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District Organization

1100 DISTRICT ORGANIZATION

The Board of Education directs the establishment and implementation of an organizational plan for the management and control of school district operations. The plan will require the identification and resolution of problems at appropriate organizational levels. All references to school district administrators in policies or regulations shall be construed to mean that administrator or his/her designee.

The Board desires the Superintendent to establish clear understandings on the part of all personnel of the working relationships in the school system.

Lines of responsibility for carrying out policies must be established no matter how democratically the policies have evolved. These channels for authority and responsibility must be so clarified that no one is left in doubt as to who does what and should be given to new staff at least every four years until they receive tenure and then every three years.

Lines of responsibility and authority do not restrict in any way the cooperative, sensible working together of all people on all professional levels in order to develop the best possible school program. The established lines represent direction of authority and responsibility in the implementation of policy; when the staff is working on the development of new policies, the lines represent avenues for a two-way flow of ideas.

East Orange is a unit control district. Administration of all educational functions and all non-instructional operations of the East Orange School District shall be the responsibility of the Superintendent.

Any concerns, suggestions or special programs from any staff member must be brought to the attention of District Administration and not Board Members.

An administrative group composed of Assistant Superintendents, Principals, and Directors shall serve as the Superintendent's "cabinet." This group will meet at the call of the Superintendent.

The Superintendent is authorized to form any other temporary or permanent committees he/she believes necessary. He/she may select the committee members or ask key personnel to advise him/her in making the committee appointments.

The Superintendent, Deputy Superintendent, Assistant Superintendent, Directors, and all Principals shall be officially designated as the executive council. The central office administrators shall work together planning, integrating, and carrying out a program of work with Principals.

N.J.S.A. 18:11-1; 18A:27-4
Adopted: 5 November 2008
Adopted: 14 November 2016



1110 **ORGANIZATIONAL CHART**

The legal authority of the Board is to be transmitted through the Superintendent along specific paths from person to person as shown by organizational charts for the district as a whole, departments and schools. The Board shall review such charts annually.

The Superintendent shall have freedom to organize and reorganize lines of authority and to revise such charts for the educational administration subject to Board approval of major changes in organization.

The lines of authority in the charts represent direction of authority and responsibility.

Adopted: 5 November 2008



1120 MANAGEMENT TEAM

The Board of Education recognizes the value of a system of management organization that enhances communication among administrators and between the administration and the Board, encourages a shared responsibility for educational policy decisions, and provides for the equitable resolution of conflicts.

The Board directs the Superintendent to establish a management team that includes the Superintendent and those administrative, supervisory, and support staff members who are responsible for employee evaluation, the adjudication of grievances, supervision of employees, or recommendations regarding the employment of employees.

The Superintendent shall institute a management team system that will provide a means for:

1. Submitting recommendations to the Board on issues of educational policy;
2. Addressing the economic concerns and working conditions of management team members, including their job descriptions, evaluation, salaries, fringe benefits, promotions, assignments, and transfers;
3. The development of administrative procedures; and
4. The consideration of such additional and appropriate issues as may be identified by the Superintendent or the management team.

N.J.S.A. 18A:11-1; 18A:27-4

Adopted: 5 November 2008



1130 **STAFF LIAISON COMMITTEES**

The Superintendent is authorized to form any temporary or permanent committees he/she believes necessary. He/she may select the committee members or ask key personnel to advise him/her in making the committee appointments.

The central office administrators shall work together planning, integrating and carrying out a program of work with Principals.

No staff liaison committee can be delegated the authority to make decisions or take action that is reserved to the Board or the Superintendent. Committee reports and recommendations may be advisory only.

Adopted: 5 November 2008



1140 **AFFIRMATIVE ACTION PROGRAM**

The Board of Education shall adopt and implement written educational equality and equity policies in accordance with the provisions of N.J.A.C. 6A:7 - Managing for Equality and Equity in Education.

The Board's affirmative action program shall recognize and value the diversity of persons and groups within society and promote the acceptance of persons of diverse, backgrounds regardless of race, creed, color, national origin, vestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. The affirmative action program will also promote equal educational opportunity and foster a learning environment that is free from all forms of prejudice, discrimination, and harassment based upon race, creed, color, national origin, ancestry; age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status in the policies, programs, and practices of the Board of Education.

The Board shall inform the school community it serves of these policies in a manner including, but not limited to, the district's customary methods of information dissemination. The Board shall develop a Comprehensive Equity Plan once every three years, which shall identify and correct all discriminatory and inequitable educational and hiring policies, patterns, programs, and practices affecting its facilities, programs, students, and staff.

The Board shall assess the district's needs for achieving equality and equity in educational programs based on an analysis of student performance data such as: National Assessment of Educational Progress and State assessment results, Pre-Kindergarten through grade twelve promotion/retention data, Pre-Kindergarten through grade twelve completion rates; re-examination and re-evaluation of classification and placement of students in special education programs if there is an over representation within certain groups; staffing practices; student demographic and behavioral data; quality of program data; and stakeholder satisfaction data prior to developing the Comprehensive Equity Plan. The purpose of the needs assessment is to identify and eliminate discriminatory practices and other barriers in achieving equality and equity in educational programs.

The Board shall annually designate a member of its staff as the Affirmative Action Officer and form an Affirmative Action Team, of whom the Affirmative Action Officer is a member, to coordinate and implement the requirements of N.J.A.C. 6A:7 — Managing For Equality And Equity in Education. The Board shall assure that all stakeholders know who the Affirmative Action Officer is and how to access him or her.



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Affirmative Action Program

The Affirmative Action Officer shall have a New Jersey standard certification with an administrative, instructional, or educational services endorsement, pursuant to N.J.A.C. 6A:9B et seq. The Affirmative Action Officer shall: coordinate the required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.6; notify all students and employees of district grievance procedures for handling discrimination complaints; and ensure the district grievance procedures, which include investigative responsibilities and reporting information, are followed.

The Affirmative Action Team shall: develop the Comprehensive Equity Plan pursuant to N.J.A.C. 6A:7-1.4(c); oversee the implementation of the district's Comprehensive Equity Plan pursuant to N.J.A.C. 6A:7-1.4(c); collaborate with the Affirmative Action Officer on coordination of the required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.5; monitor the implementation of the Comprehensive Equity Plan; and conduct the annual district internal monitoring to ensure continuing compliance with State and Federal statutes governing educational equality and equity, pursuant to N.J.A.C. 6A:7-1.4(d).

The Board shall provide professional development training to all certificated and non-certificated school staff members on a continuing basis to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. All new certificated and non-certificated staff members shall be provided with professional development training on educational equality and equity issues within the first year of employment. Parents and other community members shall be invited to participate *in* the professional development training.

The Commissioner or his/her designee shall provide technical assistance to local school districts for the development of policy guidelines, procedures, and in-service training for Affirmative Action Officers so as to aid in the elimination of prejudice on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.

N.J.A.C. 6A:7-1.4; 6A:7-1.5; 6A:7-1.6

Adopted: 8 February 2011
Adopted: 9 August 2016



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Board-Superintendent Relations

1210 **BOARD-SUPERINTENDENT RELATIONS**

The Board of Education believes that it is the primary duty of the Board to establish policies and the primary duty of the Superintendent to implement and administer those policies.

The Superintendent, as Chief Administrative Officer of the school district, is the primary professional advisor to the Board. Policy should not be adopted or revised without consultation with the Superintendent.

The Superintendent is responsible for the development, supervision, and operation of the school program and facilities and will be given latitude to implement and administer policies in accordance with such standards as may have been set forth in the policies. The Superintendent will discharge his/her responsibility in part through the establishment and promulgation of administrative regulations.

In evaluating the effectiveness of Board policy in meeting the goals of the district, the Board will request the Superintendent to make appropriate inquiries, investigations, and reports.

Adopted: 5 November 2008



1220 **EMPLOYMENT OF CHIEF SCHOOL ADMINISTRATOR**

The Board of Education vests the primary responsibility for the administration of this school district in a Superintendent of Schools and recognizes the appointment of a person to that office is one of the most important functions this Board can perform. The Superintendent shall have a seat on the Board of Education and the right to speak on matters at meetings of the Board (pursuant to N.J.S.A. 18A:17-20.a or N.J.S.A. 18A:17-20.b), but shall have no vote.

The Superintendent shall devote himself or herself exclusively to the duties of the office.

Recruitment Procedures

The Board shall actively seek the best qualified and most capable candidate for the position of Superintendent. The Board may use a consultant service to assist in the recruitment process. Recruitment procedures may include, but are not limited to, the following activities:

1. The preparation of a new or a review of an existing written job description;
2. Preparation of informative material describing the school district and its educational goals and objectives;
3. Where feasible, the opportunity for applicants to visit the district;
4. Establish an interview process that encourages the candidate and the Board members to have a meaningful discussion of the school district's needs and expectations. The Board members shall review and discuss the candidate's credentials, qualifications, educational philosophy, and other qualities and expertise he/she can offer to the district;
5. Solicitation of applications from a wide geographical area; and
6. Strict compliance with law and Policy 1530 on equal employment opportunity.

Qualifications

The candidate must possess or be eligible for a valid New Jersey administrative certificate endorsed for school administrator or a provisional school administrator's endorsement in accordance with N.J.A.C. 6A:9B-12.4 et seq. and must qualify for employment following a criminal history record check.



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Employment of Chief School Administrator

Employment Contract

A person appointed Superintendent must enter an employment contract with the Board. An employment contract for the Superintendent of Schools shall be reviewed and approved by the Executive County Superintendent in accordance with the provisions of N.J.A.C. 6A:23A-3.1 and Policy 1620. Any actions by the Executive County Superintendent undertaken pursuant to N.J.A.C. 6A:23A-3.1 may be appealed to the Commissioner pursuant to the procedures set forth in N.J.A.C. 6A:3.

The employment contract with the Superintendent must be approved with a recorded roll call majority vote of the full membership of the Board at a public Board meeting.

In the event there is a Superintendent vacancy at the expiration of the existing contract, only the Board seated at the time of the expiration of the current Superintendent's contract may appoint and approve an employment contract for the next Superintendent.

In the event there is a Superintendent vacancy prior to the expiration of the existing contract, the Board seated at the time the position becomes vacant may appoint and approve an employment contract for the next Superintendent.

The contract for the Superintendent who does not acquire tenure, but who holds tenure during the term of his/her employment contract will include: a term of not less than three nor more than five years and expiring July 1; a beginning and ending date; the salary to be paid and benefits to be received; a provision for termination of the contract by the Superintendent; an evaluation process pursuant to N.J.S.A. 18A:17-20.3; and other terms agreed to between the Board and the Superintendent.

During the term of the contract, the Superintendent shall not be dismissed or reduced in compensation except for inefficiency, incapacity, conduct unbecoming a Superintendent or other just cause and only by the Commissioner of Education pursuant to the tenure hearing laws.

At the conclusion of the term of the initial contract or of any subsequent contract, in accordance with N.J.S.A. 18A:17-20.1, the Superintendent shall be deemed reappointed for another contracted term of the same duration as the previous contract unless either: the Board by contract reappoints the Superintendent for a different term which shall not be less than three nor more than five years, in which event reappointments thereafter shall be deemed for the new term unless a different term is again specified; or the Board notifies the Superintendent in writing the Superintendent will not be reappointed at the end of the current term, in which event his/her employment shall cease at the expiration of that term. In the event the Board notifies the Superintendent he/she will not be reappointed, the notification shall be given prior to the expiration of the first or any subsequent contract by a length of time equal to thirty days for each year in the term of the current contract.



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Employment of Chief School Administrator

Pursuant to N.J.S.A. 18A:20.2a, the Board shall submit to the Commissioner for prior approval an early termination of employment agreement that includes the payment of compensation as a condition of separation. In accordance with N.J.S.A. 18A:17-20.2a, compensation includes, but is not limited to, salary, allowances, bonuses and stipends, payments of accumulated sick or vacation leave, contributions toward the costs of health, dental, life, and other types of insurance, medical reimbursement plans, retirement plans, and any in-kind or other form of remuneration.

An early termination of an employment agreement shall be limited in its terms and conditions as outlined in N.J.A.C. 6A:23A-3.2. The Commissioner shall evaluate such agreements in accordance with the provisions of N.J.S.A. 18A:17-20.2a and N.J.A.C. 6A:23A-3.2 and has the authority to disapprove the agreement. The agreement shall be submitted to the Commissioner by the district by certified mail, return receipt requested. The determination shall be made within thirty days of the Commissioner's receipt of the agreement from the school district.

Disqualification

Any candidate's misstatement of fact material to qualifications for employment or the determination of salary will be considered by this Board to constitute grounds for dismissal.

Certificate Revocation

In accordance with N.J.A.C. 6A:23A-3.1(e) (12), in the event the Superintendent's certificate is revoked, the Superintendent's contract is null and void.

N.J.S.A. 18A:16-1; 18A:17-15; 18A:17-20; 18A:17-20.1;
18A:17-20.2; 18A:17-20.2a; 18A:17-20.3

N.J.A.C. 6A:9B-12.3; 6A:9B-12.4; 6A:23A-3.1; 6A:23A-3.2

Adopted: 5 November 2008

Adopted: 14 September 2010

Adopted: 20 September 2016



1230 SUPERINTENDENT'S DUTIES

Function

The Superintendent shall serve as Chief Executive and Administrative Officer of the district by implementing policies established by the Board of Education and by discharging the duties imposed on his/her office by law.

Authority

The Superintendent shall be the Chief School Administrator of the district and principle advisor to the Board. He/She may delegate to an appropriate school official any duty not reserved to the Superintendent by law, but may not delegate the responsibility for duties mandated by law.

Work Relationships

The Superintendent shall report directly to the Board and shall directly or indirectly supervise all persons employed by the Board.

Duties and Responsibilities

- A. In the discharge of his/her responsibilities as principle advisor to the Board, the Superintendent shall:
1. Ensure all aspects of district operation comply with Board policy, State law and district contracts;
 2. Report to the Board on the needs of the district;
 3. Advise the Board of any changes or additions that should be made to its policies;
 4. Provide the Board with such information as may be needed to ensure the making of informed decisions; and
 5. Perform such other duties as may be assigned by the Board.
- B. In the discharge of his/her responsibility for the implementation of the operational action plan of the district, the Superintendent shall:
1. Prepare, promulgate, and maintain a manual of administrative regulations;



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Superintendent's Duties

2. Evaluate the future needs of the district, and recommend a district action plan including goals, objectives, and priorities to the Board;
 3. Maintain written objectives to implement the district action plan adopted by the Board;
 4. Evaluate progress towards the attainment of the district action plan and report thereon to the Board; and
 5. Report to the Commissioner and the County Superintendent on or before August 1 of each year matters relating to the schools in the manner and form prescribed by the Commissioner.
- C. In the discharge of his/her responsibility as the administrator of the instructional program, the Superintendent shall:
1. Establish and maintain a written instructional plan for the schools of the district consistent with the educational goals adopted by the Board;
 2. Coordinate the proper implementation of the instructional plan as it applies to each school in the district;
 3. Evaluate at least annually the effectiveness of the program of studies and recommend such changes and additions as may be required to improve its effectiveness.
 4. Evaluate the performance of pupils in relation to other public school districts, as well as in relation to State and national standards;
 5. Report periodically to the Board, as directed by the Board, on the condition of the educational program and facilities in the district; and
 6. Keep informed regarding current research in the field of education and inform the Board as appropriate.
- D. In the discharge of his/her responsibility for the direction and welfare of pupils, the Superintendent shall:
1. Strive to motivate pupils to achieve their individual best;
 2. Create a climate of respect for authority and discipline in each of the schools of the district;
 3. Report to the Board at its next meeting the suspension of a pupil; and



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Superintendent's Duties

4. Recommend any changes in the program of pupil management and support as necessary to respond to district needs.
- E. In the discharge of his/her responsibility for the supervision of district employees, the Superintendent shall:
1. Recommend to the Board all properly certified candidates for employment, assignment, or transfer;
 2. Assign staff so as to achieve maximum effectiveness in the attainment of educational goals;
 3. Train staff as necessary to implement approved changes in the curriculum or instructional methods of the district;
 4. Evaluate the effectiveness of staff members in the performance of their assigned tasks;
 5. Recommend changes in staffing patterns based on the evaluation of staff and program effectiveness; and
 6. Discipline staff as required and report to the Board forthwith any suspension of a teaching staff member.
- F. In the discharge of his/her responsibility for the maintenance of the physical plant, the Superintendent shall:
1. Strive to make efficient use of district resources in the daily operations of the schools;
 2. Assign support staff so as to achieve maximum effectiveness from the facilities of the district;
 3. Train support staff as necessary to maintain the facilities and to avoid safety and environmental hazards; and
 4. Evaluate the effectiveness of the district facilities in housing the instructional program and recommend to the Board such changes and improvements as may be required.
- G. In the discharge of his/her responsibility for the management of the district business affairs, the Superintendent shall:



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Superintendent's Duties

1. Supervise the preparation of the annual budget and recommend its adoption to the Board;
 2. Implement the budget adopted by the Board;
 3. Establish sufficient fiscal controls to ensure that district funds are expended wisely and efficiently; and
 4. Report to the Board at its next meeting any expenditure in excess of a budgeted line item.
- H. In the discharge of his/her responsibility as liaison officer to the public, the Superintendent shall:
1. Strive to interpret the needs of the school to the public and the concerns of the public to the Board;
 2. As appropriate, involve members of the public in the review of district needs, community needs, and the operation of the school programs;
 3. Keep the public informed about the accomplishments and challenges of the school district;
 4. Cooperate with the news media; and
 5. Work effectively with municipal government officials and public agencies concerned with the welfare pupils.

Evaluation Criteria

The Superintendent will be evaluated in accordance with Policy No. 1240 and this job description.

N.J.S.A. 18A:7A:-11; 18A:17-17; 18A:17-18; 18A:17-21;
18A:22-8.1; 18A:27-4.1; 18A:37-4

N.J.A.C. 6A: 8-3.1; 6A:32-4.1; 32-12.2

Adopted: 5 November 2008

Adopted: 10 May 2011



1240 EVALUATION OF SUPERINTENDENT

The purpose of the annual evaluation is to promote professional excellence and improve the skills of the Superintendent, improve the quality of education received by the students in the schools, and to provide a basis for the review of the Superintendent's performance.

The Policy and Regulation 1240 shall be developed by the Board of Education after consultation with the Superintendent and shall include, but not limited to:

1. Determination of roles and responsibilities for the implementation of the annual evaluation policy and procedures.
2. Development of a job description and evaluation criteria based upon the Board of Education's local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties, and responsibilities of the Superintendent;
3. Specification of data collection and reporting methods appropriate to the job description;
4. Provisions for the preparation of an individual professional growth and development plan based in part upon any need(s) identified in the evaluation. The plan shall be mutually developed by the Board of Education and the Superintendent; and
5. Preparation of an annual written performance report by a majority of the full membership of the Board of Education and an annual summary conference between a majority of the total membership of the Board of Education and the Superintendent.

There shall be an annual summary conference between the Board of Education, with a majority of its total membership present, and the Superintendent which shall be held before a written performance report is filed. The conference shall be held in executive session, unless the Superintendent requests that it be held in public. The conference shall include, but not limited to, review of the following:

1. Performance of the Superintendent based upon the Board approved job description;



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Evaluation of Superintendent

2. Progress of the Superintendent in achieving and/or implementing the school district's goal, program objectives, policies, instructional priorities, State goals, and statutory requirements; and
3. Indicators of student's progress and growth toward program objectives.

The annual written performance shall be prepared by July 1 a majority of the Board of Education's total membership and shall include, but not be limited to:

1. Performance area(s) of strength;
2. Performance area(s) needing improvement based upon the job description and evaluation criteria set forth in N.J.A.C 6A:10-8.1 (c)2;
3. Recommendations for professional growth and development;
4. A summary of indicators of student's progress and growth, and a statement of how the indicators relate to the effectiveness of the overall program and the Superintendent's performance; and
5. Provision for performance data not included in the report to be entered into the record by the Superintendent within ten teaching staff member working days after the report's completion.

The evaluation procedure for a nontenured Superintendent shall be completed by July 1 each year.

Each newly appointed or elected Board of Education member shall complete a New Jersey School Boards Association training program on the evaluation of the Superintendent within six months of the commencement of his or her term of office pursuant to N.J.S.A. 18A:17-20.3.b.

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of a collective bargaining agreement or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered after July 1, 2013 shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to collective bargaining involve matters of educational policy or managerial prerogatives.



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Evaluation of Superintendent

The Board of Education shall add to the Superintendent's personnel file all written performance reports and supporting data, including, but not limited to, indicators of student progress and growth. All information contained in written performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et. seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the New Jersey Department of Education from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

The Board of Education may hire a qualified consultant to assist or advise in the evaluation process; however, the evaluation itself shall be the responsibility of the Board of Education.

Policy and Regulation 1240 shall be distributed to the Superintendent upon the adoption by the Board. Amendments to this Policy and Regulation shall be distributed within ten days after adoption.

The provisions of this Policy, Regulation, and N.J.A.C. 6A:10-8.1 et seq. are the minimum requirements for the evaluation of a Superintendent.

N.J.S.A. 18A:17-20.3; 18A:6-117 through 18A:6-129
N.J.S.C. 6A:10-1.1 et seq.; 6A:10-8.1 et seq.

Adopted: 5 November 2008

Adopted: 28 January 2014

Adopted: 12 January 2016



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Evaluation of Superintendent

R1240 EVALUATION OF SUPERINTENDENT

- A. Roles and Responsibilities for the Implementation of the Annual Evaluation Policy and Responsibilities
1. The Board of Education and the Superintendent will develop and the Board will adopt a job description and evaluation criteria for the Superintendent's position based upon the Board's local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties and responsibilities of the Superintendent.
 2. The Superintendent shall have primary responsibility for data collection and reporting methods appropriate to the job description.
 3. The Board President, or the Board President's designee, shall oversee the annual evaluation of the Superintendent.
 4. The Board of Education shall establish timelines for completion of the annual evaluation of the Superintendent.
- B. Annual Summary Conference
1. The Board of Education shall conduct an annual conference with the Superintendent to develop and prepare an Annual Written Performance Report.
 2. The annual summary conference between the Board of Education, with a majority of its total membership present, and the Superintendent shall be held before the Annual Written Performance Report is prepared and filed.
 3. The Superintendent shall submit to all Board members any information, documentation, statistics, or any other data or information he/she would like for the Board members to consider at the annual summary conference.
 4. The Board President, or the Board President's designee, shall preside over the Board's annual summary conference meeting.
 5. The conference shall be held in executive session, unless the Superintendent requests it be held in public. The conference shall include, but not limited to, review of the following:



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Evaluation of Superintendent

- a. Performance of the Superintendent based upon the Board approved job description;
 - b. Progress of the Superintendent in achieving and/or implementing the school district's goals, program objectives, policies, instructional priorities, State goals and statutory requirements; and
 - c. Indicators of student progress and growth toward program objectives.
- C. Annual Written Performance Report
1. The Annual Written Performance Report shall be prepared and approved by a majority of the Board of Education's total membership by July 1 and shall include, but not limited to:
 - a. Performance area(s) of strength;
 - b. Performance area(s) needing improvement based upon the job description and evaluation criteria set forth in N.J.A.C. 6A:10-8.1(c)2;
 - c. Recommendations for professional growth and development;
 - d. Summary of indicators of student progress and growth, and a statement of how the indicators relate to the effectiveness of the overall program and the Superintendent's performance and
 - e. Provision for performance data not included in the report to be entered into the record by the Superintendent within ten teaching staff member working days after the report's completion.
 2. The Board President, or the Board President's designee, shall prepare a draft of the Annual Written Performance Report after the annual summary conference.
 3. The draft of the Annual Written Performance Report shall be disseminated to all Board members for review and comment before presenting the draft report to the Superintendent.



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Evaluation of Superintendent

- a. In the event a Board member believes a provision(s) of the draft of the Annual Written Performance Report is not in accord with the provisions agreed to by a majority of the Board during the annual summary conference, the Board member shall submit in writing their proposed revision(s) to the drafter of the Annual Written Performance Report. The draft the Annual Written Performance Report may be revised by the drafter of the report if the drafter agrees with the Board member's proposed revisions. In the event the drafter does not agree with the proposed revision(s), the issue shall be presented to the full membership of the Board of Education in executive session to make a final determination.
 4. The draft of the Annual Written Performance Report shall be presented to the full membership of the Board of Education in executive session for discussion and approval after the draft report has been disseminated to all Board members for review. The Superintendent shall receive a copy of the draft of the Annual Written Performance from the Board President, or Board President's designee, prior to the executive session where the Board is scheduled to discuss and approve.
 5. In the event the Superintendent does not agree with a provision(s) in the draft of the Annual Written Performance Report, the Superintendent shall be provided an opportunity to discuss with the full membership of the Board reconsideration of the disputed provision(s).
 6. A majority of the Board's full membership shall approve the draft of the Annual Written Performance Report before presenting the final Annual Written Report to the Superintendent.
 7. The Superintendent may submit a written response to the final Annual Written Performance Report, which shall be attached to the report.
- D. Nontenured Superintendent of Schools
1. The evaluation procedure for a nontenured Superintendent shall be completed by July 1 each year.

Adopted: 5 November 2008

Adopted: 28 January 2014

Adopted: 12 January 2016



1260 INCAPACITY OF SUPERINTENDENT

The Board of Education will appoint, by the affirmative votes of a majority of the members of the full Board, and fix the compensation of an Acting Superintendent to serve when the Superintendent is so incapacitated as to render him/her unable to perform the duties of the office of Superintendent.

The Superintendent will be deemed to be incapacitated when:

1. The Superintendent is absent on disability leave of a projected duration of one hundred eighty days or more; or
2. The Superintendent is certified incapacitated by a physician in accordance with Board Policy No. 3161; or
3. The Superintendent has been suspended with pay; or
4. The Superintendent has been suspended without pay pending the resolution of tenure charges.

The Acting Superintendent shall discharge the duties of the office until the Superintendent returns, resigns, or is removed from the position. The acts of the Acting Superintendent shall be legal and binding as if done by the Superintendent. The Acting Superintendent shall not acquire tenure in the position of Superintendent.

N.J.S.A. 18A:16-1.1; 18A:17-15

Adopted: 5 November 2008



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Employment of School Business Administrator/
Board Secretary

1310 **EMPLOYMENT OF SCHOOL BUSINESS ADMINISTRATOR/ BOARD SECRETARY**

The Board of Education shall appoint a qualified and capable person to fill a vacancy in the position of School Business Administrator/Board Secretary. An appointment shall be made within a reasonable time after the occurrence of the vacancy and by the recorded roll call vote of a majority of the full Board. No person shall act as School Business Administrator/Board Secretary or perform the duties of a School Business Administrator/Board Secretary, as prescribed by the rules and regulations of the State Board of Education, unless he/she holds such a certificate.

All candidates for the position of School Business Administrator/Board Secretary must produce evidence of their training and/or experience in the fields of economics; law; accounting; organizational theory; management or administration; finance; and other responsibilities as outlined in the job description or required by the Board.

A candidate for the position of School Business Administrator/Board Secretary shall be recommended to the Board by the Superintendent. The Board of Education will appoint a suitable person who holds the appropriate certificate as prescribed by the State Board of Education. The appointment of the School Business Administrator/Board Secretary shall be made by the Board, which shall also fix the compensation to be paid to the School Business Administrator/Board Secretary.

Any candidate's misstatement of fact material to qualifications for employment or the determination of salary will be considered by this Board to constitute grounds for dismissal.

N.J.S.A. 18A:16-1; 18A:17-5; 18A:17-14.1 et seq.
N.J.A.C. 6A:9B-12.3

Adopted: 5 November 2008
Adopted: 20 September 2016



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Duties of School Business Administrator/
Board Secretary

1320 DUTIES OF SCHOOL BUSINESS ADMINISTRATOR/ BOARD SECRETARY

Reports to: Superintendent of Schools

Responsibilities

1. Attends Board meetings, prepares Board meeting notices, Board agendas, minutes, and prepares such reports for the Superintendent as requested.
2. Assists in the determination of types of cleaning, maintenance, renovation, and construction programs needed in the schools and makes appropriate recommendations to the Superintendent.
3. Reports on the status of district financial and maintenance programs and services.
4. Serves as a resource person during the budget development and budget monitoring process to all Building Principals and Directors.
5. Supervises the business department's work of processing and completing certain business activities as well as planning for the maintenance and expansion of all school facilities.
6. Keeps the Superintendent informed about the needs of the school district in the areas of budget development, budget management, custodial needs, maintenance needs, construction and renovation.
7. Prepares State reports and claims as required.
8. Assists with budget development and long-range financial planning.
9. Develops, implements, and monitors a written program for the systematic inventoring and purchasing of supplies, materials, and equipment.
10. Develops and supervises a program for budget and budget control.
11. Administers, through the Food Services Director, the cafeteria services and the school lunch program.



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Duties of School Business Administrator/
Board Secretary

12. Establishes and supervises a program of accounting and reporting for the financial affairs of the district.
13. Supervises data processing procedures to provide management information, evaluation techniques, and long-range forecasts.
14. Supervises personnel in the Business Department.
15. Serves as a consultant on any grant proposal originating in the district.
16. Interprets the business area of educational programs to the community at large.
17. Manages the district's real estate and insurance programs.
18. Supervises the development of monthly and annual financial reports as required.
19. Consults with the Superintendent and district personnel on questions relating to the district's business affairs.
20. Serves as a liaison between the Business office and city finance departmental personnel.
21. Performs such other duties and assumes such other responsibilities as the Superintendent may from time to time assign.

Qualifications

1. Valid New Jersey Certification in School Business Administration.
2. A Master's Degree or its equivalent from an approved institution.
3. A minimum of five years of experience in fields related to the areas of expected performance.
4. At least one year experience in a supervisory capacity.
5. Knowledge of and demonstrated ability to perform in areas of responsibility.



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Duties of School Business Administrator/
Board Secretary

Selection Procedure

1. Review of credentials filed with the Superintendent of Schools.
2. An oral interview to determine an applicant's personal qualifications and aptitude for the position, as required.
3. The appointment of a person to the position advertised is the responsibility of the Board of Education and will be made in compliance with Board policies related to the appointment of professional personnel.

Salary Range

Negotiable; based on background, training, and experience.

Term of Employment

Twelve-month work year.

Adopted: 5 November 2008



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ADMINISTRATION - POLICY

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Evaluation of the School Business Administrator

1330 EVALUATION OF THE SCHOOL BUSINESS ADMINISTRATOR

The Superintendent will evaluate the performance of the School Business Administrator, tenured or nontenured, in order to assist both the Board and the School Business Administrator in the proper discharge of their responsibilities and to provide the district with efficient and effective services.

The evaluation of the School Business Administrator will consist of an assessment, by the Superintendent, of the School Business Administrator's performance of the duties specified in the job description approved by the Board. Reference will be made to the report of the auditor. The Superintendent may, in his/her discretion, consult with staff members assigned to work with the School Business Administrator.

The Board and the Superintendent will annually establish procedures for the evaluation of the School Business Administrator. Such procedures may include, but need not be limited to, an informal conference with the School Business Administrator for the purpose of discussing his/her job performance, a written evaluation report to which the School Business Administrator may add comments, and the establishment of a written plan for performance improvement and growth. The School Business Administrator will be evaluated by the Superintendent no later than April 30th.

Adopted: 5 November 2008



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Evaluation of School Business Administrator

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R 1330 **EVALUATION OF SCHOOL BUSINESS ADMINISTRATOR**

A. Frequency of Evaluation

The Superintendent will evaluate the performance of the School Business Administrator annually, no later than June 30, or more frequently as the Superintendent deems necessary.

B. Purpose

The evaluation of the School Business Administrator shall be for the purpose of:

1. Promoting professional excellence and improving the skills of the School Business Administrator;
2. Improving the effectiveness and efficiency of the financial management system;
3. Reviewing the performance of the School Business Administrator against specific criteria developed by the Superintendent in consultation with the Board.

C. Evaluation Criteria

1. Criteria for the evaluation of the School Business Administrator will be based upon the job description and will relate directly to each of the tasks described. Each criteria will be brief and will focus on a major function of the position, be based on observable information rather than factors requiring subjective judgment, and be written in a consistent format.
2. The Board shall develop and approve criteria for the evaluation which will be reviewed as necessary and as requested by the School Business Administrator but not less than annually, and upon any revision of the School Business Administrator's job description. Any proposed revision of the evaluation criteria will be provided to the School Business Administrator for comment before its adoption, and a copy of the adopted revision shall be provided to the School Business Administrator within ten working days of its adoption.
3. On or about April 1, the Superintendent will complete a written evaluation of the School Business Administrator.



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Evaluation of School Business Administrator

4. Upon completion, the Superintendent will provide a copy of the evaluation to the School Business Administrator.
5. The Superintendent and School Business Administrator will meet for an Annual Summary Conference to discuss the evaluation, establish a plan for performance, improvement, and growth.
6. An opportunity will be provided for the School Business Administrator to enter performance data not included in the annual performance report and to respond to any commentary in the written evaluation.

D. Collection and Reporting of Evaluation Data

Data for the evaluation of the School Business Administrator will be gathered by any one or more of the following methods:

1. Direct observation;
2. Review of a document produced by the School Business Administrator in the performance of his/her assigned duties;
3. Interviews with the School Business Administrator by the Superintendent regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments (such as competency tests, staff surveys, and the like);
5. A review of the School Business Administrator's performance by an outside observer (such as the district auditor);
6. Audio-visual monitoring of the School Business Administrator in the performance of assigned duties; and
7. Reference to previous performance reports.

E. Preparation of Written Evaluation Report

An annual written performance report shall be prepared, no later than June 30, by the Superintendent. The report will include, but need not be limited to:

1. Performance areas needing improvement;



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Evaluation of School Business Administrator

2. A plan for professional growth and development; and
 3. Provision for performance data not included in the report which may be entered into the report by the School Business Administrator within ten working days after the completion of the report.
- F. Conduct of Annual Performance Conference
1. An annual summary conference with the School Business Administrator will be conducted by the Superintendent before the annual performance report is filed.
 2. The conference shall include but need not be limited to:
 - a. A performance review based upon achieving and implementing, as applicable, the district's goals, program objectives, policies, priorities, and statutory requirements;
 - b. A review of the most recent audit report; and
 - c. Growth toward the performance objectives established in the previous performance conference.
 3. The purpose of the annual performance conference shall be to provide a total review of the year's work, to identify strategies for improvement where necessary, to recognize achievement and good practice, and to specify a plan for professional growth and development. Adequate time shall be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
 4. The annual performance report will be signed by the Superintendent at the time of the annual performance conference and by the School Business Administrator within ten working days of that conference. It will be filed in the School Business Administrator's personnel file, and a copy will be provided to him/her.
 5. It will be the duty of the School Business Administrator to implement the plan for professional growth as prepared; his/her failure to do so may result in disciplinary action up to and including certification of tenure charges.

Issued: 5 November 2008



1331 **EVALUATION OF THE BOARD SECRETARY**

The Board of Education will evaluate the performance of the Board Secretary in order to assist both the Board and the Board Secretary in the proper discharge of their responsibilities and to provide the district with efficient and effective services.

The evaluation of the Board Secretary will consist of an assessment, by members of the Board, of the Board Secretary's performance of the duties specified in the job description as they relate to the function of Board Secretary approved by the Board. Reference will be made to the report of the auditor. The Board may, in its discretion, consult with staff members assigned to work with the Board Secretary. If the Board Secretary also serves as School Business Administrator, the Superintendent of Schools shall evaluate the individual with regard to those duties and responsibilities.

The Board will annually establish procedures for the evaluation of the Board Secretary. Such procedures may include, but need not be limited to, an informal Board conference with the Board Secretary for the purpose of discussing his/her job performance, a written evaluation report to which the Board Secretary may add comments, and the establishment of a written plan for performance improvement and growth. The Board Secretary will be evaluated by the Superintendent no later than April 30th.

Adopted: 5 November 2008



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Incapacity of School Business Administrator/
Board Secretary

1350 **INCAPACITY OF SCHOOL BUSINESS ADMINISTRATOR/ BOARD SECRETARY**

The Board of Education will appoint, by the affirmative votes of a majority of the members of the full Board, and fix the compensation of an Acting School Business Administrator/Board Secretary to serve when the School Business Administrator/Board Secretary is so incapacitated as to render him/her unable to perform the duties of the office of School Business Administrator/Board Secretary.

The School Business Administrator/Board Secretary will be deemed to be incapacitated when:

1. The School Business Administrator/Board Secretary is absent on disability leave of a projected duration of one hundred eighty days or more; or
2. The School Business Administrator/Board Secretary is certified incapacitated by a physician in accordance with Board Policy No. 3161; or
3. The School Business Administrator/Board Secretary has been suspended with pay; or
4. The School Business Administrator/Board Secretary has been suspended without pay pending the resolution of tenure charges.

The Acting School Business Administrator/Board Secretary shall discharge the duties of the office until the School Business Administrator/Board Secretary returns, resigns, or is removed from the position. The acts of the Acting School Business Administrator/Board Secretary shall be legal and binding as if done by the School Business Administrator/Board Secretary. The Acting School Business Administrator/Board Secretary shall not acquire tenure in the position of School Business Administrator/Board Secretary.

N.J.S.A. 18A:16-1.1; 18A:17-5

Adopted: 5 November 2008



1400 **JOB DESCRIPTIONS**

The Board of Education shall adopt job descriptions for the positions of Superintendent, School Business Administrator/Board Secretary, and each supervisory position. The Superintendent shall prepare, approve, and disseminate to the Board job descriptions for all other employment positions created by the Board.

All job descriptions will be written and will be based on the outcome and process goals developed by the Board and, as appropriate to the position, on program objectives. Each job description will specify:

1. The qualifications and specific certificate and endorsement required for the position;
2. The function, duties, and responsibilities of the position;
3. The extent and the limits of the position holder's authority;
4. The work relationships between the position holder and other employees of the district; and
5. Any background experiences, personal qualities, and individual achievements that the Board prefers in a person appointed to the position.

Job descriptions will be reviewed periodically.

N.J.A.C. 6A:32-4.1; 6A:32-4.4; 6A:32-4.5; 6A:32-5.1

Adopted: 5 November 2008



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Job Descriptions

R 1400 **JOB DESCRIPTIONS**

- A. A job description shall be prepared for each job position in the district, including all administrative, educational specialist, instructional, and support staff positions.
- B. Each job description must include:
 - 1. The goals of the position as they relate to district goals;
 - 2. The qualifications of the position holder including the certificate and endorsement required for the position and such other prerequisites for employment as the possession of a license to operate a vehicle or machine;
 - 3. The functions, duties, and responsibilities of the position;
 - 4. The extent and limits of the position holder's authority; and
 - 5. The working relationships of the position within and outside the school district.
- C. Each job description will:
 - 1. Be written in clear language that briefly describes the major functions of the position;
 - 2. Whenever possible, be generic in form, covering a number of specific positions;
 - 3. Be written in the same format, using the active and present tense, operational verbs, common terminology, and a direct, simple style; and
 - 4. Be gender neutral or employ both male and female pronouns.
- D. Maintenance of district job descriptions shall be the responsibility of the Director of Human Resources. Job descriptions shall be reviewed on the request of a single position holder.
- E. Each employee shall be sent a copy of his/her current job description by the Director of Human Resources. Any revision of a job description shall be provided to each holder of a position covered by the job description within ten working days of its approval.
- F. Suggested revisions to job descriptions by a jobholder shall be referred initially to the jobholder's immediate supervisor.

Adopted: 5 November 2008



1510 AMERICANS WITH DISABILITIES ACT

It is the policy of the Board of Education that no qualified individual with a disability will, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, activity, services or sponsored by this Board. The Board will comply with the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendments Act of 2008 (hereafter referred to as the Act).

Notice of the Board Policy 1530 – Equal Educational Opportunities and Board Policy 5750 – Equal Educational Opportunity will be included in the Board policy manual, posted throughout the district, and referenced in any district statement regarding the availability of employment positions or educational services.

Employment

No employee or candidate for employment will be discriminated against in recruitment, hiring, advancement, discharge, compensation, job training, transfer, or any other term, condition, or privilege of employment solely on the basis of a disability, provided the employee or candidate can, with or without reasonable accommodation, perform the essential functions of the position sought or held.

No candidate for employment will be required to answer a question or submit to an examination regarding a disability except as such disability relates directly to perform job-related functions. No candidate will be discriminated against on the basis of a disability that is not directly related to the essential function of the position for which he/she has applied.

Reasonable accommodations, not directly affecting the educational and/or instructional program, will be made to accommodate employment conditions to the needs of qualified individuals with disabilities, such accommodations may include, but are not limited to: making existing facilities used by employees readily assessable to and usable by individuals with disabilities, job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.



Facilities Maintenance and Accessibility

No qualified individual with a disability will, because of the school district's facilities being inaccessible or unusable by disabled persons, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity offered by the Board. No new facilities will be constructed that do not fully comply with and the Act. Alterations to existing facilities or part thereof, will be altered in such a manner to the maximum extent feasible, that the facilities are readily accessible and usable by individuals with disabilities who have a need to access Board facilities.

The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by persons with disabilities.

Service, Program and Activity Access

The district will make reasonable accommodations so that services, programs, and activities are readily accessible and usable by qualified individuals with disabilities. The district is not required to provide personal devices or services of a personal nature to qualified individuals with disabilities.

Evaluation and Compliance

The Superintendent or designee will evaluate district programs and practices on nondiscrimination, in accordance with law, and will report to the Board accordingly. Assurances of compliance will be submitted as required by law.

The district will evaluate its current services, policies, practices, and the effects thereof with regard to the requirements of the Act and make necessary modifications to meet the Act requirements. If such modifications would result in a fundamental alteration of the nature of the affected program or activity, or undue financial or administration burden, the district will provide access through means which would not result in a fundamental alteration or undue financial or administrative burden. 28 CFR §35.150(a)

For a period of at least three years following completion of the self-evaluation, the district will maintain on file, available for public inspection, a description of the areas examined and problems identified, and modifications made.



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East Orange Board of Education

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Americans with Disabilities Act

Enforcement - 28 CFR §35.107

A designee selected by the Superintendent of schools will be assigned as district coordinator for matters dealing with ADA compliance. The district coordinator can be contacted at the following address or telephone number:

Address: 199 4th Avenue
East Orange, New Jersey 07017

Telephone Number: 973-266-5761

Grievance procedures are outlined in Regulation 1510.

Guarantee of Rights

The Board will not interfere, directly or indirectly, with any person's exercise or enjoyment of the rights protected by the Act.

The Board will not discriminate against any person for that person's opposition to any act or practice made unlawful by law or this Policy or for that person's participation in any manner in an investigation or proceeding arising under the Act.

The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.

Notice

Policy and Regulation 1510 will be available to any member of the public in the district's Policy and Regulation Manual as well as the District's website.

42 U.S.C. 12101 (Americans with Disabilities Act of 1990, as amended)
N.J.S.A. 10:5-1 et seq.
N.J.S.A. 18A:18A-17
N.J.A.C. 6A:14-1 et seq.
34 CFR Part 104

Adopted: 5 November 2008
Adopted: 11 October 2016
Adopted: 16 March 2017



R 1510 AMERICANS WITH DISABILITIES ACT

The Board of Education will comply with the requirements of the Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008 (hereafter referred to as the "Act.")

A. Definitions

1. "Act" means the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008.
2. "Auxiliary aids and services" are identified based on the context of the communication and the individual's disability. 28 CFR §35.104

They include, but are not limited to:

- a. Effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
 - b. Effective methods of making visually delivered materials available to individuals who are blind or have low vision;
 - c. Acquisition or modification of equipment or devices or similar services and actions; and
 - d. Other similar services and actions.
3. "Board" means the Board of Education of this school district.
 4. "Companion" means a family member, friend, or associate of an individual seeking access to a service, program, or activity of a school district, who, along with such individual, is an appropriate person with whom the district should communicate.
 5. "Complete complaint" means a written statement, signed by the complainant or someone authorized to do so on his/her behalf, containing the complainant's name and address and describing the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation. 28 CFR §35.104



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Americans with Disabilities Act

6. "Current illegal use of drugs" means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.
7. "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 CFR §35.139
8. "Disability" means, with respect to an individual, that the individual meets one or more of the following three prongs:
 - a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
 - b. A record of such an impairment; or
 - c. Being regarded as having such an impairment.
9. "District" means this school district.
10. "District Coordinator" means the district official responsible for the coordination of activities relating to compliance with the Act.
11. "Drug" means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act. 21 U.S.C. §812
12. "Employee" means an individual employed by the Board.
13. "Essential functions of the employment position" are based upon the employer's judgment and can include an employer's written description, prepared before advertising or interviewing applicants for the job.
14. "Existing facility" means a facility in existence on any given date, newly constructed or altered.
15. "Facility" means all or any portion of buildings, property, or structures, including the site where the building, property, structure, or equipment is located.
16. "Illegal use of drugs" means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. 21 U.S.C. §812



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17. "Individual with a disability" means a person who has a disability and does not include an individual currently engaging in the illegal use of drugs, when the district acts on the basis of such use.
18. "Major life activities" means those of central importance to daily life and include, but are not limited to, functions such as: caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sitting, reaching, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. "Major life activities" also includes physical or mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system. 28 CFR §35.108; 28 CFR §36.105
19. "Mitigating measures" means steps taken to eliminate or reduce the symptoms or impact of an impairment. "Mitigating measures" include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or other implantable hearing devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102
 - a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.
20. "Office for Civil Rights" (OCR) means the United States Department of Education Office for Civil Rights.
21. "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines used by individuals with mobility disabilities for the purpose of locomotion, including any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. 28 CFR §35.104



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Americans with Disabilities Act

22. "Physical or mental impairment" means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR§36.105(b)4
- a. Physical or mental impairments may include, but are not limited to: contagious and noncontagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
 - b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.
 - c. An impairment that is episodic or in remission may be considered a "disability" if it would substantially limit a major life activity when active.
 - d. Not all impairments are disabilities.
23. "Public entity" means this Board of Education.
24. "Qualified individual" for the purposes of employment, means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position (based upon the employer's judgment) that such individual holds or desires. An employer's written description, prepared before advertising or interviewing applicants for the job, shall be considered evidence of the essential functions of the job. 42 U.S.C. 126 §12111(8)



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Americans with Disabilities Act

25. "Reasonable accommodation" may include making existing facilities used by employees readily assessable to and usable by individuals with disabilities and job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
26. "Record of such an impairment" means the individual has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
27. "Regarded as having an impairment" means the individual establishes that he or she has been subjected to a prohibited action under the Act because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits or is perceived to substantially limit a major life activity.
 - a. For this prong only, the public entity must demonstrate the impairment is or would be both transitory (lasting or expected to last six months or less) and minor to show an individual is not regarded as having such an impairment. 42 U.S.C. 126 §12102(3)(B)
 - b. A public entity is not required to provide a reasonable modification to an individual meeting the definition of "disability" solely under the "regarded as" prong.
28. "Substantially limits" means the extent to which the impairment limits an individual's ability to perform a major life activity as compared to most people in the general population, whether or not an individual chooses to forgo mitigating measures. 42 U.S.C. 126 §12102(4); 28 CFR §35.108(d); 28 CFR §35.105(d) The rules of construction when determining whether an impairment substantially limits performance of a major life activity include:
 - a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.
 - b. That it does not demand extensive analysis.
 - c. That it substantially limits one major life activity, but not necessarily other major life activities.



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- d. That it may be episodic or in remission, as long as the impairment would substantially limit a major life activity when active.
 - e. That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.
 - f. That it requires an individualized assessment which does not create an “inappropriately high level of limitation” and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).
 - g. That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate evidence that can be considered may include statements or affidavits of affected individuals and school records).
 - h. That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.
 - i. That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: “actual disability” or “record of”.
29. “Undue hardship” means an action requiring significant difficulty or expense when considered in light of factors which include: the nature and cost of the needed accommodation; the overall financial resources of the district or facility providing the reasonable accommodation; the size of the district with respect to the number of employees; effect on expenses and resources, or the impact otherwise of accommodation upon the operation of the facilities; and the type/location of facilities. 42 U.S.C. 126 §12111 (10)
30. “Wheelchair” means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability.



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B. General Requirements

1. Prohibitions Against Discrimination

- a. Discrimination is prohibited against a qualified individual on the basis of a disability. Such individual will not be excluded from participation in or denied the benefits of district services, programs, or activities or be subjected to discrimination by the district in accordance with 28 CFR §35.130. The district must ensure that:
 - (1) When services, programs, and activities are viewed in their entirety, they are accessible to and usable by individuals with disabilities; and
 - (2) Access to services, programs, and activities is provided in an integrated setting unless separate programs are necessary to ensure equal benefits.
- b. The district is not required to take any action that would result in a fundamental alteration of the nature of the program or activity or undue financial or administrative burden. However, claiming undue burden still requires the district to provide access through means that would not result in a fundamental alteration or undue financial or administrative burden.

2. Direct Threat - 28 CFR §35.139

- a. The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.
- b. To determine whether an individual poses a direct threat to the health or safety of others, the district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:
 - (1) The nature, duration, and severity of the risk;
 - (2) The probability that the potential injury will actually occur; and



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- (3) Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

3. Illegal Use of Drugs - 28 CFR §35.131

- a. The district will not discriminate on the basis of past illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who:

- (1) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;
- (2) Is participating in a supervised rehabilitation program; or
- (3) Is erroneously regarded as engaging in such use.

- b. While the Act does not prohibit discrimination against an individual based on that individual's current illegal use of drugs, the district will not deny health services or services provided in connection with drug rehabilitation to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

- c. The Act does not prohibit the district from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

C. Personal Devices and Services

1. The district will permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. 28 CFR §35.137



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2. The district will make reasonable modifications to permit the use of other power-driven mobility devices by individuals with mobility disabilities unless the district can demonstrate that the power-driven device cannot be operated in accordance with legitimate safety requirements pursuant to 28 CFR §35.137. The district will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. The district may require the individual to provide credible assurance that the device is required because of the person's disability.
 3. The district is not required to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing pursuant to 28 CFR §35.135.
- D. Employment - 42 U.S.C. 126 §12112
1. Discrimination in Employment
 - a. The Board will not discriminate against a qualified individual on the basis of disability in regard to job application procedures; hiring, advancement, or discharge; compensation; job training; and other terms, conditions, and privileges of employment.
 - b. Applicants and employees working for or applying to work for the district who qualify for a job and are able to perform the essential functions of that job are entitled to reasonable accommodations provided that such accommodations do not pose undue hardship for the district.
 - c. Nothing in the Act shall be construed to preempt, modify, or amend any State, county, or local law, ordinance, or regulation as outlined in N.J.A.C. 6A:32-4.1 et seq.
 - d. The school district may not, on the basis of disability:
 - (1) Limit, segregate, or classify a qualified individual in a way that adversely affects his/her opportunities or status of such employee, applicant, or participant in a contractual or other arrangement;



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- (2) Utilize standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability or perpetuate the discrimination of others subject to common administrative control;
 - (3) Exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to associate or have a relationship;
 - (4) Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual with a disability or deny employment opportunities to such qualified individual unless the district can demonstrate that the accommodation would impose undue hardship to district operations;
 - (5) Use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out individuals with disabilities unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity; and/or
 - (6) Select and administer tests concerning employment to otherwise qualified individuals who possess impaired sensory, manual, or speaking skills, unless done in an effective manner to ensure that, when such tests are administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the skills, aptitude, or other factors such tests purport to measure rather than reflecting the impaired sensory, manual, or speaking skills of the employee or applicant (except where such skills are the factors that the test purports to measure).
2. Medical Examinations and Inquiries - (42 U.S.C. 126 §12112)
 - a. Pre-employment
 - (1) Prohibited examination or inquiries:



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- (a) Whether such an applicant is an individual with a disability; or
 - (b) The nature or severity of such disability.
- (2) Acceptable inquiry:
- (a) The ability of an applicant to perform job-related functions.
- b. Employment Entrance Examinations
- (1) The district may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:
 - (a) All entering employees are subject to such an examination regardless of disability;
 - (b) Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:
 - i. Supervisors and managers may be informed regarding necessary restrictions on work or duties of the employees and necessary accommodations;
 - ii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
 - iii. Government officials investigating compliance with this Act, will be provided relevant information on request.
 - (2) The results of such examination shall only be used in accordance with these provisions.



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- c. Examination and Inquiry:
 - (1) Prohibited examinations and inquiries:
 - (a) The district will not require a medical examination and will not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.
 - (2) Acceptable examinations and inquiries:
 - (a) The district may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees in the district.
 - (b) The district may make inquiries into the ability of an employee to perform job-related functions.
- 3. Defenses - 42 U.S.C. 126 §12113
 - a. Qualification Standards
 - (1) It may be a defense to a charge of discrimination under the Act that an alleged application of qualification standards, tests, or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under the Act.
 - (a) The term "qualification standards" may include a requirement that an individual will not pose a direct threat to the health or safety of other individuals in the workplace.



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- (b) Notwithstanding 42 U.S.C. 126 §12102 (4)(E)(ii), the Board will not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.

- b. Infectious and Communicable Diseases
 - (1) In any case in which an individual has an infectious or communicable disease included on the list developed by the United States Secretary of Health and Human Services in accordance with the Act, and which cannot be eliminated by reasonable accommodation, and that is transmitted to others through the handling of food, the Board and its administration may refuse to assign or allow such individual to continue to work in a job involving food handling.

- c. Illegal Use of Drugs and Alcohol - 42 U.S.C. 126 §12114
 - (1) An individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, with exceptions noted in section B.3. of this Regulation.
 - (2) The Board will hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior as other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee.

- d. Drug Testing
 - (1) For the purposes of the Act, a test to determine the illegal use of drugs will not be considered a medical examination.
 - (2) No provision of the Act shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.



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E. Program Accessibility

1. Discrimination Prohibited

a. Except as otherwise provided in 28 CFR §35.150, no qualified individual with a disability will, because the district's facilities are inaccessible to or unusable by individuals with disabilities, including inside or outside access to such facilities, may be excluded from participation in, or be denied the benefits of the services, programs, or activities of the district, or be subjected to discrimination by the district.

b. The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by individuals with disabilities. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 CFR §35.133

(1) In regard to existing facilities, the district will operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

(a) The district is not required to fundamentally alter the nature of a service, program, or activity, or assume undue financial or administrative burdens, or take any action threatening the historic significance of a historic property and has the burden of proving that compliance with the Act would result in such alterations or burdens. 28 CFR §35.150(a)

(b) Should the Board and Superintendent of Schools or his/her designee determine, after considering all resources available, that compliance would result in such alteration or burden, a written statement of reasons must accompany such a determination.



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- (c) The Board will take any other action, including, but not limited to redesign or acquisition of equipment, or reassignment of services or staff, that would not result in such alteration or burden, but would, nevertheless, ensure that individuals with disabilities receive the benefits/services provided by the district.
 - (2) In regard to new construction and alterations, each facility or part of a facility constructed by, on behalf of, or for the use of the district will be designed and constructed in such manner, in accordance with 28 CFR §35.151, that the facility or part of the facility is readily accessible to and usable by individuals with disabilities.
 - (a) Full compliance with the requirements of 28 CFR §35.151 is not required where the district can demonstrate that it is structurally impracticable to meet the requirements.
 - (b) If providing accessibility in conformance with 28 CFR §35.151 to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with 28 CFR §35.151.
- F. Communications - 28 CFR §35.160
- 1. The district will take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.
 - 2. The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.
 - a. Auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.



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- b. The district will not require an individual with a disability to bring another individual to interpret with a disability. The district will not rely on an adult accompanying an individual with a disability or on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interprets or facilitates communication, the accompanying adult agrees to provide such assistance, and reliance on that adult is appropriate under the circumstances.
 3. Where the district communicates by telephone with applicants and beneficiaries who are deaf, hard of hearing, or who have speech impairments, text telephones (TTYs) or equally effective telecommunications systems equipped with emergency service access will be used to communicate, in the same time and manner as with other telephone systems (including automated systems). 28 CFR §35.161
 4. The district will ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities, including signage at all inaccessible facility entrances. 28 CFR §35.163
- G. Grievance Procedure - 28 CFR §35.107(b)
1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall first discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
 2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the District Coordinator. The complaint will include:
 - a. The complainant's name and address;
 - b. The specific act or practice of which the complainant complains;
 - c. The employee, if any, responsible for the allegedly discriminatory act;



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- d. Results of discussions conducted in accordance with paragraph G.1. above; and
 - e. Reasons why those results are not satisfactory.
3. The District Coordinator will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the District Coordinator may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require at the hearing the presence of the staff member charged with a discriminatory act and any other person with knowledge of the complained act.
6. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the School Business Administrator/Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:
 - a. The original complaint;
 - b. The response to the complaint;
 - c. The Superintendent's decision;
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and



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- e. The complainant's reason for believing the Superintendent's decision should be changed.
8. If a staff member is charged with a discriminatory act, the Board will provide a copy of the appeal to that staff member.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section – 1425 NYAV
Washington, D.C. 20530
12. An individual who believes he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the district may, by himself/herself, or an authorized representative, at any time, file a complaint directly with OCR.
13. Record:
 - a. The record of any complaint processed in accordance with this procedure will be maintained in a file kept by the District Coordinator.
 - b. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

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1521 EDUCATIONAL IMPROVEMENT PLANS

The Board of Education recognizes that it receives additional foundation aid as a result of the designation of this district as a special needs district. In order to be accountable for the use of these funds, the Board directs the development of an educational improvement plan in each school in this district. District resources shall be allocated in implementation of the plan in accordance with rules of the State Board of Education.

Each educational improvement plan shall be consistent with Core Curriculum Content Standards, Department of Education recommendations, and monitoring requirements; designed to support district-level governance and management of finances and facilities; and designed to support school-level planning and reform. The plan must be adequately funded and must be formally approved by the Board.

Each educational improvement plan shall be the result of a collaborative effort of a school planning team, which shall coordinate its development, implementation, and evaluation. The team shall be comprised of the Principal, teaching staff members, parent(s) or legal guardian(s), other district employees, other community members, and pupils.

A majority of the planning team shall be composed of classroom teachers chosen as representatives by election at a meeting of all teaching staff members.

At least twenty-five percent of the team shall be parent(s) or legal guardian(s) of pupils enrolled in the school chosen as representatives by election at a meeting of the school parent/teacher organization.

The school planning team shall encourage the participation of a broad-based representation of the educational community; invite the contributions of parent(s) or legal guardian(s) and community at a public meeting; analyze pupil performance at the district and school levels; identify pupil outcome goals, indicators, and objectives; develop a school-level data base; select demonstrably effective improvement strategies; and specify activities, needed resources, staff responsibilities, timelines, costs, and evaluation strategies.

A report on the implementation and evaluation of the educational improvement plan shall be made to parent(s) or legal guardian(s) and the community at least yearly. The evaluation report shall be distributed to parent(s) or legal guardian(s), staff and communities in September of each year.

N.J.A.C. 6A:23-1.1 et seq.

Adopted: 5 November 2008



1523 COMPREHENSIVE EQUITY PLAN

The Board of Education shall submit a Comprehensive Equity Plan based on an assessment of the district's needs for achieving equity in educational programs that includes a cohesive set of policies, programs, and practices that ensure high expectations and positive achievement patterns and equal access to education opportunity for all learners, including students and teachers.

The Board's obligation to be accountable for the requirements in N.J.A.C.6A:7 is not precluded or alleviated by any rule or regulation of any organization, club, athletic association, or other league or group.

The Comprehensive Equity Plan shall include the following:

1. An assessment of the school district's needs for achieving equity in educational programs. The assessment shall include staffing practices, quality-of-program data, stakeholder-satisfaction data, and student assessment and behavioral data disaggregated by gender, race, ethnicity, limited English proficiency, special education, migrant, date of enrollment, student suspension, expulsion, Child Study Team referrals, preschool through grade twelve promotion/retention data, preschool through grade twelve completion rates, and re-examination and re-evaluation of classification and placement of students in special education programs if there is overrepresentation within a certain group;
2. A description of how other Federal, State, and district policies, programs, and practices are aligned to the Comprehensive Equity Plan;
3. **Progress targets for closing the achievement gap;**
4. Professional development targets regarding the knowledge and skills needed to provide a thorough and efficient education as defined by the Core Curriculum Content Standards; differentiated instruction and formative assessments aligned to Core Curriculum Content Standards; and high expectations for teaching and learning; and
5. Annual targets addressing district needs in equity in school and classroom practices that are aligned to professional development targets.

The Comprehensive Equity Plan shall be written every three years and the Board of Education shall initiate the Comprehensive Equity Plan within sixty days of its approval and shall implement the plan in accordance with the timelines approved by the New Jersey Department of Education.



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Comprehensive Equity Plan

In the event the Board of Education does not implement the Comprehensive Equity Plan within one hundred eighty days of its approval date, or fails to report its progress annually sanctions deemed to be appropriate by the Commissioner of Education or his/her designee shall be imposed, and may include action to suspend, terminate, or refuse to award continued Federal or State financial assistance, pursuant to N.J.S.A. 18A:55-2.

N.J.A.C. 6A:7-1.9

Adopted: 5 November 2008

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School Leadership Councils

1524 SCHOOL LEADERSHIP COUNCILS

The Board of Education adopts this Policy on the duties and responsibilities of School Leadership Councils (SLC) pursuant to N.J.A.C. 6A:10A-4.1(d). Each school in the district shall have an SLC to facilitate the participation of the school Principal, teachers, staff, parents, grandparents or guardians, and the community to develop a culture of cooperation, accountability, and commitment, all with a focus on improving pupil achievement.

The SLC shall assist in the development of, and approve, the school two-year report on instructional priorities. The SLC shall concentrate on the objective of universal mastery of the Core Curriculum Content Standards (CCCS) and helping to create a climate of cooperation and focus on pupil achievement. The Building Principal and instructional staff are responsible for implementation and the SLC shall not manage the day-to-day implementation of school policies.

The SLC membership shall include the Building Principal, representatives of teachers, of non-instructional support staff, of parents, and of the community. The SLC may include pupils, however, Board members shall not serve on the SLC. Parents employed by the school district, but not employed at the school, are eligible to serve on a SLC as a parent representative. No group identified above shall constitute more than fifty percent of the SLC membership.

Election of representatives to the SLC shall be as follows:

1. Certificated staff members shall elect representatives of certificated staff. The election process shall be agreed upon and conducted jointly by the Building Principal and the building representative of the bargaining unit, or his/her designee if the building representative is a candidate.
2. Non-certificated staff members shall elect non-certificated staff representatives. The election process shall be agreed upon and conducted jointly by the Building Principal and the building representative of the bargaining unit, or his or her designee if the building representative is a candidate.
3. Parents and guardians shall elect parent representatives. The election process shall be agreed upon and conducted jointly by the Building Principal and the president or chairperson of the school's parent organization/association or his/her designee if the parent leader is a candidate in the election. Such election shall only occur after notifications have been sent home with the pupils and other steps have been taken to attract a broad and diverse candidate pool and to assure maximum participation in the election. A parent who is an employee may not be a parent representative at the school where he or she is employed; and



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4. The community representative(s) shall be nominated by the Building Principal and approved by the SLC.

A SLC shall operate as follows:

1. The minimum term for each representative is two years. Terms shall be staggered to ensure continuity. A representative who has served his/her term may be eligible for re-election if nominated and elected in accordance with the election process described above.

A parent with children in more than one school may be elected to serve on more than one SLC, if permitted by the school district guidelines.

2. The guidelines for SLC operations, elections, and for the removal of members shall be in accordance with N.J.A.C 6A:10A-5 and this Policy. The guidelines are established to suggest means of effective outreach to improve participation by parents, guardians, and the community.
3. A member of the SLC shall receive no compensation for his or her services except that:
 - a. This provision shall not preclude payments to an employee pursuant to a collective bargaining agreement for hours beyond the school work day; and
 - b. A member of the SLC may be reimbursed for reasonable expenses at the discretion of the school district.
4. The SLC shall meet at least monthly in public sessions publicized in advance. The times, place, and dates of meetings shall be agreed to by a majority of the SLC membership.
5. The SLC may establish subcommittees and working groups as needed. Membership on subcommittees and working groups shall be open to members of the school community not serving on the SLC.
6. The SLC shall adopt By-laws that are consistent with school district guidelines and requirements and the provisions of N.J.A.C. 6A:10A-5.
7. The SLC may report difficulties that threaten the orderly discharge of its responsibilities to the Superintendent of Schools, who shall assist in resolving such difficulties by providing mediation, additional training, or technical support.



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8. Any SLC not in compliance with N.J.A.C. 6A:10A-5 or which has been characterized as ineffective by a Collaborative Assessment and Planning for Achievement (CAPA) team, shall, with the Superintendent of Schools, produce a transition plan that identifies actions to make the SLC more effective, which may include requests for appropriate waivers or equivalencies of the requirements established in N.J.A.C. 6A:10A-5.

The SLC shall be the collaborative advisory and decision-making body to improve teaching and learning in the school. The SLC shall, under the leadership of the Building Principal:

1. Continuously analyze pupil performance assessment data; and work with the Building Principal and faculty to identify obstacles to improved performance;
2. Review the school-based budget prepared by the school district central office for accuracy and to ensure that the needs of pupils, faculty, and the school are addressed. The SLC may propose modifications, consistent with the school district budgeting procedures and criteria. The SLC must document its recommendations;
3. Participate in training provided by the school district or the New Jersey Department of Education;
4. If the SLC has completed all school district training to participate in Building Principal selection, the SLC shall recommend three candidates for Building Principal to the Superintendent of Schools.
5. Collaborate with the CAPA team;
6. Develop the school report on instructional priorities, review its implementation, amend it in light of performance data and circumstances, and make it available to the school community and the school district; and
7. Maintain minutes and an agenda for all SLC meetings and make them available to the school community. Copies of the minutes shall be transmitted on a timely basis to the Superintendent of Schools.

The school district shall provide training to SLC members, for which it may request the assistance of the Local Support Team. The training shall include, but not be limited to:

1. Roles, relationships and responsibilities of the SLC;
2. Development, implementation, and evaluation of the school two-year report on instructional priorities and the school's annual budget;



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School Leadership Councils

3. Assessment of instructional needs, use of test results and other measures of pupil achievement to identify obstacles to improving pupil achievement, and identification of possible instructional strategies to reduce such obstacles;
4. Curriculum and instruction including the scope and content of the CCCS; as well as the school's obligations to, and programs for, English Language Learner (ELL) pupils and special education pupils;
5. Teamwork and consensus building;
6. Personnel, including certification requirements, NCLB standards for highly qualified teachers and the classroom observation and evaluation process; and
7. The requirements of NCLB and other laws or regulations that govern school operations and the delivery of instruction.

The Superintendent of Schools shall remove a SLC member who has not fulfilled the training requirement. Any member so removed may appeal to the Commissioner, pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

N.J.A.C. 6A:10A-4.1(d)

Adopted: 5 November 2008



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East Orange Board of Education

ADMINISTRATION - POLICY

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Equal Employment Opportunities

1530 EQUAL EMPLOYMENT OPPORTUNITIES

The Board of Education shall, in accordance with law, guarantee equal employment opportunity throughout the district.

The Board shall ensure all persons shall have equal and bias free access to all categories of employment and equal pay for equal work in this district without regard to the candidate's race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability, pursuant to N.J.A.C. 6A:7-1.1. The school district's employment applications and pre-employment inquiries conform to the guidelines of the New Jersey Division of Civil Rights.

The Board will use equitable practices that prevent imbalance and isolation based on race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability among the district's certificated and non-certificated staff and within every category of employment, including administration. Promotions and transfers will be monitored to ensure non-discrimination.

The Board shall not assign, transfer, promote or retain staff, or fail to assign, transfer, promote or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.

The Board will target-underutilized groups in every category of employment. The Board will provide among the faculty of each school role models of diverse racial and cultural backgrounds.

The Board shall not enter into a contract with a person, agency, or organization discriminates in employment practices or in the provision of benefits or services, on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability, either in employment practices or in the provision of benefits or services to students or employees, pursuant to N.J.A.C. 6A:7-1.1.

The Superintendent shall promulgate a complaint procedure for the adjudication of disputes alleging violation of the law prohibiting discrimination in employment or this policy.

The Board shall not discriminate against any person for that person's exercise of rights under the laws prohibiting discrimination in employment or this policy.



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Equal Employment Opportunities

N.J.S.A. 18A:6-5; 6-6; 18A:28-10; 18A:29-2

N.J.A.C. 6A:7-1.1 et seq. 6A:7-1.8

Cross reference: Policy Guide Numbers 1510, 1550 and Regulation Guide Nos. 1530

Adopted: 5 November 2008

Adopted: 8 February 2011

Adopted: 9 August 2016



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East Orange Board of Education

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Equal Employment Opportunity
Complaint Procedure
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R 1530 EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for employment the opportunity to appeal an alleged denial of equal employment opportunity in violation of state and federal laws and Policy No. 1530, guaranteeing “equal access to all categories of employment without regard to the candidate’s race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability.”
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual employees.

B. Definitions

1. “Board of Education” means the Board of Education of the East Orange School District.
2. “Complaint” means an alleged discriminatory act or practice.
3. “Complainant” means a staff member who alleges a discriminatory act or practice.
4. “Day” means a working or calendar day as identified.
5. “Discriminatory act or practice” means denial of equal employment opportunity in violation of state and federal laws and Policy No. 1530.
6. “School district” means the East Orange School District.



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Equal Employment Opportunity
Complaint Procedure

C. Procedure

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
 - a. The complainant's name and address,
 - b. The specific act or practice that the complainant complains of,
 - c. The school employee, if any, responsible for the allegedly discriminatory act,
 - d. The results of discussions conducted in accordance with paragraph C1, and
 - e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.



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Equal Employment Opportunity Complaint Procedure

6. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:
 - a. The original complaint,
 - b. The response to the complaint,
 - c. The Superintendent's decision,
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
 - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the:
 - a. Commissioner of Education
Division of Controversies and Disputes
New Jersey State Department of Education
P.O. Box 500
Trenton, New Jersey 08625
Telephone: (609) 292-5705 or the



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Equal Employment Opportunity
Complaint Procedure

b. New Jersey Division on Civil Rights
Trenton Regional Office
Office of the Attorney General
140 East Front Street – 6th Floor
Trenton, New Jersey 08625-0090
Telephone: (609) 292-4605

D. Record

1. The records of any complaint processed in accordance with this procedure shall be maintained in a file kept by the Affirmative Action Officer.
2. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

Issued: 5 November 2008

Issued: 8 February 2011

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East Orange Board of Education

ADMINISTRATION - POLICY
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Administrator's Code of Ethics

1540 ADMINISTRATOR'S CODE OF ETHICS

Definitions

"Administrator" means any employee of this school district who holds a position that:

1. Requires certification with the endorsement of school administrator, Principal, or School Business Administrator;
2. Does not require certification but is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local school district; or
3. Requires certification with the endorsement of supervisor and is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by the local school district.

"Business" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, political organization, or other legal entity but does not include a school district or other public entity.

"Interest" means the ownership of or control of more than ten percent of the profits, assets, or stock of a business but does not include the control of assets in a labor union.

"Immediate family" means the person to whom the administrator is legally married and any dependent child of the administrator residing in the same household.

Code of Ethics

No administrator or member of his/her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity that is in substantial conflict with the proper discharge of his/her duties in the public interest.

No administrator shall use or attempt to use his/her official position to secure unwarranted privileges, advantages, or employment for him/herself, a member of his/her immediate family, or any other person.

No administrator shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her independence of judgment in the exercise of official duties. No administrator shall act in his/her official capacity in any matter where he/she or a member of his/her immediate family has a personal involvement that is or creates some benefit to the administrator or a member of his/her immediate family.



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Administrator's Code of Ethics

No administrator shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of official duties.

No administrator or member of his/her immediate family or business organization in which he/she has an interest shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties.

No administrator shall accept offers of meals, entertainment, or hospitality which are limited to the clients/customers of the individual providing such hospitality. Administrators may attend hospitality suites or receptions at conferences only when they are open to all attending the conference.

No administrator shall use, or allow to be used, his/her public office or any information not generally available to the members of the public which he/she receives or acquires in the course of and by reason of his/her office, for the purpose of securing financial gain for him/herself, any member of his/her immediate family, or any business organization with which he/she is associated.

No administrator or business organization in which he/she has an interest shall represent any person or party other than the Board of Education or this school district in connection with any cause, proceeding, application or other matter pending before this school district or in any proceeding involving this school district, except that this provision shall not be deemed to prohibit representation within the context of official labor union or similar representational responsibilities.

Nothing shall prohibit an administrator or members of his/her immediate family from representing him/herself or themselves in negotiations or proceedings concerning his/her or their own interests.

Each administrator shall annually, in accordance with N.J.S.A. 18A:12-25 and 18A:12-26, law, file with the Commissioner a disclosure statement report regarding potential conflicts of interest and with the School Ethics Commission a financial disclosure statement.

N.J.S.A. 18A:12-21 through 18A:12-34; 18A:12-22;
18A:12-23; 18A:12-24; 18A:12-25; 18A:12-26;
18A:12-27; 18A:12-28; 18A:12-29;
18A:12-30; 18A:12-31; 18A:12-32; 18A:12-33; 18A:12-34

School Ethics Policy Guideline 1

Adopted: 5 November 2008



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East Orange Board of Education

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Affirmative Action Program for Employment and Contract
Practices/Employment Practices Plan

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1550 **AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT AND CONTRACT PRACTICES/EMPLOYMENT PRACTICES PLAN**

The Board of Education shall, in accordance with State statutes and administrative code and Federal law and regulations, strive to overcome the effects of any previous patterns of discrimination in district employment practices and shall systematically monitor district procedures to ensure continuing compliance with anti-discrimination laws and regulations.

The Board shall ensure all persons regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status shall have equal and bias-free access to all categories of employment in the public educational system of New Jersey pursuant to N.J.A.C. 6A:7-1.1.

The Board will not enter into any contract with a person, agency, or organization that discriminates on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, either in employment practices or in the provision of benefits or services to students or employees.

The Board shall not assign, transfer, promote or retain staff, or fail to assign, transfer, promote or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.

The Board shall ensure equal pay for equal work among members of the district's staff, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.

An administrator designated annually shall serve as Affirmative Action Officer and shall coordinate all activities designed to implement this policy. It will be the responsibility of the Affirmative Action Officer to:

1. Study job descriptions, job qualifications, and salary guides for discriminatory practices;
2. Compare the characteristics of persons in the district's hiring region who possess skills required by the district to the characteristics of district employees;
3. Develop methods to search out sources of candidates for employment;



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Affirmative Action Program for
Employment and Contract Practices

4. Recommend methods of recruitment that will encourage minority and female applicants;
5. Review recruiting advertisements and application forms;
6. Compare data on the promotion and discharge of women and minorities to district-wide data on promotion and discharge of employees; and
7. Recommend programs that will encourage greater job opportunities for women and members of minority groups.

N.J.A.C. 6A:7-1.1 et. seq.: 6A:7-1.8

Adopted: 5 November 2008

Adopted: 8 February 2011

Adopted: 9 August 2016



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Affirmative Action Program for Employment and
Contract Practices/Employment Practices
Plan Complaint Procedure

M

R 1550 **AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT AND
CONTRACT PRACTICES/EMPLOYMENT PRACTICES PLAN
COMPLAINT PROCEDURE**

A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for district employment the opportunity to appeal an alleged violation of the district's Affirmative Action Plan for employment and contract practices, as set forth in Policy No. 1550 or in a plan formally adopted by the Board of Education and approved by the Commissioner.
2. No qualified handicapped person, shall, on the basis of handicap, be subjected to discrimination in employment and the Board will take positive steps to employ and advance in employment qualified handicapped persons in programs and activities.
3. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
4. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
5. All participants in the procedure will respect the confidentiality that this district accords to information about individual teaching staff members.

B. Definitions

1. "Board of Education" means the Board of Education of the East Orange School District.
2. "Complaint" means an alleged violation of the district's Affirmative Action Plan or Policy.
3. "Complainant" means a teaching staff member who alleges a violation of the district's Affirmative Action Plan or Policy No. 1550.



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Affirmative Action Program for Employment and
Contract Practices/Employment Practices
Plan Complaint Procedure

4. "Day" means a working or calendar day as identified.
 5. "School district" means the East Orange School District.
 6. "Violation" means the failure of a district official or employee to take the positive steps outlined in Policy No. 1550 or the duly approved Affirmative Action Plan to remove impermissible bias or preference from all aspects of district employment practices and/or to correct the results of past discrimination.
- C. Procedure
1. A complainant who believes that he/she has been harmed or adversely affected by a failure to enforce the district's Affirmative Action Plan for employment and contract practices shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
 2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
 - a. The complainant's name and address,
 - b. The specific failure to act that the complainant complains of,
 - c. The school officer or employee, if any, responsible for the alleged violation of the Affirmative Action Plan,
 - d. The results of discussions conducted in accordance with paragraph C1, and
 - e. The reasons why those results are not satisfactory.
 3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than fifteen working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.



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Affirmative Action Program for Employment and
Contract Practices/Employment Practices
Plan Complaint Procedure

4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have violated the Affirmative Action Plan.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than fifteen working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation complained of.
6. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board of Education.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal will include:
 - a. The original complaint,
 - b. The response to the complaint,
 - c. The Superintendent's decision,
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
 - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.



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Affirmative Action Program for Employment and
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Plan Complaint Procedure

9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the:
 - a. Commissioner of Education
Division of Controversies and Disputes
New Jersey State Department of Education
P.O. Box 500
Trenton, New Jersey 08625-0500
Telephone: (877) 900-6960 or the
 - b. New Jersey Division on Civil Rights
Trenton Regional Office
Office of the Attorney General
140 East Front Street – 6th Floor
Trenton, New Jersey 08625-0090
Telephone: (609) 292-4605

D. Record

1. The records of any complaint processed in accordance with this procedure shall be kept in a file maintained by the Affirmative Action Officer.
2. A copy of the decision rendered at its highest level of appeal will be kept in the complainant's personnel file.

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1570 **INTERNAL CONTROLS**

As a condition of receiving State aid, the school district shall establish specific policies and procedures on internal controls designed to provide management with reasonable assurance that the district's goals and objectives will be met and that meet the requirements of N.J.A.C. 6A:23A-6.5 through N.J.A.C. 6A:23A-6.13. Internal controls shall promote operational efficiency and effectiveness, provide reliable financial information, safeguard assets and records, encourage adherence to prescribed policies, and comply with law and regulation.

The specific internal controls contained in N.J.A.C. 6A:23A-6 shall be established together with other internal controls contained in N.J.A.C. 6A and other law and regulations, required by professional standards and as deemed necessary and appropriate by district management. The district may submit a written request to the Commissioner to approve an alternative system, approach, or process for implementing the internal controls required in N.J.C.A. 6A:23A-6. The application must include documented evidence that includes, but is not limited to, an independent, third-party written assessment that the alternative system, approach or process will achieve the same safeguards, efficiency, and other purposes as the specified internal control requirement(s).

The school district shall evaluate business processes annually and allocate available resources appropriately in an effort to establish a strong control environment pursuant to the requirements of N.J.A.C. 6A:23A-6.5. In accordance with the provisions of N.J.A.C. 6A:23A-6.5(b), the School Business Administrator/Board Secretary shall identify processes that, when performed by the same individuals, are a violation of sound segregation of duties and shall segregate the duties of all such processes among Business office staff based on available district resources, assessed vulnerability, and associated cost-benefit. The district shall include in the Comprehensive Annual Financial Report (CAFR) a detailed organizational chart for the Central office that tie to the district's position control logs, including but not limited to, the business, human resources, and information management functions.

The school district shall establish Standard Operating Procedures (SOPs) for each task or function of the business operations of the district by July 1, 2009. The SOP Manual shall include sections on each routine task or function as outlined in N.J.A.C. 6A:23A-6.6(b) and 6A:23A-6.6(c). A standard operating procedure shall be established that ensures office supplies are ordered in appropriate quantities, maintained in appropriate storage facilities, and monitored to keep track of inventory.



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Internal Controls

School districts with budgets in excess of \$25,000,000 or with more than three hundred employees shall maintain an Enterprise Resource Planning (ERP) System which integrates all data and processes of the school district into a unified system. The ERP system shall use multiple components of computer software and hardware and a unified database to store data for the various system modules to achieve the integration. Districts required to maintain an ERP System that do not have an ERP System in place on July 1, 2008 shall fully implement an ERP System by the 2010-2011 school year and maintain both the existing system(s) and run a beta test ERP System during the 2009-2010 school year. Whenever considering financial systems or the automation of other services or functions, the Superintendent of Schools or School Business Administrator/Board Secretary shall notify the Executive County Superintendent in writing to see if opportunities for a shared service system exist. Access controls shall be established for key elements of financial systems to ensure that a single person does not have the ability to make system edits that would violate segregation of duties controls.

The school district shall maintain an accurate, complete, and up-to-date automated position control roster to track the actual number and category of employees and the detailed information for each. Districts are required to maintain a position control roster by July 1, 2009. The position control roster shall share a common database and be integrated with the district's payroll system, agree to the account codes in the budget software, and ensure that the data within the position control roster system includes, at a minimum, the required information as required in N.J.A.C. 6A:23A-6.8(a)3.

N.J.A.C. 6A:23A-6.4; 6A:23A-6.5; 6A:23A-6.6; 6A:23A-6.7; 6A:23A-6.8

Adopted: 14 September 2010



R 1570 **INTERNAL CONTROLS**

A. Segregation of Business Duties and Organizational Structure

1. The school district shall evaluate business processes annually and allocate available resources appropriately in an effort to establish a strong control environment.
2. The School Business Administrator/Board Secretary shall identify processes that when performed by the same individuals are a violation of sound segregation of duties. The School Business Administrator/Board Secretary shall segregate the duties of all such processes among Business office staff based on available district resources, assessed vulnerability and the associated cost-benefit, except as required by a. and b. below.
 - a. The functions of human resources and payroll shall be segregated and completed by different employees in all districts.
 - b. The functions of purchasing and accounts payable shall be segregated and completed by different employees in all districts.
3. The district shall include in the Comprehensive Annual Financial Report (CAFR) a detailed organizational chart for the Central Office that tie to the district's position control logs, including but not limited to, the business, human resources, and information management functions.

B. Standard Operating Procedures (SOPs) for Business Functions

1. The school district shall establish SOPs for each task or function of the business operations of the district by July 1, 2009.
2. The SOP Manual shall include sections on each routine task or function of the following areas:
 - a. Accounting including general ledger, accounts payable, accounts receivable, payroll and fixed assets, and year-end procedures for each;
 - b. Cash management;



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Internal Controls

- c. Budget development and administration including tasks such as authorization of transfers and overtime;
 - d. Position control;
 - e. Purchasing including such tasks as preparation of requisitions, approval of purchase orders and encumbering of funds, bid and quote requirements, and verification of receipt of goods and services;
 - f. Facilities including administration of work and health and safety;
 - g. Security;
 - h. Emergency preparedness;
 - i. Risk management;
 - j. Transportation;
 - k. Food service;
 - l. Technology systems; and
 - m. Information management.
3. A standard operating procedure shall be established that ensures office supplies are ordered in appropriate quantities, maintained in appropriate storage facilities, and monitored to keep track of inventory.
- C. Financial and Human Resource Management Systems, Access Controls
1. School districts with budgets in excess of \$25,000,000 or with more than 300 employees shall maintain an Enterprise Resource Planning (ERP) System which integrates all data and processes of the school district into a unified system. The ERP system shall use multiple components of computer software and hardware and a unified database to store data for the various system modules to achieve the integration.
 - a. Districts affected by C.1. above that do not have an ERP system in place on July 1, 2008 shall fully implement one by the 2010-2011 school year and maintain both the existing system(s) and run a beta test ERP system during the 2009-2010 school year.



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Internal Controls

2. Whenever considering financial systems or the automation of other services or functions, the Superintendent of Schools or School Business Administrator/Board Secretary shall notify the Executive County Superintendent in writing to see if opportunities for a shared service system exist.
 3. Access controls shall be established for key elements of financial systems to ensure that a single person does not have the ability to make system edits that would violate segregation of duties controls.
 - a. The process for creating, modifying, and deleting user accounts shall include the use of user access request forms.
 - b. All requests for financial applications shall be approved and specified by the School Business Administrator/Board Secretary.
 - c. All requests for network access shall be granted by the head of the technology department, if one exists.
 - d. A review of user access shall be conducted yearly at a minimum by the relevant department managers and an audit trail should be maintained to verify the performance of this review.
 - e. Access to the network and key applications within a district shall be restricted to authorized users through the use of unique user names and passwords.
 - f. Proper protocols shall be implemented that appropriately address password expiration and complexity.
- D. Personnel Tracking and Accounting
1. The school district shall maintain an accurate, complete, and up-to-date automated position control roster to track the actual number and category of employees and the detailed information for each. Districts are required to maintain a position control roster by July 1, 2009. The position control roster shall:
 - a. Share a common database and be integrated with the district's payroll system;
 - b. Agree to the account codes in the budget software;



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- c. Ensure that the data within the position control roster system includes, at a minimum, the following information:
- (1) The employee's name;
 - (2) The date of hire;
 - (3) A permanent position tracking number for each employee including:
 - (a) The expenditure account codes for the general fund consistent with the State prescribed budget, special revenue fund and enterprise funds;
 - (b) The building(s) the position is assigned;
 - (c) The certification title and endorsement held, as applicable;
 - (d) The assignment position title as follows:
 - i. Superintendent or Chief School Administrator;
 - ii. Assistant Superintendent;
 - iii. School Business Administrator;
 - iv. Board Secretary (when other than i., ii., or iii. above);
 - v. Principal;
 - vi. Vice Principal;
 - vii. Director;
 - viii. Supervisor;
 - ix. Facilitator;



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- x. Instructional Coach by Subject Area;
- xi. Department Chairperson by Subject Area;
- xii. Certificated Administrator – Other;
- xiii. Guidance;
- xiv. Media Specialist/Librarian;
- xv. School Nurse;
- xvi. Social Worker;
- xvii. Psychologist;
- xviii. Therapist – OT;
- xix. Therapist – PT;
- xx. Therapist – Speech;
- xxi. Certificated Support Staff – Other;
- xxii. Teacher by Subject Area;
- xxxiii. Instructional Assistants;
- xxiv. Certificated Instructional-Other;
- xxv. Aides supported by IEP;
- xxvi. Other Aides;
- xxvii. Maintenance Worker;
- xxviii. Custodian;
- xxix. Bus Driver;
- xxx. Vehicle Mechanic;



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- xxxi. Food Service; and
 - xxxii. Other Non-certificated.
- (4) A control number for substitute teachers;
 - (5) A control number for overtime;
 - (6) A control number for extra pay;
 - (7) The status of the position (filled, vacant, abolished, etc.);
 - (8) An indication, when available, of whether the employee is retiring in the budget year or not being renewed including associated costs such as contractual buyouts, severance pay, paid vacation or sick days, etc.;
 - (9) Each of the following: base salary, step, longevity, guide, stipends by type, overtime and other extra compensation;
 - (10) The benefits paid by the district, net of employee reimbursements or co-pays, by type of benefit and for FICA and Medicare;
 - (11) The position's full-time equivalent value by location;
 - (12) The date the position was filled; and
 - (13) The date the position was originally created by the Board. If the date the position was originally created is not available, this item shall represent the date the person currently filling that position was approved by the Board.

Issued: 14 September 2010



1581 **VICTIM OF DOMESTIC OR SEXUAL VIOLENCE LEAVE**

In accordance with the provisions of N.J.S.A. 34:11C-1 et seq., an employee who was a victim of an incident of domestic violence as defined in Section 3 of P.L.1991, c.261 (C.2C:25-19) or a sexually violent offense as defined in Section 3 of P.L.1998, c.71 (C.30:4-27.26), or whose child, parent, spouse, domestic partner, or civil union partner was a victim shall be entitled to unpaid leave of no more than twenty days in one twelve-month period, to be used in the twelve-month period following any incident of domestic violence or any sexually violent offense as provided in N.J.S.A. 34:11C-1 et seq.

For the purposes of N.J.S.A. 34:11C-1 et seq. and this Policy, an “employee” means a person who is employed for at least twelve months by the Board of Education, with respect to whom benefits are sought under N.J.S.A. 34:11C-1 et seq. – “NJ SAFE Act” for not less than 1,000 hours during the immediately preceding twelve-month period.

For the purposes of N.J.S.A. 34:11C-3 and this Policy, each incident of domestic violence or any sexually violent offense shall constitute a separate offense for which an employee is entitled to unpaid leave, provided the employee has not exhausted the allotted twenty days for the twelve-month period. The unpaid leave may be taken intermittently in intervals of no less than one day, as needed for the purpose of engaging in any of the following activities as they relate to the incident of domestic violence or a sexually violent offense:

1. Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's child, parent, spouse, domestic partner, or civil union partner;
2. Obtaining services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner, or civil union partner;
3. Obtaining psychological or other counseling for the employee or the employee's child, parent, spouse, domestic partner, or civil union partner;
4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner from future domestic or sexual violence or to ensure economic security;
5. Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or



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6. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

An eligible employee may elect, or the Board of Education may require the employee, to use any of the accrued paid vacation leave, personal leave, or medical or sick leave (in accordance with the provisions of N.J.S.A. 18A:30-1) during any part of the twenty-day period of unpaid leave provided under N.J.S.A. 34:11C-1 et seq. In such case, any paid leave provided by the Board, and accrued pursuant to established policies of the Board, shall run concurrently with the unpaid leave provided under N.J.S.A. 34:11C-1 et seq. and, accordingly, the employee shall receive pay pursuant to the Board's applicable paid leave policy during the period of otherwise unpaid leave. If an employee requests leave for a reason covered by both N.J.S.A. 34:11C-1 et seq. and the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) or the Federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. § 2601 et seq.), the leave shall count simultaneously against the employee's entitlement under each respective law.

Leave granted under N.J.S.A. 34:11C-1 et seq. and this Policy shall not conflict with any rights pursuant to the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.), the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), or the Federal "Family and Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. § 2601 et seq.).

Prior to taking this leave an employee shall, if the necessity for the leave is foreseeable, provide the Superintendent of Schools with written notice of the need for the leave. The notice shall be provided as far in advance as is reasonable and practical under the circumstances.

Nothing contained in N.J.S.A. 34:11C-1 et seq. and this Policy shall be construed to prohibit the Superintendent from requiring that a period of this leave be supported by the employee with documentation of the domestic violence or a sexually violent offense which is the basis for the leave. If documentation is required, the employee shall be regarded as having provided sufficient documentation if the employee provides one or more of the following:

1. A domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
2. A letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or a sexually violent offense;
3. Documentation of the conviction of a person for the domestic violence or a sexually violent offense;
4. Medical documentation of the domestic violence or a sexually violent offense;



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5. Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center, stating that the employee or employee's child, parent, spouse, domestic partner, or civil union partner is a victim of domestic violence or a sexually violent offense; or
6. Other documentation or certification of the domestic violence or a sexually violent offense provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the employee or employee's child, parent, spouse, domestic partner, or civil union partner in dealing with the domestic violence or a sexually violent offenses.

For the purposes of N.J.S.A. 34:11C-1 et seq. and this Policy, "Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals; and "designated domestic violence agency" means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.

For the purposes of N.J.S.A. 34:11C-1 et seq. and this Policy, "Rape Crisis Center" means an office, institution, or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information, and follow-up counseling.

The Board shall display conspicuous notice of its employees' rights and obligations pursuant to the provisions of N.J.S.A. 34:11C-1 et seq., in such form and in such manner as the Commissioner of Labor and Workforce Development shall prescribe, and use other appropriate means to keep its employees so informed.

No provision of N.J.S.A. 34:11C-1 et seq. and this Policy shall be construed as requiring or permitting the Board to reduce employment benefits provided by the Board or required by a collective bargaining agreement which are in excess of those required by N.J.S.A. 34:11C-1 et seq. Nor shall any provision of N.J.S.A. 34:11C-1 et seq. be construed to prohibit the negotiation and provision through collective bargaining agreements of leave policies or benefit programs which provide benefits in excess of those required by N.J.S.A. 34:11C-1 et seq. This provision shall apply irrespective of the date that a collective bargaining agreement takes effect.

Nothing contained in N.J.S.A. 34:11C-1 et seq. and this Policy shall be construed as permitting the Board to:

1. Rescind or reduce any employment benefit accrued prior to the date on which the leave taken pursuant to N.J.S.A. 34:11C-1 et seq. commenced; or



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2. Rescind or reduce any employment benefit, unless the rescission or reduction of the benefit is based on changes that would have occurred if an employee continued to work without taking the leave provided pursuant to N.J.S.A. 34:11C-1 et seq.

All information and/or documentation provided to the Board or Superintendent of Schools pursuant to N.J.S.A. 34:11C-1 et seq., any information regarding a leave taken pursuant to N.J.S.A. 34:11C-1 et seq., and any failure of an employee to return to work, shall be retained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is required by a Federal or State law, rule, or regulation.

The Board of Education shall not discharge, harass or otherwise discriminate or retaliate or threaten to discharge, harass or otherwise discriminate or retaliate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave to which the employee was entitled pursuant to N.J.S.A. 34:11C-3 or on the basis that the employee refused to authorize the release of information deemed confidential pursuant to N.J.S.A. 34:11C-3.f.

N.J.S.A. 34:11C-1 et seq.

Adopted: 26 June 2014



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Administrative Employment Contracts

1620 ADMINISTRATIVE EMPLOYMENT CONTRACTS

The Executive County Superintendent shall review and approve for all Superintendents, Deputy Superintendents, Assistant Superintendents, and School Business Administrators in school districts, county vocational school districts, county special services school districts and other districts, except charters, within the County under the supervision of the Executive County Superintendent:

1. New employment contracts, including contracts that replace expired contracts for existing tenured and non-tenured employees;
2. Renegotiations, extensions, amendments, or other alterations of the terms of existing employment contracts that have been previously approved by the Executive County Superintendent; and
3. Provisions for contract extensions where such terms were not included in the original employment contract or are different from the provisions contained in the original approved employment contract.

In counties where there is no Executive County Superintendent or Acting Executive County Superintendent, the Assistant Commissioner for Field Services shall review and approve all above contracts.

The contract review and approval shall take place prior to any required public notice and hearing pursuant to N.J.S.A. 18A:11-11 and prior to the Board approval and execution of those contracts to ensure compliance with all applicable laws, including but not limited to N.J.S.A. 18A:30-3.5, 18A:30-9, 18A:17-15.1 and 18A:11-12.

The public notice and public hearing required pursuant to N.J.S.A. 18A:11-11 is applicable to a Board that renegotiates, extends, amends, or otherwise alters the terms of an existing contract with the Superintendent of Schools, Deputy Superintendent, Assistant Superintendents, or School Business Administrator.

Although the public notice and public hearing requirements of N.J.S.A. 18A:11-11 do not apply to new contracts and contracts that replace expired contracts for existing employees in one of these positions, whether tenured or not tenured, the Board may issue a public notice and/or hold a public hearing on new contracts, including new contracts that replace expired contracts for existing tenured and non-tenured employees.

In connection with the Executive County Superintendent's review of the contract, the Board shall provide the Executive County Superintendent with a detailed statement setting forth the total cost of the contract for each applicable year, including salary, longevity (if applicable), benefits and all other emoluments.



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The review and approval shall be consistent with the following additional standards:

1. Contracts for each class of administrative position shall be comparable with the salary, benefits and other emoluments contained in the contracts of similarly credentialed and experienced administrators in other school districts in the region with similar enrollment, academic achievement levels and challenges, and grade span.
2. No contract shall include provisions that are inconsistent with the travel requirements pursuant to N.J.S.A. 18A:11-12 and N.J.A.C. 6A:23A-7 including, but not limited to, the provisions for mileage reimbursement and reimbursement for meals and lodging in New Jersey. Any contractual provision that is inconsistent with law is superseded by the law.
3. No contract shall include provisions for the reimbursement or payment of employee contributions that are either required by law or by a contract in effect in the district with other teaching staff members, such as payment of the employee's State or federal taxes, or of the employee's contributions to FICA, Medicare, State pensions and annuities (TPAF), life insurance, disability insurance (if offered), and health benefit costs.
4. No contract shall contain a payment as a condition of separation from service that is deemed by the Executive County Superintendent to be prohibited or excessive in nature. The payment cannot exceed the lesser of the calculation of three months' pay for every year remaining on the contract with pro-ration for partial years, not to exceed twelve months, or the remaining salary amount due under the contract.
5. No contract shall include benefits that supplement or duplicate benefits that are otherwise available to the employee by operation of law, an existing group plan, or other means; e.g., an annuity or life insurance plan that supplements or duplicates a plan already made available to the employee. Notwithstanding the provisions of this section, a contract may contain an annuity where those benefits are already contained in the existing contract between the employee and the district.
6. Contractual provisions regarding accumulation of sick leave and supplemental compensation for accumulated sick leave shall be consistent with N.J.S.A. 18A:30-3.5. Supplemental payment for accumulated sick leave shall be payable only at the time of retirement and shall not be paid to the individual's estate or beneficiaries in the event of the individual's death prior to retirement. Pursuant to N.J.S.A. 18A:30-3.2, a new Board of Education contract may include credit of unused sick leave in accordance with the new Board of Education's policy on sick leave credit for all employees.



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7. Contractual provisions regarding accumulation of unused vacation leave and supplemental compensation for accumulated unused vacation leave shall be consistent with N.J.S.A. 18A:30-9. Contractual provisions for payments of accumulated vacation leave prior to separation can be included but only for leave accumulated prior to June 8, 2007 and remaining unused at the time of payment. Supplemental payments for unused vacation leave accrued consistent with the provisions of N.J.S.A. 18A:30-9 after June 8, 2007 as well as unused vacation leave accumulated prior to June 8, 2007 that has not been paid, shall be payable at the time of separation and may be paid to the individual's estate or beneficiaries in the event of the individual's death prior to separation.
8. Contractual provisions that include a calculation of per diem for twelve month employees shall be based on a two hundred sixty day work year.
9. No provision for a bonus shall be made except where payment is contingent upon achievement of measurable specific performance objectives expressly contained in a contract approved pursuant to N.J.A.C. 6A:23A-3.1, where compensation is deemed reasonable relative to the established performance objectives, and achievement of the performance objectives has been documented to the satisfaction of the Board of Education.
10. No provision for payment at the time of separation or retirement shall be made for work not performed except as otherwise authorized above.
11. No contract shall include a provision for a monthly allowance except for a reasonable car allowance. A reasonable car allowance cannot exceed the monthly cost of the average monthly miles traveled for business purposes multiplied by the allowable mileage reimbursement pursuant to applicable law and regulation and NJOMB circulars. If such allowance is included, the employee cannot be reimbursed for business travel mileage nor assigned permanently a car for official district business. Any provision of a car for official district business must conform with N.J.A.C. 6A:23A-6.12 and be supported by detailed justification. No contract can include a provision of a dedicated driver or chauffeur.
12. All Superintendent contracts shall include the required provision pursuant to N.J.S.A. 18A:17-51 which states that in the event the Superintendent's certificate is revoked, the contract is null and void.



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13. No contract shall include a provision for additional compensation upon the acquisition of a graduate degree unless the graduate degree is conferred by a duly accredited institution of higher education as defined in N.J.A.C. 6A:9-2.1. No contract shall include a provision for assistance or tuition reimbursement, or for additional compensation for graduate school coursework, unless such coursework culminates in the acquisition of a graduate degree conferred by a duly accredited institution of higher education as defined in N.J.A.C. 6A:9-2.1.

Any actions by the Executive County Superintendent undertaken pursuant to N.J.A.C. 6A:23-3.1 and this Policy may be appealed to the Commissioner of Education pursuant to the procedures set forth at N.J.A.C. 6A:3.

N.J.A.C. 6A:23A-3.1; 6A:23A-7 et seq.

Adopted: 5 November 2008

Adopted: 14 September 2010



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Residency Requirement for Person Holding School
District Office, Employment, or Position

1631 **RESIDENCY REQUIREMENT FOR PERSON HOLDING SCHOOL DISTRICT OFFICE, EMPLOYMENT, OR POSITION**

Every person holding an office, employment, or position in a school district shall have its or her principal residence in New Jersey in accordance with the provisions of N.J.S.A. 52:14-7.

For the purpose of this Policy, "school district" means any local or regional school district established pursuant to Chapter 8 or Chapter 13 of Title 18A of New Jersey Statutes and any jointure commission, county vocational school, county special services district, educational services commission, educational research and demonstration center, environmental education center, and educational information and resource center.

For the purpose of this Policy, a person may have at most one principal residence and the State of a person's principal residence means the State where the person spends the majority of his or her nonworking time, which is most clearly the center of his or her domestic life, and which is designated as his or her legal address and legal residence for voting. Having a home in New Jersey is not significant enough by itself to meet the principal residence requirement of the law. The fact that a person is domiciled in New Jersey shall not by itself satisfy the requirement of principal residency.

A person, regardless of the office, employment, or position, who holds an office, employment, or position in the school district on September 1, 2011, but does not have his or her principal residence in New Jersey on September 1, 2011, shall not be subject to this residency requirement of N.J.S.A. 52:14-7 while the person continues to hold office, employment, or position without a break in public service of greater than seven days.

A person may request an exemption from the provisions of N.J.S.A. 52:14-7 on the basis of critical need or hardship. The request shall be made to a five-member committee established in accordance with the provisions of N.J.S.A. 52:14-7 to consider applications for such exemptions. The decision on whether to approve an application from any person shall be made by a majority vote of the members of the committee, and those voting in the affirmative shall so sign the approval application. If the committee fails to act on an application within thirty days after the receipt of, no exemption shall be granted and the residency requirement of N.J.S.A. 52:14-7 shall be operative.

Any person holding or attempting to hold an office, employment, or position in violation of N.J.S.A. 52:14-7 shall be considered as illegally holding or attempting to hold the office, employment, or position; however, the person shall have one year from the time of taking the office, employment, or position to satisfy the requirement of principal residency. If such person fails to satisfy the requirement of principal residency as defined in N.J.S.A. 52:14-7 after the 365-day period, that person shall be deemed unqualified for holding the office, employment or position. The Superior Court shall, in a civil action in lieu of prerogative writ, give judgment of



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ouster against such person, upon the complaint of any officer or citizen of the State, provided that any such complaint shall be brought within one year of the alleged 365-day period of failure to have his or her principal residence in this State.

Notice of the residency requirements as outlined in N.J.S.A. 52:14-7 and this Policy should be provided to all existing persons holding office, employment, or a position in the school district and to candidates seeking to hold office, employment, or a position in the school district.

N.J.S.A. 52:14-7

Adopted: 8 May 2012