- P 5612        Assaults on District Board of Education Members or Employees (M) - *Revised*
- P 5613        Removal of Students for Assaults with Weapons Offenses (M) - *Revised*
- P 5756        Transgender Students (M) - *Revised*
- P 7440        School District Security (M) - *Revised*
- P 8461        Reporting Violence, Vandalism, Harassment, Intimidation, Bullying, Alcohol and  
Other Drug Offenses (M) – (Revised)
- P 8860        Memorials - *Revised*

## **2415.06 UNSAFE SCHOOL CHOICE OPTION (M)**

The New Jersey Department of Education (NJDOE) is required to establish an Unsafe School Choice Option (USCO) Policy per the Elementary and Secondary Act (ESEA) of 1965, as reauthorized under the Federal Every Student Succeeds Act of 2015 (ESSA). The USCO Policy requires that students who attend a persistently dangerous public elementary or secondary school as determined by the NJDOE, or become victims of a violent criminal offense while in or on school grounds of a public school that they attend, be allowed to attend a safe public school within the district. The USCO provision under the ESSA contains two provisions that apply to school districts that receive funds under ESSA: Provision I - Persistently Dangerous Schools and Provision II - Victims of Violent Criminal Offenses.

Effective the beginning of each school year, school districts receiving ESSA funds must be prepared to complete the transfer of students who choose to exercise Provision I and Provision II of this USCO Policy. Compliance with the Policy is a condition of receiving funds under any and all titles under ESSA. The Superintendent is required to certify compliance with this USCO Policy to the NJDOE in the application for ESSA funds.

### **USCO Policy Provision I - Persistently Dangerous Schools (PDS)**

#### 1. Criteria for Determining PDS.

A persistently dangerous school is a public elementary or secondary school building (except for Regional Day Schools, Educational Services Commissions and Special Services School Districts) that meets the objective criteria determined by the NJDOE for three consecutive years and is part of a school district that receives funds under ESSA. The NJDOE will use the most current available data from the ~~Electronic Violence and Vandalism Reporting System (EVVRS)~~ Student Safety Data System (SSDS) to identify PDS on or before July 31 of each year.

#### 2. Procedures and Guidelines for Schools Determined to be Persistently Dangerous.

A school district will be notified by the NJDOE on or before July 31 of each year if a school(s) in the school district has been identified as a PDS. Once the district receives notification a school is identified as persistently dangerous, the district must inform all parents of enrolled students in the school of the designation within fifteen calendar days of the date of the notice and offer them the option for their children to transfer to a safe public school within the district by the beginning of the respective school year. The district must complete all transfers by the beginning of the school year following the July notification.

Students are not required to accept the transfer option, but they must be afforded the opportunity to do so. Parental notice regarding the status of the school and the offer to transfer students should be made simultaneously. Parents of enrolled students must be notified of the persistently dangerous designation whether or not there is another school within the district for the transferring students.

To the extent possible, the district will allow transferring students to transfer to schools that have not been identified as low performing, under the State's ESSA accountability system. When a transfer school is not available within the school district, the district may seek arrangements for students to transfer to the nearest charter school or neighboring district; however, this is not required. The district may take into account the needs and preferences of the affected students and parents.

### 3. Corrective Action Plan for a School Identified as Persistently Dangerous.

If a school in the district is identified by the NJDOE as persistently dangerous, the district will submit to the NJDOE documentation of compliance with the parent notification requirement and actions taken to complete the transfer arrangements for all students exercising the option by the first day of the school year. Additionally, the district is required to develop and submit for approval a corrective action plan to the NJDOE on or before September 30 of the same year, which will apply to the respective school year. The corrective action plan, which must be completed in the format provided by the NJDOE, will describe how the school will reduce the number of incidents of violence as determined by the ~~EVVRSSSDS~~. The NJDOE will provide the school with guidance for its corrective action plan, as well as monitor the school district's timely completion of the approved plan.

In the spring of each following year, the NJDOE will re-evaluate the status of a school identified as persistently dangerous. The NJDOE will review the school's progress towards completing its corrective action plan and compare the current year's incidents of violence, as reported on the ~~EVVRSSSDS~~, to the criteria for determining PDS. A school identified as maintaining the persistently dangerous designation will be notified by the NJDOE on or before July 31 of the respective year and will be required to submit for approval a revised corrective action plan by September 30 of that year, which will apply to the respective school year. The school district must inform all parents of enrolled students in the school of the designation within fifteen calendar days of the date of notice and offer them the option for their children to transfer to a safe public school by the beginning of the respective school year in accordance with 2. above.

A school no longer designated persistently dangerous will be notified on or before July 31 of the respective year. The persistently dangerous designation will be removed after one or more years contingent upon successful fulfillment of the criteria for removal, as determined by evidence of the school's progress toward successfully completing the approved corrective action plan, and evidence of incidents that no longer meet the criteria for determining PDS, described above, for one school year, the year in which the corrective action plan was in effect.

### 4. Procedures and Guidelines for Early Warning of Schools.

When a school meets the criteria set forth in this Policy for one year, the district will be informed of the types of offenses reported that have led to an early notification. This notification, on or before August 15 of each year, will be informational only. A school that no longer meets the criteria for PDS for one year will no longer be considered in early notification status. A school that meets the criteria for two consecutive years will move into early warning status outlined below.

If a school meets the criteria set forth in this Policy for two consecutive years, the district will be notified of the pattern of offenses on or before August 15 of each year. If notified, the district will develop and submit for approval a school safety plan to the NJDOE on or before September 30 of the same year, which will apply to the respective school year. The school safety plan, which must be completed in the format provided by the NJDOE, will describe how the school will reduce the number of incidents of violence as determined by the ~~EVVRSSSDS~~. The NJDOE will provide an early warning school with guidance for its school safety plan, as well as monitor the school's timely completion of the approved plan. A school receiving an "early warning" notice is not required to provide the transfer option to students.

In the spring of each following year, the NJDOE will reevaluate the school's progress towards completing its school safety plan and compare the current year's incidents of violence, as reported on the ~~EVVRS~~SSDS, to the criteria for determining PDS. The school will be notified of its status on or before July 31 of the respective year.

A school that no longer meets the criteria for PDS for one school year, the year in which the school safety plan was in effect, will no longer be required to submit a school safety plan.

A school that meets the criteria for PDS for a third consecutive year will be designated persistently dangerous and will be required to submit for approval a corrective action plan on or before September 30 of that year, which will apply to the respective school year and provide the transfer option to students in the school designated as persistently dangerous.

#### 5. Schools Not Receiving ESSA Funds, but Meeting the Criteria for PDS.

School buildings and districts that do receive Federal funds under ESSA, but meet any one of the criteria for PDS will be contacted by the NJDOE and be required to develop and submit for approval a school safety plan on or before September 30 of the respective year. The school safety plan must be completed in the format provided by the NJDOE and describe how the school will reduce the number of incidents of violence as determined by the ~~EVVRS~~SSDS. The NJDOE will provide the school with guidance for its school safety plan, as well as monitor the school's timely completion of the approved plan.

### **USCO Policy Provision II - Victims of Violent Criminal Offenses**

The Unsafe School Choice Option provision under the ESSA requires a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the district, including a public charter school.

The individual victim provision of this Policy attempts to fulfill the requirement for the school district to provide relief to students who have been victimized, while providing a school with a practical means for making determinations on incidents of victimization that are within the purview of the school district. The individual victim section of this Policy has been crafted to enable school staff to make reasonable determinations and actions regarding this Policy. The Superintendent will consult with the Board attorney and communicate with designated local and/or county law enforcement authorities, per the provisions of the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials and N.J.A.C. 6A:16-6.2(b)13*, on questions and issues that arise in the implementation of the individual victims of violent criminal offenses section of this Policy.

#### 1. Criteria for Determining Victims of Violent Criminal Offenses

The following criteria must be used to determine when an enrolled student has become a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attends. These criteria only apply to a student who has become a victim of one or more of the violent criminal offenses enumerated below:

A student is considered a victim of a violent criminal offense when:

a. A referral has been made to law enforcement officials for suspicion that one of the violent criminal offenses enumerated below has occurred; and

b. One or more of the following applies:

(1) Law enforcement officials have filed formal charges against the offender(s) for commission of the violent crime; or

(2) The offender(s) has received sanctions in accordance with the Board of Education's Code of Student Conduct; or

(3) The offender(s) either has not been identified or is not an enrolled student(s), but it is clear that the student (victim) has become a victim of a violent criminal offense based on objective indicators such as physical evidence, eyewitness testimony, and/or circumstantial evidence; or

(4) The pre-existence of a restraining order against the offender(s).

## 2. Procedures and Guidelines

Effective the first day of each school year, the district must be prepared to begin the transfer of any student who chooses to exercise the individual choice option provision. The district must offer, within fourteen calendar days of the incident, an opportunity to transfer to a safe public school within the district to any student who has become a victim of a violent criminal offense while in or on the grounds of a public school that the student attends. While the student must be offered the opportunity to transfer, the student may elect to remain at the school.

To the extent possible, the district will allow any transferring student to transfer to a school that has not been identified as low performing, under the State's ESSA accountability system. In addition, when a transfer school is not available within the district, the district may seek arrangements for a student to transfer to the nearest charter school or neighboring district; however, this is not required. The district may take into account the needs and preferences of the affected student and his or her parent(s). Transfers must occur within thirty days of the determination that the student was a victim of a violent criminal offense.

## 3. Violent Criminal Offenses

The violent criminal offenses under New Jersey statutes that apply to the individual victim provision of this Policy are identified and explained below. The offenses apply to completed offenses, as well as attempts to commit the offenses. The offenses and attempts to commit the offenses apply only when they occur in or on the school grounds, as defined in N.J.A.C. 6A:16-1.3, of the school that the student attends. The offenses apply whether they occur wholly or in part in or on the grounds of the school that the student attends. The offenses apply only to acts or attempts that are directed at a person (victim) or a group of specified individuals (victims), rather than acts that indiscriminately affect the entire school population or non-specified individuals or groups.

## 4. Applicable Violent Criminal Offenses

Below is a description of each applicable violent criminal offense that is based upon New Jersey statutes and references to statutory citations that provide complete explanations of each designated offense. The descriptions provided below are not intended to be a complete explanation of each offense or a substitute for the actual provisions of the authorizing statutes. Instead, the descriptions are provided as an aid in facilitating understanding of the general intent and practical applications of the violent criminal offenses that pertain to this Policy.

a. Homicide [N.J.S.A. 2C:11-2] - A student is a victim of a homicide when he or she is the child, sibling or other relative of a decedent, resulting from someone purposely, knowingly or recklessly causing the death of the student's parent, sibling, or relative in or on school grounds.

b. Assault [N.J.S.A. 2C:12-1(A)(1-3) and 2C:12-1(B)(1-4)] - A person is a victim of an assault when the actor: purposely, knowingly, or recklessly causes bodily injury to the victim; negligently, recklessly, knowingly, or purposely causes bodily injury to the victim with a deadly weapon; attempts by physical menace to put the victim in fear of imminent serious bodily injury; or knowingly points a firearm at or in the direction of the victim, whether or not the actor believes it to be loaded.

c. Sexual Assault [N.J.S.A. 2C:14-2] - A student is a victim of a sexual assault when the student is a victim of an act of sexual contact when the victim is less than thirteen years old and the actor is at least four years older than the victim, or the student is a victim of an act of sexual penetration under any of the following circumstances:

- (1) The victim is less than thirteen years old.
- (2) The victim is at least thirteen, but less than sixteen years old; and the actor is at least four years older than the victim.
- (3) The victim is at least sixteen years old, but less than eighteen years old; and the actor has supervisory or disciplinary power over the victim.
- (4) The actor uses physical force or coercion.
- (5) The victim is one whom the actor knew or should have known was physically helpless, mentally defective, or mentally incapacitated.

d. Bias Intimidation [N.J.S.A. 2C:16-1(A)] - A person is a victim of the crime of bias intimidation when an actor commits, attempts to commit, conspires with another to commit or threatens the immediate commission of an offense specified in Chapters 11 through 18 of Title 2C of the New Jersey Statutes; N.J.S.A. 2C:33-4; N.J.S.A. 2C:39-3; N.J.S.A. 2C:39-4 or N.J.S.A. 2C:39-5 in the following circumstances:

- (1) With a purpose to intimidate a victim or a group of specified victims because of race, color, religion, gender, handicap, sexual orientation, or ethnicity; or
- (2) Knowing that the conduct constituting the offense would cause a victim or a group of specified victims to be intimidated because of race, color, religion, gender, handicap, sexual orientation, or ethnicity; or



(3) Under circumstances that caused any victim of the underlying offense to be intimidated and the victim, considering the manner in which the offense was committed, reasonably believed either that:

(a) The offense was committed with a purpose to intimidate the victim or any person or entity in whose welfare the victim is interested because of race, color, religion, gender, handicap, sexual orientation, or ethnicity; or

(b) The victim or the victim's property was selected to be the target of the offense because of race, color, religion, gender, handicap, sexual orientation, or ethnicity.

e. Terroristic Threat [N.J.S.A. 2C:12-3(A) and 2C:12-3(B)] - A person is a victim of a terroristic threat when the actor threatens to commit one of the violent criminal offenses enumerated under this Policy against the victim with the purpose to put the student in imminent fear of one of the violent crimes enumerated in this Policy under circumstances reasonably causing the victim to believe the immediacy of the threat and the likelihood that it will be carried out. The definition of terroristic threat applies to N.J.S.A. 2C:12-3(a) insofar as the threat was directed at a person (victim) or a group of specified individuals (victims).

f. Robbery [N.J.S.A. 2C:15-1] - A person is a victim of a robbery when the actor, in the course of committing a theft, inflicts bodily injury; or uses force upon the victim; threatens the victim with or purposely puts the victim in fear of immediate bodily injury.

g. Kidnapping [N.J.S.A. 2C:13-1] - A person is a victim of a kidnapping when the actor unlawfully removes the victim from the school or school grounds; or the actor unlawfully confines the victim with the purpose of holding the victim for ransom or reward as a shield or hostage; or the actor unlawfully removes the victim from the school or school grounds or a substantial distance from where he or she is found in school or on school grounds; or if the actor unlawfully confines a student for a substantial period of time with any of the following purposes: to facilitate commission of a crime or flight thereafter, or to inflict bodily injury on or terrorize the victim.

h. Arson [N.J.S.A. 2C:17-1] - A person is a victim of arson when the actor purposely or knowingly starts a fire or causes an explosion in or on the grounds of a school whereby the victim or group of specified victims are in danger of death or bodily injury; or with the purpose of destroying or damaging the victim's or group of specified victim's property that is in the school or on school grounds.

## **Miscellaneous Provisions of USCO**

### **1. Transfer Time Period - PDS**

The transfer will be temporary and will be in effect as long as the student's original school is identified as persistently dangerous.

### **2. Charter School Transfer Option**

While ESSA permits affected students to be afforded the opportunity to attend a public charter school, in addition to a safe public elementary school or secondary school within the school

district, the application of this provision in New Jersey is limited. Transfers to a charter school can only occur as a part of the charter school's "equal opportunity" selection process and among charter schools administered under the same managing authority (i.e., charter schools within the charter school district).

Since charter schools in New Jersey are considered public local education agencies (LEA's), pursuant to N.J.S.A. 18A:36A-3, operated independently of a local board of education, transfers may only take place among charter schools within the LEA. Therefore, students may be permitted to transfer to another charter school that is administered under the same managing authority of the charter school, but are not permitted to transfer to a school in the local public school district administered by a local board of education.

However, pursuant to N.J.S.A. 18A:36A-7, a charter school must be open to all students on a space available basis and may not discriminate in its admission policies or practices (although it may establish reasonable criteria to evaluate prospective students), and in accordance with N.J.S.A. 18A:36A-8, if there are more applications to enroll in the charter school than there are spaces available, the charter school must select students to attend using a random selection process for enrollment.

### 3. Funding Sources for USCO

The USCO statute does not authorize resources specifically to help cover USCO costs associated with transferring a student from a PDS. However, under certain circumstances Federal funds may be used. For example, ESEA Title IV, Part A [Section 4115(b)(2)(E)(v)] may be used to establish safe zones of passage to and from school to ensure that students travel safely on their way to school and on their way home. In addition, ESEA Title IV, Part A [Sections 5121(8) and 5131(12) and (25)] funds may be used to help cover costs such as tuition or transportation related to the USCO or expansion of public school choice.

### 4. Special Education Students

The district will provide transferred special education students with the program required by the student's Individualized Education Program (IEP).

### 5. Transfer Schools

In the event there is not another school within the school district for a transferring student, the district is not required to transfer the student to a school outside the school district.

The district will use the school choice option as one response to incidents of victimization. Additionally, the district will develop and implement appropriate strategies for addressing the circumstances that contribute to or support victimization, as well as consistently and proactively manage individuals who have victimized students. The district will promote the importance of school safety and respond to the needs of students and staff. Pursuant to the law, the district will provide an opportunity for students, parents and school district and law enforcement personnel to discuss methods for keeping schools safe from violence; to create school safety plans; and to recognize students in need of help. The district will organize activities to prevent school violence, including, but not limited to, age-appropriate opportunities for student discussion on conflict resolution, issues of student diversity and tolerance. Law enforcement personnel will be invited to join members of the teaching staff in the discussions. Programs shall also be provided for school

district employees that are designated to help school district employees recognize warning signs of school violence and to instruct school district employees on recommended conduct during an incident of school violence.

In accordance with the provisions of N.J.S.A. 18A:17-46, two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the Superintendent shall report to the Board of Education all acts of violence; vandalism; and harassment, intimidation, and bullying which occurred during the previous reporting period.

Title VIII, Part F, Subpart 2, SEC. 8532

Every Student Succeeds Act (ESSA) of 2015

Adopted: January 2007

Revised: May 9, 2017,

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Health and Physical Education

Jan 19

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[See POLICY ALERT Nos. 102, 139, 161, 172, 208 and 217]

## 2422 HEALTH AND PHYSICAL EDUCATION

The Board of Education requires all students to participate in a comprehensive, sequential, health and physical education program aligned with the New Jersey Department of Education Core Curriculum Content Standards (CCCS) **Student Learning Standards (NJSLS)** that emphasizes the natural interdisciplinary connection between wellness and health and physical education. The primary focus of the NJSLS CCCS 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 mission of the CCCS for comprehensive health and physical education is knowledge of health and physical education concepts and skills to empower students to assume lifelong responsibility to develop physical, social, and emotional wellness.~~

The NJSLS CCCS incorporate New Jersey statutes related to health and well-being of students in New Jersey schools. The following statutes incorporated into the NJSLS CCCS 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. ~~Regular courses of instruction in accident prevention and fire prevention shall be given in every public and private school in New Jersey. Instruction shall be adapted to the understanding of students at different grade levels.~~
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**. ~~The Board of Education shall operate an educational program for students in grades seven through twelve with instruction in breast self examination. The instruction shall take place as part of the district's implementation of the CCCS in Comprehensive Health and Physical Education and the comprehensive health and physical education curriculum framework shall provide school districts with sample activities that may be used to support implementation of the instructional requirement.~~



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Health and Physical Education

3. ~~Bullying Prevention Programs (N.J.S.A. 18A:37-17) requires the establishment of bullying prevention programs. The school district is encouraged to establish bullying prevention programs and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement, and community members. To the extent funds are appropriated for these purposes, the school district shall: (1) provide training on the school district's Harassment, Intimidation, or Bullying Policy to school employees and volunteers who have significant contact with students; and (2) develop a process for discussing the district's Harassment, Intimidation, or Bullying Policy with students. Information regarding the school district Policy against harassment, intimidation, or bullying shall be incorporated into the school's employee training program.~~
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. The Commissioner of Education, in consultation with the State school Boards, shall develop a cancer awareness program appropriate for school-aged children.~~
5. ~~Dating Violence Education (N.J.S.A. 18A:35-4.23a) requires instruction regarding dating violence in grades seven through twelve. The school district shall incorporate dating violence education that is age appropriate into the health education curriculum as part of the district's implementation of the CCCS in Comprehensive Health and Physical Education for students in grades seven through twelve. The dating violence education shall include, but not be limited to, information on the definition of dating violence, recognizing dating violence warning signs, and the characteristics of healthy relationships.~~
6. ~~Domestic Violence Education (N.J.S.A. 18A:35-4.23) allows instruction on problems related to domestic violence and child abuse. The Board of Education may include instruction on the problems of domestic violence and child abuse in an appropriate place in the curriculum of elementary school, middle school, and high school students. The instruction shall enable students to understand the psychology and dynamics of family violence,~~



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~~dating violence, and child abuse; the relationship of alcohol and drug use to such violence and abuse; the relationship of animal cruelty to such violence and abuse; and to learn methods of nonviolent problem solving.~~

7. ~~Gang Violence Prevention (N.J.S.A. 18A:35-4.26) requires instruction in gang violence prevention for elementary school students. A Board of Education that operates an educational program for elementary school students shall offer instruction in gang violence prevention and in ways to avoid membership in gangs. The instruction shall take place as part of the district's implementation of the CCCS in Comprehensive Health and Physical Education and the comprehensive health and physical education curriculum framework shall provide the school district with sample materials that may be used to support implementation of the instructional requirement.~~
8. ~~Health, Safety, and Physical Education (N.J.S.A. 18A:35) 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. Every student, except Kindergarten students, attending the public schools, insofar as he or she is physically fit and capable of doing so, as determined by the medical inspector, shall take such courses, which shall be a part of the curriculum prescribed for the several grades. The conduct and attainment of the students shall be marked as in other courses or subjects, and the standing of the student in connection therewith shall form a part of the requirements for promotion or graduation. The time devoted to such courses shall aggregate at least two and one-half hours each school week, or proportionately less when holidays fall within the 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. Instructional programs on the nature of drugs, alcohol,~~



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Health and Physical Education

~~anabolic steroids, tobacco, and controlled dangerous substances, as defined in Section 2 of P.L.1970, c.226 (C.24:21-2), and their physiological, psychological, sociological, and legal effects on the individual, the family, and society shall be taught in the public school and in each grade from Kindergarten through grade twelve in a manner adapted to the age and understanding of the students. The programs shall be based upon the curriculum guidelines established by the Commissioner of Education and shall be included in the curriculum for each grade in such a manner as to provide a thorough and comprehensive treatment of the subject.~~

10. ~~Lyme Disease Prevention (N.J.S.A. 18A:35-5.1 through 5.3) requires the development of Lyme Disease curriculum guidelines and training to all teaching staff members who instruct students with Lyme Disease. The guidelines shall emphasize disease prevention and sensitivity for victims of the disease. The Commissioner of Education shall periodically review and update the guidelines to insure that the curriculum reflects the most current information available.~~
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. The goals of the instruction shall be to:
  - a. ~~Emphasize the benefits of organ and tissue donation to the health and well being of society generally and to individuals whose lives are saved by organ and tissue donations, so that students will be motivated to make an affirmative decision to register as donors when they become adults.~~
  - b. ~~Fully address myths and misunderstandings regarding organ and tissue donation.~~
  - c. ~~Explain the options available to adults, including the option of designating a decision maker to make the donation decision on one's behalf.~~



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~~d. Instill an understanding of the consequences when an individual does not make a decision to become an organ donor and does not register or otherwise record a designated decision-maker.~~

~~The instruction shall inform students that, beginning five years from the date of enactment of P.L.2008, c.48 (C.26:6-66 et al.), the New Jersey Motor Vehicle Commission will not issue or renew a New Jersey driver's license or personal identification card unless a prospective or renewing licensee or card holder makes an acknowledgement regarding the donor decision pursuant to Section 8 of P.L.2008, c.48 (C.39:3-12.4). The Commissioner of Education, through the non-public school liaison in the Department of Education, shall make any related instructional materials available to private schools educating students in grades nine through twelve, or any combination thereof. Such schools are encouraged to use the instructional materials at the school; however, nothing in N.J.S.A. 18A:7F-4.3 shall be construed to require such schools to use the materials.~~

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. The Department of Education in consultation with the advisory committee shall develop and establish guidelines for the teaching of sexual assault prevention techniques for utilization by local school districts in the establishment of a sexual assault prevention education program. Such program shall be adapted to the age and understanding of the students and shall be emphasized in appropriate places of the curriculum sufficiently for a full and adequate treatment of the subject.~~
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. Any sex education that is given as part of any planned course, curriculum, or other instructional program and that is intended to impart information or promote discussion or understanding in regard to human sexual behavior, sexual feelings and sexual values, human~~





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~~sexuality and reproduction, pregnancy avoidance or termination, HIV infection or sexually transmitted diseases, regardless of whether such instruction is described as, or incorporated into, a description of "sex education," "family life education," "family health education," "health education," "family living," "health," "self-esteem," or any other course, curriculum program, or goal of education, and any materials including, but not limited, to handouts, speakers, notes, or audiovisuals presented on school property concerning methods for the prevention of acquired immune deficiency syndrome (HIV/AIDS), other sexually transmitted diseases, and of avoiding pregnancy, shall stress that abstinence from sexual activity is the only completely reliable means of eliminating the sexual transmission of HIV/AIDS and other sexually transmitted diseases and of avoiding pregnancy.~~

14. ~~Suicide Prevention (N.J.S.A. 18A:6-111 through 113) requires instruction in suicide prevention in public schools. Instruction in suicide prevention shall be provided as part of any continuing education that public school teaching staff members must complete to maintain their certification; and inclusion of suicide prevention awareness shall be included in the CCCS in Comprehensive Health and Physical Education.~~
  
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.** ~~instruction in the use of automated external defibrillator for students. Instruction shall be provided in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student in a public school that includes grades nine through twelve prior to graduation as part of the district's implementation of the CCCS in Comprehensive Health and Physical Education. The instruction provided shall be modeled from an instructional program established by the American Heart Association, American Red Cross, or other nationally recognized association and shall include a hands-on learning component.~~



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16. **Sexually Explicit Images through Electronic Means (N.J.S.A. 18A:35-4.32 and 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.

1746. **Other Statutory or Administrative Codes.** The Board will incorporate into its health and physical education curriculum any other requirements of the ~~New Jersey Department of Education's~~ ~~CCCS~~ 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 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 mean 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



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**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 CCCS 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.

**N.J.S.A. 18A:35-4.31; 18A:35-5; 18A:35-7; 18A:35-8**

Adopted:



### 2431.3 PRACTICE AND PRE-SEASON HEAT-ACCLIMATION FOR INTERSCHOLASTIC SCHOOL-SPONSORED ATHLETICS AND EXTRA-CURRICULAR ACTIVITIES

The Board of Education adopts this Policy as a measure to protect the safety, health and welfare of ~~pupil~~students participating in school-sponsored interscholastic athletic programs. The Board believes practice and pre-season heat-acclimation guidelines for ~~students-athletes~~ will minimize injury and enhance the student-athlete's health, performance, and well-being.

Therefore, the Board of Education requires the implementation of the practice and pre-season heat-acclimation procedures as recommended b the New Jersey State Interscholastic Athletic Association (NJSIAA) for students participating in all school-sponsored athletic programs and extra-curricular activities during warm weather months. The Superintendent of Schools or designee shall ensure the implementation of the Practice and Pre-Season Heat-Acclimation Procedures.

~~For the purposes of this Policy, "practice time," means the time a player engages in physical activity. Warm-up, stretching, conditioning, weight training, and "cool-down" periods shall be calculated in practice time.~~

~~For the purposes of this Policy "walk-through" means practice time where no protective equipment or strenuous activity is permitted and only balls and field markers (cones) may be used.~~

~~The first five days of the Board approved pre-season practice shall consist of no more than three hours of practice time. This three-hour practice time during the first five days may be divided into multiple sessions, but total practice time shall not exceed three hours. Full protective gear required for any athletic program may only be worn by student-athletes on the third day of practice and thereafter. Activities during the first two days of practice will be limited to those activities where full protective gear is not needed or required. Protective headgear may be worn on the first two days. Full equipment shall not be worn for any practice that is held before the NJSIAA official start of practice date.~~

~~A student-athlete shall not be permitted to participate in a scrimmage for any sport until he/she has completed six complete days of practice.~~

~~An athletic team may not practice for more than six consecutive days and one twenty-four hour rest period must be included within a seven-day period. After the fifth day of practice, the maximum allotted time per day for practice shall not exceed five hours. The five-hour practice time may be divided into multiple sessions but total practice time in any day shall not exceed five hours. A five-hour practice day may not be followed by a practice day greater than three hours. Therefore, practice days may follow a 3-5-3-5 format. A minimum of a three-hour recovery period shall be provided after any session of greater than two hours in length and a three-hour recovery period should be provided before a walk-through.~~

The Superintendent of Schools or designee may reduce the practice times or adjust other provisions that would reduce a student's exertion if in this Policy in the event the weather and/or temperature warrants such action. This Policy and the school district's practice and pre-season heat-acclimation procedure shall be approved by the school district's physician prior to implementation ~~Board of Education approval.~~

New Jersey State Interscholastic Athletic Association Pre-Season Heat-Acclimation Guidelines

Adopted: November 16, 2010

Revised:

## 2530 RESOURCE MATERIALS

### Policy for Media Selection

The North Hunterdon Voorhees Regional High School District Board of Education hereby declares it is the policy of the North Hunterdon Regional High School District to provide a wide range of instructional materials on all levels of difficulty, with diversity of appeal, and the presentation of different points of view and to allow the review of allegedly inappropriate instructional materials through established procedures.

### Objectives of Selection

In order to assure that the school media program is an integral part of the educational program of the school, the following selection objectives are adopted:

- To provide materials that will enrich and support the curriculum and personal needs of the users, taking into consideration their varied interests, abilities, and learning styles;
- To provide materials that will stimulate growth in factual knowledge, literacy appreciation, aesthetic values, and ethical standards;
- To provide materials on opposing sides of controversial issues so that users may develop under guidance the practice of critical analysis;
- To provide materials which realistically represent our pluralistic society and reflect the contributions made by these groups and individuals to our American heritage;
- To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users;
- To provide exposure to information technologies and techniques to enable students to participate in life-long learning skills.

### Responsibility for Selection

Although the North Hunterdon Voorhees Regional High School District Board of Education is legally responsible for the operation of the schools, the responsibility for media selection materials is delegated to the certificated library/media personnel

While selection of materials involves many people, including library/media specialists, teachers, students, supervisors, administrators, and community persons, the responsibility for coordinating and recommending the selection and purchase of media rests with the certificated library/media personnel. Responsibility for coordinating the selection and purchase of textbooks rests with appropriate department chairpersons, principals or textbook evaluation committees.

### Criteria for Selection

Educational goals of the local school district, individual student learning modes, teaching styles, curricula needs, faculty and student needs, existing materials and networking arrangement should

be considered in developing the media collection. Guidelines for the evaluation and selection of curricula resources are listed.

- Curricular materials should:
- Be relevant to today's world;
- Represent artistic, historic, and literary qualities;
- Reflect problems, aspirations, attitudes and ideals of a society;
- Contribute to the objectives of the instructional program;
- Be appropriate to the level of the user;
- Represent differing viewpoints on controversial subjects;
- Provide a stimulus to creativity.

Technical materials should:

- Be of acceptable technical quality; clear narration and sound, synchronized pictures and sound;
- Be readable; typographically well-balanced.

The Board of Education shall provide resource materials to implement district and school educational goals and objectives as student needs dictate and district resources permit. Such materials include reference books, other supplementary titles, maps, library print and non-print materials, and other sources of information for use by students that are not designated as textbooks.

The Superintendent shall be responsible for the selection and maintenance of all resource materials, in accordance with the following standards:

1. Material will be suited to the varied interests, abilities, reading levels, and maturation levels of the students to be served;
2. Wherever possible, materials will provide major opposing views on controversial issues so that students may develop under guidance the practice of critical reading and thinking;
3. Wherever possible, materials will represent the many religious, ethnic, and cultural groups and their contribution to American heritage;
4. Materials will be factually accurate and of genuine literary or artistic value;
5. Materials will be of a quality and durability appropriate to their intended uses and longevity;
6. Materials will relate to, support, and enrich the courses of study adopted by the Board.

The Superintendent will develop regulations for the selection of resource materials that provide for the effective consultation of teaching staff members at all appropriate levels; ensure that the Board's budgetary allotment for resource materials is efficiently spent and wisely distributed throughout the instructional program and the district; and ensure an inventory of resource materials that is well balanced and well rounded in coverage of subject, types of materials, and variety of content.

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The Superintendent will evaluate the continuing effectiveness and utility of resource materials and recommend to the Board the removal of those materials that no longer meet the standards set forth in this policy. Any request for the removal of resource materials will be governed by Policy No. 9130 on public complaints.

Adopted: 1 May 2001

Revised:



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[See POLICY ALERT Nos. 140, 172, 209 and 217]

## 2610 EDUCATIONAL PROGRAM EVALUATION

The Board of Education directs the Superintendent to develop and implement a systematic plan for the continuous evaluation of the educational program against the educational goals established by this Board. ~~To this end, the Superintendent shall employ such tests and methods~~ **that will ensure decision making is data driven and a variety of sources of data are used to analyze and monitor student achievement and progress, as well as evaluate school programs as may be indicated by sound professional judgment.** Wherever possible, the assessment program shall follow evaluation procedures set forth in the course guides.

The Superintendent shall maintain a calendar of assessment activities and shall make periodic evaluation reports to the Board ~~during the school year. Findings of the assessment program,~~ **that evaluate the progress of students and the effectiveness of staff members. The Superintendent shall use multiple (more than two) sources of data to monitor student achievement and the progress of students. The Superintendent shall also use multiple (more than two) sources of data to evaluate the effectiveness of programs, initiatives, and strategies.**

The Board will annually make available to the public the collective progress of students toward the goals of the district. The Board will annually, prior to the end of the school year and in conjunction with appropriate members of the administrative staff, conduct a review of the educational progress of the district, assess district and student needs, and establish long range and short range objectives for the educational program. The Board's annual report will be submitted to the Commissioner of Education as required.

The Superintendent shall annually recommend improvements in the educational program based on the Board's evaluation of the district's program. The Board reserves the right to employ experts from outside the school district to serve in the evaluation process.

N.J.S.A. 18A:7A-11  
N.J.A.C. 6A:8-4.1 et seq.  
N.J.A.C. 6A:19-2.6 [vocational districts]

Adopted:



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[See POLICY ALERT Nos. 130, 162 and 217]

## 4219 COMMERCIAL DRIVER'S LICENSE CONTROLLED SUBSTANCE AND ALCOHOL USE TESTING

The Board of Education is committed to a safe, efficient, and alcohol and drug-free workplace; that protects the district's students as well as the health and safety of its employees and the general public. The Board requires all **employees of the Board** ~~drivers~~ performing any safety-sensitive function ~~are~~ **to be free of drugs and alcohol and will test those employees who operate a commercial motor vehicle in accordance with 49 CFR ~~C.F.R.~~ 382 et seq. and 49 CFR ~~C.F.R.~~ 40 et seq. For the purpose of this Policy "employee" means a person required to have a Commercial Driver's License (CDL) in the performance of their job responsibilities. Safety-sensitive functions as defined by 49 CFR ~~C.F.R.~~ 382.107 means any all time from the time an employee ~~driver~~ begins to work or is required to be in readiness to work until the time the **employee driver** is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:**

1. All time at the terminal, facility, ~~or~~ **other property, or on** any public property, waiting to be dispatched, unless relieved from duty;
2. All time inspecting equipment **as required by Federal law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle, at any time;**
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon the commercial **motor** vehicle except **time spent resting** in an area defined as a sleeping berth;
5. All time loading ~~or~~ **and** unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded and unloaded; **and**



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6. ~~All time spent performing driver requirements related to accidents;~~ **All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.**
7. ~~All time repairing, obtaining assistance, or remaining in attendance with the vehicle.~~

The Omnibus Transportation Employee Testing Act of 1991 requires all operators of commercial motor vehicles subject to the ~~CDL Commercial Drivers License~~ requirements to be tested for controlled substances and alcohol. Federal regulations of the U.S. Department of Transportation require that **any school bus employee drivers using a CDL as well as drivers of private carriers of passengers contracted by the Board** be required to submit to alcohol and controlled substance testing in accordance with 49 CFR C.F.R. Part 40.

The Board designates the <sup>Transportation</sup> ~~the~~ <sup>Director</sup> ~~(designated official)~~ as the Designated Employer Representative (DER) of the Board of Education. The Board may contract with a service agent to provide the testing services as required by Federal law Regulations. **In the event the Board contracts with a service provider for transportation, the Board designee will ensure all transportation contractors comply with the drug and alcohol testing requirements of Policy 4219 pursuant to 49 CFR 382 et seq. and 49 CFR 40 et seq.**

No ~~employee driver~~ at any work site will possess, manufacture, use, sell, or distribute any quantity of any controlled substance, lawful or unlawful, which in sufficient quantity could result in impaired performance, with the exception of substances administered by or under the instructions of a physician. No ~~employee driver~~ shall perform safety-sensitive functions within four hours after using alcohol and the district will not permit an ~~employee driver~~ that used alcohol within four hours of performing safety-sensitive functions to perform such functions if the district has actual knowledge of the use, **in accordance with 49 CFR 392.5.**

## Violations

Any violation of this ~~P~~olicy may result in discipline, up to and including termination.



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## Prohibited Substances

The presence of any of the following controlled substances, listed in **49 CFR 40.87**, in the body, as evidenced by the results of the initial screening and subsequent confirmatory analysis provided in ~~the this Ppolicy~~, is prohibited for any employee assigned to a classification covered by this Ppolicy. All cutoff concentrations **shall be in accordance with** ~~are as per~~ 49 CFR C.F.R. 40.87 and ~~are expressed in nanograms per milliliter (ng/mL)~~. All test results shall be measured against the cutoff concentrations outlined in 49 CFR 40.87.

### Type of Drug or Metabolite   Initial Test   Confirmation Test

Marijuana metabolites	50	
Delta 9 tetrahydrocanna- Binol 9 carboxylic acid (THC)		15
Cocaine metabolites	300	150
(Benzoylcegonine)		
Phencyclidine (PCP)	25	25
Amphetamines	1000	
Amphetamine		500
Methamphetamine		500*

(\*Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/mL.)

Opiate metabolites	2000	
Codeine		2000
Morphine		2000
6 acetylmorphine (6-AM)		10**

\*\*Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.)

Alcohol	.02 or higher	.02 or higher
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## Testing Procedures

All testing for controlled ~~dangerous~~ substances will be conducted in accordance with 49 ~~CFR C.F.R.~~ Part 40, Subparts A, B, C, D, E, F, G, H and I. The district will only test for ~~the above stated five~~ drugs or classes of drugs in accordance with 49 ~~CFR C.F.R.~~ 40.85. Testing for alcohol will be conducted in accordance with 49 ~~CFR C.F.R.~~ Part 40, Subparts J, K, L, M and N.

## Definitions

“Alcohol **use**” means the drinking or swallowing of any beverage, liquid mixture or preparation (including medication), containing alcohol.

“**Aliquot**” means a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

“Confirmatory ~~dDrug tTest~~” means a second analytical procedure performed on a ~~urine specimen~~ **an aliquot of the original specimen** to identify and quantify the presence of a specific drug or drug metabolite.

“Confirmed ~~dDrug tTest~~” means a confirmation ~~drug test result~~ received by a Medical Review Officer (MRO) from a ~~certified~~ laboratory.

“Controlled substances” means those substances identified in 49 ~~CFR C.F.R.~~ 40.85.

“CCF” means the Federal Drug Testing Custody and Control Form.

“Designated Employer Representative (**DER**)” is an employee of the district authorized to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. ~~The Designated Employer Representative (DER)~~ shall receive test results and other communications for the employer, consistent with the requirements of this ~~Ppolicy~~ and 49 ~~CFR C.F.R.~~ 40. Service agents cannot act as a DER.

“FMCSA” means Federal Motor Carrier Safety Administration.

“Initial ~~dDrug tTest~~ (also known as a “**Screening drug test**”)” means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.



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"Initial specimen ~~Validity test Screening~~" means the first test used to determine if a **urine** specimen is adulterated, diluted, or substituted, or **invalid**.

"Medical Review Officer (**MRO**)" is a licensed physician responsible for receiving and reviewing laboratory results generated by the district's drug testing program and evaluating medical explanations for certain drug test results.

"Possess" **includes, but is not limited to,** means either in or on the driver's person, personal effects, motor vehicle, or areas substantially entrusted to the control of the driver.

"Service agent" is any person or entity, other than an employee of the Board, who provides services specified under 49 ~~CFR C.F.R.~~ 40 to the Board.

"Substance Abuse Professional (**SAP**)" is a person who evaluates employees who have violated a **Federal or State** drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. ~~An~~ Individuals permitted to act as a **SAP** ~~substance abuse professionals~~ must possess the credentials as outlined in 49 ~~CFR C.F.R.~~ 40.281.

"Work Site" means any motor vehicle, office, building, yard, or other location at which the driver is to perform work: **or any other school district property or at any school district event.**

## Categories of Testing

For the purpose of this **P**olicy, the occurrence of the following circumstances/instances shall require an employee to submit to a controlled substance and alcohol screening:

### 1. Pre-Employment Testing

An individual who has applied for and has been selected to operate a Board vehicle shall, before beginning employment with the Board, submit to a controlled substance screening in conjunction with any required physical examination as per Policy ~~No.~~ 4160. Such screening shall be conducted in accordance with the procedures set forth in this **P**olicy and 49 ~~CFR C.F.R.~~ 40. No individual receiving a positive confirmed test result will be employed by the Board.



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An employer is not required to administer a controlled substances test required by 49 CFR 382.301(a) if ~~exception to the pre-employment screening may be made if the prospective employee:~~

- a. **The employee h**Has participated in a controlled substances testing program that met the requirements of 49 CFR ~~C.F.R.~~ 382 et seq. within the previous thirty days; and
- b. **The employee** while participating in that program either:
  - (1) Was tested for controlled substances within the past six months (from the date of application **with the employer to the commission**);; or
  - (2) Participated in the random controlled substances testing program for the previous twelve months (from the date of application **with the employer. to the commission**);-and
- c.(3) The DER must ensure that no prior employer, to the DER's knowledge, has records of a violation of a controlled substances testing program within the previous six months.

If an individual is so exempted, the ~~Designated Employer Representative (DER)~~ shall contact the ~~alcohol and/or~~ controlled substances testing programs in which the **individual driver** participated and **shall obtain and retain from the testing program(s)** the following information in accordance with 49 CFR ~~C.F.R.~~ 382.301(c):

- a. Name and address of the program;
- b. Verification of the **individual's driver's** participation;
- c. Verification that the program conforms to Federal guidelines;
- d. Verification the **individual driver** qualified **under the law** and did not refuse to be tested for controlled substances;



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- e. The date the **individual driver** was last tested for controlled substances; and
- f. The results of any tests taken within the **previous** last six months and any other violations.

*include*

## [Optional for Districts that Conduct Pre-Employment Alcohol Tests

In accordance with 49 ~~CFR C.F.R.~~ 382.301(d), the ~~commission~~ **Board** will conduct pre-employment alcohol tests before the first performance of safety-sensitive functions by a new ~~covered~~ employee or someone who has transferred to a position involving the performance of safety-sensitive functions. The alcohol test will be conducted after making a contingent offer of employment or transfer, subject to the **employee individual** passing the pre-employment alcohol test. All alcohol testing will be completed in accordance with 49 ~~CFR C.F.R.~~ 40 et seq. An ~~covered~~ employee will:

### [Select one of the following:

not begin working unless the result of the test indicates an alcohol concentration of less than 0.04.

not be offered employment and/or the transfer unless the result of the test indicates an alcohol concentration of less than 0.04.]

An **employee individual** who has applied for and has been selected to operate a Board vehicle or any existing employee transferring into a new position **requiring the employee** ~~now required~~ to operate a Board vehicle, shall submit a written consent authorizing the ~~commission~~ **Board** to obtain the following information from other employers who have employed the employee during any period during the two years before the date of the **employee's individual's** application ~~date~~ or transfer into the new position. The written consent from the **employee individual** will permit the ~~Designated Employer Representative (DER)~~ to obtain the following information from previous **Division of Transportation (DOT)**-regulated employers:





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- a. Alcohol tests with a result of 0.04 or higher alcohol concentration;
- b. Verified positive drug tests;
- c. Refusals to be tested (including verified adulterated or substituted drug test results);
- d. Other violations of DOT agency drug and alcohol testing regulations; and
- e. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If this information is not available from the previous employer, the DER must seek to obtain this information from the **employee individual**.

The DER will obtain and review this information before the employee first performs ~~any driving and/or~~ safety-sensitive functions. If this is not feasible, the DER will not permit the **employee individual to perform safety-sensitive functions** ~~work~~ after thirty days from the ~~individual's first date~~ **the employee first performed safety-sensitive functions, of employment in the position** unless the DER has obtained or made and documented a good faith effort to obtain this information.

## 2. Random Testing

~~Every A-covered~~ employee shall ~~be subject to~~ submit to **random** alcohol and controlled substance testing on an unannounced and random basis resulting from the selection by a random generation methodology in accordance with 49 ~~CFR C.F.R.~~ 383.305(i). Random testing will be spread reasonably throughout any given calendar year.



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The minimum annual percentage rate for random alcohol testing shall be **ten percent** ~~10%~~ of the average number of drivers **positions**. The minimum **annual percentage rate** for ~~of~~ random controlled substances testing shall be **twenty-five percent** ~~50%~~ of the average number of drivers **positions**. These **minimum annual percentage** rates may be adjusted as determined by the ~~FHWA~~ ~~(Federal Highway Administration)~~ **FMCSA** Administrator in accordance with 49 **CFR C.F.R.** 382.305.

**Employees Drivers** shall only be random tested when performing safety-sensitive functions or immediately prior to or immediately following the performance of safety-sensitive functions.

### 3. Post-Accident Testing

The involvement by an employee in a motor vehicle collision while operating a Board vehicle when such accident results in property damage or personal injury, may trigger a post-accident drug and alcohol test.

As soon as practical following an occurrence, the DER will require post-accident alcohol screening for each of the surviving drivers:

- a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or
- b. Who receives a citation within eight hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
  - (1) Bodily injury to any person, who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
  - (2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.



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- c. If the alcohol test is not administered within two hours following the accident, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, the DER shall cease attempts to administer the alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

As soon as possible following an occurrence, the district will require post-accident controlled substance screening for each of the surviving drivers:

- a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or
- b. Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
  - (1) Bodily injury to any person; who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
  - (2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- c. If the controlled substance test is not administered within thirty-two hours following the accident, the DER shall cease attempts to administer the controlled substance test and shall prepare and maintain **on file a record stating the reasons the test was not promptly administered** ~~the same record~~. Records shall be submitted to the FMCSA upon request.



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An **employee driver** who is subject to post-accident testing shall remain readily available for such testing or **may** be deemed by the **employer** to have refused to submit for testing. (An **employee driver** who is injured in an accident and requires medical care, shall submit to post-accident drug and controlled substance testing by the medical care facility providing the treatment or a designee of the Board if the facility is unable to provide the testing.) Nothing herein shall be construed to prevent the **employee driver** from leaving the scene of the accident for the period required to obtain necessary assistance or to obtain emergency medical care.

#### 4. Reasonable Suspicion Testing

The DER ~~may~~ **shall** require an **employee driver** to submit to an alcohol and/or controlled substance test when the **employee driver** is observed by a supervisor or school official who is trained in accordance with 49 ~~CFR C.F.R.~~ 382.603 and causes the observer to have reasonable suspicion to believe the **employee driver** has violated 49 ~~CFR C.F.R.~~ 382 et seq. Reasonable suspicion must exist to require the **employee driver** to undergo a test and must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the **employee driver**. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Reasonable suspicion alcohol testing is authorized only if the required observations are made during, just preceding, or just after the period of the work day the **employee driver** is required to be in compliance with the testing requirements of 49 ~~CFR C.F.R.~~ 382 et seq.

Reasonable suspicion testing may be required of an **employee driver** while the **employee driver** is performing, just before the **employee driver** will perform, or just after the **employee driver** has ceased performing safety-sensitive functions.



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If the alcohol test is not administered within two hours following the determination a reasonable suspicion test is required, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the determination, the DER shall cease attempts to administer the alcohol test and shall state in the record the reasons for not administering the test.

No ~~employee driver~~ shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the ~~employee driver~~ is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse. The ~~employee driver~~ will also not be able to perform or continue to perform safety-sensitive functions until an alcohol test is administered and the ~~employee's driver's~~ concentration measures less than 0.02 or twenty-four hours have elapsed following the determination that reasonable suspicion existed to require an alcohol test.

A written record of the observations leading to a reasonable suspicion test shall be made and signed by the supervisor and/or school official that made the observations. This record shall be made within twenty-four hours of the observed behavior or before the results of the test are released, whichever is earlier.

## 5. Return to Duty Testing

The district is not required to return an employee to a safety-sensitive position upon receipt of a confirmed drug and/or alcohol test.

The ~~Designated Employer Representative (DER)~~ may recommend to the Superintendent of Schools the ~~employee's individual's~~ employment be terminated depending on the circumstances.



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In the event the DER does not recommend termination, the DER shall ensure that before an **employee driver** returns to duty requiring the performance of a safety-sensitive function, the **employee driver** shall undergo a return to duty alcohol test indicating a breath alcohol concentration of less than 0.02 and a controlled substances test with a result indicating a verified negative result for controlled substances use as required in 49 ~~CFR C.F.R.~~ 40.305.

**Employees Drivers** permitted to return to duty are required to take return-to-duty tests and shall be evaluated by a ~~Substance Abuse Professional (SAP)~~. These **employees** individuals must participate in an assistance program prescribed by the SAP and as required in 49 ~~CFR C.F.R.~~ 40 Subpart O.

The SAP will determine a written follow-up testing plan for any **employee individual** who has been permitted to return to work and has successfully complied with the SAP's recommendations for education and/or treatment. Such employees are subject to a minimum of six unannounced, follow-up drug screenings and alcohol tests over the following twelve months. The testing shall not exceed ~~sixty~~ **forty-eight additional** months. Alcohol follow-up testing shall be performed only when the **employee driver** is performing safety-sensitive functions or immediately prior to performing or immediately after performing safety-sensitive functions. All follow-up testing will be completed in accordance with 49 ~~CFR C.F.R.~~ 40.307. The SAP will comply with all reporting requirements of 49 ~~CFR C.F.R.~~ 40.311.

**The Board shall make the ultimate determination to return or not return an employee to a safety-sensitive position subject to any collective bargaining agreements, if any, or other legal requirements.**



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## Medical Review Officer (MRO) Notifications

The Board shall employ or contract with a **MRO** ~~medical review officer~~ who is a licensed physician (M.D. or D.O.) and shall designate the **MRO Medical Review Officer** as the individual responsible for receiving laboratory results generated by the testing program. The **MRO** ~~medical review official~~ shall have knowledge of **controlled** substances abuse disorders and have appropriate medical training to interpret and evaluate the **employee's** ~~individuals~~ confirmed **drug test results** ~~positive test~~ together with his/her medical history and other biomedical data. The **MRO Medical Review Officer** will perform all functions and responsibilities as required in 49 ~~CFR C.F.R.~~ **40.121 Subpart G**.

## Employer Notification

The **MRO** ~~Medical Review Officer~~ may report controlled substances test results to the DER by any means of communication; however, a signed, written notification must be forwarded within three business days of the completion of the **MRO's** ~~Medical Review Officer's~~ evaluation. The **MRO Medical Review Officer** must report all drug test results to the employer. The MRO may use a signed or stamped and dated legible photocopy of Copy 2 of the CCF to report test results or a written report that must include, at a minimum, the information required in 49 ~~CFR C.F.R.~~ 40.163.

## Split Specimen Tests

Split specimen testing will be conducted in accordance with 49 ~~CFR C.F.R.~~ 40 Subpart H. **The MRO will notify the Superintendent of Schools or designee if split specimen testing is requested by the employee.** Under ~~split sample collection procedures, the driver has seventy-two hours from the time of notification of a positive result to request the MRO to order a test of the split specimen.~~ If the driver does not request a split specimen test within seventy-two hours, the driver may present to the MRO information documenting that ~~serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the individual from making a timely request.~~



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~~If the split specimen is unavailable or appears insufficient, the laboratory will continue the testing process of the primary specimen as the laboratory would normally. The laboratory will report the results for the primary specimen without providing the MRO information regarding the unavailable split specimen. In the event the MRO requests the split specimen be forwarded to another laboratory, the laboratory will report to the MRO the split specimen is unavailable for testing and the laboratory will provide the MRO with as much information as possible about the cause of the unavailability.~~

## Designated Collection Facility

The Board shall designate the facility to be used for the collection of the specimen; provided, however, that the designated facility shall possess all required licenses and permits. The collection site will take place in a facility meeting the requirements of 49 ~~CFR C.F.R.~~ 40 Subpart D. The DER will ensure the collection site meets the security requirements of 49 ~~CFR C.F.R.~~ 40.43.

## Designated Screening Laboratory

The Board shall designate the laboratory to which collected fluid samples will be forwarded for drug/alcohol screening. Drug testing laboratories must be certified by the Department of Health and Human Services (HHS) under the National Laboratory Certification Program (NLCP) for all testing required under 49 ~~CFR C.F.R.~~ 40. The laboratory will perform all responsibilities as required in accordance with 49 ~~CFR C.F.R.~~ 40 Subpart F.

## Specimens

The normal screening methodology for controlled substances shall be urinalysis, collected by a **trained** representative of the Board **with appropriate documentation** at a **site designated and approved by the Board** ~~designated site~~. The presence of alcohol will be determined by an Alcohol Screening Device (ASD) or an Evidential Breath Testing Device administered by an individual certified in accordance with 49 ~~CFR C.F.R.~~ 40.211 and 49 ~~CFR C.F.R.~~ 40.213.





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## Refusal to Submit

An **employee driver** will be deemed as refusing to take a drug test as described in 49 ~~CFR C.F.R.~~ 40.191. As per 49 ~~CFR C.F.R.~~ 40.191, an **employee individual** refuses to take a drug test if he/she:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the DER, consistent with applicable DOT agency regulations, after being directed to do so by the DER;
2. Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
3. Fails to provide a urine specimen for any drug test required by this Policy. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
4. Fails to permit the observation or monitoring of providing a specimen in the case of a directly observed or monitored collection in a drug test;
5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take an **additional drug** ~~second~~ test the DER or collector has directed the **employee individual** to take;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under ~~See~~ 49 ~~CFR~~ 40.193(d). In the case of a pre-employment drug test, the **employee individual** is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;



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8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, **fails to wash hands after being directed to do so by the collector**); or
- ~~9. If the MRO reports the driver had a verified adulterated or substituted test result.~~
9. Fails to follow the collection observer(s) instructions of which could be used to interfere with the collection process;
10. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process; or
11. Admits to the collector or MRO he/she has adulterated or substituted the specimen.

**If the MRO reports the employee had a verified adulterated or substituted test result, the result will be deemed refusal to take a drug test.**

If an **employee individual** refuses to participate in a part of the testing process, the collector or MRO, must terminate the portion of the testing process, document the refusal on the CCF (including in the case of the collector, printing the employee's name on Copy 2 of the CCF), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. A referral physician (e.g., physician evaluating a "shy bladder" condition or a claim of a legitimate medical explanation in a validity testing situation) must notify the MRO, who in turn will notify the DER. In addition, the collector must note the refusal in the "Remarks" line (Step 2), and sign and date the CCF. The MRO must note the refusal by checking the "~~R~~refused to Ttest because" box (Step 6) on Copy 2 of the CCF, and add the reason on the "Remarks" line. The MRO must then sign and date the CCF. When the **employee driver** refuses to take a non-DOT test or to sign a non-DOT form, the **employee driver** has not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.



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## Record of Negative Screening

An employee required to submit to an alcohol and/or controlled substance screening as provided in this ~~P~~policy and whose screening results are negative may, at their option, have their personnel file documented to reflect the negative result.

## Prescription Drugs

All bus drivers shall notify the DER of the use of any prescription drugs. The Board may require certification from the prescribing physician that the use of the prescription drug will not have an adverse affect on the driver's ability to properly perform safety-sensitive functions.

## Consequences to ~~Employees Drivers~~ Engaging in Prohibited Conduct

An employee whose screening produces a positive result for a prohibited substance **who is permitted to return to work:**

1. Shall not be permitted to perform safety-sensitive functions;
2. Shall be advised by the DER of resources available to them in evaluating and resolving problems associated with the misuse of alcohol or the use of controlled substances;
3. Shall be evaluated by a **SAP** ~~substance abuse professional~~ who shall determine what assistance, if any, is needed to resolve problems with alcohol or controlled substance use;
4. Undergo, before returning to duty, a return to duty alcohol test indicating a breath level of less than 0.02 if the conduct involved alcohol or a controlled substance test with a verified negative result;
5. If assistance was required, the employee must be evaluated by a **SAP** ~~substance abuse professional~~ to determine that the **employee driver** has followed the rehabilitation program prescribed;
6. Be subject to unannounced follow-up alcohol and/or controlled substance abuse testing;
7. Be subject to the disciplinary ~~P~~policy and ~~R~~regulations of the Board.



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## Return-to-Work Agreement

An employee who has **been permitted** to returned to work and who fails to comply with any of the terms of a **Return to Work Agreement, if provided at the employer's discretion**, the ~~return to Work Agreement~~ shall be subject to **disciplinary action which may include** termination.

## Maintenance and Retention of Records

The DER shall maintain and retain all records as required by Federal regulation. Records shall include at least the following:

1. Records Related to the Collection Process
  - a. Collection logbooks (if used);
  - b. Documents related to the random selection process;
  - c. Calibration documentation for Evidential Breath Testing Devices (EBT's);
  - d. Documentation of Breath Alcohol Technician (BAT) training;
  - e. Documentation of reasoning for reasonable suspicion testing;
  - f. Documentation of reasoning for post-accident testing;
  - g. Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing; and
  - h. Consolidated annual calendar year summaries.
2. Records Related to the **Employee's Driver's Test Results**
  - a. Employer's copy of the alcohol test form, including results;
  - b. Employer's copy of the ~~drug~~ **controlled substance** test chain of custody and control form;
  - c. Documents sent to the employer by the **MRO Medical Review Officer**;



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- d. Documentation of any **employee's driver's** refusal to submit to a required alcohol or controlled substance test; and
  - e. Documents provided by an **employee driver** to dispute results of test.
3. Documentation of any Other Violations of Controlled Substance Use or Alcohol Misuse **Policies Rules**
4. Records Related to Evaluations and Training
- a. Records pertaining to ~~the Substance Abuse Professional's~~ (SAP's) determination of an **employee's driver's** need for assistance;
  - b. Records concerning an **employee's driver's** compliance with **the** SAP's recommendations, and records related to education and training;
  - c. Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol misuse;
  - d. Documentation of compliance with **the** requirement to provide **employees drivers** with educational material, including an **employee's driver's** signed receipt of materials;
  - e. Documentation of supervisor training; and
  - f. Certification that training conducted under this **Policy rule** complies with all requirements of the **Policy rule**.
5. Records Related to Drug Testing
- a. Agreements with collection site facilities, laboratories, **MROs, Medical Review Officers (MRO's)** and consortia;
  - b. Names and positions of officials and their role in the employer's alcohol and controlled substance testing program;
  - c. Monthly statistical summaries of urinalysis; and
  - d. The employer's drug testing policy and procedures.



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6. Required Period of Retention

Document to be maintained	Period required to be maintained
Alcohol test results indicating a breath alcohol concentration of 0.02 or greater	5 Years
Verified positive controlled substance test results	5 Years
<b>Documentation of refusals to submit to required alcohol or controlled substance tests (including substituted or adulterated test results)</b>	5 Years
<b>Required calibration documentation of evidential breath testing devices (EBT's)</b>	52 Years
<b>Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations All follow up tests and schedules for follow up tests</b>	5 Years
<b>Driver Substance Abuse Professional's (SAP's) evaluations and referrals</b>	5 Years
<b>A copy of each annual calendar year summary</b>	5 Years
<b>Records obtained from previous employers concerning alcohol and drug testing</b>	3 Years
<b>Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) and required training</b>	2 Years



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Document to be maintained	Period required to be maintained
<b>Records related to n</b> Negative and canceled controlled substance test results	1 Year
Alcohol test results indicating a breath alcohol concentration less than 0.02	1 Year
<del>Records obtained from previous employers concerning alcohol and drug testing</del>	<del>3 Years</del>
<b>Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions</b>	<b>Indefinite time period</b>

**Other specific types of records shall be maintained in accordance with 49 CFR 382.401.**

7. Location of Records

All required records shall be maintained in accordance with Policy No. 8320. Records shall be made available for inspection at the Board Offices within two business days after a request has been made by an authorized representative of the ~~Federal Highway Administration~~ FMCSA.



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8. Annual Calendar Year Summary

The DER shall prepare and maintain an annual calendar year summary of the results of its alcohol and substance abuse testing programs. The summary shall be completed no later than March 15 of each year covering the previous calendar year. The DER upon request of the ~~FMCSA~~ ~~Federal Highway Administration (FHWA)~~ will provide the annual summary to that agency in the required format.

9. Employee Information Program

The Board will provide an employee information program. The DER will be responsible for implementing the program and shall ensure that each ~~employee driver~~ receives information in the manner specified below:

- a. By receiving a copy of this ~~Ppolicy~~ and any subsequent revisions.
- b. ~~Through attendance at a meeting~~ **The DER will provide written notice to employees of the following information at which a detailed discussion of the following is conducted:**
  - (1) The identity of the person designated by the employer to answer ~~employee driver~~ questions about the materials;
  - (2) Which ~~employees drivers~~ are subject to the alcohol misuse and controlled substance requirements;
  - (3) Explanation of what constitutes a safety-sensitive function, so as to make clear what period of the workday the ~~employee driver~~ is required to be in compliance;
  - (4) Specific information concerning ~~employee driver~~ conduct that is prohibited;





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- (5) The circumstances under which an **employee driver** will be tested for alcohol and/or controlled substances;
- (6) The procedures that will be used to test for the presence of alcohol and controlled substances;
- (7) The requirement that an **employee driver** submit to alcohol and controlled substance tests;
- (8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substance test;
- (9) The consequences for **employees drivers** found to have violated the prohibitions of this **Policy rule**, including the immediate removal of the **employee driver** from safety-sensitive functions;
- (10) The consequences for **employees drivers** found to have an alcohol concentration level of 0.02 or greater but less than 0.04;
- (11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life. Signs and symptoms of an alcohol or controlled substances problem, and available methods of intervening when an alcohol or a control substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

Omnibus Transportation **Employee Testing** Act of 1991

49 **CFR C.F.R.** 40 et seq.

49 **CFR C.F.R.** 382 et seq.

49 **CFR C.F.R.** 395.2

Adopted:



## 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The North Hunterdon-Voorhees High School Regional School District Board of Education shall admit to its schools, free of charge, persons over fourteen and under twenty years of age, pursuant to N.J.S.A. 18A:38-1 or such younger or older student as is otherwise entitled by law to a free public education.

### Eligibility to Attend School

The Board shall admit students eligible to attend school free of charges that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1.

A child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United State who is ordered into active military service in a time of war or national emergency shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child in accordance with N.J.A.C. 6A:22-3.2. A student is only eligible to attend school in the district pursuant to provision N.J.A.C. 6A:22-3.2 if the student's parent or guardian files, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student must file, if so required by the Board of Education, a sworn statement that he or she: is domiciled within the school district; is supporting the child without remuneration and intends to do so for a time longer than the school term; and will assume all personal obligations for the student relative to school requirements; and a copy of his or her lease if a tenant, or a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner. Pursuant to N.J.S.A. 18A:38-1(c), any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child; and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1(b) if the student is kept in the home of a person domiciled in the

school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year during which the parent or guardian returns from active military duty.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1(d) if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for the purposes of a student attending the school district of temporary residence. When one of the student's parents or guardians temporarily resides in the school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with the criteria of N.J.A.C. 6A:22-3.1(a) 1.i.

A student is eligible to attend this school district free of charge:

1. If the student's parent or guardian moves to another school district as a result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2 Education of Homeless Children;
2. If a student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2;
3. If the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district, pursuant to N.J.S.A. 18A:38-3(b). The school district shall not be obligated for transportation costs; and
4. If the student resides on federal property within the State pursuant to N.J.S.A. 18A:38-7.7 *et seq.*

Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h). If the student remains enrolled in the school district for the remainder for the school year, the school district shall provide transportation services to the student, provided the student lives remote from school, and the State shall reimburse the school district for the cost of the transportation services. Nothing in N.J.S.A. 18A:38-1.1 shall be construed to affect the rights of homeless students pursuant to N.J.S.A. 18A:7B-12, N.J.S.A. 18A:7B12.1, or any other applicable State or Federal law.

A student's eligibility to attend this school shall not be affected by the physical condition of an applicant's housing, or his or her compliance with local housing ordinances, or terms of lease.

Except as set forth in N.J.A.C. 6A:22-3.3(b)1, immigration/visa status shall not affect eligibility to attend school and the school district shall not condition enrollment in the school district on immigration status. A student's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111.

### Proof of Eligibility

The Board of Education shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.A.C. 6A:22-3.4. The Board of Education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form, or subset of documents, without regard to other evidence presented.

The Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school as outlined in N.J.A.C. 6A:22-3.4(d). The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) or pertinent parts thereof if voluntarily disclosed by the applicant. The Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment. However, in the case of a dispute between the school district and the parent or guardian of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.S.A. 18A:38-1.3.

### Registration Forms and Procedures for Initial Assessment

Registration and initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1. The Board of Education shall use Commissioner-approved registration forms or locally developed forms that are consistent with the forms provided by the Commissioner. A district level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.

Initial eligibility determinations shall be made upon presentation of an enrollment application and enrollment shall take place immediately except in cases of clear, uncontested denials. Enrollment shall take place immediately when an applicant has

provided incomplete, unclear or questionable information, , but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.

When a student appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or a nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families a potential instance of "neglect" for the purposes of ensuring compliance with compulsory education law, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and that there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

Enrollment or attendance at the school shall not be conditioned on advance payment of tuition when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2, Education of Homeless Children. Enrollment or attendance in the school district shall not be denied based upon the absence of the certified copy of the student's birth certificate or other proof of a student's identity as required within thirty days of initial enrollment pursuant to N.J.S.A. 18A:36-25.1.

Enrollment in the school district shall not be denied based upon absence of student's medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.1.

When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student's prior educational record. However the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.

#### Notice of Ineligibility

When a student is found ineligible to attend the school pursuant to N.J.A.C. 6A:22, or the student's initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4*et seq.* Notices shall be in writing; in English and in the native language of the applicant, issued by the Superintendent; and directed to the address at which the applicant claims to reside. Notices of ineligibility shall include information as outlined in N.J.A.C. 6A:22-4.2.

#### Removal of Currently Enrolled Students

Nothing in N.J.A.C. 6A:22*et seq.* and this Policy shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.

When a student, who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal in accordance with the provisions of N.J.A.C. 6A:22-4.3. No student shall be removed from school unless the parent, guardian, adult student or resident keeping an "affidavit student" (as defined in N.J.A.C. 6A:22-1.2) has been informed of his or her entitlement to a hearing before the Board of Education. Once the hearing is held, or if the parent, guardian, adult student or resident keeping an "affidavit student" does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board or a Board Committee, at the discretion of the full Board. If the hearing(s) is conducted by Board Committee, the Committee shall make a recommendation to the full Board for action. No student may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6*et seq.*, the Open Public Meeting Act.

#### Appeal to the Commissioner

An applicant may appeal to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3. Pursuant to N.J.S.A. 18A:38-1.1, appeals of "affidavit student" eligibility determinations shall be filed by the resident keeping the student.

#### Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of an ineligibility determination, the Board of Education may assess tuition for up to one year of a student's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 *et seq.* If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10, through recording upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.

If an appeal to the Commissioner is filed and the petitioner does not sustain the burden of demonstrating the student's right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition in accordance with the provisions of N.J.A.C. 6A:22-6.2(a). Upon the Commissioner's finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2.

#### Nonresident Students

The admission of a nonresident student to school free of charge must be approved by the Board. No student otherwise eligible shall be denied admission on the basis of the student's race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship and discipline.

Students whose parent or guardian has moved away from the school district after the end of the student's junior year will be permitted to finish high school in this school district without payment of tuition.

## F-1 Visa Students

The school district will permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. An F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year.

N.J.S.A. 18A:38-1 *et seq.*; 18A:38-3; 18A:38-3.1

N.J.A.C. 6A:14-3.3; 6A:17-2.1 *et seq.*; 6A:22-2.1 *et seq.*

8 CFR 214.3

Adopted: October 12, 2010

Revised: May 10, 2016,



## 5330.04 ADMINISTERING AN OPIOID ANTIDOTE

New Jersey's "Overdose Prevention Act" encourages the wider prescription and distribution of an opioid antidote to prevent opioid overdose. The New Jersey Department of Education informed school districts they may develop and adopt policies and procedures to maintain and administer an opioid antidote to any student, school personnel, or other person believed to be experiencing an opioid overdose during school hours or during on-site school sponsored activities to block the opioid's life-threatening effects.

In accordance with N.J.S.A. 24:6J-4.a.(1)(c), the school district's physician, as a health care practitioner as defined in N.J.S.A. 24:6J-3, may prescribe or dispense an opioid antidote directly or through a standing order to the school district for a school district certified school nurse to administer to overdose victims, provided the school physician deems a school district certified school nurse is capable of administering the opioid antidote to an overdose victim in an emergency. The physician's standing order must specify a school district certified school nurse is authorized to administer the opioid antidote to overdose victims. In accordance with N.J.S.A. 24:6J-5.a.(1), the school physician issuing the standing order shall ensure that overdose prevention information is provided to the school district and the certified school nurse(s) authorized to administer an opioid antidote. The overdose prevention information shall include, but not be limited to: information on opioid overdose prevention and recognition; instructions on how to perform rescue breathing and resuscitation; information on opioid antidote dosage and instructions on opioid antidote administration; information describing the importance of calling 911 emergency telephone service for assistance with an opioid overdose; and instructions for appropriate care of an overdose victim after administration of the opioid antidote.

Upon receiving a report of a possible opioid overdose during school hours or during an on-site school sponsored activity, the Principal, Principal's designee, or supervising staff member will immediately call 911. The school nurse, during school hours and if available at an on-site school sponsored activity, will also be immediately called. In accordance with the provisions of N.J.S.A. 24:6J-4.d.(1), the school nurse who has received overdose prevention information pursuant to N.J.S.A. 24:6J-5.a.(1) and has been deemed capable of administering the opioid antidote by the school physician may administer the opioid antidote to a student, school personnel, or other person in an emergency if the school nurse believes, in good faith, that the person is experiencing an opioid overdose.

The school nurse and/or other school staff members shall keep the student, school personnel, or other person comfortable until emergency medical responders arrive on the scene. Any student who receives an opioid antidote by the school nurse or by an emergency medical responder shall be transported to the nearest hospital with a school staff member designated by the Principal, Principal's designee, or supervising staff member of the on-site school sponsored activity.

The Principal, Principal's designee, or supervising staff member will notify the parent of any student or a family member or other contact person for a school staff member who may be experiencing a possible opioid overdose as soon as practicable. The Principal, Principal's designee, or supervising staff member of the on-site school sponsored activity shall notify the

Superintendent of Schools whenever an opioid antidote is administered by a school nurse or an emergency medical responder.

The school nurse shall be responsible to store the opioid antidote that has been prescribed by the school physician in a safe and secure location; document the administration of an opioid antidote on a student's health record; monitor the on-site inventory and replacement of the opioid antidote supply; and plan for the disposal of administered opioid antidote and expired opioid antidote applicator.

Any student or school staff member who is found to be under the influence of a controlled dangerous substance shall be subject to the provisions of applicable statutes and administrative codes and Board policies and regulations regarding substance use.

In accordance with the provisions of N.J.S.A. 24:6J-4.d.(2), the school district and the school nurse shall not, as a result of any acts or omissions, be subject to any criminal or civil liability for administering an opioid antidote in accordance with the provisions of N.J.S.A. 24:6J-1 et seq.

Nothing in this Policy shall prohibit the administration of an opioid antidote to a student, school personnel, or other person in an emergency during school hours or during on-site school-sponsored activities by an emergency medical responder or by a person authorized to administer an opioid antidote in accordance with N.J.S.A. 24:6J-1 et seq.

N.J.S.A. 18A:40-12.24.a requires schools to adopt a Policy for the emergency administration of an opioid antidote to a student, staff member, or other person who is experiencing an opioid overdose.

N.J.S.A. 18A:40-12.24.a.(1) requires schools with any of the grades nine through twelve to comply with the provisions of the law.

The school nurse and a designated employee who volunteers to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c. are required to be trained for the administration of an opioid antidote in accordance with N.J.S.A. 18A:40-12.25.b. The school nurse or a designated employee who volunteers to administer an opioid antidote shall be promptly available on site at the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time.

N.J.S.A. 18A:40-12.24 permits the school nurse or a designated trained employee to administer an opioid antidote to any person whom the nurse or the trained designated employee who in good faith believes is experiencing an opioid overdose.

An overdose victim shall be transported to a hospital emergency room by emergency medical responders after the administration of an opioid antidote, even if the person's symptoms appear to have resolved.

In accordance with N.J.S.A. 24:6J-4.a.(1)(f), a prescriber or other health care practitioner, as appropriate, may prescribe or dispense an opioid antidote directly or through a standing order to a school, school district, or school nurse. In accordance with N.J.S.A. 24:6J-4.a.(2)(c), whenever

the law expressly authorizes or requires a school or school district to obtain a standing order for opioid antidotes, the school nurse(s) employed or engaged by the school or school district shall be presumed by the prescribing or dispensing health care practitioner to be capable of administering the opioid antidote, consistent with the express statutory requirement.

Notwithstanding the provisions of N.J.S.A. 24:6J-4.a.(3)(b) to the contrary, if the law expressly authorizes or requires a school, school district, or school nurse to administer or dispense opioid antidotes pursuant to a standing order under N.J.S.A. 24:6J-4 et seq., the standing order issued shall be deemed to grant the authority specified by the law, even if such authority is not specifically indicated on the face of the standing order.

In accordance with the provisions of N.J.S.A. 18A:40-12.26, no school employee, including a school nurse or any other officer or agent of a Board of Education or charter school, or a prescriber of opioid antidotes for a school through a standing order, shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.23 et seq. Good faith shall not include willful misconduct, gross negligence, or recklessness.

Any school, school district, school nurse, school employee, or any other officer or agent of a Board of Education or charter school who administers or permits the administration of an opioid antidote in good faith in accordance with the provisions of N.J.S.A. 18A:40-12.24 and pursuant to a standing order issued under N.J.S.A. 24:6J-4 shall not, as a result of any acts or omissions, be subject to any criminal or civil liability or any disciplinary action for administering, or permitting the administration of, the opioid antidote in accordance with N.J.S.A. 24:6J-1 et seq.

Notwithstanding the provisions of any law, rule, regulation, ordinance, or institutional or organizational directive to the contrary, any person or entity authorized to administer an opioid antidote pursuant to N.J.S.A. 24:6J-4, may administer to an overdose victim, with full immunity: a single dose of any type of opioid antidote that has been approved by the United States Food and Drug Administration for use in the treatment of opioid overdoses; and up to three doses of an opioid antidote that is administered through an intranasal application, or through an intramuscular auto-injector, as may be necessary to revive the overdose victim. Prior consultation with, or approval by, a third-party physician or other medical personnel shall not be required before an authorized person or entity may administer up to three doses of an opioid antidote, as provided in N.J.S.A. 24:6J-4, to the same overdose victim.

A school district may enter into a shared services arrangement with another school district for the provision of opioid antidotes pursuant to N.J.S.A. 18A:40-12.27 if the arrangement will result in cost savings for the districts.

This Policy and Regulation 5330.04 shall be reviewed and approved by the school physician and Board Attorney prior to Board adoption and whenever the Policy is revised. This Policy shall be made available to school staff members, parents, and students in staff and student handbooks, published on the district's website, or through any other appropriate means of publication.

N.J.S.A. 18A:40-12.23; 18A:40-12.24; 18A:40-12.25;  
18A:40-12.26; 18A:40-12.27

N.J.S.A. 24:6J-1 et seq.

May 24, 2016 New Jersey Department of Education Memorandum - Information for  
Schools Regarding Opioid Overdose Prevention

Adopted: February 21, 2017

Revised:

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Jan 19

[See POLICY ALERT Nos. 207 and 217]

## 5337 SERVICE ANIMALS

In compliance with Title II of the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act of 2008, it is the Policy of the Board to permit use of a service animal by an individual with a disability in all areas of the district where the public is normally permitted: in district buildings; on district property; and on vehicles owned, leased, or controlled by the district. (28 CFR §35.136)

### A. Definitions

1. "Act" means the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act of 2008.
2. "Designated administrator" means Principal or person designated by the Principal to coordinate these activities.
3. "District" means this school district.
4. "Handler" means the animal's owner **who is an individual with a disability** or a person, such as a trainer, assisting the owner with control of the service animal.
5. "Service animal" means a dog individually trained to do work or perform a specific job or task for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. (28 CFR §36.104)
  - a. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
  - b. The work or tasks performed by a service animal must be directly related to the individual's disability (e.g. navigation, alerting physical support and assistance, preventing or interrupting impulsive or destructive behaviors).



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- c. Work or tasks for the purposes of this definition do not include the provision of emotional support, well-being, comfort, therapy, companionship, or crime deterrence.

## B. Generally

1. The district shall permit the use of a service animal by an individual with a disability unless:
  - a. The animal is out of control and the animal's handler does not take effective action to control it;
  - b. The animal is not housebroken.
2. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g. voice control, signals, or other effective means). (28 CFR §35.136(d))
3. If an animal is properly excluded, the district shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. (28 CFR §35.136(b))
4. If there are places in the district where it is determined to be unsafe for a handler and service animal, reasonable accommodations will be provided to assure the individual **with a disability has** equal access to the activity.
5. Unless the need for a service animal is readily apparent, the **individual with a disability or his/her parent** ~~handler~~ will be required to provide the district with information that:
  - a. The service animal is required because of a disability; and
  - b. What work or task the animal has been trained to perform.



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6. The district may not require documentation, including proof that the animal has been certified, trained, or licensed as a service animal; nor that the dog demonstrates its ability to perform the work or task. (28 CFR §35.136(f))
7. Individuals **with a disability** who have service animals are not exempt from local animal control or public health requirements.
8. Service animals must be licensed and registered in accordance with State and local laws.

## C. Delegation of Responsibility

1. The district is not responsible for the care or supervision of a service animal, **in accordance with** ~~(28 CFR §35.136(e)).~~
  - a. **The district is not responsible to pay for or provide a handler to aid the individual with a disability in the control of the service animal.**
  - b. **The district is responsible to provide assistance to an individual with a disability in performing the tasks required of the individual for the care and maintenance of the service animal.**
2. If the district normally charges individuals for damage they cause, an individual with a disability may be charged for damage caused by his or her service animal. (28 CFR §35.136(h))
3. The district will designate relief areas for the service animal which will be included in mobility training and orientation of students and animals new to the school.

## D. Notification and Responsibilities

1. In the event a service animal will be introduced as part of the school community, the designated administrator will develop a comprehensive implementation plan prior to introduction of the service animal into the school to include:



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- a. Notification to parents of students who may be in contact with the service animal;
- b. **Appropriate accommodations:**
  - (1) **For students who are allergic to the service animal; and/or**
  - (2) **For students who have fears regarding the service animal.**
- cb. Appropriate etiquette regarding service animals to include:
  - (1) Never pet a service animal while it is working;
  - (2) Never feed a working service animal;
  - (3) Do not deliberately startle, tease, or taunt a service animal;
  - (4) Do not hesitate to ask the handler if he or she would like assistance regarding directions **for navigating** of the facility.
2. The use of a service animal introduced as part of the school community will require inclusion into the student's Individualized Education Plan (IEP) or the student's Section 504 Accommodation Plan.
3. The district ~~may will require~~ **request, but cannot require**, that the owner of a service animal introduced as part of the school community and, as included in the student's IEP or Section 504 Accommodation Plan, maintain liability insurance for the service animal ~~in the amount required by the Board of Education~~. **The School Business Administrator/Board Secretary will ensure the school district has appropriate insurance in the event a service animal is introduced as part of the school community.**





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## E. Miniature Horses

1. Miniature horses, although not included in the Act under the definition of “service animal,” may only be permitted if individually trained to do work or perform tasks for the benefit of the individual with a disability and if they meet the assessment factors outlined in 3. below. (28 CFR §35.136(i))
2. Ponies and full size horses are not considered miniature horses.
3. Assessment factors to determine whether the district can reasonably modify its policies, practices, and procedures to allow for the use of miniature horses on its property, facilities, or vehicles include:
  - a. Type, size, and weight of the miniature horse and whether the facility can accommodate those features;
  - b. Whether the handler has sufficient control of the miniature horse;
  - c. Whether the miniature horse is housebroken; and
  - d. Whether the miniature horse’s presence compromises legitimate safety requirements necessary for safe operation.
4. All requirements for the use of service animals also apply to the use of miniature horses.

28 CFR §35.136  
28 CFR §36.104

Adopted:



## 5600 STUDENT DISCIPLINE/CODE OF CONDUCT (M)

The Board of Education adopts this Student Discipline/Code of Conduct Policy to establish standards, policies, and procedures for positive student development and student behavioral expectations on school grounds and, as appropriate, for conduct away from school grounds. Every student enrolled in this district shall observe promulgated rules and regulations and the discipline imposed for infraction of those rules.

The Superintendent of Schools will establish a process for the annual review and update of the district's Student Discipline/Code of Conduct Policy and Regulation that may involve a committee of parents, students, and community members that represent, where possible, the composition of the district's schools and community. The Superintendent will report to the Board the process used for the annual review of this Policy and Regulation and will recommend to the Board updates, if any, to the Student Discipline/Code of Conduct Policy and Regulation.

The Student Discipline/Code of Conduct Policy and Regulation shall be disseminated annually to all school staff, students, and parents. The Board of Education shall provide to all employees annual training on the Student Discipline/Code of Conduct Policy and Regulation, which shall include training on the prevention, intervention, and remediation of student conduct that violates the district's Policy and Regulation. Information on the Student Discipline/Code of Conduct Policy and Regulation shall be incorporated into the orientation for new employees.

The Board provides for the district's Student Discipline/Code of Conduct's equitable application. Student discipline and the Code of Student Conduct will be applied without regard to race; color; religion; ancestry; national origin; nationality; sex; gender; sexual orientation; gender identity or expression; marital, domestic-partnership, or civil union; mental, physical or sensory disability; or by any other distinguishing characteristic, pursuant to N.J.S.A. 10:5.-1 et seq.

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. §1400 et seq., the Individuals with Disabilities Education Improvement Act and accommodation plans under 29 U.S.C. §§ 794 and 705(20), the Code of Student Conduct shall be implemented in accordance with the components of the applicable plans.

The Student Discipline/Code of Conduct is established for the purposes outlined in N.J.A.C. 6A:16-7.1(b).

Policy and Regulation 5600 include a description of student responsibilities that include expectations for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1; a description of behaviors that will result in suspension or expulsion, pursuant to N.J.S.A. 18A:37-2; and a description of student rights pursuant to N.J.A.C. 6A:16-7.1(c)3.i through vii.

The Board of Education approves the use of comprehensive behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board. These behavioral supports include, but are not limited to, positive reinforcement for good conduct and academic success including the programs that honor and

reward student conduct and academic achievement; supportive intervention and referral services including those services outlined in Policy 2417; remediation of problem behaviors that take into account the behavior's nature, the students' developmental ages and the students' histories of problem behaviors and performance; and for students with disabilities, the behavior interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14.

Policy and Regulation 5600 include a description of school responses to violations of behavioral expectations established by the Board that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors pursuant to N.J.A.C. 6A:16-7.1(c)5.

Students are required to be in compliance with Policy and Regulation 5200 - Attendance pursuant to N.J.A.C. 6A:16-7.6 and Policy and Regulation 5512 - Harassment, Intimidation, and Bullying pursuant to N.J.A.C. 6A:16-7.7.

The Building Principal shall maintain a current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.

The Building Principal or designee shall have the authority to assign discipline to students. School authorities also have the right to impose a consequence on a student for conduct away from school grounds that is consistent with the district's

Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.5. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other students, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2. This authority shall be exercised only when the conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. Consequences pursuant to N.J.A.C. 6A:16-7.5 shall be handled in accordance with Policy and Regulation 5600, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 6A:16-7.3, or 6A:16-7.4. School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

Consequences and appropriate remedial action for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The factors for determining consequences and remedial measures and examples of consequences and remedial measures are listed in Policy 5512 - Harassment, Intimidation, and Bullying. Consequences for a student who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and shall be consistent with this Policy and the school district's Student Discipline/Code of Conduct Policy pursuant to N.J.A.C. 6A:16-7.1. Remedial measures for one or more acts of harassment, intimidation, or bullying shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim

of the act; and take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

Consequences and remedial measures to address acts or incidents of dating violence at school shall be consistent with the school district's Student Discipline/Code of Conduct Policy. The factors for determining consequences and remedial measures and examples of consequences and remedial measures are included in Policy and Regulation 5519 - Dating Violence at School and shall be used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved. The responses shall be tiered with consideration given to the seriousness and the number of previous occurrences of acts or incidents in which both the victim and aggressor have been involved. Consequences for acts or incidents of dating violence at school may range from admonishment to suspension or expulsion. Retaliation towards the victim of any act or incident of dating violence shall be considered when administering consequences to the aggressor based on the severity of the act or incident. Remedial measures/interventions for acts or incidents of dating violence at school may include, but are not limited to: parent conferences, student counseling (all students involved in the act or incident), peer support groups, corrective instruction or other relevant learning or service experiences, supportive student interventions (Intervention and Referral Services - I&RS), behavioral management plans, and/or alternative placements.

The Board of Education may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment, in accordance with N.J.A.C. 6A:16-7.1(d).

Any student to be disciplined shall be provided the due process procedures for students and their families as set forth in Policy and Regulation 5600 and N.J.A.C. 6A:16-7.2 through 7.4.

In accordance with the provisions of N.J.A.C. 6A:16-7.8, when a student transfers to a public school district from another public school district, all information in the student's record related to disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information, Penalties for Disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a) and N.J.A.C. 6A:32-7.5.

The Superintendent may be required to submit a report annually to the New Jersey Department of Education on student conduct, including all student suspensions and expulsions, and the implementation of the Student Discipline/Code of Conduct Policy in accordance with the format prescribed by the Commissioner of Education. The Superintendent shall report to the Commissioner of Education each incident of violence, including harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses, pursuant to N.J.A.C. 6A:16-4.3, in the school district utilizing the Electronic Violence and Vandalism Reporting System Student Safety Data System (SSDS), pursuant to N.J.A.C. 6A:16-5.3.

N.J.S.A. 18A:6-1; 18A:36-25.1; 18A:25-2; 18A:36-19a; 18A:37-1 et seq.; 18A:37-13.1 et seq.

N.J.A.C. 6A:16-7.1 et seq.; 6A:14-1.1 et seq.

Cross reference:

Policy Guide Nos. 2460, 5500, 8330

Adopted: April 24, 2012

Revised: November 18, 2014

## 5611 REMOVAL OF STUDENTS FOR FIREARMS OFFENSES (M)

The Board of Education is committed to providing a safe and secure school environment to all students attending the public schools. To provide this environment, the Board of Education will implement policies and procedures regarding student offenses involving firearms, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. §921, pursuant to The Zero Tolerance For Guns Act, N.J.S.A. 18A:37-7 through N.J.S.A. 37-12.

Policy and Regulation 5611 shall apply to a student who is convicted or adjudicated delinquent for possession of a firearm on school grounds, convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds, or found knowingly in possession of a firearm on school grounds. A student, other than a student with a disability, convicted or adjudicated delinquent for these firearm offenses shall be immediately removed from the school's general education program for a period of not less than one calendar year and placed in an alternative education program according to the requirements of N.J.A.C. 6A:16-9.1 et seq. The Superintendent may notify on a case-by-case basis the removal of a general education student in accordance with N.J.A.C. 6A:16-5.5(b)1. A student with a disability convicted or adjudicated delinquent for these firearm offenses shall be immediately removed in accordance with the provisions of N.J.A.C. 6A:14 and applicable Federal regulations and shall receive a placement in accordance with N.J.A.C. 6A:14.

The Principal or designee shall remove the student in accordance with the requirements outlined in N.J.A.C. 6A:16-5.5(d), which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

If it is found that the removed student did not commit these firearm offenses, the student shall be immediately returned to the program from which he or she was removed.

The Superintendent shall make the final determination on whether the general education student removed in accordance with the requirements of N.J.A.C. 6A:16-5.5 and this Policy is prepared to return to the general education program or will remain in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1 et seq., or receive home or other out-of-school instruction, pursuant to N.J.A.C. 6A:16-10 based on the criteria outlined in N.J.A.C. 6A:16-5.5(i).

If a student, other than a student with a disability, is removed from the general education program pursuant to N.J.A.C. 6A:16-5.5 and this Policy, and a placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction according to N.J.A.C. 6A:16-10.2 until placement is available.

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident under N.J.A.C. 6A:16-5.5 utilizing the ~~Electronic Violence and Vandalism Reporting System~~ Student Safety Data System (SSDS), pursuant to N.J.A.C. 6A:16-5.3(d)1.

This Policy and Regulation 5611, implementing the requirements of N.J.A.C. 6A:16-5.5, shall be annually disseminated to all school staff, students, and parents.

N.J.S.A. 18A:37-1 et seq.

N.J.A.C. 6A:14-2.8 et seq.; 6A:16-5.5; 6A:16-6.1 et seq.; 6A:16-7.1 et seq.; 6A:16-8.1 et seq.; 6A:16-9.1 et seq.; 6A:16-10.2

Adopted: May 1, 2001

Revised: August 26, 2014

## **5612 ASSAULT ON DISTRICT BOARD OF EDUCATION MEMBERS OR EMPLOYEES (M)**

Any student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a teacher, administrator, other school district employee, or Board member acting in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to the school district, shall be immediately removed from school pursuant to N.J.S.A. 18A:37-2.1 and N.J.A.C. 6A:16-5.7.

A student, other than a student with a disability, who commits an assault as defined in N.J.S.A. 2C:12-1(a)1, shall be immediately removed from school consistent with due process procedures, pending a hearing pursuant to N.J.A.C. 6A:16-7.2 through 7.5. Nothing in N.J.S.A. 18A:37-2.1 or N.J.A.C. 6A:16-5.7 shall be construed as prohibiting the expulsion of a general education student. A student with a disability who commits an assault as defined in this Policy, shall be removed in accordance with N.J.A.C. 6A:14 and due process proceedings in accordance with N.J.A.C. 14-2.7 and 2.8.

In accordance with the provisions of N.J.S.A. 18A:37-2.1(a), said proceedings shall take place no later than thirty calendar days following the day on which the student is suspended. The decision of the Board shall be made within five days after the close of the hearing. Any appeal of the Board's decision shall be made to the Commissioner of Education within ninety days of the Board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. § 1400et seq.

The Principal or designee shall remove, isolate, and place the student under the supervision of school staff until the student's parent or appropriate agency takes custody of the student. The Principal or designee will immediately report to the Superintendent the removal of the student and notify the student's parent of the removal action and the student's due process rights. The Principal or designee will notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.

In accordance with the provisions of N.J.S.A. 18A:37-2.1(b), whenever a teacher, administrator, Board member, other school district employee, or a labor representative on behalf of an employee makes an allegation in writing that the Board member or employee has been assaulted by a student, the Principal shall file a written report of the alleged assault with the Superintendent. The Superintendent shall report the alleged assault to the Board at its next regular meeting; provided that the name of the student who allegedly committed the assault, although it may be disclosed to the Board members, shall be kept confidential at the public Board of Education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to N.J.S.A. 18A:37-2.1 and N.J.A.C. 6A:16-5.7 may be liable to disciplinary action by the Board.

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident under N.J.A.C. 6A:16-5.7 utilizing the ~~Electronic Violence and~~



~~Vandalism Reporting System~~ Student Safety Data System (SSDS), pursuant to N.J.A.C. 6A:16-5.3(e)1.

Policy and Regulation 5612, implementing the requirements of N.J.A.C. 6A:16-5.7, shall be annually disseminated to all school staff, students, and parents.

N.J.S.A. 18A:37-2.1

N.J.A.C. 6A:14-2.7; 6A:14-2.8; 6A:16-5.7; 6A:16-7.2; 6A:16-7.3; 6A:16-7.4; 6A:16-7.5

Adopted: December 9, 2008

Revised: August 26, 2014

## 5613 REMOVAL OF STUDENTS FOR ASSAULTS WITH WEAPONS OFFENSES (M)

The Board of Education is committed to providing a safe and secure school environment to all students attending the public schools. To provide this environment, the Board of Education will implement policies and procedures regarding a student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, with a weapon, which includes, but is not limited to, items enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, upon a teacher, administrator, other school Board employee, Board of Education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5.

A student, other than a student with a disability, who commits an assault as defined above shall be immediately removed from the school's general education program for a period not exceeding one calendar year and placed in an alternative education program according to the requirements of N.J.A.C. 6A:16-9.1 et seq. The Superintendent may modify on a case-by-case basis the removal of a general education student in accordance with N.J.A.C. 6A:16-5.6(b)1. A student with a disability who commits an assault as defined above shall be immediately removed in accordance with the provisions of N.J.A.C. 6A:14 and applicable Federal regulations and shall receive a placement in accordance with N.J.A.C. 6A:14.

The Principal or designee shall remove the student in accordance with the requirements outlined in N.J.A.C. 6A:16-5.6(d), which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

If it is found that the removed student did not commit these offense(s), the student shall be immediately returned to the program for which he or she was removed.

If a student, other than a student with a disability, is removed from the general education program pursuant to N.J.A.C. 6A:16-5.6 and this Policy, and a placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10.2, until placement is available.

The Superintendent shall make the final determination on whether the general education student removed, in accordance with the requirements of N.J.A.C. 6A:16-5.6 and this Policy, is prepared to return to the general education program or will remain in an alternative education program or receive home or other out-of-school instruction based on the criteria outlined in N.J.A.C. 6A:16-5.6(i).

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident and the circumstance surrounding the removal of students pursuant to N.J.A.C. 6A:16-5.6 utilizing the ~~Electronic Violence and Vandalism Reporting System~~ Student Safety Data System (SSDS), pursuant to N.J.A.C. 6A:16-5.3(e)1.

This Policy and Regulation 5613, implementing the requirements of N.J.A.C. 6A:16-5.6, shall be annually disseminated to all school staff, students, and parents.

N.J.S.A. 18A:37-1 et seq.

N.J.A.C. 6A:14-2.8 *et seq.*; 6A:16-5.6; 6A:16-6.1 *et seq.*; 6A:16-7.1 *et seq.*; 6A:16-8.1 *et seq.*; 6A:16-9.1 *et seq.*; 6A:16-10.2

Adopted: August 26, 2014

## 5756 TRANSGENDER STUDENTS (M)

The Board of Education is committed to provide a safe, supportive, and inclusive learning environment for all students. In furthering this goal, the Board adopts this Policy to ensure all students, including transgender students, have equal educational opportunities and equal access to the school district's educational programs and activities. The Board of Education, administration, and all school staff members will comply with Federal and State laws and regulations regarding transgender students and no student shall be subjected to discrimination on the basis of gender identity or expression.

For the purposes of this Policy:

1. "Gender expression" refers to the way a student represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
2. "Gender identity" means a student's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth.
3. "Gender identity or expression" also means having or being perceived as having a gender-related identity or expression whether or not stereotypically associated with a person's assigned sex at birth.
4. "Gender nonconforming" describes a student whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.
5. "Transgender" describes students whose gender identity is different from their gender assigned at birth.

The Board of Education believes the responsibility for determining a student's gender identity rests with the student or, in the case of young students not yet able to advocate for themselves, with the parent. Therefore, the Board will accept a student's assertion of his or her gender identity when there is consistent and uniform assertion of the gender identity, or any other evidence that the gender identity is sincerely held as a part of the student's core identity. The Board of Education will not question or disregard the assertion of a student's gender identity. However, the Board authorizes the Superintendent or designee to question a student's asserted gender identity when there is a credible basis for believing the student's gender identity is being asserted for some improper purpose.

Confirmation of a student's asserted gender identity must include a letter from a parent to the Superintendent of Schools indicating the student is gender non-conforming. In the event the parent does not consent to the student's gender identity, the Superintendent or designee will meet with the parent and the student to determine how the student's gender identity shall be addressed by the school district.

The Board recognizes school-related issues regarding transgender students will vary on a case-by-case basis. Therefore, the Superintendent of Schools or designee will meet with the parent and the student to discuss school-related issues. The issues to be discussed shall include, but are not limited to, the following:

1. Names/Pronouns—The school district will honor the request of the parent and student to have the student addressed by a name or pronoun different from those associated with the student's gender at birth.
2. Student Records—The school district's official, permanent student record will be maintained in accordance with Federal law, State statutes, and administrative code and will indicate the legal name and gender appearing on the student's birth certificate, unless there is a legal name change. However, the school district will use the name requested by the parent and student in other

school-related documents to include, but not be limited to, student identification cards, library cards, school photographs, grade books, posted lists of student names, and any other places where students' names are commonly written.

3. Restrooms—Transgender students shall have access to the restroom that corresponds to their gender identity. The use of a "gender-neutral" restroom, if available, shall be a matter of choice by a transgender student.
4. Locker Rooms—Transgender students shall have access to locker room facilities that correspond to their gender identity. The school district will make available a reasonable alternative changing area for a transgender student, if requested.
5. Physical Education Classes—Transgender students shall be permitted to participate in physical education classes in a manner consistent with their gender identity.
6. Intramurals Programs—A transgender student's participation in the school district's intramural athletic programs shall be in accordance with the eligibility requirements for participation in interscholastic athletics as determined by the New Jersey Interscholastic Athletic Association.
7. Interscholastic Athletics—A transgender student's participation in the school district's interscholastic athletic programs shall be in accordance with eligibility requirements for participation in interscholastic athletics as determined by the New Jersey State Interscholastic Athletic Association.
8. Dress Codes—Transgender students shall comply with the dress code requirements that correspond to their gender identity.

In the event a student no longer identifies with a previously asserted gender other than their gender at birth, a parent of the student must submit a letter to the Superintendent of Schools indicating the student is no longer gender nonconforming. The Superintendent or designee will meet with the parent and the student to discuss the transition of the student from gender nonconforming to gender conforming. In the event the parent does not consent to the student's assertion the student is no longer gender nonconforming, the Superintendent or designee will meet with the parent and the student to determine how the student's gender identity should be addressed by the school district.

The school district and school staff members will ensure the privacy of any student's transgender status and will not disclose or acknowledge a student's transgender status unless required to in accordance with any Federal law, State statute, administrative code, or if the parent and student have authorized such disclosure.

N.J.S.A. 10:5-1 et seq.

Title IX, 20 U.S.C. Section 1681

The Board of Education is committed to providing a safe, supportive, and inclusive learning environment for all students. The New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-12(1)(f), generally makes it unlawful for schools to subject individuals to differential treatment based on gender identity or expression. Title IX of the Education Amendments of 1972 ("Title IX") specifically prohibits discrimination on the basis of sex in Federally-funded education programs and activities [20 U.S.C. § 1681(a)].

N.J.S.A. 18A:36-41 directs the Commissioner of Education to establish guidelines outlined in this Policy to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.

## Definitions/Terms

- A safe and supportive environment within a school begins with understanding and respect. The Board believes students, teachers, and administrators should be provided with common terminology associated with gender identity. The terms listed below are commonly used by advocacy and human rights groups, however students may prefer other terms to describe their gender identity, appearance, or behavior. It is recommended school personnel discuss with the student the terminology and pronouns each student has chosen.

- “Gender identity” means a person’s internal, deeply held sense of gender. All people have a gender identity, not just transgender people. For transgender people, the individual’s internal gender identity is not the same as the gender assigned at birth.

- “Gender expression” means external manifestations of gender, expressed through a person’s name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture.

- “Assigned sex at birth (ASAB)” refers to the biological sex designation recorded on a person’s birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.

- “Gender assigned at birth” refers to the gender a child is assigned at birth or assumed to be, based on their biological sex assigned at birth.

- “Sexual orientation” describes a person’s enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. A transgender person may be straight, lesbian, gay, bisexual, or asexual. For example, a person who transitions from male to female and is attracted solely to men may identify as a straight woman.

- “Transgender” is a term for an individual whose gender identity and/or gender expression differs from those typically associated with the sex and gender assigned at birth.

- “Transition” is the process by which a transgender person recognizes that their authentic gender identity is not the same as the gender assigned at birth, and develops a more affirming gender expression that feels authentic. Some individuals socially transition, for example, through dress, use of names and/or pronouns. Some individuals may undergo physical transition, which might include hormone treatments and surgery. School district personnel should avoid the phrase “sex change,” as it is an inaccurate description of the transition process; the process is more accurately described as “gender-confirming.”

- “LGBTQ” is an acronym for “lesbian, gay, bisexual, transgender, and queer/questioning.”

- “Gender nonconforming” describes a person whose gender expression does not conform to the gender expectations of their family or community. Gender nonconformity is not necessarily an indication that a youth is transgender; many non-transgender youth do not conform to stereotypical expectations.

- “Gender expansive, Gender diverse, Gender fluid, Gender non-binary, A gender, Gender queer” are terms that convey a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. For example, students who identify as gender queer or gender fluid might not identify as boys or girls; for these students, the non-binary gender identity functions as the student’s gender identity.

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“Cisgender” refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.

#### Student-Centered Approach

The school district shall accept a student’s asserted gender identity; parental consent is not required. A student need not meet any threshold diagnosis or treatment requirements to have his or her gender identity recognized and respected by the school district, school, or school staff members. In addition, a legal or court-ordered name change is not required. There is no affirmative duty for any school district staff member to notify a student’s parent of the student’s gender identity or expression.

There may be instances where a parent of a minor student disagrees with the student regarding the name and pronoun to be used at school and in the student’s education records. In the event a parent objects to the minor student’s name change request, the Superintendent or designee should consult the Board Attorney regarding the minor student’s civil rights and protections under the NJLAD. School staff members should continue to refer to the student in accordance with the student’s chosen name and pronoun at school and may consider providing resource information regarding family counseling and support services outside of the school district.

School districts should be mindful of disputes between minor students and parents concerning the student’s gender identity or expression. Many support resources are available through advocacy groups and resources from the New Jersey Department of Children and Families and New Jersey Department of Education’s “Child Abuse, Neglect, and Missing Children” webpage.

The Principal or designee should have an open, but confidential discussion with the student to ascertain the student’s preference on matters such as chosen name, chosen pronoun to use, and parental communications. A transgender student shall be addressed at school by the name and pronoun chosen by the student, regardless of whether a legal name change or change in official school records has occurred. The school shall issue school documentation for a transgender student, such as student identification cards, in the name chosen by the student. A transgender student shall be allowed to dress in accordance with the student’s gender identity.

The Principal or designee should also discuss with the student, and any other individuals at the student’s request, the risks associated with the student’s transgender status being inadvertently disclosed. For example, the Principal or designee should inform the student the transgender status may be revealed due to other students’ discussions at home. The Principal or designee should work with the transgender student to ensure awareness of activities and events that may inadvertently disclose the transgender student’s status.

#### Safe and Supportive Environment

The Board developed and adopted this Policy to ensure that its schools provide a safe and supportive learning environment that is free from discrimination and harassment for transgender students, including students going through a gender transition. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are gender nonconforming or not.

The Superintendent or designee shall review and update existing policies and procedures, including those regarding classroom activities, school ceremonies, school photographs, and dress codes, to verify transgender students are not excluded. In addition, the school district shall take the following steps to establish and maintain a nondiscriminatory environment for all students, including transgender and transitioning students:

- The school district must comply with N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7, which prohibit harassment, intimidation, and bullying. The Board is required to develop, adopt, and implement a Policy in accordance with N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7 that prohibits harassment, intimidation, or bullying on school property, at a school-sponsored function, or on a school bus. If harassment, intimidation, or bullying based on gender identity creates a hostile environment, the school must take prompt and effective steps to end the harassment, intimidation, or bullying, prevent its recurrence, and, as appropriate, remedy its effects.
- The Superintendent or designee should ensure training is provided to school staff members on sensitivity and respect towards transgender students.
- Social and Emotional Learning (SEL) concepts should be incorporated into school culture and curricula.
- The school district may seek a variety of professionals, including counselors and school psychologists, to provide emotional supports for all students who demonstrate a need. The Superintendent or designee shall ensure school counselors are knowledgeable regarding issues and concerns relevant to transgender students, students facing other gender identity issues, or students who may be transitioning.
- Student dress codes should not be enforced more strictly for transgender and gender nonconforming students than for other students.
- The school district shall honor and recognize a student's asserted gender identity, and shall not require any documentation or evidence in any form, including diagnosis, treatment, or legal name change.
- A school's obligation to ensure nondiscrimination on the basis of gender identity requires schools to provide transgender students equal access to educational programs and activities, even in circumstances in which other students, parents, or community members raise objections or concerns.

#### Confidentiality and Privacy

School staff members may not disclose information that may reveal a student's transgender status except as allowed by law. The Principal or designee is advised to work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status.

The school district shall keep confidential a current, new, or prospective student's transgender status. Schools should address the student using a chosen name and the student's birth name should be kept confidential by school and school staff members.

Due to a specific and compelling need, such as the health and safety of a student or an incident of bias-related crime, the school district may be obligated to disclose a student's status. In this event, the Principal or designee should inform the student the school or school district intends to disclose the student's transgender status for the student's protection and well-being. Prior to disclosure, the student should be given the opportunity to personally disclose that information. The school district should make every effort to ensure any disclosure is made in a way that reduces or eliminates the risk of re-disclosure and protects the transgender student from further harassment. Those measures may include the facilitation of counseling



for the student and the student's family to facilitate the family's acceptance and support of the student's transgender status.

During a harassment, intimidation, or bullying investigation the school district is obligated to develop a procedure to report, verbally and in writing, an act of harassment, intimidation, and bullying committed by an adult or youth against a student, pursuant to N.J.A.C. 6A:16-7.7(a)2viii. In this instance, the Principal or designee should inform the student of the school's obligation to report the findings of the harassment, intimidation, and bullying investigation pursuant to N.J.S.A. 18A:37-15(d), which permits the parents of the students who are parties to the investigation to receive information about the investigation in accordance with Federal and State law and regulation. Under harassment, intimidation, and bullying legal requirements, parents are entitled to know the nature of the investigation; whether the district found evidence of harassment, intimidation, or bullying; or whether disciplinary action was imposed or services provided to address the incident of harassment, intimidation, or bullying.

The Principal or designee shall take into account the circumstances of the incident when providing notification to parents of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense, pursuant to N.J.A.C. 6A:16-7.7(a)2viii(2).

Disclosure of personally identifiable information from a student's education record to other school officials within the school district, whom the school district has determined have a legitimate educational interest in the information, may be permissible under Family Educational Rights and Privacy Act (FERPA) (34 C.F.R. § 99.31(a)(1)). The school district shall make a concerted effort to ensure school officials obtain access to only those education records in which they have legitimate educational interests.

The school district shall comply with all laws and regulations regarding the confidentiality of student records and student privacy, including the requirements set forth at 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs, and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7917, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by pupils, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil Records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records; as well as all other existing Federal and State laws and rules pertaining to student records and confidentiality.

#### School Records

If a student has expressed a preference to be called by a name other than their birth name, permanent student records containing the student's birth name should be kept in a separate, confidential file. This file should only be shared with appropriate school staff members after consultation with a student. A separate file containing records bearing the student's chosen name may also be kept. If the student has previously been known at school or in school records by a birth name, the Principal or designee should direct school staff members to use the student's chosen name and not the student's birth name.

To ensure consistency among teachers, school administrators, substitute teachers, and other school staff members, every effort should be made to immediately update student education records (for example, attendance records, transcripts, Individualized Education Programs (IEP), etc.) with the student's chosen

name and gender pronouns, consistent with the student's gender identity and expression, and not circulate records with the student's birth name, unless directed by the student.

- The school district shall report to the New Jersey Department of Education (NJDOE) through NJ SMART a student's name or gender based upon that student's chosen name and corresponding gender identity. Changing the name or gender identity from what was reported in previous years will not affect the reliability of the data reported.
- If the school district changes a student's name or gender identity, it must also maintain locally a separate record reflecting the student's legal name and sex assigned at birth until receipt of documentation of a legal change of name or gender.

### Activities

With respect to gender-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity.

The school district shall:

- Provide transgender students with the same opportunities to participate in physical education as other students in accordance with their gender identity;
- Permit a transgender student to participate in gender-segregated school activities in accordance with the student's gender identity;
- Permit and support the formation of student clubs or programs regarding issues related to lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth; and
- Offer support in the creation of peer led educational groups.

### Use of Facilities

All students are entitled to have access to restrooms, locker rooms, and changing facilities in accordance with their gender identity to allow for involvement in various school programs and activities.

In all cases, the Principal or designee must work with the student and school staff members so all parties are aware of facility policies and understand the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want this arrangement, others may be uncomfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may be uncomfortable using the changing facilities that correspond to the student's gender identity. Non-transgender students should also be afforded the option to use a private facility, such as a unisex facility or the nurse's restroom, should they feel uncomfortable.

- The school district shall allow a transgender student to use a restroom or locker room based on the student's gender identity.
- Reasonable alternative arrangements shall be made if needed to ensure a student's safety and comfort. This direction for accommodations should come from the student.

The Superintendent or designee will make available to school staff members a variety of resources regarding professional development opportunities as sourced by the NJDOE as well as developmentally appropriate information for students regarding LGBTQ issues.

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The Board adopts this Policy to help school and district administrators take steps to create an inclusive environment in which transgender and gender nonconforming students feel safe and supported, and to ensure each school provides equal educational opportunities for all students, in compliance with N.J.A.C. 6A:7-1.1 et seq.

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N.J.S.A. 18A:36-41; 18A:37-15  
N.J.A.C. 6A:7-1.1 et seq.; N.J.A.C. 6A:16-7.7  
New Jersey Department of Education – October 2018  
Transgender Student Guidance for School Districts

Adopted: November 18, 2014

Revised: September 21, 2015

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[See POLICY ALERT Nos. 96, 214 and 217]

## 7440 SCHOOL DISTRICT SECURITY

The Board of Education believes the buildings and facilities of the school district represent a substantial community investment. The Board directs the development and implementation of a plan for school district security to protect the school community's investment in the school buildings and facilities.

The school district security program will include: maintenance of facilities that are secure against unwelcome intrusion; protection against fire hazards and faulty equipment; and compliance with safe practices in the use of electrical, plumbing, heating, and other school building equipment. The Board directs close cooperation of district officials with law enforcement, fire officials, and other emergency agencies.

The Superintendent of Schools shall designate a school administrator, **or a school employee with expertise in school safety and security**, as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist certification in accordance with the provisions of N.J.S.A. 18A:17-43.2. The School Safety Specialist shall also serve as the school district's liaison with local law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

Access to school buildings and grounds outside the hours school is in session shall be limited to personnel whose employment requires their presence in the facility. An adequate key control system will be established to limit building access to authorized personnel and guard against the potential of intrusion by unauthorized persons who have obtained access improperly.

Building records and funds shall be kept in a safe place and secured as appropriate and necessary.



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Protective devices designed to be used as safeguards against illegal entry and vandalism may be installed when appropriate. The Board may approve the employment of school resource officers, school security officers, and/or law enforcement officers in situations in which special risks are involved.

N.J.S.A. 18A:17-43.1; 18A:17-43.2; 18A:17-43.3

Adopted:



## **8461 REPORTING VIOLENCE, VANDALISM, HARASSMENT, INTIMIDATION, BULLYING, ALCOHOL, AND OTHER DRUG ABUSE OFFENSES – M**

The Board of Education shall observe "School Violence Awareness Week" during the week beginning with the third Monday in October of each year by organizing activities to prevent school violence. Activities shall include, but are not limited to, age-appropriate opportunities for student discussion on conflict resolution, issues of student diversity, and tolerance. The Board shall invite law enforcement personnel to join members of the teaching staff in the discussions and provide programs for school employees that are designed to help them recognize warning signs of school violence and to instruct them on recommended conduct during an incident of school violence. The Board of Education shall disseminate to students' parents an informational pamphlet prepared by the New Jersey Department of Education (NJDOE) on how a parent can limit a child's exposure to violence on television, cell phones, computers, and other electronic devices, on an annual basis pursuant to N.J.S.A. 18A:40-44.

In accordance with N.J.A.C. 6A:16-5.3 aAny school employee who observes or has direct knowledge from a participant or victim of an act of violence; including harassment, intimidation, and bullying; or the possession and/or distribution of alcohol or other drugs on school grounds, and any school employee who reports a student for being under the influence of alcohol or other drugs, according to the requirements of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3, shall file a report describing the incident to the school Principal, in accordance with N.J.S.A. 18A:17-46. The report shall be on a form adopted by the Board to include all of the incident detail and offender and victim information that are reported on the ~~Electronic Violence and Vandalism Reporting System (EVVRS)~~ Student Safety Data System (SSDS).

A report alleging an incident of harassment, intimidation, or bullying shall be made in accordance with the provisions of N.J.S.A. 18A:37-3.1 and Policy 5512.

The Building Principal, for each incident report of violence; ~~vandalism~~ including; harassment, intimidation, and bullying, vandalism, and alcohol, ~~or~~ and other drug abuse offenses, shall review the incident report for accuracy; forward a copy of the incident report to the Superintendent; and notify the Superintendent of the action taken regarding the incident. The Board shall not discharge or subject to any manner of discrimination any school employee who files a report pursuant to N.J.A.C. 6A:16-5.3.

The majority representative of the school employees' bargaining units shall have monthly access to the number and disposition of all reported acts of school violence, including vandalism; harassment, intimidation, ~~or~~ and bullying, and vandalism, pursuant to N.J.S.A. 18A:17-46. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe that the safety of a school staff member is at risk.

~~Two times~~ Twice each school year, once between September 1 and January 1 and once between January 1 and June 30, at a ~~public hearing held pursuant to N.J.S.A. 18A:17-46~~, the Superintendent shall report to the Board at a public meeting all acts of violence, including vandalism, harassment, intimidation, and bullying, vandalism, and ~~incidents of alcohol~~

and other drug abuse offenses that occurred during the previous reporting period, in accordance with according to the provisions of N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3. The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L.2002, c.83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each reporting period to the Department of Education NJDOE. The report must include data broken down by the enumerated categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by Federal or State law for public release.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the provisions of P.L. 2002, c.83 (C.18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district. The Commissioner shall promulgate guidelines for a program to grade schools for the purposes of N.J.S.A. 18A:17-46. The grade received by a school and the district shall be posted on the homepage of the school's website. The grade for the district and each school of the district shall be posted on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within ten days of the receipt of a grade by the school and district.

Whenever it is alleged a school employee has knowingly falsified reported information on acts of the annual report on violence, or vandalism, harassment, intimidation, or bullying or any incident included in the annual report on violence and vandalism required under N.J.S.A. 18A:17-46, the Board shall make a determination regarding whether the employee committed the act. The Board shall provide written notice of the allegations to the employee and the employee shall be entitled to a hearing before the Board in accordance with the provisions of N.J.A.C. 6A:16-5.3(fg)2. Upon a determination by the Board that an employee has knowingly falsified the annual reported information violence and vandalism report, the Board may take appropriate action, as outlined in N.J.A.C. 6A:16-5.3(g)3. Any action taken by the Board shall be based on its consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record. Any employee having been found responsible for the falsification of the report by the Board shall have the right to file a grievance under their respective bargaining agreements, appeal the Board's determination to the Commissioner of Education and subsequently to the State Board of Education, or appeal the decision to the Superior Court of New Jersey. The availability of appeal options shall be based upon the action taken by the Board.

The Board of Education shall submit and implement corrective action plans for high incidences of violence, vandalism, or alcohol or other drug abuse upon notification by the Commissioner of Education.

The Board shall provide ongoing staff training, in cooperation with the Department of Education NJDOE, in fulfilling the reporting requirements of N.J.S.A. 18A:17-46.

N.J.S.A. 18A:17-46; 18A:36-5.1; 18A:40-44

N.J.A.C. 6A:16-5.2; 6A:16-5.3

Adopted: April 27, 2010

Revised: June 19, 2018



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[See POLICY ALERT Nos. 95 and 217]

## 8860 MEMORIALS

The Board of Education recognizes that each officer and employee of this district is important ~~not only~~ to the school district **and but** to the community at large. The loss of any officer or employee of this Board by death is a loss that the Board and the school district **will** share with the community **and memorialize in an appropriate manner.**

~~In order to memorialize that loss in a fitting manner, the Board directs that, whenever notice is received of the death of a Board member or a person employed by the Board, the flag of the United States at each school district building shall be flown at half mast for one school day. Written notice shall be posted in an appropriate manner in each district building on that day in order that students, staff members, and visitors are informed of the purpose of the memorialization.~~

~~The Superintendent may, in his/her discretion, grant an employee of this district a brief absence without loss of pay or personal leave for the purpose of attending the funeral of his/her direct supervisor or subordinate provided that no disruption in the educational program will be caused by any such absence.~~

The Superintendent shall recommend to the Board and the Board may approve appropriate recognition measures ~~beyond those provided for in this policy~~ when the deceased Board officer or employee has, ~~by length of service or extraordinary accomplishment,~~ especially distinguished his/her service to this school district.

**The Superintendent may, in his/her discretion, grant an employee of the school district a brief absence without loss of pay or personal leave for the purpose of attending the funeral of his/her direct supervisor or subordinate provided that no disruption in the educational program will be caused by any such absence.**

Adopted:

