

ERIC NORTH & ERIC WEST

Spring Sub-fund Meeting

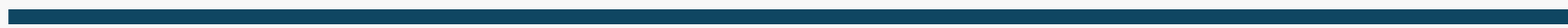
Presenters:

Keith Gourlay, New Jersey School Buildings & Ground Association

Noaa Stoler, *New Jersey Division on Civil Rights' Education & Training Unit*

David Nash, Esq., *LEGAL ONE/FEA*

Thursday, May 7, 2026 | 9:30AM | Zoom



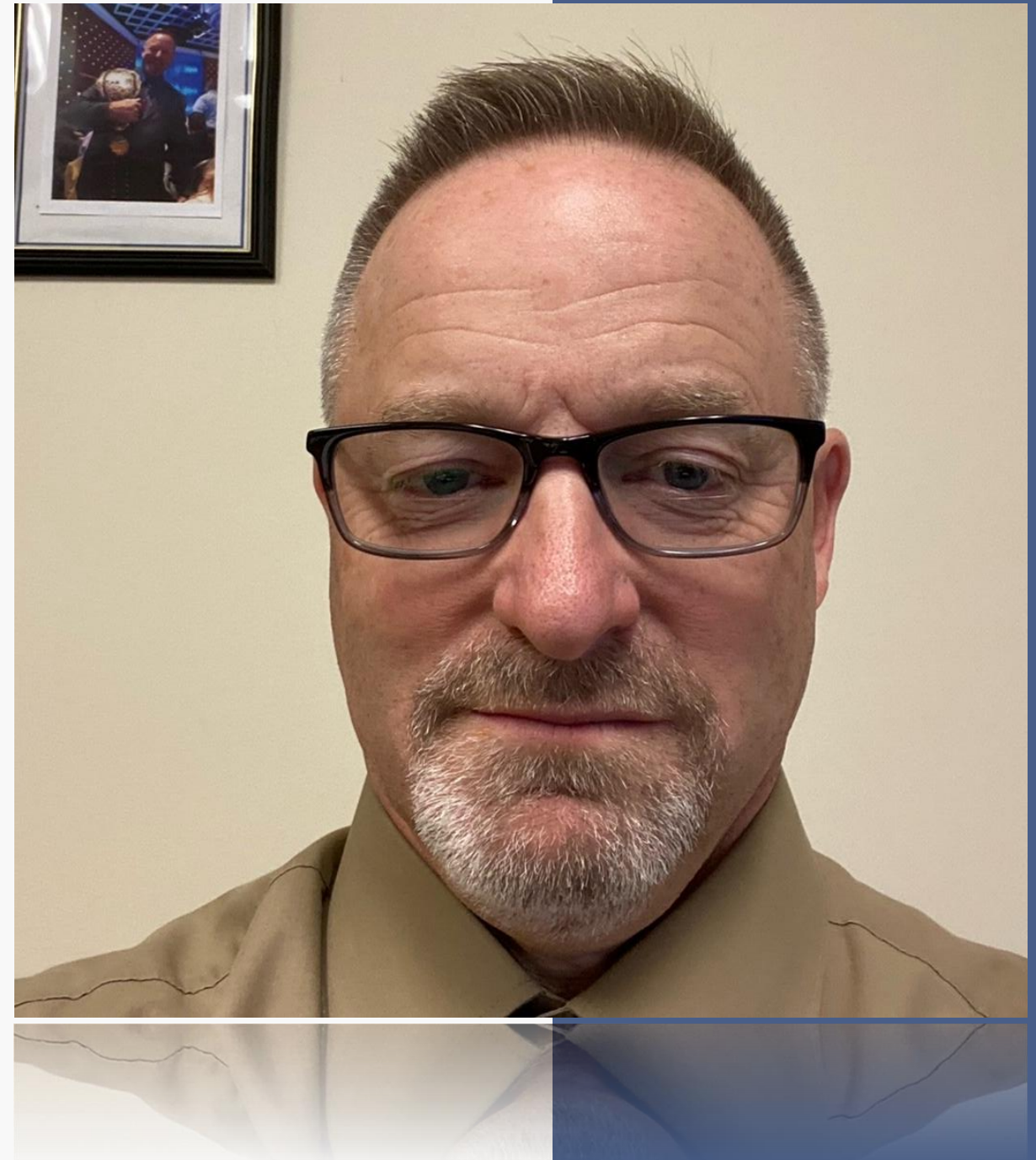
Welcome

Dr. Chris Russo

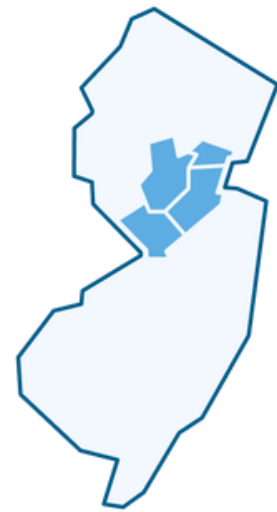
NJSIG Board of Trustee

ERIC North Chairperson

West Windsor-Plainsboro RSD



Sub-fund Committees



ERIC NORTH

**Sub-fund Administrator:
Latyona Brennan**

Committee Chairs:



Dr. Chris Russo
West Windsor-Plainsboro
RSD



ERIC WEST

**Sub-fund Administrators:
Dominick Cinelli
Bob Gemmell**

Committee Chairs:



Michele McCann
Kingwood BOE

Continuing Education Credits



2 QPA CREDITS:

- 1 Ethics Credit
- 1 **Information Technology** Credit

LEGAL ONE will also be provided **2 credit hours** to participate towards satisfying their 20 hours professional development requirements for educators.

Certificates will only release at the end of the program and receipt of Completed Evaluation Form via LEGAL ONE.

Must be completed and submitted by May 21.

Must be **present** for the entire program.

NJSIG Executive Report

Jill Deitch, Esq.

NJSIG

Executive Director

jdeitch@njsig.org



NJSIG Update

Joanna Radomicki

NJSIG

Senior Member Services &
Loss Control Representative

jradomicki@njsig.org



Introducing: NJSIG's Safety Spotlight



- Announced in April's SafetyNet newsletter
- Highlighting members safety achievements
- Members will be able to submit their achievements to [**riskcontrol@njsig.org**](mailto:riskcontrol@njsig.org)



CHUBB In-Person Training

**Boiler Controls & Safety Devices
Water Treatment for Low Pressure
Heating Systems**

Tuesday, July 21, 2026

9:00 AM - 4:00 PM

CHUBB Risk Engineering Center

35 Columbia Road

Branchburg, NJ 08876

3 CEFM credits

Register by: Saturday, July 18, 2026 9:00 AM

Reach out to riskcontrol@njsig.org with any questions



NJSIG Value-Added Services



Online Defensive Driving Training



Vector Solutions Online Training



Safety Committees



Trend Analysis



Pre-QSAC Inspections



- **Three (3)** Pre-QSAC inspections
- **No cost** to member districts with **property coverage**
- In partnership with H&S Inspection Company identify potential issues in advance of the NJQSAC review
- Inspection checklist closely aligns with what NJDOE assesses
- To schedule your inspections, please contact [**riskcontrol@njsig.org**](mailto:riskcontrol@njsig.org)



2026 NJASBO CONFERENCE



Claims Gone Wild: Aches & Fakes — and the Skill Set for Calming WC Chaos

**Thursday, June 4th
2:00 PM & 3:15 PM**

Presenters:

- Sherwin Archibald, Claims Manager
- Denise Hall, Claims Supervisor
- Joanna Radomicki, Sr. Member Services/Loss Control Rep
- Michele McCann, BA, Kingwood Township BOE



ERIC NORTH & ERIC WEST
Sub-fund Spring Meeting

Protecting School Property & Preparing Staff for Seasonal Activities

Presenter:

Keith Gourlay

Executive Director

New Jersey School Buildings and Grounds Association



May & June Outdoor Activities & Planning



**Field
Days**



**Outside
Graduations**



**PTO/PTA
Events**



Planners, Stakeholders

- Administration (principal, superintendent)
- Buildings and grounds
- PTO/PTA leadership if involved
- Security / SRO / local police if needed
- Vendors that may be involved (chairs, sound systems)

Food vendors and Inflatables require additional discussion later.

Compliance & Regulatory Considerations

- Check with local authorities for any permit requirements for food vendors before entering into an agreement. Verify that food trucks have a valid DOH inspection as well as local fire inspection on the day of the event.
- Check with local fire official for possible egress issues and occupancy limits.
- Portable restrooms or a plan to have people entering and leaving the building to use facilities.
- ADA accessibility for portable stages, portable restrooms and seating areas.

Electrical Safety

- All temporary power setups must comply with NEC and NJ UCC.
- Use only qualified personnel (Often Journeyman level for school work)
- All outdoor electrical must have GFCI protection

Facilities & Grounds Preparation

- Mow and prep fields 2-3 days prior to the event.
- Inspect for hazards
- Mark out specific areas for booths, games etc.
Include marked out egress.
- Complete one final inspection for broken glass or other possible hazards prior to mark out and setup.
- Ticketing or controlled entry area for larger events.

Safety & Risk Management

- Have an emergency plan in place for evacuation or need an ambulance to remove a participant.
- Have a plan in place for severe weather and a rain date for cancellation
- On site nurse or EMT onsite for large events
- First aid stations available.
- COI provided by all vendors/outside concerns
- Parking lot attendants to control
- Verify the venue is able to accommodate the event with regards to seating and parking.

Note: Inflatables carry significant risk. Strongly suggest that all check with their insurance provider before approving for use.

July & August Activities - Sports Camps

- Review Board Policy on facility use. COI, hold harmless for outside groups and District named as additional insured. Board approval required?
- All adult staff/volunteers must meet background check standards as required.
- Require a clear and decisive schedule from the sports group by space/field for both school and outside groups.
- Outline/specify permitted activities only.
- Require compliance with all school policy and local laws. Reminder that an AED must be available in an unlocked accessible location in close proximity to the field/event.
- Usually, some time has passed since facility last used. Inspect play areas/fields for broken glass, holes and any other damage before use. Inspect bleacher seating. Facilities/Coaches to inspect? Supply checklist with signature space?
- Determine who will be maintaining the particular field if outdoors. Mowing. lining, edging. Who will be removing trash?
- Discuss with facilities and coaching staff preventive measures to reduce damage and liability.
- If shared with town, written agreement outlining responsibilities. COI from town?
- Always have an effective means of communicating with coaches and facilities staff or contracted outside company.

Custodial & Maintenance Team

Summer Cleaning / Maintenance Scheduling & Training Requirements

- Cleaning/Maintenance is what we do in the summer time but we often run into scheduling problems with building use and summer classes.
- The level of cleanliness and required maintenance has a direct link to time allotted to complete the work. What normally takes the entire summer to complete cannot be squeezed into a two-week time frame and expect the same results.
- Work with your facilities people when scheduling summer classes and building use to confirm enough time is available to have the building ready for opening in September.

Summer Contracting Work

- A reminder that all general contractors, subcontractors and their employees, including third party contractors, must undergo criminal history background checks before beginning work on school property.
- The requirement is strictly enforced for work done “when school is in session” or when children are present.
- Seal off dust producing areas from the rest of the occupied building. PEOSHA loves dust complaints.
- Contractors must provide SDS’s for reportable chemicals used on the site.
- Assign one location for contractors to enter the building and require them to sign in and out daily

Mold Awareness & Prevention Techniques

- Mold prevention centers on controlling moisture and maintaining indoor humidity between 30 and 50%. A difficult if not impossible task without air conditioning.
- Techniques include repairing leaks immediately, being sure that exhaust fans are working in bathrooms/kitchens and keeping indoor spaces dry.
- Monitor indoor/outdoor humidity levels before wet method carpet cleaning.
- Have fans made specifically for the task available for drying carpets/floors.
- Consider keeping Unit Vent or classroom fans on during the summer months.

Never close the door and walk away from a space assuming it is clean and ready to go. Establish inspection schedules to go back to the rooms during the summer to inspect and re inspect. Mold can consume a room overnight if the conditions are right. **Don't let the teacher be the first back in the room after returning from the summer break to discover a mold problem.**

Annual Employee Required Training

- Harassment, Intimidation and Bullying (HIB)
- Asbestos Awareness. Required for all Custodial/Maintenance Employees
- Right to Know (RTK, Haz Com) Required for all employees exposed to hazardous chemicals. (Don't forget Bus Drivers if they pump their own fuel or are responsible for cleaning inside the bus)
- Bloodborne Pathogens. A reminder that all new employees must be offered the Hep B Vaccine and if refused a declination form must be signed. All potentially exposed employees must be trained.
- Fire Extinguisher Training for all that are expected to use them in an emergency. PEOSHA requires Extinguisher Training for those with a stage.
- School Safety and Security Plan Review.
- Affirmative Action/Sexual Harassment
- Lock Out/Tag Out training required upon initial assignment.
- Confined Space Training required upon initial assignment and strongly recommended to provide annual review.

Link to OSHA Training Requirements: <https://www.osha.gov/sites/default/files/publications/OSHA2254.pdf>



ERIC NORTH & ERIC WEST
Sub-fund Spring Meeting

AI and Algorithmic Discrimination in Schools

Presenter:

Noaa Stoler, *New Jersey Division on Civil Rights' Education
& Training Unit*





ERIC NORTH & ERIC WEST
Sub-fund Spring Meeting

Hot Issues in Technology, Schools, & Discrimination Law

Presenter:

David Nash, Esq., *LEGAL ONE/FEA*





NJPSAFE

— LEGAL ONE —

*Law, **E**thics and **G**overnance for **A**ll **L**eaders, including an
Overview of **N**ew and **E**merging Issues*

Legal Considerations Related to Technology Use and Discrimination Claims

David Nash, Esq., Director of Legal Education
and National Outreach, Foundation for Educational Administration

May 7 and 8, 2026

DISCLAIMER

This presentation is intended as a summary of law only and is not meant as legal advice. Please consult your attorney to obtain legal advice.



Participants are authorized to use the LEGAL ONE materials provided in this training to offer turnkey training within the respective participant's school district or place of employment, provided that participants provide proper credit to LEGAL ONE for having developed said materials and further provided that such turnkey training is offered at no charge.



Law, Ethics and Governance for All Leaders, including
an Overview of New and Emerging Issues

OPERATIONS SUPPORT LEADERSHIP ACADEMY

OSLA Overview

- Designed to address the needs of supervisors responsible for overseeing core aspects of district operations, including buildings and grounds, custodial services, food services, transportation, communications, and technology.
- These supervisors are often responsible for overseeing staff members coming from other industries/work environments.
- For More Information - <https://tinyurl.com/LO-OSLA>

Session Dates

- September 17 - 9 am - 3 pm In-Person at NJPSA/FEA
- October 29 - 1 pm - 3 pm via Zoom
- November 19 - 1 pm - 3 pm via Zoom
- December 17 - 1 pm - 3 pm via Zoom
- January 21 - 9 am - 2 pm In-Person at NJPSA/FEA

Session Topics

- In Person Kickoff Session
 - NJLAD, Title IX and Beyond
 - Staff Recruitment, Onboarding and Retention
 - Progressive Supervision and Evaluation
- Virtual Session 1 – October 29
 - Insurance 101
 - Risk Management and Loss Control
- Virtual Session 2 – November 19
 - Collective Bargaining, Employee Leave and Employee Assistance
- Virtual Session 3 – December 17
 - Addressing Hostile Workplace Claims and Promoting a Healthy Workplace Environment
 - Respecting Boundaries
 - Reporting Obligations
- In Person Culminating Session – January 21
 - Employee Privacy and Public Information
 - Use of Social Media and Electronic Communications

OSLA: Operations Support Leadership Academy

Visit the OSLA webpage,
<https://tinyurl.com/LO-OSLA>
for a program overview



Contact LEGALONE@njpsa.org with any questions
or for more information.



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LEGAL ISSUES RELATED TO AI

Algorithmic Discrimination

- Ignorance is not a defense
- Establish clear parameters for use – bring out of the shadows
- Ensuring that vendors and consultants understand acceptable use parameters since district may be liable for their actions
- Recognizing widespread use by students, parents and staff members outside of school environment – banning won't work

State and Federal Laws on Deepfakes

See LEGAL ONE Article - [What Schools Should Know About New State and Federal Laws on Deepfakes](#)

Listen to the LEGAL ONE Podcast Episode on [AI, Deepfakes and the Law](#)

New Jersey Law - On April 2nd, Governor Murphy signed into law P.L. 2025, c. 40, which addresses the dangers of improper use of “deepfake” technology and establishes civil and criminal penalties for the production and dissemination of deceptive audio or visual media. **Potential liability for those who share deepfakes, not just creators.**

Federal Law - On May 19th, the “Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act” or TAKE IT DOWN Act was signed into law by President Trump. Includes civil and criminal penalties, requirements to remove deepfakes within 48 hours once on notice. **Will likely extend school district duty of care to include contacting social media platforms to have deepfakes removed.**

OVERVIEW OF LAW/GUIDANCE ON INTERNET-ENABLED DEVICES

Limiting Internet Enabled Devices

- NJDOE [webpage](#) addressing cell phone use
- New law – P.L. 2025, c. 195
 - Beyond cell phones – e.g. smart watches, smart glasses
 - Every school district must adopt a board policy consistent with [NJDOE guidance](#) regarding student access to and use of internet enabled devices
 - Prohibits students from having devices “bell to bell” – from start to end of the school day
 - Permits more stringent policies that extend to other times (e.g. on bus, during after school activities)
 - Allows for limited exceptions

School Law Central

- April 2026 Issue (Issue 15) Focus on the new Internet-Enabled Device Law
 - Article 1 – [Navigating the New “Bell to Bell” Ban](#)
 - Article 2 – [How to Address and Provided Disability and Health Related Exceptions](#)
 - Article 3 – [Planning for Emergency Communications](#)

Exceptions

- To fulfill accommodations provided in a student's individualized education program (IEP);
- To support the implementation of a 504 Plan;
- To implement a student health plan established to monitor or address a student's health condition (upon submission by a parent or guardian of documentation from a healthcare professional indicating that the use of an internet-enabled device is necessary for the health or well-being of the student);
- For translation services;
- For a student caregiver who is routinely responsible for the care or well-being of a family member;
- When no reasonable alternative to the use of the internet-enabled device for a specific purpose exists (upon authorization by the chief school administrator, principal, or designee) ;
- When required by law; and
- In the event of an emergency.

Foreseeable Issues

- Lack of Notice/Due Process
- Mental Health Impact
- Inclusion in IEPs, 504 Plans, Health Plans
- Excessive Parent Contact with School
- Inconsistent Enforcement
- Ill-Advised Consequences
- Damaged, Lost, Stolen Devices
- Bad Faith Exception Claims
- Students Going Beyond Exceptions
- FERPA/Privacy Issues
- Search and Seizure Issues
- Other Technology- Related Legal Issues
- Emergency Response Issues

FERPA/Privacy Issues

- Key Question - Who has a legitimate educational interest in receiving information about a student?
- Where exceptions are granted for particular students to have access to an internet enabled device, there will be no need for most staff members to know the reason for the exception
- Sharing such information broadly will violate privacy rights under FERPA, other laws

DISCRIMINATION LAW DEVELOPMENTS

Sexual Abuse and Vicarious Liability

- Many School District employees do not realize that they can be held civilly and/or criminally liable for their inappropriate interactions with students both on and/or off of school grounds.
- It is also important for School Districts to realize that they may also potentially be held liable for the actions of their staff members, including for activities that are “outside the course and scope of employment” (including sexual activity with a student).

Russell Forde Hornor v. Upper Freehold Regional Board of Education and Ormond Simpkins, Jr. v. South Orange-Maplewood School District

Facts:

- In this consolidated case, four separate allegations (1 against Upper Freehold and 3 against S. Orange-Maplewood) were combined, as they all dealt with the same questions of law regarding vicarious for alleged sexual misconduct / assault by 2 teachers against minor students.

Vicarious Liability

Consolidated Cases: *Hornor & Simpkins, Jr.*

Details:

- One student alleged that in 1979, when the student was 15 years old, a science teacher and advisor/team coach to the Future Farmers of America (FFA) club (deceased at the time of the litigation) had sexually abused him.
- The teacher had given this student many rides to/from work and FFA activities, and took him and others to the movies and a bowling alley.
- It was also alleged that the teacher supplied this student with alcohol during these outings.
- There was also an incident where the student was brought to the teacher's apartment, and was sexually assaulted with the admonition to not "say anything" about the incident.

Vicarious Liability

Consolidated Cases: *Hornor & Simpkins, Jr.*

Details

- 3 separate allegations of sexual assault and abuse by an English/Special Education teacher (she also participated in a summer educational program operated by Family Connections, Inc. and the NJ Division of Child Protection and Permanency (DCPP)) both on and off of school grounds.
 1. Sexually abused on over 200 occasions in the teacher's classroom during the school day, in her car in the school parking lot during lunch periods and after school, and at a park near the high school;
 2. Sexually abused eight or nine times during the 2013-14 school year in the teacher's classroom and car. The teacher demanded his cell phone number and then texted "sexually explicit messages and photographs;
 3. At the summer educational program and in the teacher's classroom in 2011, the teacher "initiated sexually explicit conversations and contact with him." He claims that he was sexually assaulted in June of 2014 in the teacher's car parked in the parking lot of an apartment complex near the school

Vicarious Liability

Consolidated Cases: *Hornor & Simpkins, Jr.*

Holding

- “N.J.S.A. 59:2-1.3(a)(1) does not categorically bar the imposition of vicarious liability on a public school entity for acts of sexual abuse outside the scope of a teacher’s employment and vicarious liability claims should not have been dismissed at the pleading stage (i.e. before discovery had been completed).
- The Court held “that in order for a plaintiff to prevail in a vicarious liability claim in an action at law for damages under N.J.S.A. 59:2-1.3(a)(1) against a public school arising from a school employee’s sexual abuse of or sexual misconduct against a student caused by a willful, wanton, or grossly negligent act of the school employee, the factfinder must determine that:
 - (1) The school gave the employee who allegedly committed sexual abuse or other sexual misconduct described in N.J.S.A. 59:2-1.3(a)(1) the authority to control the student’s educational environment;
 - (2) The school employee’s exercise of that authority resulted in the sexual abuse or sexual misconduct; and
 - (3) It reasonably appeared that the school employee’s sexual abuse of or sexual misconduct against the student was tacitly approved by the school. Application of the standard involves a case-specific inquiry, taking into account the totality of the circumstances.” (*Id.* at 3, 46-48)

NJ Rules on Disparate Impact

- [New Jersey Announces Landmark Disparate Impact Rules](#)
- New rules on disparate impact discrimination under the New Jersey Law Against Discrimination (LAD) were adopted at N.J.A.C. 13:16, effective December 15, 2025, expiring December 15, 2032.
- Core Standard for Disparate Impact
 - Facially neutral practices that cause disparate impact are unlawful unless necessary to achieve a substantial, legitimate, nondiscriminatory interest and no less discriminatory alternative exists.
 - In employment, public accommodations, and contracting, after a respondent shows necessity, a complainant can prevail by showing a less discriminatory alternative.
- The phrase “equally effective” was removed from all “less discriminatory alternative” provisions; alternatives need not be identical in effectiveness but must serve the stated interest.
- Compare Federal Approach - On April 23, 2025, President Trump signed Executive Order [14281](#), [Restoring Equality of Opportunity and Meritocracy](#) (the “EO”). Executive Order seeks to end use of “disparate impact liability.”

Where Might Disparate Impact Arise?

- Interviewing and Hiring
- Promotions and Transfers
- Student Access to Gifted and Advanced Courses
- Student Access to “Traditionally Male” or “Traditionally Female” Opportunities
- Participation in Extracurricular Activities
- Student Discipline
 - See New Jersey AG and Commissioner of Ed [guidance on Discriminatory Discipline Practices in Schools](#)



Law, Ethics and Governance for All Leaders, including
an Overview of New and Emerging Issues

LEGAL ONE *On-the-Run*

LEGAL ONE On-the-Run Overview

- Coming Soon! Perfect for time-pressed school principals and other administrators working to train their staff on key legal issues
- Short videos reviewing legal requirements (each video is 5 to 15 minutes) along with: a companion guide for instructors that includes:
 - key takeaways,
 - suggested discussion questions,
 - recommendations for how to use the information in school districts moving forward,
 - an optional online assessment,
 - options for more in-depth learning that incorporates free LEGAL ONE resources such as our LEGAL ONE Podcast and LEGAL ONE Monthly articles, and
 - suggested action plans for using the materials over one class or multiple sessions.
- For More Information – <https://tinyurl.com/njpsafealoor>



Visit the LEGAL ONE ON-THE-RUN webpage,
<https://tinyurl.com/njpsafealoor>
for a program overview



Contact LEGALONE@njpsa.org with any questions
or for more information.



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QUESTIONS???

Conclusion

- Thank you for choosing professional development with LEGAL ONE!
- Visit our website for more courses that can support your work at <http://www.njpsa.org/legalonenj/>
- Participants are authorized to use the LEGAL ONE materials provided in this training to offer turnkey training within the respective participant's school district or place of employment, provided that participants provide proper credit to LEGAL ONE for having developed said materials and further provided that such turnkey training is offered at no charge.
- If you have any questions about this presentation or suggestions for future seminars, please send an email to legalone@njpsa.org

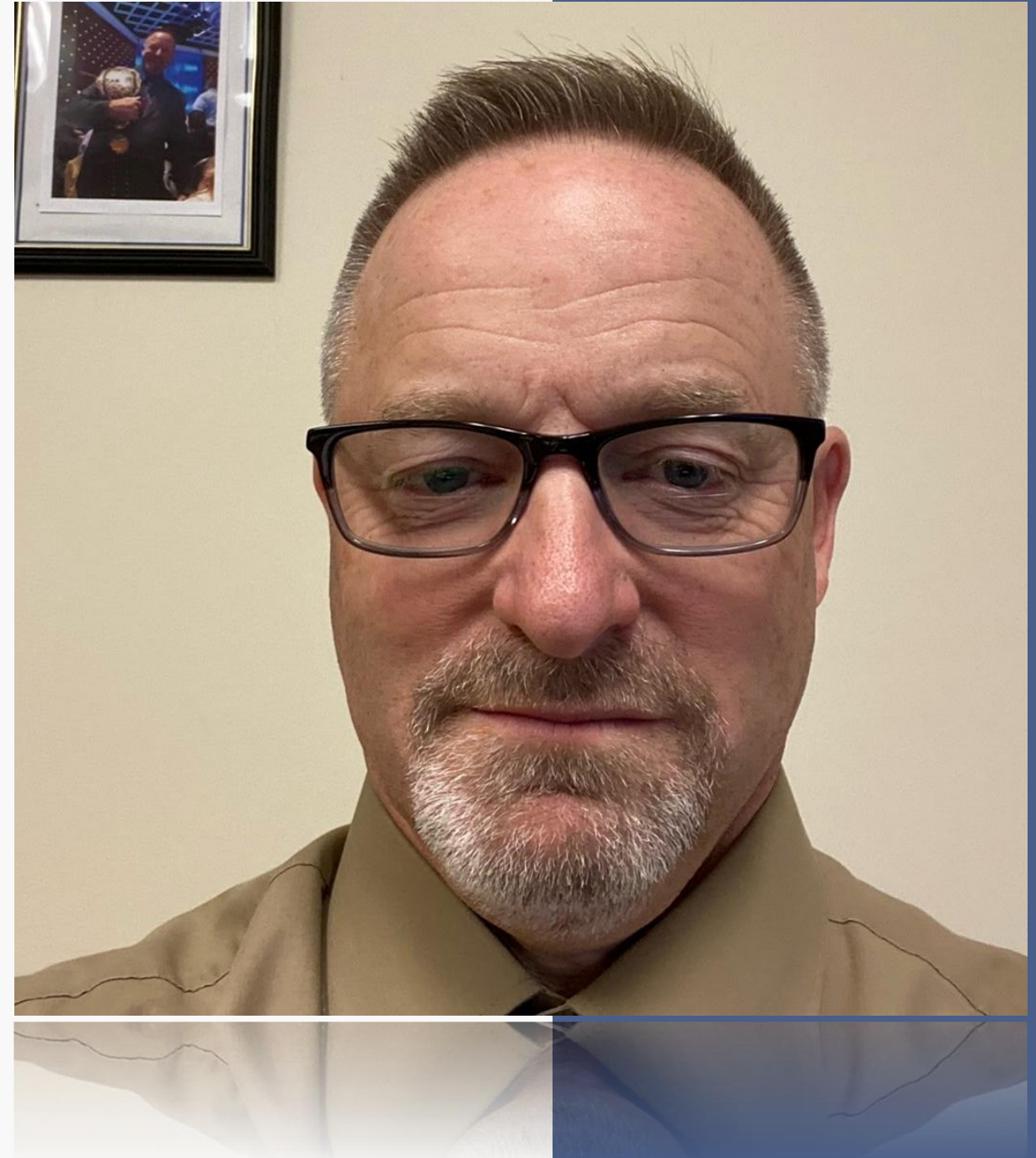
Closing

Dr. Chris Russo

NJSIG Board of Trustee

ERIC North Chairperson

West Windsor-Plainsboro RSD





Thank you

