



# **New Jersey Department of Education, Office of Interdistrict Choice & Nonpublic School Programs**

## **Nonpublic School Security Program Guidelines**

Updated March 2018

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## **Part I - Nonpublic School Security Statute (P.L.2016, C.49)**

This document provides New Jersey Department of Education (Department) policies and guidelines for implementation of the Nonpublic School Security Program, signed into law in September 2016. Department regulations will be promulgated to effectuate the bill's provisions, whereupon revised guidelines will be issued.

### **Secure Schools for All Children Act (P.L.2016, c.49)**

**AN ACT** concerning security aid for nonpublic school students and supplementing chapter 58 of Title 18A of the New Jersey Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.18A:58-37.8 Short title.

1. This act shall be known and may be cited as the "Secure Schools for All Children Act."

C.18A:58-37.9 Definitions relative to security aid for nonpublic school students.

2. As used in this act:

"Nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the "Civil Rights Act of 1964," Pub.L.88-352, (42 U.S.C. s.2000d et seq.).

"Support limit" means the maximum amount which may be appropriated each year for the purposes of this act for each student enrolled full-time in nonpublic schools of the State.

C.18A:58-37.10 Provision of security services.

3. A board of education of a school district in which a nonpublic school is located shall within the limit of funds appropriated or otherwise made available, adopt policies and procedures to provide

the students who are enrolled full-time in the nonpublic school with security services, equipment, or technology to help ensure a safe and secure school environment.

C.18A:58-37.11 Annual conference.

4. a. The superintendent of schools of each school district in which a nonpublic school is located shall confer annually with the chief school administrator of each of the nonpublic schools to:

(1) advise the nonpublic school of the limit of funds available pursuant to this act;

(2) agree upon the security services, equipment, or technology to be provided to the students of the nonpublic school, within the limit of the funds that are available; and

(3) agree on the date when the board of education will meet to approve how the security services, equipment, or technology will be provided to the students of the nonpublic school.

b. In the event that the superintendent of schools and the chief school administrator of the nonpublic school are unable to agree regarding the security services, equipment, or technology to be provided for a safe and secure school environment, the executive county superintendent shall be consulted to determine the security services, equipment, or technology to be provided. The decision of the executive county superintendent shall be final.

C.18A:58-37.12 Support limit.

5. a. The support limit for the 2016-2017 school year shall be \$75. For each school year thereafter the commissioner shall determine the support limit by multiplying the support limit for the previous school year times the sum of 1.0 plus the average annual percentage increase in the consumer price index for the New York and Philadelphia areas during the fiscal year preceding the prebudget year as reported by the United States Department of Labor. P.L.2016, b. On or before November 5 of each year, each board of education shall forward to the Commissioner of Education an estimate of the cost of providing, during the next school year, the security services, equipment, or technology required pursuant to this act and the number of students attending nonpublic schools located within the district as of the last school day of October of the current school year. The commissioner shall provide State aid to each school district in an amount equal to the number

of nonpublic school students within the district identified by the district on or before November 5 multiplied by the State support limit. In the event that the expenditure incurred by any district is less than the amount of State aid received, the district shall refund the unexpended State aid after the completion of the school year, but not later than December 1 of the following school year.

c. If in any year, the amount of State aid appropriated is insufficient to carry out in full the provisions of this act, the commissioner shall apportion that appropriation among the districts in proportion to the State aid each district would have received had the full amount of State aid been appropriated. In any year, no district shall be required to make expenditures for the purposes of this act in excess of the amount of State aid received for these purposes.

C.18A:58-37.13 Immunity from civil liability.

6. A school district and a nonpublic school and their employees shall be immune from civil liability in the provision of security services, equipment, or technology pursuant to the provisions of this act, except for actions that constitute gross negligence or willful misconduct.

C.18A:58-37.14 Rules.

7. The State Board of Education shall promulgate rules pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of this act in a manner that comports with the provisions of the State and federal Constitutions, including a list of allowable expenditures for security services, equipment, or technology to ensure a safe and secure school environment for nonpublic school students.

8. This act shall take effect immediately and shall first apply to the 2016-2017 school year.

Approved September 6, 2016.

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Note that the dollar amount of the support limit is dependent on the annual Appropriations Act.

## **Part II - Guidelines For Implementation**

### **Overview**

The Nonpublic School Security Program establishes a State aid program for the provision of security services, equipment, or technology to ensure a safe and secure environment for students attending nonpublic schools.

The Nonpublic School Security Program requires the board of education in each school district in New Jersey to adopt policies and procedures to provide security services, equipment, and technology to all qualifying nonpublic schools located in the public school district, within the limit of funds appropriated. A school district must provide security services, equipment, and technology to the nonpublic school directly or through a provider, and must maintain administrative control over all funds and program requirements. All security services, equipment and technology provided under this program must be used for the purpose of ensuring a safe and secure school environment for nonpublic school students, and for secular, neutral, non-religious and non-ideological purposes. The list of appropriate expenditures is provided in this document.

### **School District Responsibilities**

The board of education in each public school district in New Jersey having nonpublic schools within its boundaries is responsible for providing security services, equipment, and technology to the nonpublic schools within the limits of the funds provided by this program. Such security services, equipment, and technology may be provided directly by the board of education, by contracts with an educational services commission, or an independent contractor.

The chief school administrator or designee of the board of education of the public school district must confer with the administrator of each of the participating nonpublic schools within the district. For timely delivery of services and products, the Department recommends that

consultation occur before the start of the school year in which the funds are to be expended. The consultation requirements are as follows:

1. To advise the nonpublic school of the funds available.
2. To agree on the security services, equipment, or technology to be provided.
3. To agree on the date when the board of education will meet to approve how the security services, equipment, or technology will be provided to the nonpublic school.

If the chief school administrator or designee and the nonpublic school administrator cannot reach agreement regarding the security services, equipment, or technology to be provided, the county superintendent shall make the final determination.

A board of education for an elementary constituent district of a limited purpose regional school district must provide security services, equipment, or technology for nonpublic schools having the grade levels for which the district has responsibility. The elementary constituent district must provide security services, equipment, or technology for all the grades of these nonpublic schools. A board of education for a limited purpose regional school district must provide security services, equipment, or technology for nonpublic high schools that do not have elementary school grades.

The security services, equipment, or technology provided to nonpublic schools must not include payments for instructional services directed to nonpublic school students. See p. 13 for guidance on examples of appropriate expenditures.

Each board of education providing security services, equipment, and technology to nonpublic schools must submit the following information to the county superintendent on or before October 1, and forward a copy to the administrator(s) of the nonpublic school(s) within their district boundaries:

1. A written statement verifying that the required conference with the nonpublic school administrator was held, with agreed upon security services, equipment, and technology to be purchased and the timelines for purchases and implementation.
2. The minutes of the board of education meeting at which the security services, equipment, and technology for the nonpublic school was granted approval.

If a nonpublic school declines to participate, a refund check should *not* be sent to the Department. (Any such checks that the Department receives will be returned to the district.) All refunds will be collected through a state aid payment deduction after the district has completed the Nonpublic Project Completion Report (NPCR).

### **Nonpublic School Eligibility**

Only nonpublic schools that indicate their intent to participate on the Nonpublic School Enrollment Report are eligible to receive security services, equipment and technology in the following school year. Once regulations have been promulgated, this eligibility requirement will be codified for future reference.

### **State Aid**

The Nonpublic School Security Program funding provided to the school district for each participating nonpublic school in the district will be based on the number of full-time pupils enrolled in the nonpublic school. It will be an amount equal to the product of the rate per pupil authorized in the annual Appropriations Act and the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year, as indicated in the Nonpublic School Enrollment Report. Note that the support limit per pupil is dependent on the Appropriations Act. Any costs for school security that exceed the amount authorized in the annual Appropriations Act is borne by the nonpublic school. Actual expenditures applied against the State aid received for Nonpublic School Security Program funding may include expenditures for safety and security items

listed in the Acceptable Expenditures section of these guidelines or as determined by the Office of School Preparedness and Emergency Planning.

State aid will be made in one full payment to school districts after receiving an entitlement notice from the Department.

Public school districts are not required to purchase security services, technology and equipment at a total cost to the district in excess of the amounts provided by State aid.

A full accounting of expenditures must be included in the district's Nonpublic Project Completion Report (NPCR). If any funds remain, the district must refund the unexpended State aid after the school year.

### **Fees and Charges**

Expenditures for the purchase of technology and equipment may include the cost of freight for transporting it from the vendor to the delivery site, the purchase of insurance and disposal fees. The public school district is not permitted to deduct an administrative fee from the State security funds received by the district for the nonpublic schools; 100% of the allocation must go toward the purchase of the safety and security items. If a school district chooses to contract with an educational services commission or other third-party provider for the administration of this program, any associated administrative or service fee may *not* be paid with funds from the State security allocation, however, a school district may pay such fee from the district's general fund if it so chooses.

### **Purchasing Rules**

State purchasing regulations apply to school districts that are purchasing services or products that are required through State-funded nonpublic school programs. The district board of education must ensure that procurement and expenditures are made in accordance with the requirements of

Public School Contracts Law (see [N.J.S.A. 18A:18A et seq.](#)), Local Public School Contracts Laws Administrative Code ([N.J.A.C. 5:34-1 et seq.](#)), and their own district purchasing rules and policies.<sup>1</sup> Please note that school districts may also use State Cooperative Purchasing Contracts for security services, technology and equipment purchases, as appropriate.

### **Delivery and Disposition of Equipment and Technology**

Technology and equipment may be delivered directly to the nonpublic school if the nonpublic school and district administrators agree. If delivered directly to the nonpublic school, the nonpublic school administrator must check the invoice and forward it to the district board of education. After consultation with the nonpublic school administrator, technology and equipment may also reach a nonpublic school as follows:

1. The nonpublic school may arrange to pick up the technology and equipment.
2. The local board of education may deliver the technology and equipment to the nonpublic school.

Only a local school district may dispose of technology and equipment purchased for this program and the disposal may be charged to the Nonpublic School Security Program funds that were allocated to the nonpublic school. Equipment may only be disposed of in accordance with the provisions of the “Public School Contracts Law.” District schools must follow their local procurement policies regarding disposal of technology and equipment.

### **Accounting at the District Level**

The district board of education in which the nonpublic school is located must maintain the Nonpublic School Security Program accounting on an encumbrance basis. Nonpublic School Security funding must be recorded in the special revenue fund (fund 20) as “Restricted Grants in Aid” in general ledger revenue account 20-3241-511. Appropriations and expenditures must be

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<sup>1</sup> Find information on Public School Contracts requirements on the [Department of Community Affairs' website](#).

recorded in the special revenue fund as “Nonpublic School Programs” in general ledger account(s) 20-511-XXX-XXX (XXX represents the appropriate function code and object code, respectively). The accounting system utilized, or a subsidiary ledger, must be maintained by the district board of education in a manner that provides the detailed appropriations and expenditures of funds separately for each participating nonpublic school in the school district’s geographic area. Expenditures for the purchase of technology and equipment may include the cost of freight or transporting such from the vendor to the delivery site. Collections for charges due to the loss, damage, or destruction of the technology and equipment should be recorded as "Miscellaneous Revenue" and credited to the nonpublic school #20-511 account.

### **Nonpublic Project Completion Report**

Following the completion of fiscal operations, the district board of education shall report to the Department the total cost of the Nonpublic School Security Program expenditures in the Nonpublic Project Completion Report (NPCR). The Report should include the following items:

1. The amount approved for each nonpublic school.
2. The total State aid received.
3. The total of all encumbrances incurred for each nonpublic school.
4. Outstanding unliquidated encumbrances.
5. Nonpublic School Security Program funds on hand.

In the event that the district board of education has been paid funds in excess of the amount finally required for the program costs, the excess funds will be deducted from State aid payment in the subsequent fiscal year. Districts must not send a refund check to the Department; any such checks that the Department receives will be returned to the district. All refunds will be collected through a State aid payment deduction after the district has completed the Nonpublic Project Completion Report.

NOTE: The New Jersey Department of Education reserves the right to monitor all purchases and implementation of such security services, equipment and technology as a result of this program at any time.

### **Fiscal Audit and Retention of Records**

The Nonpublic Security Aid Program expenditure records will be audited locally. All records relating to the program must be retained for audit purposes. The audit will be done as a regular part of the district board of education's prescribed audit procedures. The board of education audit report will include a financial schedule or statement identifying receipts and expenditures applicable to the Nonpublic Security Aid Program.

### **Resources for Nonpublic Schools**

The Department recommends that nonpublic schools partner with local first responders in developing emergency operations plans and conducting drills. Since each school can face unique challenges, staff and student training can best be accomplished by those from the school and first responder community who should comprise a planning team and have first-hand knowledge of the emergency operations plan and drill requirements. Free training is also provided to schools by [FEMA's Multihazard Emergency Planning for Schools](#) and the [U.S. DOE's Developing Emergency Operations Plans](#) (EOPs). Additionally, The Office of School Preparedness and Emergency Planning (OSPEP) in the NJ Department of Education provides [free technical assistance](#), including security drill training, as requested, and as staffing levels allow.

### **Acceptable Expenditures**

The guidance below provides an expanded list of acceptable expenditures for security services, equipment, and technology to help ensure a safe and secure school environment for nonpublic school students and staff, in accordance with the Nonpublic School Security Statute, *N.J.S.A. 18A:58-37.8* through 14. This list is intended to provide guidance in evaluating proposals for the purchase of school security services, equipment, and technology. It is not inclusive of *all* security

enhancements, but rather offers examples of acceptable safety and security expenditures for consideration when evaluating school security needs for New Jersey's nonpublic schools.

Refer to the [School Preparedness and Emergency Planning webpage](#) and the [New Jersey School Security Task Force Report and Recommendations](#) for resources and recommended measures and expenditures. The [Office of School Preparedness and Emergency Planning](#) offers free training and technical assistance to school staff and communities.

Please note that all security enhancements must comply with applicable codes (for example, building, fire, electrical, etc.).

### **Hardening School Perimeter and Building Entryways**

1. Installation or repair of security **fencing** on school grounds;
2. Main entrance, exterior door markings, school and way-finding **signage**;
3. **Lighting** in and around the building and parking lots;
4. **Portable gates** that ensure access points between school and joint-use facilities;
5. Construction/equipment to **separate bus drop-off/pick-up areas** from other vehicular drop-off/pick-up areas;
6. Construction/equipment to **separate pedestrian routes** from vehicular routes;
7. **Stop signs and other traffic calming devices** to keep vehicles at a reasonable speed;
8. **Bollards** for placement along the roadway or curb line in front of the school;
9. Installation of, or improvements to, **exterior doors and windows, frames, and/or hardware**;
10. Construction of, and/or improvements to, **security vestibules**<sup>2</sup>;
11. **Ballistic or shatter resistant film** for glass doors, windows and other vulnerable areas (e.g., first floor classroom windows, door windows, sidelights, etc.);
12. Exterior windows that can be locked/secured; and
13. Fire-rated **blinds, shades or similar devices** for doors and windows that can be used during lockdowns.

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<sup>2</sup> The exterior door of the main entrance to the school should allow visitor access only into the vestibule. Vestibules should include interior doors that must be released by school security or other staff.

## Building interior

1. Installation of, or improvements to, mechanisms that are designed to **prevent entry** into the classroom;
2. **Adequate lighting** in hallways, stairwells, classrooms, etc.;
3. **Dedicated servers and/or generators** supporting security and/or communication systems;
4. **Secure enclosures for utilities**;
5. **Shut-off switch** of the school's ventilation system and fire alarm system, and the routing of additional shut-off switches to the principal's office or safe room.

## Screening, Surveillance and Alarm Systems

1. **ID cards** and related systems for students, faculty, staff, and/or visitors
2. **Security services**: Alarm services, video security surveillance systems, and security guards<sup>3</sup>
3. **Access control systems** that allow remote locking and unlocking of doors
4. **Intercom** and **fixed cameras** for the school's main entrance and other entrances
5. **Parking decals** or tag system for all staff and students who park on campus<sup>4</sup>
6. Metal/fire/explosives **detectors**

## Emergency Communications

1. **Emergency communications equipment**, including portable radios, alternative; emergency school alert systems (strobe lighting, audible horns, etc.), and emergency notification to parents;
2. **Repeaters** or other equipment to ensure RF (radio frequency) communication is possible throughout the school;
3. **Direct communication with emergency responders** (e.g., law enforcement, fire, utilities);
4. **Back-up communication** in case of power outage.

## Training

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<sup>3</sup> With respect to security guards, schools are encouraged to enter into a written agreement with local law enforcement agencies regarding the placement of security personnel in school buildings, the chain of command, roles and responsibilities, required qualifications and experiences, channels of communications, and required training and continuing professional development.

<sup>4</sup> Schools are encouraged to develop policies that provide for the confiscation of decals and tags of suspended or terminated students and employees.

1. Activities that promote a positive school climate and foster open communication among staff and students, such as:
  - Peer mediation/conflict resolution training;
  - Substance abuse prevention training;
  - Sexual harassment training;
  - Suicide prevention training;
  - Response to student violence;
  - Harassment, intimidation and bullying training;
  - Cyber safety;
  - Gang awareness and education.

### **Response and Recovery**

1. **Emergency kit** and supplies;
2. **Evacuation devices/equipment** for disabled students/employees; and
3. **Emergency vehicle.**

### **Cyber Security Evaluation, Training and Upgrading**

1. Securing personal information
2. Phishing
3. Malware
4. Firewalls
5. Passwords