



Policy/Regulations

East Orange Board of Education

TEACHING STAFF MEMBERS

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3111	Creating Positions	20 Sep. 2016
3112	Abolishing Positions	3 Dec. 2008
3124	Employment Contract	20 Sep. 2016
3125	Employment of Teaching Staff Members	20 Sep. 2016
3125.2	Employment of Substitute Teachers	20 Sep. 2016
3126	District Mentoring Program	20 Sep. 2016
3126R	District Mentoring Program	20 Sep. 2016
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3141	Resignation	20 Sep. 2016
3142	Nonrenewal of Nontenured Teaching Staff Member	28 Jan. 2014
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3143	Dismissal	3 Dec. 2008
3144	Certification of Tenure Charges	20 Sep. 2016
3144.12	Certification of Tenure Charges – Inefficiency	12 Nov. 2013
3144.3	Suspension Upon Certification of Tenure Charges	12 Nov. 2013
3144R	Certification of Tenure Charges	12 Nov. 2013
3146	Conduct of Reduction in Force	3 Dec. 2008
3146R	Conduct of Reduction in Force	3 Dec. 2008
3150	Discipline	3 Dec. 2008
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3159	School District Reporting Responsibilities	20 Sep. 2016
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3160R	Physical Examination	3 Dec. 2008
3161	Examination for Cause	3 Dec. 2008
3211	Code of Ethics	3 Dec. 2008
3211.3	Consulting Outside the District	3 Dec. 2008
3211.3R	Consulting Outside the District	3 Dec. 2008
3212	Attendance	12 May 2015
3212R	Professional Staff Attendance Review and Improvement Plan	27 June 2013
3214	Conflict of Interest	3 Dec. 2008
3216	Dress and Grooming	3 Dec. 2008
3216R	Dress and Grooming	9 Nov. 2010
3217	Use of Corporal Punishment	3 Dec. 2008



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3218	Substance Abuse	12 May 2015
3218R	Substance Abuse	12 May 2015
3221	Evaluation of Teaching Staff Members	12 Jan. 2016
3221R	Evaluation of Teaching Staff Members	12 Jan. 2016
3222	Evaluation of Teaching Staff Members, Excluding Teachers and Administrators	12 Jan. 2016
3222R	Evaluation of Teaching Staff Members, Excluding Teachers and Administrators	12 Jan. 2016
3223	Evaluation of Administrators, Excluding Principals, Vice Principals and Assistant Principals	12 Jan. 2016
3223R	Evaluation of Administrators, Excluding Principals, Vice Principals and Assistant Principals	12 Jan. 2016
3224	Evaluation of Principals, Vice Principals, and Assistant Principals	12 Jan. 2016
3224R	Evaluation of Principals, Vice Principals and Assistant Principals	12 Jan. 2016
3230	Outside Activities	20 Sep. 2016
3230R	Outside Activities	12 Mar. 2013
3231	Outside Employment as Athletic Coach	20 Sep. 2016
3232	Tutoring Services	10 Sep. 2013
3232R	Tutoring Services	10 Sep. 2013
3233	Political Activities	3 Dec. 2008
3233R	Political Activities	3 Dec. 2008
3240	Professional Development for Teachers and School Leaders	20 Sep. 2016
3240R	Professional Development for Teachers and School Leaders	20 Sep. 2016
3245	Research Projects by Staff Members	3 Dec. 2008
3270	Professional Responsibilities	3 Dec. 2008
3270R	Lesson Plans and Plan Books	3 Dec. 2008
3280	Liability for Student Welfare	3 Dec. 2008
3280R	Liability for Student Welfare	3 Dec. 2008
3281	Inappropriate Staff Conduct	12 Mar. 2013
3281R	Inappropriate Staff Conduct	12 Mar. 2013
3282	Use of Social Networking Sites	11 Sep. 2012
3283	Electronic Communications Between Teaching Staff Members and Students	14 Oct. 2014
3284	Arrest Notification by Certificate Holder	9 Dec. 2014



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3310	Academic Freedom	3 Dec. 2008
3321	Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members	3 Dec. 2008
3321R	Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members	3 Dec. 2008
3322	Staff Member's Use of Personal Cellular Telephones/Other Communication Devices	13 Oct. 2015
3324	Right of Privacy	8 May 2012
3351	Healthy Workplace Environment	10 Sep. 2010
3362	Sexual Harassment	3 Dec. 2008
3362R	Sexual Harassment	3 Dec. 2008
3370	Teaching Staff Member Tenure	3 Dec. 2008
3372	Teaching Staff Member Tenure Acquisition	12 Nov. 2013
3373	Tenure Upon Transfer or Promotion	12 Nov. 2013
3374	Tenure Upon Transfer to an Underperforming School	12 Nov. 2013
3375	In-District Transfer	10 Nov. 2015
3381	Protection Against Retaliation	3 Dec. 2008
3410	Compensation	3 Dec. 2008
3420	Benefits	3 Dec. 2008
3425	Work Related Disability Pay	3 Dec. 2008
3425.1	Modified Duty Early Return To Work Program	3 Dec. 2008
3425.1R	Modified Duty Early Return To Work Program – Teaching Staff Members	3 Dec. 2008
3431.1	Family Leave	12 Jan. 2015
3431.3	New Jersey's Family Leave Insurance Program	10 Sep. 2010
3432	Sick Leave	3 Dec. 2008
3432R	Sick Leave	3 Dec. 2008
3433	Vacations	3 Dec. 2008
3435	Anticipated Disability	3 Dec. 2008
3436	Personal Leave	3 Dec. 2008
3437	Military Leave	3 Dec. 2008
3439	Jury Duty	3 Dec. 2008



3111 CREATING POSITIONS

The Board of Education recognizes its authority to create and fill teaching staff member positions to implement a thorough and efficient system of free public schools.

The Board shall, **upon the Superintendent's recommendation**, create new positions as required **and** approve job titles **and job descriptions**. The **job description** shall **outline** the background experiences and personal qualities, if any, to be required of candidates or preferred among applicants for a particular position.

The Superintendent shall recommend to the Board such new positions or additions to existing employment categories as may be required by the specific instructional needs of students of the district and each school within the district.

In accordance with the provisions of N.J.A.C. 6A:9B-5.5, titles assigned to teaching staff members shall be recognized by the New Jersey Department of Education. The Department of Education shall maintain and make available a list of approved job titles with corresponding authorized certificates. In the event the Board desires to use an unrecognized title, or if a previously established unrecognized title exists, the Board, prior to appointing a candidate, shall submit to the Executive County Superintendent a written request, including a detailed job description, for permission to use the proposed title. The Executive County Superintendent shall exercise discretion regarding approval of the request and shall determine the appropriate certification and title for the position.

The Executive County Superintendent shall review annually all previously approved unrecognized position titles and shall determine whether the titles will be continued for the next school year. Decisions rendered by the Executive County Superintendent regarding titles and certificates for unrecognized positions shall be binding upon future seniority determinations on a case-by-case basis.

N.J.S.A. 18A:16-1; 18A:28-1 et seq.
N.J.A.C. **6A:9B-5.1; 6A:9B-5.5**

Adopted: 3 December 2008
Adopted: 20 September 2016



3112 **ABOLISHING POSITIONS**

The Board of Education will provide the professional staff necessary for the economical and efficient implementation of the educational program of the district. The Board reserves the right to abolish positions and reduce district staff commensurately whenever reasons of economy, reorganization of the school district, reduction in the number of students, or other good cause so warrant. The Superintendent shall continually review the efficiency and effectiveness of the district organization and recommend to the Board the abolishment of positions and the reallocation of duties and positions.

N.J.S.A. 18A:28-1; 18A:28-9 et seq.

Adopted: 3 December 2008



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY
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Employment Contract

3124 EMPLOYMENT CONTRACT

The Board of Education requires that every nontenured teaching staff member employed by this district annually sign an employment contract for a term of not more than one year.

The employment contract shall include the specific title of the position to which the teaching staff member is appointed; the term for which employment is contracted, including beginning and ending dates; a full description of the certification held by the teaching staff member and the date, if any, on which certification will expire, **if applicable**; the salary at which the teaching staff member will be employed; the intervals at which the salary will be paid.

The employment contract will also include a provision for termination of the contract by either the teaching staff member or the Board of Education unless the teaching staff member is represented by a collective bargaining agreement and the agreement has termination provisions.

Under New Jersey law, the Board may terminate a nontenured employee for any reason. Nonrenewal notice will be duly given in writing by or before May 15th of that school year.

In the event that the salary entered on the written contract differs from that approved by the Board in a resolution duly adopted, the salary approved by the Board shall be the salary paid.

Retirement

The Board requests employees give a sixty days notice in writing of their intention to retire.

N.J.S.A. 18A:27-2 et seq.; 18A:28-8
N.J.A.C. **6A:9B-5.1; 6A:9B-5.2**

Adopted: 3 December 2008

Adopted: 20 September 2016



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY
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Employment of Teaching Staff Members

3125 EMPLOYMENT OF TEACHING STAFF MEMBERS

The Board of Education believes it is vital to the successful operation of the district that teaching staff member positions be filled with highly qualified and competent professionals.

In accordance with the provisions of N.J.S.A. 18A:27-4.1, the Board shall appoint, transfer, remove, or renew a certificated or non-certificated officer or employee only upon the recommendation of the Superintendent of Schools and by a recorded roll call majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons. The Board shall approve the employment, fix the compensation, and establish the term of employment for every teaching staff member employed by this district.

No teaching staff member shall be employed unless he/she is a holder of a valid certificate in accordance with the New Jersey Department of Education and applicable statutes and administrative codes. The Superintendent shall require proof of any candidate's certification or pending application for certification.

The Board will employ substitutes for absent teachers in order to ensure continuity in the instructional program and will annually approve a list of substitutes and rate of pay. The Superintendent or designee shall select substitutes from the list approved by the Board to serve in the place of an absent teaching staff member.

In accordance with the provisions of N.J.S.A. 18A:16-1.1, the Board of Education will provide written notice to a teaching staff member, other than a per diem substitute, of his/her designation as a replacement when the teaching staff member has been designated or appointed by the Board to act in place of any officer or employee during an absence, disability, or disqualification of any such officer or employee subject to the provisions of N.J.S.A. 18A:17-13. Per Diem substitutes shall also be informed in their notice of approval that their employment is as a replacement staff member.

The Board may use a private contractor to secure a substitute teacher in accordance with N.J.A.C. **6A:9B-7.1(f)**.

The Board shall approve the employment, fix the compensation, and set the term of employment for each person employed in a summer school program. The Board will employ only those candidates recommended by the Superintendent. Service as a summer school teacher will not count toward the accrual of tenure or seniority.

The Superintendent shall recommend to the Board the employment of qualified coaches for the district's interscholastic and/or intramural athletic programs. The Board will employ as athletic coaches only those persons who have experience in and knowledge of the specific sport, are properly certified, and possess the personal characteristics that qualify them to serve as role models to students.



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TEACHING STAFF MEMBERS - POLICY

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Employment of Teaching Staff Members

In accordance with the provisions of N.J.A.C. 6A:9B-5.16(a), any teaching staff member in the employ of the Board of Education shall be permitted to organize public school students for purposes of coaching or for conducting games, events, or contests in physical education or athletics. The Superintendent may recommend to the Board the employment of a qualified candidate for an interscholastic athletic coaching position who is a holder of either a New Jersey teaching certificate or a substitute credential, pursuant to **6A:9B-5.16(b)**, to work in the interscholastic athletic program provided the position has been advertised. The twenty day limitation noted in N.J.A.C. **6A:9B-7.4(a)** shall not apply to coaching situations.

An athletic coach employed by this district who is not a regular employee of this district shall be employed only for the duration of the specific sport season. He/She shall be paid the stipend and no out-of-district athletic coach shall be eligible for tenure or for employment benefits.

An athletic trainer shall possess an educational services certificate issued by the State Board of Examiners pursuant to N.J.S.A. 18A:26-2.4 and 18A:26-2.5.

The Board of Education shall not employ for pay or contract for the paid services of any teaching staff member or any other person serving in a position which involves regular contact with students unless the Board has first determined, consistent with the requirements and standards of N.J.S.A. 18A:6-7.1 et seq., that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify the individual from being employed or utilized in such capacity or position.

An individual employed by the Board in any substitute capacity or position shall be required to undergo a criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.1b.

An individual, except as provided in N.J.S.A. 18A:6-7.1g, shall be permanently disqualified from employment or service in the school district if the criminal history record check reveals a record of conviction for any crime or offense as defined in N.J.S.A. 18A:6-7.1 et seq.

The Board or contracted service provider may employ an applicant on an emergent basis for a period not to exceed three months, pending completion of a criminal history record check if the Board or contracted service provider demonstrates to the Commissioner of Education that special circumstances exist which justifies the emergent employment as prescribed in N.J.S.A. 18A:6-7.1c. In the event the criminal history record check is not completed for an emergent hired employee within three months, the Board or contracted service provider may petition the Commissioner for an extension of time, not to exceed two months, in order to retain the employee.



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY
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Employment of Teaching Staff Members

No criminal history record check shall be performed unless the applicant shall have furnished written consent to such a check. The applicant shall bear the cost for the criminal history record check, including all costs for administering and processing the check. The district will deny employment to an applicant if the applicant is required and refuses to submit to a criminal history record check.

The Board of Education prohibits any relative of a Board member or Superintendent of Schools from being employed in an office or position in the school district in accordance with the provisions of N.J.A.C. 6A:23A-6.2 and Board Policy 0142.1 – Nepotism.

A teaching staff member's misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

N.J.S.A. 18A:6-5; 18A:6-6; 18A:6-7.1 18A:6-7.1b; 18A:6-7.1; 18A:6-7.2;
18:16-1 et seq.; 18A:26-1 et seq.; 18A:27-1 et seq.; 18A:27-4.
18:27-7; 18A:27-8

N.J.A.C. **6A:9B-5.16; 6A:9B-7.4**

Adopted: 3 December 2008

Adopted: 26 June 2014

Adopted: 20 September 2016



3125.2 EMPLOYMENT OF SUBSTITUTE TEACHERS

The Board of Education will employ substitutes in order to ensure continuity in the Instructional program and will approve a list of substitutes on an annual basis and additional approved substitutes will be added to the approved list throughout the school year. Substitute teachers will be employed from the substitute list recommended by the Superintendent and approved by the Board. The Board shall also approve the substitute rate of pay.

All substitute teachers must possess a substitute credential issued by the New Jersey State Board of Examiners in accordance with the provisions of N.J.A.C. **6A:9B-7.1 et seq.** All substitute teachers are required to undergo a criminal history record check in accordance with the provisions of N.J.S.A.18A:6-7.1 et seq. and New Jersey Department of Education regulations and procedures for criminal history record checks. In accordance with the provisions of N.J.S.A. 18A-6-7.1b., a substitute teacher who is rehired annually by the Board shall only be required to undergo a criminal history record check as required by N.J.S.A. 18A:6-7.1 et. seq. upon initial employment, provided the substitute continues in the employ of at least one of the districts at which the substitute was employed within one year of the approval of the criminal history record check.

A substitute teacher shall follow the daily lesson plan provided by the regular teacher and, when that plan is exhausted or unavailable, the instructions of the Principal. A substitute teacher may not plan or direct an instructional program except as expressly permitted by the Superintendent.

In accordance with the provisions of N.J.S.A. 18A:16-1.1b. and N.J.A.C. **6A:9B-7.4(c)**, a vacant teaching position **may only** be filled by one or more individuals employed as substitute teachers and holding an **instructional** certificate of eligibility (**CE**), certificate of eligibility with advanced standing (**CEAS**), or **standard certificate** issued by the New Jersey State Board of Examiners **with an endorsement within the scope of the subject being taught for no more than sixty instructional days in the same classroom per year. The sixty day limit may be extended if the Executive County Superintendent is notified of an extension by the school district which shall demonstrate:**

1. **The school district was unable to hire an appropriately certified teacher for the vacant position;**
2. **The school district is filling the position subject to the limitations in a local contract or N.J.A.C. 6A:9B-7.1; and**
3. **Holders of an instructional CE or CEAS with an endorsement within the scope of the subject being taught meet the following provisions:**



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Employment of Substitute Teachers

- a. **CE or CEAS holders obtain a provisional certificate;**
- b. **CE or CEAS holders are enrolled in a district mentoring program upon obtaining a provisional certificate;**
- c. **CE holders are accepted into a CE educator program and will begin coursework in the program's next available cohort.**

In the event that one individual employed pursuant to **the provisions of N.J.S.A. 18A:16-1.1b.** is employed in the same position for more than sixty days, the substitute shall be compensated by the school district on a pro-rata basis consistent with the salary provided to a teacher with similar credentials in the school district.

In accordance with the provisions of N.J.S.A. 18A:16-1.1c. **and N.J.A.C. 6A:9B-7.4(b)**, a vacant teaching position **may only** be filled by one or more individuals employed as substitute teachers and holding an **instructional CE**, or a **CEAS**, or a **standard certificate** issued by the New Jersey State Board of Examiners **with an endorsement not within the scope of the subject being taught for no more than forty instructional days in the same classroom per year.** The Executive County Superintendent of Schools shall **be notified by the Superintendent or designee if a holder of an instructional CE or CEAS substitutes for more than twenty instructional days in the same classroom.**

Holders of a career and technical education substitute credential pursuant to N.J.A.C. 6A:9B-7.5 shall be permitted to substitute for no more than forty instructional days in the same classroom per year in accordance with the provisions of N.J.A.C. 6A:9B-7.4(b)2.

In accordance with the provisions of N.J.S.A. 18A:16-1.1a. **and N.J.A.C. 6A:9B-7.4(a)**, a vacant teaching position **may only** be filled by one or more individuals holding a substitute credential **or holding an administrative or educational services certificate without an instructional CE, CEAS, or standard certificate** issued by the New Jersey State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-38 for **no more than twenty instructional days in the same classroom per year.** The Commissioner of Education may grant an extension of up to an additional twenty school days upon written application from the school district demonstrating the district's inability to hire an appropriately certified teacher for the vacant position within the original twenty-day time limit.

N.J.S.A. 18A:6-7.1 et seq.; 18A:16-1.1a.; 18A:16-1.1b.; 18A:16-1.1c.; 18A:16-1.1d.
N.J.A.C. 6A:9B-7.1; 6A:9B-7.2; 6A:9B-7.3; 6A:9B-7.4; 6A:9B-7.5

Approved: 13 September 2011
Approved: 20 September 2016



3126 DISTRICT MENTORING PROGRAM

The Board of Education **shall develop a district mentoring program to provide nontenured teachers, including novice professional teachers who hold a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) with an induction to the teaching profession and to the school community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.**

The goals of the district mentoring program shall be to enhance teacher knowledge of, and strategies related to, the Core Curriculum Content Standards to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist first-year teachers in performing their duties and adjusting to the challenges of teaching. The Board of Education shall determine how each nontenured teacher in his or her first year of employment shall be provided with supports as outlined in N.J.A.C. 6A:9C-5.1(c). The Board shall provide an individual mentor to work one-on-one with a novice provisional teacher in accordance with N.J.A.C. 6A:9C-5.1(d). The Superintendent shall oversee the mentor selection process and ensure the individual mentor meets the minimum requirements required in N.J.A.C. 6A:9C-5.2(a).

In accordance with the provisions of N.J.A.C. 6A:9C-5.4, an approved agency and its designated staff shall be authorized to provide the services, evaluations, and recommendations specified within N.J.A.C. 6A:9B-8.6, 8.7, and 8.9 for provisional Teachers of Supplemental Instruction in Reading and Mathematics, Grades K-8 in their employ.

The district's local mentoring plan shall be in accordance with the requirements as outlined in N.J.A.C. 6A:9C-5.1 et seq.

The Superintendent of Schools or designee shall develop the district mentoring plan in accordance with the requirements outlined in N.J.A.C. 6A:9C-5.3 as part of the school district's professional development plan (PDP) pursuant to N.J.A.C. 6A:9C-4.4. The district mentoring plan shall include logistics for its implementation and describe the school district's responsibilities pursuant to N.J.A.C. 6A:9C-5.1 et seq.

The Board of Education shall budget any State funds appropriated for the novice teacher mentoring program **in accordance with the provisions of N.J.A.C. 6A:9C-5.1(f)**. The Board shall ensure that State funds appropriated for this program shall supplement, and not supplant, any Federal, State or local funds already devoted to planning and implementing a novice teacher mentor program. The Board of Education shall ensure that State funds shall be used for **one or more of the following**: stipends for mentor teachers, the costs associated with release time, substitutes for mentor teachers and novice teachers, and/or professional development and training activities related to the program.



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District Mentoring Program

Evaluations **for a provisional teacher** shall be completed in accordance with the requirements of N.J.A.C. **6A:9B-8.6**.

N.J.S.A. 18A:26-2; 18A:26-2a

N.J.A.C. **6A:9B-8.4; 6A:9B-8.5; 6A:9B-8.6; 6A:9C-5.1**

Adopted: 14 September 2010

Adopted: 20 September 2016



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District Mentoring Program

R3126 **DISTRICT MENTORING PROGRAM**

The Board of Education is authorized to employ a holder of a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) after its mentoring plan has been approved pursuant to N.J.A.C. **6A:9C-5.1**.

A. Definitions

1. "Certificate of Eligibility or CE" means a **certificate** with lifetime validity issued to persons who have completed degree, academic study, and applicable test requirements for certification. The CE permits the applicant to seek and accept employment in **corresponding** positions requiring certification.
2. "Certificate of Eligibility with Advanced Standing or CEAS" means a **certificate** with a lifetime validity issued to persons who have completed degree, academic study, applicable test requirements, and **CEAS educator** preparation programs for certification. The CEAS permits the applicant to see and accept employment in positions requiring certification.
3. "**District mentoring program**" means a **program of induction and support for non-tenured teachers, including novice provisional teachers and experienced teachers new to a school district, designed to develop them into effective professionals within the school district.**
4. "**Endorsement**" means an authorization allowing a certificate holder to **teach one or more specific subject area(s) or to serve in one or more specific teaching staff role(s).**
5. "Mentor teacher" means an **experienced, certified** New Jersey teacher who is assigned to provide support and guidance to a novice teacher.
6. "Novice teacher" means any teacher **serving full- or part-time under a provisional certificate** who has not **yet been issued a standard instructional certificate in any endorsement area.**
7. "Professional Standards for Teachers" means the knowledge, skills, and dispositions that all teachers must acquire **to practice as teachers in accordance with N.J.A.C. 6A:9-3.3.**
8. "**Provisional teaching period**" means a **minimum of two years of full-time teaching under a provisional certificate required of all novice teachers before they are eligible to be recommended for a standard certificate.**



B. Requirements for District Mentoring Plan

- 1. The district shall develop a mentoring program to provide non-tenured teachers, including novice provisional teachers who hold a CE or CEAS, with an induction to the teaching profession and to the school district community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.**
- 2. The goals of the district mentoring program shall be to enhance teacher knowledge of, and strategies related to, the Core Curriculum Content Standards (CCCS) to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist first-year teachers in performing their duties and adjusting to the challenges of teaching.**
- 3. The Board of Education shall determine how each non-tenured teacher in his or her first year of employment shall be provided with the following supports:**
 - a. Comprehensive induction to school district policies and procedures including, but not limited to, introduction to school district curricula, student assessment policies, and training on the school district's evaluation rubric, including setting and assessing student learning through student growth objectives;**
 - b. Individualized supports and activities, which shall be assigned at the school district's discretion and shall be aligned with the Professional Standards for Teachers at N.J.A.C. 6A:9-3.3, the Standards for Professional Learning at N.J.A.C. 6A:9C-3.3, and the school district's Commissioner-approved teaching practice instrument. The supports and activities shall be guided by:**
 - (1) The non-tenured teacher's degree of preparation and experience;**
 - (2) The non-tenured teacher's individual professional development plan (PDP) developed within thirty instructional days of the beginning of the teaching assignment pursuant to N.J.A.C. 6A:9C-4.4(f);**
 - (3) Areas of focus within the district mentoring plan; and**
 - (4) Goals of the school and school district plans for professional development as described in N.J.A.C. 6A:9C-4.2.**

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District Mentoring Plan

- c. **One-to-one mentoring, which is required for each novice provisional teacher as set forth in 4. below.**
- 4. **The district shall provide an individual mentor to work one-to-one with a novice provisional teacher and ensure:**
 - a. **Each novice provisional teacher is assigned an individual mentor at the beginning of the contracted teaching assignment;**
 - b. **The mentor teacher provides observation and feedback, opportunities for the novice teacher to observe effective practice, and confidential guidance and support in accordance with the Professional Standards for Teachers, and guides the teacher in a self-assessment on the school district's Commissioner-approved teaching practice instrument;**
 - c. **The one-to-one mentoring includes planned, in-person contact time between the mentor teacher and the novice provisional teacher holding a CE or CEAS over the course of the academic year, or proportionally longer if the novice provisional teacher holds a part-time teaching assignment;**
 - d. **The mentor teacher and the novice provisional teacher holding a CEAS meet at least once per week for the first four weeks of the teaching assignment;**
 - e. **The mentor teacher and the novice provisional teacher holding a CE meet at least once per week for the first eight weeks of the teaching assignment:**
 - (1) **The one-to-one mentoring shall support the novice provisional teacher in achieving the curricular objectives of the formal instructional program in which the novice provisional teacher holding a CE is enrolled.**
 - f. **All contact time between the mentor teacher and the novice provisional teacher shall be recorded in a log, developed as part of the district mentoring plan, submitted to the Superintendent or designee, and maintained within the school district.**
- 5. **All novice provisional teachers whose positions require possession of instructional certificates pursuant to N.J.S.A. 18A:26-2 and N.J.A.C. 6A:9B-5.1 shall comply with the district mentoring program requirements.**



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District Mentoring Plan

6. **The district shall budget State funds appropriated for the novice teacher mentoring program.**
 - a. **Subject to the availability of funds, the Department of Education shall appropriate State funds based on the number of novice teachers employed each year by the Board of Education.**
 - b. **The Board of Education shall ensure State funds appropriated for this program supplement, and not supplant, Federal, State, or local funds already devoted to planning and implementing a novice teacher mentor program.**
 - c. **The Board of Education shall ensure State funds are used for one or more of the following:**
 - (1) **Stipends for mentor teachers;**
 - (2) **The costs associated with release time;**
 - (3) **Substitutes for mentor and novice teachers; and**
 - (4) **Professional development and training activities related to the program.**
 - d. **If no State funds are available to pay the costs of mentoring fees, candidates who are required to complete a provisional period of teaching to obtain standard certification shall be responsible for payment of mentoring fees during the first provisional year. The Board may, at its discretion, pay all or part of the mentoring fees.**
 7. **The school district's administrative office shall oversee the payment of mentors. Payment shall not be conferred directly from provisional novice teacher to mentor.**
- C. Mentor requirements**
1. **The Superintendent shall oversee the mentor selection process and ensure the individual mentor of a novice provisional teacher meets the following minimum requirements:**
 - a. **Holds an instructional certificate and, when possible, is certified in the subject area in which the novice provisional teacher is working;**



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District Mentoring Plan

- b. Has at least three years of experience and has taught full-time for at least two years within the last five years;
- c. Does not serve as the mentee's direct supervisor nor conduct evaluations of teachers;
- d. Demonstrates a record of success in the classroom:
 - (1) Beginning academic year 2014-2015, all mentor teacher applicants shall have received a summative rating of effective or highly effective on the most recent summative evaluation, pursuant to N.J.A.C. 6A:10.
 - (a) A mentor teacher applicant in a school or school district not required pursuant to N.J.A.C. 6A:10-1 to issue summative evaluations shall demonstrate at least one year of effective teaching on his or her most recent evaluation as determined by his or her supervisor.
 - e. Understands the social and workplace norms of the school district and the community it serves;
 - f. Understands the resources and opportunities available in the school district and is able to act as a referral source to the novice provisional teacher; and
 - g. Completes a comprehensive mentor training program with a curriculum that includes, at a minimum, training on the school district's teaching evaluation rubric and practice instrument, Professional Standards for Teachers, CCCS, classroom observation skills, facilitating adult learning, and leading reflective conversations about teaching practice.

D. District Mentoring Plan

- 1. The Superintendent or designee shall develop a district mentoring plan as part of the school district's PDP pursuant to N.J.A.C. 6A:9C-4.4. The district mentoring plan shall include logistics for its implementation and describe the school district's responsibilities pursuant to N.J.A.C. 6A:9C-5.
 - a. The Superintendent shall submit the district mentoring plan to the Board of Education for review of its fiscal impact.



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District Mentoring Plan

- b. **The Superintendent or designee shall share the district mentoring plan with each school improvement panel, which shall oversee the school-level implementation of the district mentoring plan and shall communicate the plan to all non-tenured teachers and their mentors.**
- c. **The Superintendent or designee annually shall review the plan and revise it, as necessary, based on feedback from mentor logs, each school improvement panel, and data on teacher and student performance.**

Issued: 3 December 2008

Issued: 14 September 2010

Issued: 20 September 2016



3134 **ASSIGNMENT OF ADDITIONAL DUTIES**

The professional responsibilities of teaching staff members include such extra duties as may be assigned by the Board of Education. The Board will appoint teaching staff members to extra duty positions including, but not necessarily limited to, account treasurer, co-curricular activity advisor, athletic coach, monitor, and chaperone.

A teaching staff member who requests appointment to an extra duty position may be given preference over other candidates for the position. Wherever possible, the Board will fill athletic coaching positions with physical education teachers.

Any teaching staff member appointed to an extra duty position is expected to serve unless excused for extenuating circumstances. A member's refusal to serve or resignation from extra duty service without permission may constitute an act of insubordination subject to discipline.

A teaching staff member can accrue no tenure or seniority rights in an extra duty position and is not entitled to reappointment to an extra duty position.

Performance in an extra duty position will be considered in a teacher staff member's evaluation, in determining whether to renew a nontenured member, and in determining which of two or more tenured members with identical seniority entitlements will be retained in a reduction in force.

The Superintendent will inform the Board of extra duty positions required for the implementation of the district's program, post notice of vacancies in those positions, and recommend appointments to those positions.

N.J.S.A. 18A:27-4

Adopted: 3 December 2008



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Resignation

3141 RESIGNATION

The Board of Education will enter a contract with each nontenured teaching staff member providing, in part, for the termination of employment by either party on proper notice in accordance with Policy No. 3124.

An employee's resignation must be tendered to the Board through the Superintendent who may accept the resignation on behalf of the Board. Any such acceptance of a resignation will be ratified by the Board at its next meeting.

A member who offers insufficient notice of resignation will be paid only through the last day of service. In addition, the Board may notify the Commissioner of Education of any tenured teaching staff member who terminates his/her position without having given sixty days **written** notice to the Board **unless the Board approves the tenured teaching staff member's release on shorter notice.** The Commissioner of Education may suspend the **tenured teaching staff member's certificate for not more than one year for failure to give such notice.**

N.J.S.A. 18A:26-10; 18A:28-8

N.J.A.C. 6A:9-17.9

Adopted: 3 December 2008

Adopted: 20 September 2016



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Nonrenewal of Nontenured Teaching Staff Member

3142 **NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER**

The Board of Education recognizes its obligation to employ only those staff members best trained and equipped to meet the educational needs of the students of this district. The Board shall discharge that obligation by retaining in service only those nontenured teaching staff members who meet those standards. The Board will renew the employment contract of a teaching staff member only upon the recommendation of the Superintendent and by a recorded roll call majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons. A nontenured teaching staff member who is not recommended for renewal by the Superintendent is deemed nonrenewed.

When the nontenured teaching staff member's performance does not meet the standards of the district, the Superintendent shall not renew the teaching staff member's contract. Prior to notifying the nontenured teaching staff member of the nonrenewal, the Superintendent will notify the Board of the decision not to renew the nontenured teaching staff member's contract and the reasons for the decision. The Superintendent will notify the Board in executive session at a full Board Meeting. In the event the Board is notified in executive session, the Superintendent will comply with the requirements of the Open Public Meetings Act and provide reasonable notice to the nontenured teaching staff member their employment will be discussed in executive session in order for the nontenured teaching staff member to exercise their statutory right to request a public discussion.

The Superintendent shall notify each nontenured teaching staff member to whom reemployment will not be offered of such nonrenewal in writing on or before May 15. Any teaching staff member who received written notice a contract will not be offered may within fifteen days of receiving such notification request in writing a statement of the reasons for nonrenewal. The Superintendent will provide a written statement of reasons within thirty days after the receipt of any such request.

The nontenured teaching staff member shall have the right to an informal appearance before the Board to permit the staff member an opportunity to convince the members of the Board to offer reemployment. The staff member must request the appearance before the Board within ten calendar days of receipt of the statement of reasons.

Whenever the nontenured teaching staff has requested in writing and received a written statement of reasons for non-reemployment, the nontenured teaching staff member shall have the right to an informal appearance before the Board to permit the staff member an opportunity to convince the members of the Board to offer reemployment. The staff member must request the appearance before the Board within ten calendar days of the nontenured teaching staff member's receipt of the statement of reasons. The informal appearance before the Board shall be held in accordance with the provisions of N.J.A.C. 6A:10-8.1.



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Nonrenewal of Nontenured Teaching Staff Member

The Board is not required to offer reemployment or vote on reemployment after an informal appearance with a nontenured teaching staff member who was not recommended for reemployment by the Superintendent. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured teaching staff member reemployment after the informal appearance before the Board. The nontenured teaching staff will be notified of the Board's final determination within three days following the informal appearance before the Board.

N.J.S.A. 18A:27-3.1, 18A:27-3.2, 18A:27-4.1; 18A:27-10 et seq.

N.J.A.C. 6A:10-8.1

Adopted: 3 December 2008

Adopted: 28 January 2014



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Nonrenewal of Nontenured Teaching Staff Member

R 3142 **NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER**

A. Evaluations

1. Each nontenured teaching staff member shall be evaluated in strict compliance with statute, N.J.S.A. 18A:27-3.1, rules of the State Board of Education, N.J.A.C. 6A:10-1.1 et seq., and the policies and procedures of this district.

B. Nonrenewal Recommendation

1. When a nontenured teaching staff member's performance does not meet the standards of the district, the Principal, Director and/or the nontenured teacher's immediate supervisor shall recommend to the Superintendent that the teaching staff member should not be reemployed in the following school year.
2. The nontenured teaching staff member shall be informed by the Superintendent of Schools, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the nontenured teacher staff member on or before May 15.
3. A recommendation by the Superintendent for nonrenewal may be based upon the nontenured teaching staff member's evaluations, job performance, or any factor affecting his/her employment in this district.
4. Nontenured teaching staff members' contracts can only be renewed upon the Superintendent's recommendation and a majority vote of the full Board. The Board may not withhold its approval for arbitrary and capricious reasons.

C. Nonrenewal Action

1. The Superintendent will notify Board members of the recommendation not to renew a nontenured teaching staff member's contract before notifying the nontenured teaching staff member of the recommendation to not renew. The Superintendent may notify the Board members of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation Board. In the alternative, the Superintendent may notify the Board members of the recommendation not to renew a nontenured teaching staff member in an executive session. Using this option, the Superintendent and the Board will meet in executive session prior to May 15 to review the Superintendent's recommendation(s) for nonrenewal of nontenured teaching staff members. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those nontenured teaching staff members whose possible nonrenewal will be discussed at the meeting. If any such



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Nonrenewal of Nontenured Teaching Staff Member

employee requests the discussion take place in public, the recommendation for his/her renewal will be severed from any other nonrenewal recommendation and will be scheduled for discussion at a public meeting prior to May 15.

2. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board's vote is not required on the Superintendent's decision(s) to not renew a nontenured teaching staff member's contract.

D. Notice of Nonrenewal

1. Notice of the Superintendent's decision not to renew shall be given to each nontenured teaching staff member on or before May 15 in accordance with N.J.S.A. 18A:27-10. The Board may delegate the Superintendent or the Board Secretary to give the written notice of nonrenewal.
2. The nonrenewal notice shall be in writing and provided to the nontenured teaching staff member on or before May 15. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the nontenured teaching staff member's address of record.

E. Request for Statement of Reasons

1. A nonrenewed teaching staff member will be given a written statement of the reasons for which he/she was not renewed provided the teaching staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the teaching staff member received written notice of his/her nonrenewal. N.J.S.A. 18A:27-3.2.
2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the employee's evaluations and the employee has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.
3. The statement of reasons will be prepared by the Superintendent and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee's request.



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Nonrenewal of Nontenured Teaching Staff Member

F. Nonrenewal Appearance

1. A teaching staff member who has requested a statement of reasons for non-re-employment pursuant to N.J.S.A. 18:27-3.2, will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Superintendent a written request for such an appearance no later than ten calendar days after the nontenured teaching staff member's receipt of the written statement of reasons. N.J.A.C. 6A:10-8.1(a).
2. A date for the informal appearance shall be scheduled within thirty calendar days from the teaching staff member's receipt of the Board's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13. The Board will determine a reasonable length of time to be devoted to the appearance, depending upon each instance's specific circumstances. The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.A.C. 10:4-12(b)(8).
3. The teaching staff member requesting the appearance shall be given written notice, no later than forty-eight hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.
4. The purpose of the appearance shall be to permit the nonrenewed teaching staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured teaching staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding and the appearance shall not be an adversary proceeding.
5. The teaching staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on in his/her behalf. Witnesses do not need to present testimony under oath and their statements may be recorded. The Board will hear witnesses and shall not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and shall be excused from the meeting after making their statements.



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Nonrenewal of Nontenured Teaching Staff Member

G. Final Determination

1. A nontenured teaching staff member not renewed by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent's decision(s) to not renew a nontenured teaching staff member. However, an informal appearance before the Board, the Superintendent may make a recommendation for reemployment to the voting members of the Board. The voting members of the Board, by a majority vote of the full Board in public session, must approve the reemployment based on the Superintendent's recommendation.
2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the teaching staff member reemployment after the informal appearance before the Board.
3. The final determination will be delivered to the teaching staff member, in writing, no later than three days following the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.

Issued: 3 December 2008

Issued: 28 January 2014



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Dismissal

3143 DISMISSAL

The Board of Education will enter a contract with each nontenured teaching staff member providing, in part, for the termination of employment by either party on proper notice in accordance with Board Policy No. 3124.

The Board may dismiss a nontenured teaching staff member when dismissal is in the best interest of the school district. Termination notice will be duly given in writing and will state the reason therefore.

However, the Board reserves the right to terminate a nontenured employee without notice when sufficient cause warrants.

The Board will determine whether to permit an employee to continue to perform services during the period between the giving of notice and the date of termination.

N.J.S.A. 18A:6-30; 18A:6-30.1; 18A:27-9

Adopted: 3 December 2008



3144 **CERTIFICATION OF TENURE CHARGES**

Tenure charges may be instituted against a tenured teaching staff member of the district in accordance with the provisions of N.J.A.C. 6A:3-5.1 et seq. In all instances of the filing and certification of tenure charges, except charges filed against a teacher, Principal, Assistant Principal or Vice Principal for reasons of inefficiency pursuant to N.J.S.A. 18A:6-17.3, the procedures and timelines outlined in N.J.A.C. 6A:3-5.1(b) shall be observed. In the event the tenure charges are charges of inefficiency pursuant to N.J.S.A. 18A:6-17.3, except in the case of Principals, Assistant Principals and Vice Principals in school districts under full State intervention, where procedures are governed by the provisions of N.J.S.A. 18A:7A-45 and such rules as may be promulgated to implement it, the procedures and timelines outlined in N.J.A.C. 6A:3-5.1(c) shall be observed.

Filing and service of petition of appeal as outlined in N.J.A.C. 6A:3-1.3, shall not apply in a case of charges filed with the Commissioner of Education against an employee of a Board of Education or of a school district under full State intervention. In place of the usual petition, the Board of Education or the State District Superintendent shall file written charges and the required certificate of determination with the Commissioner together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or State District Superintendent and proof of service upon the employee and the employee's representative, if known. Such service shall be at the same time and in the same manner as the filing of charges with the Commissioner.

In accordance with N.J.S.A. 34:13A-24, fines and suspensions imposed as minor discipline shall not constitute a reduction in compensation pursuant to the provisions of N.J.S.A. 18A:6-10 where the negotiated agreement between the Board of Education and the majority representative of the employees in the appropriate collective bargaining unit provides for such discipline. In these cases, tenure charges shall not be filed to impose minor discipline on a person serving under tenure.

The Board of Education or the State District Superintendent shall determine whether there is probable cause to credit the evidence in support of the charges and whether such charges, if credited, are sufficient to warrant a dismissal or reduction of salary. Pursuant to N.J.S.A. 18A:6-11, all deliberations and actions of the Board of Education with respect to such charges shall take place at a closed/executive session meeting. In the event the Board of Education or the State District Superintendent finds probable cause exists and that the charges, if credited, are sufficient to warrant a dismissal or reduction of salary, then the Board or the State District Superintendent shall file within fifteen days, written charges with the Commissioner. The charge(s) shall be stated with specificity as to the action or behavior underlying the charges or the nature of the alleged inefficiency and shall be accompanied by the required certificate of determination together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or State District Superintendent and proof of service upon the employee and the employee's representative, if known. Such service shall be at the same time and in the same manner as the filing of charges with the Commissioner.



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Certification of Tenure Charges

The certificate of determination that accompanies the written charges shall contain a certification by the Board Secretary or the State District Superintendent including that a determination was made of the charges and the evidence in support of the charges are sufficient, if true in fact, to warrant dismissal or a reduction in salary; of the date, place, and time of the meeting at which such determination was made and whether or not the employee was suspended and, if so, whether such suspension was with or without pay; that such determination was made by a majority vote of the whole number of members of the Board of Education or by the State District Superintendent in accordance with N.J.S.A. 18A:7A-39.

An individual against whom tenure charges are certified shall file a written response to the charges in accordance with the provisions of N.J.A.C. 6A:3-5.3 et seq. The Commissioner shall determine whether such charge(s) are sufficient, if true, to warrant dismissal or reduction in salary in accordance with the provisions of N.J.A.C. 6A:3-5.5. Any withdrawal, settlement, or mooted of tenure charges shall be in accordance with the provisions of N.J.A.C. 6A:3-5.6.

Certification of tenure charges for Charter School employees shall be governed by N.J.A.C. 6A:11-6.1 et. seq.

N.J.S.A. 18A:8.3; 18A:6-10; 18A:6-11; 18A:6-13; 18A:6-14; 18A:6-16
N.J.A.C. 6A:3-5.1; 6A:3-5.2; 6A:3-5.5; 6A3.5.6

Adopted: 3 December 2008

Adopted: 11 January 2011

Adopted: 28 January 2014

Adopted: 20 September 2016



R 3144 **CERTIFICATION OF TENURE CHARGES**

A. Definition

1. For the purposes of Policy 3144 and this regulation, “day” means business day when the period specified is less than seven days, and calendar day when the period specified is seven days or more; provided however, that calculations do not include the day of the action from which they are computed but do not include the last day of the period being computed unless such day falls on a Saturday, Sunday or holiday, in which case the last day shall be deemed the next business day immediately following. Filings received after the close of business (4:15 p.m.) shall be deemed filed on the next business day.

B. Filing of Written Charges and Certificate of Determination – N.J.A.C. 6A:3-5.1

1. N.J.A.C. 6A:3-1.3 – Filing and Service of Petition of Appeal shall not apply in a case of tenure charges filed with the Commissioner against an employee of a Board of Education or a school district under full State intervention. In place of the usual petition, the Board or the State District Superintendent shall file written charges and the required certificate of determination with the Commissioner, together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or the State District Superintendent and proof of service upon the employee and the employee’s representative, if known. Such service shall be at the same time and in the same manner as charges are filed with the Commissioner.
 - a. In accordance with N.J.S.A. 34:13A-24, fines and suspensions imposed as minor disciplines shall not constitute a reduction in compensation pursuant to the provisions of N.J.S.A. 18A:6-10 where the negotiated agreement between a Board of Education and the majority representative of the employees in the appropriate collective bargaining unit provides for such discipline. In these cases, tenure charges shall not be filed to impose minor discipline on a person serving under tenure.
2. In all instances of the filing and certification of tenure charges, except charges against a teacher, Principal, Assistant Principal, or Vice Principal for reasons of efficiency pursuant to N.J.S.A. 18A:6-17.3 the following procedures and timelines shall be observed:
 - a. Charges shall be stated with specificity as to the action or behavior underlying the charges and shall be filed in writing with the Secretary of the Board of Education or the State District Superintendent, accompanied by a supporting statement of evidence, both of which shall be executed under oath by the person(s) instituting such charges.



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Certification of Tenure Charges

- b. Along with the required sworn statement of evidence, charges shall be transmitted to the affected tenured employee and the employee's representative, if known, within three working days of the date they were filed with the Secretary of the Board of Education or the State District Superintendent. Proof of mailing or hand delivery shall constitute proof of transmittal.
- c. The affected tenured employee shall have an opportunity to submit to the Board of Education or the State District Superintendent a written statement of position and a written statement of evidence, both of which shall be executed under oath with respect thereto within fifteen days of receipt of the tenure charges.
- d. Upon receipt of the tenured employee's written statements of position and evidence under oath, or upon expiration of the allotted fifteen-day time period, the Board of Education shall determine by a majority vote of its full membership, or the State District Superintendent shall determine, within forty-five days whether there is probable cause to credit the evidence in support of the charges and whether such charges, if credited, are sufficient to warrant a dismissal or reduction of salary. In accordance with the provisions of N.J.S.A. 18A:6-13, if the Board of Education does not make a determination within forty-five days after receipt of the written charges, the charges shall be deemed to be dismissed and no further proceeding or action shall be taken.
- e. The Board of Education or the State District Superintendent shall provide, within three working days, written notification of the determination to the employee against whom the charge has been made, in person or by certified mail to the last known address of the employee and the employee's representative, if known.
- f. If the Board of Education or the State District Superintendent Ends probable cause exists and the charges, if credited, are sufficient to warrant a dismissal or reduction of salary, then the Board or the State District Superintendent shall file, within fifteen days, written charges with the Commissioner. The charges shall be stated with specificity as to the action or behavior underlying the charges and shall be accompanied by the required certificate of determination together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or State District Superintendent and proof of service upon the employee and the employee's representative, if known. Such service shall be at the same time and in the same manner as the filing of charges with the Commissioner.



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Certification of Tenure Charges

- g. Pursuant to N.J.S.A. 18A:6-11, all deliberations and actions of the Board of Education with respect to such charges shall take place at a closed/executive session meeting.
3. If the event the tenure charges are charges of inefficiency pursuant to N.J.S.A. 18A:6-17.3, except in the case of Building Principals and Vice Principals in school districts under full State intervention where procedures are governed by the provisions of N.J.S.A. 18A:7A-45 and such rules as may be promulgated to implement it, the following procedures and timelines shall be observed:
 - a. When the conditions described in N.J.S.A. 18A:6-17.3.a(1) or (2) and as outlined in Policy 3144.12 have been satisfied, the Superintendent shall promptly file with the Secretary of the Board a charge of inefficiency.
 - b. The charges of inefficiency shall be transmitted to the affected tenured employee and the employee's representative, if known, within three working days of the date the charges were filed with the Secretary of the Board or State District Superintendent. Proof of mailing or hand delivery shall constitute proof of transmittal.
 - c. The affected tenured employee shall have an opportunity within ten days of receipt to submit to the Board or State District Superintendent a written statement of position under oath demonstrating how the school district failed to comply with evaluation procedures.
 - d. Within thirty days of the filing, the Board or State District Superintendent shall forward a written charge to the Commissioner unless the Board or the State District Superintendent determines the evaluation process has not been followed. Such determination shall be made by a majority vote of the Board's full membership or by the State District Superintendent.
 - e. Upon receipt of the charge, the Commissioner or his or her designee shall examine the charge. The charge shall again be served upon the employee at the same time it is forwarded to the Commissioner and proof of service shall be included with the filed charge. The individual against whom the charge is filed shall have ten days to submit to the Commissioner a written response to the charge.
 - f. Within five days of the individual's deadline to submit a written response to the charge, the Commissioner shall appoint an arbitrator to hear the case and refer the case to the arbitrator, unless he/she determines the evaluation process has not been followed.



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Certification of Tenure Charges

- g. Pursuant to N.J.S.A. 18A:6-11, all deliberations and actions of the Board of Education with respect to such charges shall take place at a closed/executive session meeting.
 4. The provisions of N.J.A.C. 6A:3-5.1 shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A: 11-6.
- C. Format of Certificate of Determination
 1. The certificate of determination that accompanies the written charges shall contain a certification by the Board of Education Secretary or the State District Superintendent:
 - a. The Board of Education or the State District Superintendent has determined the charges and the evidence in support of the charges are sufficient, if true in fact, to warrant dismissal or a reduction in salary;
 - b. Of the date, place, and time of the meeting at which such determination was made and whether or not the employee was suspended and, if so, whether such suspension was with or without pay; and
 - c. The determination was made by a majority vote of the whole number of members of the Board of Education or by the State District Superintendent in accordance with N.J.S.A. 18A:7A-39.
 2. The provisions of this section shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A:1 1-6.
- D. Filing and Service of Answer to Written Charges – N.J.A.C. 6A:3-5.3
 1. Except as specified in N.J.A.C. 6A:3-5.1(c)5, An individual against whom tenure charges are certified shall have fifteen days from the date such charges are filed with the Commissioner to file a written response to the charges. Except as to the time for filing, the answer shall conform to the requirements of N. J.A. C. 6A:3-1.5(a) through (d).
 - a. Consistent with 6A:3-1.5(g), nothing in N.J.A.C. 6A:3-5.3 precludes the filing of a motion to dismiss in lieu of an answer to the charges, provided that such motion is filed within the time allotted for the filing of an answer. Briefing on the motions shall be in the manner and within the time fixed by the Commissioner, or by the arbitrator if the motion is to be briefed following transmittal to an arbitrator.



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2. Upon written application by the person against whom charges are filed, the Commissioner may extend the time period for the filing of an answer upon a finding of good cause shown consistent with the provisions of N.J.S.A. 18A:6-16. Such application shall be received prior to the expiration of the fifteen-day answer period, or the ten-day answer period specified in N.J.A.C. 6A:3-5.1(c), and a copy shall be served upon the charging Board of Education or the State District Superintendent. The Board of Education or State District Superintendent shall promptly notify the Commissioner of any opposition to the request.
 - a. A request for extension that is received after the fifteen-day period allotted for an answer to tenure charges, or after the ten-day period allotted in N.J.A.C. 6A:3-5.1(c) will be considered only in the event of demonstrated emergency or other unforeseeable circumstance such that the request could not have been made within the requisite filing period.
 3. If no answer is filed within the requisite time period and no request for extension is made, or if the request is denied by the Commissioner, or the charged employee submits an answer or other responsive filing indicating the employee does not contest the charges, the charges shall be deemed admitted by the charged employee.
 - a. The provisions of N.J.A.C. 6A:3-5.3 shall not apply to employees of Chaffer Schools, who are governed by the provisions of N.J.A.C. 6A:11-6.
- E. Determination of Sufficiency and Transmittal for Hearing – N.J.A.C. 6A:3-5.5
1. Except as specified in N.J.A.C. 6A:3-5.1(c), within ten days of receipt of the charged party's answer or expiration of the time for its filing, the Commissioner shall determine whether such charge(s) are sufficient, if true, to warrant dismissal or reduction in salary. If the charges are determined insufficient, they shall be dismissed and the parties shall be notified accordingly. If the charges are determined sufficient, the matter shall, be transmitted immediately to an arbitrator for further proceedings, unless the Commissioner retains the matter pursuant to N.J.A.C. 6A:3-1.12.
 - a. A notice of transmittal shall be issued to the parties by the Department of Education on the same date as the matter is transmitted to an arbitrator.



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2. Where a party to a tenure matter so requests, the Commissioner may agree to hold the matter in abeyance at any time prior to transmittal to an arbitrator. Thereafter, requests to hold the matter in abeyance shall be directed to the arbitrator. Any request for abeyance, whether directed to the Commissioner or the arbitrator, shall be consistent with the intent of N.J.S.A. 18A:6-16 as amended by P.L. 1998, c.42.
- F. Withdrawal, Settlement, or Mooting of Tenure Charges – N.J.A.C. 6A:3-5.6
1. Once tenure charges are certified to the Commissioner, they may be withdrawn or settled only with approval. Any proposed withdrawal or settlement, whether submitted to the Commissioner or to the arbitrator, shall address the following standards established by the State Board of Education in the matter entitled *In re Cardonick*, State Board decision of April 6, 1983 (1990 *School Law Decisions* (S.L.D.) 842, 846):
 - a. Accompaniment by documentation as to the nature of the charges;
 - b. Explication of the circumstances justifying settlement or withdrawal;
 - c. Consent of both the charged and charging parties;
 - d. Indication the charged party entered into the agreement with a full understanding of his or her rights;
 - e. A showing the agreement is in the public interest; and
 - f. If the charged party is a teaching staff member, a showing that the teaching staff member has been advised of the Commissioner's duty to refer tenure determinations resulting in loss of position to the State Board of Examiners for possible suspension or revocation of certificate.
 2. A settlement agreement shall not propose terms that would restrict access to information or records deemed public by law or result in misrepresentation of the reason for an employee's separation from service. If tenure charges have been certified to the Commissioner by a Board of Education, any proposed settlement shall indicate, by signature of the Board Attorney or inclusion of a Board of Education resolution authorizing settlement, which the Board of Education has consented to the terms of the settlement.
 3. A proposed withdrawal or settlement of tenure charges shall be submitted to the Commissioner prior to transmittal of such charges to the arbitrator; thereafter, it shall be submitted to the arbitrator.



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4. If tenure proceedings against a teaching staff member are concluded prior to adjudication because the charged party has unilaterally resigned or retired, the Commissioner may refer the matter to the State Board of Examiners for action against the charged party's certificate as it deems appropriate, when such referral is warranted under the provisions governing resignation or retirement prior to conclusion of tenure charges as set forth in N.J.A.C. 6A:9-17.4.
5. If a proposed settlement requires the tenured employee to relinquish a certificate issued by the State Board of Examiners, upon approval of the settlement agreement, the Commissioner shall forward the matter to the State Board of Examiners for proceedings in accordance with N.J.A.C. **6A:9B-4.10**.

Issued: 9 November 2010

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Issued: 20 September 2016



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Certification of Tenure Charges - Inefficiency

3144.12 **CERTIFICATION OF TENURE CHARGES - INEFFICIENCY**

In accordance with the provisions of N.J.S.A. 18A:6-17.3 and notwithstanding the provisions of N.J.S.A. 18A:6-11 or any other section of law to the contrary, in the case of a teacher, Principal, Assistant Principal, and Vice Principal, the Superintendent shall promptly file with the Secretary of the Board of Education a charge of inefficiency whenever the employee is rated ineffective or partially effective in an annual summative evaluation and the following year is rated ineffective in the annual summative evaluation.

If the teacher, Principal, Assistant Principal, or Vice Principal is rated partially effective in two consecutive annual summative evaluations or is rated ineffective in an annual summative evaluation and the following year is rated partially effective in the annual summative evaluation, the Superintendent shall promptly file with the Secretary of the Board of Education a charge of inefficiency, except that the Superintendent upon a written finding of exceptional circumstances may defer the filing of tenure charges until after the next annual summative evaluation. If the employee is not rated effective or highly effective on this next annual summative evaluation, the Superintendent shall promptly file a charge of inefficiency.

Within thirty days of the filing, the Board of Education shall forward a written charge to the Commissioner of Education, unless the Board of Education determines the evaluation process has not been followed.

Notwithstanding the provisions of N.J.S.A. 18A:6-16 or any other section of law to the contrary, upon receipt of a charge pursuant to N.J.S.A. 18A:6-17.3.a, and this Policy, the Commissioner of Education shall examine the charge. The individual against whom the charges are filed shall have ten days to submit a written response to the charges to the Commissioner of Education. The Commissioner of Education shall, within five days immediately following the period provided for a written response to the charges, refer the case to an arbitrator and appoint an arbitrator to hear the case, unless the Commissioner determines the evaluation process has not been followed.

The only evaluations which may be used for purposes of N.J.S.A. 18A:6-17.3 are those evaluations conducted in accordance with a rubric adopted by the Board of Education and approved by the Commissioner of Education pursuant to P.L.2012, c.26-N.J.S.A. 18A:6-117 et seq.

N.J.S.A. 18A:6-11; 18A:6-17.3

Adopted: 12 November 2013



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Suspension Upon Certification of Tenure Charges

3144.3 SUSPENSION UPON CERTIFICATION OF TENURE CHARGE

Upon certification of any tenure charge to the Commissioner of Education, the Board of Education may suspend the person against whom such charge is made, with or without pay. However, if the determination of the tenure charge by the arbitrator is not made within one hundred twenty calendar days after certification of the tenure charges, excluding all delays which are granted at the request of such person, then the full salary (except for said one hundred and twenty days) of such person shall be paid beginning on the one hundred twenty-first day until such determination is made.

Should the tenure charge be dismissed at any stage of the process, the person shall be reinstated immediately with full pay from the first day of such suspension. Should the tenure charge be dismissed at any stage of the process and the suspension be continued during an appeal, then the full pay or salary of such person shall continue until the determination of the appeal. However, the Board of Education shall deduct from said full pay or salary any sums received by such employee or offices by way of pay or salary from any substituted employment assumed during such period of suspension.

Should the charge be sustained on the original hearing or an appeal, and should such person appeal from the same, then the suspension may be continued unless and until such determination is reversed, in which event the employee or officer shall be reinstated immediately with full pay from the date of such suspension.

N.J.S.A. 18A:6-14

Adopted: 12 November 2013



3146 **CONDUCT OF REDUCTION IN FORCE**

When teaching staff member positions have been abolished, in accordance with Board Policy No. 3112, the Board of Education will transfer and/or dismiss affected teaching staff members as required by law.

No tenured teaching staff member will be transferred or dismissed in a reduction in force affecting a category of employment in which a nontenured teaching staff member is employed. When two or more nontenured teaching staff members are employed within the category affected by a reduction in force, the nontenured teaching staff member(s) shall be retained in that category who has demonstrated greater competence.

Tenure and seniority entitlements will govern the transfer and dismissal of tenured teaching staff members affected by a reduction in force, except that, when two or more tenured teaching staff members within the same employment category affected by a reduction in force possess an identical seniority entitlement to that category, the teaching staff member(s) shall be retained in that category who has demonstrated greater competence.

The Superintendent shall collect and maintain the information requisite to the calculation of each tenured teaching staff member's seniority status. The Superintendent shall develop and maintain district seniority lists and shall recommend dismissals and transfers in a reduction in force in accordance with those lists. No seniority list shall be a public document or published in the absence of a reduction in force or reemployment from a preferred eligible list.

Teaching staff members affected by a reduction in force will be informed of their seniority status and of the effect of the reduction in force on their employment, as promptly as possible after the Board's action to abolish positions. Wherever possible, the Board will give sixty days notice of a pending dismissal. If notice cannot be given a full sixty days before the end of the employee's service, salary in lieu of notice will be given for the remaining notice period beyond the end of service.

N.J.S.A. 18A:28-1; 18A:28-9 et seq.
N.J.A.C. 6A:32-5.1

Adopted: 3 December 2008



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Conduct of Reduction in Force

R 3146 **CONDUCT OF REDUCTION IN FORCE**

A. Seniority Lists

In order to determine the teaching staff member(s) affected by a reduction in force, a seniority list will be prepared for each seniority category. The Superintendent's office will

1. Determine the category or categories of employment in which each teaching staff member has served by reference to positions held and qualifying certification.
2. Determine whether the member has earned tenure in the district and in the position in which the category falls, in accordance with N.J.S.A. 18A:28-6. Tenure is earned in the positions of Assistant Superintendent, School Business Administrator, Principal, Assistant Principal, Vice Principal, supervisor, educational services personnel, school nurse, and teacher.
3. Calculate length of service in each category within a tenure position in which the employee has earned tenure.
 - a. Length of service may be expressed in calendar months and days or in calendar years and portions of years, to two decimal places.
 - b. Length of service commences from the day on which the employee began service in the category and ends with the end of the current school year or, in the case of previously rified employees, the day on which the employee's district service was terminated.
4. Deduct from time of service in the category any periods of unpaid absence taken for any purpose other than study or research, except that the first thirty days, consecutive and aggregate, of such unpaid absence taken within any one school year will not be deducted.
5. Add periods of prior active military service, to a maximum of four years, to the member's length of service in the first category of district employment. Each full year of military service equals one year of seniority; a fraction of a year, ten months or longer, equals one year of seniority for a ten month employee.
6. Enter the total amount of service for the member's initial category of employment.
7. If the member has been transferred to a second category or successive categories, calculate the service time of each category in accordance with A1 through A4 and enter separately.



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Conduct of Reduction in Force

- a. Service in succeeding categories is included in the member's seniority in each earlier category.
 - b. Each seniority list must clearly indicate the category or categories in which the member has earned seniority and the total accrued time in each.
- B. RIF Procedures
1. Determine the category or categories of employment to be reduced in number in a reduction in force.
 2. Transfer or dismiss nontenured teaching staff members in the reduced category, in accordance with Policy No. 3146.
 3. If no nontenured member remains in the category, the least senior tenured member shall be transferred to a previous seniority category in the same tenure position over a nontenured member or a less senior member in that category.
 4. If there are no positions within his/her seniority categories in the same tenure position to which the member may be transferred, the member shall be transferred to a position outside his/her seniority categories but within the same tenure position, provided the member is appropriately certified for the position and the position is held by a nontenured employee.
 5. If there are no positions to which he/she can be transferred by right of seniority or tenure in the same tenure position, the member shall revert in reverse chronological order to each seniority category and tenure position in which he/she was previously employed in the district, in accordance with the procedure set forth in B3 through B4 above.
 6. When there are no positions which the tenured member affected by a reduction in staff can claim over other tenured employees by superior seniority or over nontenured employees by tenure, he/she shall be dismissed, shall receive sixty days' notice of such dismissal or pay in lieu thereof, and shall be placed on a preferred eligible list for each category in which he/she was employed by the district.

Issued: 3 December 2008



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Teaching Staff Member/School District Reporting Responsibilities

3159 TEACHING STAFF MEMBER/SCHOOL DISTRICT REPORTING RESPONSIBILITIES

All certificate holders shall report their arrest or indictment for any crime or offense to the Superintendent of Schools within fourteen calendar days of the arrest or indictment in accordance with the provisions of N.J.A.C. 6A:9B-4.3. For purposes of this policy, "certificate holders" shall include all individuals who hold certificates, credentials, certificates of eligibility (CEs), and certificates of eligibility with advance standing (CEASs) issued by the State Board of Examiners. For purposes of this Policy, the term "certificate" shall include all standard, emergency and provisional certificates, all credentials, and all CEs and CEASs issued by the State Board of Examiners.

The report submitted to the Superintendent shall include the date of arrest or indictment and charge(s) lodged against the certificate holder. Such certificate holders shall also report to the Superintendent the disposition of any charges within seven calendar days of the disposition. Failure to comply with these reporting requirements may be deemed "just cause" for revocation or suspension of certification pursuant to N.J.A.C. 6A:9B-4.4. The school district shall make these reporting requirements known to all new employees upon initial employment and to all employees on an annual basis.

The Superintendent of Schools shall notify the New Jersey State Board of Examiners when:

1. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
2. Nontenured teaching staff members, including substitute teachers, who are accused of criminal offenses or unbecoming conduct resign, retire, or are removed from their positions;
3. A certificate holder fails to maintain any license, certificate, or authorization that is mandated pursuant to N.J.A.C. 6A:9B for the holder to serve in a position;
4. The Superintendent of Schools becomes aware that a certificate holder has been convicted of a crime or criminal offense while in the district's employ; or
5. The Superintendent has received a report from the Department of Children and Families substantiating allegations of abuse or neglect, or establishing "concerns" regarding a certificated teaching staff member.



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Teaching Staff Member/School District
Reporting Responsibilities

In the event the New Jersey State Board of Examiners issues an order to show cause based on the information that the school district provided about the certificate holder, it shall be the responsibility of the school district to cooperate with the Board of Examiners in any proceeding arising from the order to show cause.

The Superintendent of Schools shall also notify the New Jersey State Board of Examiners, in accordance with the provisions of N.J.S.A. 18A:16-1.3, whenever a nontenured, certificated employee is dismissed prior to the end of the school year for just cause as a result of misconduct in office. This notification requirement shall not apply in instances where the employee's contract is not renewed. The Superintendent of Schools will comply with the additional notice requirements to the New Jersey State Board of Examiners in the event it is subsequently determined by a disciplinary grievance arbitration, a court, or an administrative tribunal of competent jurisdiction that the basis for the dismissal did not constitute misconduct in office. In addition, whenever the Superintendent of Schools notifies the New Jersey State Board of Examiners of an employee's dismissal for reasons of misconduct in accordance with the provisions of N.J.S.A. 18A:16-1.3, the employee shall receive a simultaneous copy of the notifying correspondence.

**N.J.S.A. 18A:16-1.3
N.J.A.C. 6A:9B-4.3; 6A:9B-4.4**

Adopted: 20 September 2016



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Discipline

3150 DISCIPLINE

The Board of Education directs all teaching staff members to observe statutes of the State of New Jersey, rules of the State Board of Education, policies of this Board, and duly promulgated administrative rules and regulations governing staff conduct. Violations of those statutes, rules, policies and regulations will be subject to discipline.

The Superintendent shall deal with disciplinary matters on a case by case basis. Discipline measures will include verbal and written warnings as appropriate and will provide, wherever possible, for progressive penalties for repeated violations. Penalties may include suspension, withholding one or more increments, and dismissal.

In the event disciplinary action is contemplated, notice will be given to the teaching staff member in ordinary and concise language of the specific acts and omissions upon which the disciplinary action is based; the text of the statute, policy, or rule that the member is alleged to have violated; a date when the member may be heard and the administrator who will hear the matter; and the penalty that may be imposed.

N.J.S.A. 18A:25-7; 18A:27-4

N.J.S.A. 34:13A-1 et seq.; 34:19-1

Adopted: 3 December 2008



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Withholding an Increment

3152 WITHHOLDING AN INCREMENT

Advancements on the salary guide, including annual employment and adjustment increments, are not automatically granted and must be earned by satisfactory performance. Advancements require favorable evaluations of the employee's performance of assigned duties, a satisfactory attendance record, and adherence to the rules of this district and high standards of professional conduct.

The Board of Education may determine, by recorded roll call majority vote of the full membership and at any time prior to the commencement of the school year or contract year in which the employee's salary will vest, to withhold any or all of the increments indicated by the salary guide or by Board policy. In no case will the Board withhold a portion of an increment.

The Board shall, within ten days of its formal action to withhold an increment, give written notice to the affected employee of both the action and the reason or reasons for which it was taken.

The purpose of the Board in withholding increments is to improve the educational program and encourage the highest possible professional performance of its employees. Accordingly, all reasonable efforts will be made to inform employees of any deficiencies that may result in the withholding of an increment and to assist them in the correction of those deficiencies.

An increment withheld may be restored only by action of the Board. Nothing in this policy shall limit the right of a successor Board to restore an employee from whom an increment or increments have been withheld to that place on the salary guide he/she would have achieved had the increment or increments not been withheld.

N.J.S.A. 18A:25-7; 18A:29-14
N.J.A.C. 6A:3-4.1

Adopted: 3 December 2008



3160 **PHYSICAL EXAMINATION**

The Board of Education requires each newly employed teaching staff member undergo a physical examination. The physical examination shall include, but is not limited to, a health history to include past serious illnesses and injuries; current health problems; allergies; and a record of immunizations. The physical examination shall also include a health screening to include height and weight; blood pressure; pulse and respiratory rate; vision screening; hearing screening; and Mantoux test for tuberculosis.

A teaching staff member may provide health status information, including medications, which may be of value to medical personnel in the event of an emergency requiring treatment. The staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency. School employee physicals, examinations and/or annual medical updates do not require screening or disclosure of HIV status.

The physical examinations required by this policy shall be limited to those assessments or information necessary to determine the individual's physical and mental fitness to perform with reasonable accommodation in the position he/she seeks or currently holds and to detect any health risks to students or other employees.

Physical examinations required by this policy may be conducted by a physician or institution designated by the Board or, at the employee's election, by a physician or institution designated by the employee and approved by the Board. The cost of any such examination conducted by the physician or institution designated by the Board shall be borne by the Board. The cost of any such examination conducted by the physician or institution chosen by the employee and approved by the Board shall be borne by the employee.

All staff members' medical and health records, including computerized records, will be secured and will be stored and maintained separately from other personnel files. The information contained in medical records will be kept confidential. Only the staff member, the Superintendent, and the school medical inspector shall have access to medical information regarding an individual employee. The section of the medical record that contains the health history may be shared with the staff member's Building Principal and the school nurse with the consent of the staff member.



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Physical Examination

Additional individual psychiatric or physical examinations of any staff member may be required by the Board whenever, in the judgment of the Board, a staff member shows evidence of deviation from normal physical or mental health. Any additional individual examinations will be pursuant to the requirements of N.J.A.C. 6A:32-6.3. Additional examinations and/or certifications may be required to verify fitness in accordance with Policy No. 3161 or disability in accordance with Policy Nos. 3425 and 3435.

42 U.S.C.A. 12101

N.J.S.A. 18A:16-2 et seq.

N.J.A.C. 6A:32-6.1; 6A:32-6.2; 6A:32-6.3

Adopted: 3 December 2008



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Physical Examination

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R 3160 PHYSICAL EXAMINATION

A. Definitions

1. "Employee assurance statement" means a statement signed by the employee certifying that information supplied by the employee is true to the best of the employee's knowledge.
2. "Employee" or "staff member" means the holder of any full-time or part-time position of employment.
3. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.
4. "Health screening" means the testing of people, using one or more diagnostic tools, to determine the presence or precursors of a particular disease.
5. "Medical evaluation" means the examination of the body by the school medical inspector or by any physician licensed to practice medicine.
6. "Physical examination" means the assessment of an individual's health.
7. "Psychiatric examination" means an examination for the purpose of diagnosis and treatment of mental disorders.

B. Employees' Initial Physical Examination

Each newly employed teaching staff member shall be required to undergo a physical examination. The physical examination shall include, but is not limited a health history, health screenings, and medical evaluation.

1. A health history shall be completed by the employee or by his/her physician which shall include the employee's:
 - a. Past serious illnesses and injuries;
 - b. Current health problems;



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Physical Examination

- c. Allergies; and
 - d. Record of immunizations.
2. The employee shall submit to health screenings which shall include his/her:
 - a. Height and weight;
 - b. Blood pressure;
 - c. Pulse and respiration rate;
 - d. Vision screening;
 - e. Hearing screening.
3. Health screening shall also include a Mantoux test for the presence of tuberculosis.
 - a. A newly employed member will be exempt from the Mantoux test if he/she presents satisfactory documentation of a test
 - (1) Administered in a New Jersey school district from which the member has transferred, or
 - (2) Administered in any place within the six months previous to the member's initial employment in this district.
 - b. Procedures for the administration of the Mantoux test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines issued by the State Department of Health and titled School Tuberculin Testing in New Jersey.
 - c. If the results of the Mantoux test so indicate, the employee shall be referred for a chest X-ray and medical evaluation to determine the presence of tuberculosis at the employee's expense. The employee shall submit the report of the X-ray and evaluation to the school medical inspector. If the school medical inspector does not receive the report within four weeks of the referral or is unwilling to accept the findings of the report, he/she may direct the employee to submit to a chest X-ray examination at Board expense, the results of which will be reported directly to the school medical inspector.



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Physical Examination

- d. An employee who presents a physician's or nurse practitioner's documentation, acceptable to the school medical inspector, showing significant tuberculin reaction and a subsequent negative chest X-ray will be exempt from the Mantoux test.
 4. A medical evaluation that shall be limited to those assessments or information necessary to determine the employee's physical and mental fitness to perform with reasonable accommodation in the position which the employee seeks or currently holds and to detect any health risks to students and other employees. The employee's medical evaluation shall include, but not be limited to, a record of immunizations. Guidance regarding immunizations for adults may be found in "Adult Immunization: Recommendations of the Immunization Practices Advisory Committee (ACIP)", available from the Immunization Program, Centers for Disease Control, Public Health, U.S. Department of Health and Human Services, Atlanta GA 30333.
 5. A teaching staff member may provide health status information, including medications, which may be of value to medical personnel in the event of an emergency requiring treatment. The staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.
- C. Health Records
1. All employee medical records, including computerized records, shall be secured, and shall be stored and maintained separate from other personnel files.
 2. Only the employee, the Superintendent, and the school medical inspector shall have access to the medical information in that individual's file.
 3. The portion of the employee's medical record containing a health history may be shared with the Principal and the school nurse with the consent of the employee, as provided in B.5.above.
- D. Employees' Physical Examination and Medical Updates
- School employee physical, examinations and/or annual medical updates shall not require disclosure of HIV status.
- E. Candidates Records
1. All records regarding pre-employment physicals and drug tests will be maintained in separate medical files and treated as confidential medical records. These records will be:



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Physical Examination

- a. Kept separate from a candidate's personnel file;
 - b. Kept in a locked cabinet in a central school district location; and
 - c. Accessible only to the Superintendent and/or designee.
2. The records of a candidate's physical examination will be submitted to the school medical inspector, who will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he/she has made application. That determination will be made a part of the candidate's application.
 3. A candidate's medical records will be maintained separately from his/her application and will be kept confidential in accordance with paragraph D.
 - a. If and when the candidate is employed by this district, the records will be kept in the person's medical file.
 - b. If the candidate is not employed by this district within three years, the records will be destroyed.

Adopted: 3 December 2008



3161 EXAMINATION FOR CAUSE

The Board of Education may, in accordance with law, require the psychiatric or physical examination of any teaching staff member who shows evidence of deviation from normal physical or mental health.

The Superintendent shall recommend to the Board the examination of any teaching staff member whose physical or mental conditions so departs from normal health as to adversely affect the performance of the member's duties. Any such recommendation must be accompanied by competent evidence. If the Board determines that deviation from normal health has been demonstrated, it may require that the member submit to a physical or mental examination.

A requirement for physical or mental examination shall be made known to the employee by written notice setting forth the nature of the examination required, the reasons for the requirement, and a statement offering the member the opportunity to appear before the Board to explain or refute those reasons, provided any such hearing is requested in writing within five working days of the receipt of the notice.

A teaching staff member who fails to request an appearance before the Board within the time permitted or, having appeared before the Board, fails to persuade the Board that he/she should not be required to submit to the required examination shall be ordered to submit to an appropriate examination by a physician or institution designated by the Board and at the Board's expense.

The teaching staff member may, at his/her option, submit names of physicians or institutions to the Board for consideration to complete the appropriate examination(s). The Board is not required to designate a physician or institution submitted for consideration by the teaching staff member, but the Board will not act unreasonably in withholding its approval of a physician or institution submitted by a teaching staff member. The cost of the examination will be borne by the Board if the Board designates a physician or institution from the names submitted from the teaching staff member.

If the teaching staff member's request is denied, or if the teaching staff member does not request the Board to consider a physician or institution, the staff member may elect to submit to an appropriate examination conducted by a physician or institution of the teaching staff member's own choosing and at his/her expense, provided the physician or institution so chosen is approved by the Board, pursuant to N.J.S.A. 18A:16-3, and is authorized and directed by the member to report the results of the examination to the Board.



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Examination for Cause

If the results of the examination show mental abnormality or communicable disease, the teaching staff member shall be placed on sick leave and compensated in accordance with his/her sick leave entitlement, if any, until proof of recovery, satisfactory to the Board, is furnished. No leave of absence granted under this policy shall exceed the term of the contract of a nontenured teaching staff member or a period of two years in the case of a tenured teaching staff member.

A teaching staff member who refuses to submit to the examination required by the Board and has exhausted the hearing procedures established by law and this policy shall be subject to discipline, which may include the certification of tenure charges to the Commissioner of Education.

42 U.S.C.A. 12101

N.J.S.A. 18A:6-10; 18A:16-2; 18A:16-4; 18A:25-7;
18A:28-5; 18A:30-1 et seq.

N.J.A.C. 6A:32-6.3

Adopted: 3 December 2008



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY
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Code of Ethics

3211 CODE OF ETHICS

The Board of Education endorses the code of ethics for professional educators published by the National Education Association.

Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nature of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parent(s) or legal guardian(s), and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than one specifically designated by the NEA or its affiliates.

Principle I -- Commitment to the Student

The educator strives to help each student realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator--

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.



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Code of Ethics

6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly--
 - a. Exclude any student from participation in any program
 - b. Deny benefits to any student
 - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage.
8. Shall not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.

Principle II -- Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards to promote a climate that encourages the exercise of professional judgment, to achieve conditions which attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator--

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a non-educator in the unauthorized practice of teaching.



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TEACHING STAFF MEMBERS - POLICY
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Code of Ethics

6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

Adopted: 3 December 2008



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY
3211.3/page 1 of 1
Consulting Outside the District

3211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that teaching staff members will have expertise and knowledge in areas that other school districts, agencies, and other entities may desire. Recognizing that the school district will request the expertise from teaching staff members from other school districts, agencies and other entities, the Board supports sharing of its teaching staff members with other school districts, agencies, and other entities to the extent it does not interfere with the efficient operation of the school district.

The Superintendent may recommend to the Board a teaching staff member's attendance in another school district, agency or other entity without additional remuneration to the teaching staff member or school district, upon a written request from the agency or from the teaching staff member.

The Board of Education recognizes teaching staff members will have expertise and knowledge in areas that other school districts, public and private agencies, and private business organizations may desire to compensate as a paid consultant. When a teaching staff member serves as a paid consultant, the teaching staff member is not permitted to use normal work hours for any paid consulting activities. The teaching staff member must complete any paid consulting activities on their own time to include vacation days, evenings, weekends, and/or school holidays.

The teaching staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

N.J.S.A. 18A:12-21 et seq.

Adopted: 3 December 2008



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TEACHING STAFF MEMBERS - REGULATION

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Consulting Outside the District

R 3211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that teaching staff members will have expertise and knowledge in areas that other school districts, agencies, private business organizations and other entities may desire. Recognizing that the school district will request the expertise from teaching staff members from other school districts, agencies, private business organizations and other entities the Board supports sharing of its teaching staff members with other school districts and agencies to the extent it does not interfere with the efficient operation of the school district.

A. Definitions

1. Agency - A public or private agency requesting the services of the school district's teaching staff member.
2. Other school districts - A school district other than the school district that employs the teaching staff member, including all supervisory and administrative personnel.
3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.
4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the teaching staff member, except out-of-pocket expenses.
5. Staff member - A contracted member of the school district's teaching staff, including all supervisory and administrative personnel.

B. Procedure - Consulting For No Additional Remuneration

1. The teaching staff member or the agency requesting the expertise and knowledge of the teaching staff member must submit a written request to the Superintendent or designee. The written request must include the following:
 - a. The date(s) the teaching staff member will be away from the district;
 - b. The time of day the teaching staff members will be away from the school district;
 - c. Any out-of-pocket costs to the school district;
 - d. Any reimbursements that the teaching staff member is entitled to from the other school district or agency;



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TEACHING STAFF MEMBERS - REGULATION

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Consulting Outside the District

- e. The specific services requested of the teaching staff member; and
 - f. The location where the services will be provided.
2. The Superintendent or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school district for reciprocal services, a reduction in the future or existing cost of services to the school district, the teaching staff member's attendance record and the impact of the teaching staff member being out of the school district for the requested time.
 3. The Superintendent or designee will determine and recommend each request on a case by case basis and the decision is final. The Superintendent may require the other district or agency to pay the cost of any substitute personnel related to the request.
 4. If deemed to be in the best interest of the school district, the Superintendent's recommendation will be submitted to the Board for approval.
 5. The Board's approval of the Superintendent's recommendation will permit the teaching staff member's consulting activity attendance and the teaching staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the teaching staff member if the request is approved by the Board.
 - a. The teaching staff member must normally complete any paid consulting activities on his/her own time which would include vacation days, evenings, weekends, and/or school holidays. The teaching staff member may be granted an unpaid leave of absence to perform the consulting activity when such leave is recommended by the Superintendent and approved by the Board.
- C. Reporting Activities

The teaching staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

Issued: 3 December 2008



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY

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Attendance

M

3212 ATTENDANCE

The East Orange Board of Education recognizes that an effective educational system is one in which all staff members, whenever possible, report for duty each and every working day. Therefore, to foster and maximize staff attendance at the 95 percent level, an attendance improvement program shall be developed and implemented.

The primary purpose of the attendance program shall be to improve and maintain the quality of education. Improved attendance will increase the level of staff contact time and ensure the continuity of learning by reducing to a minimum the interruption of services provided students by full time staff.

The regular and prompt attendance of teaching staff members is an essential element in the efficient operation of the school district and the effective conduct of the educational program. Staff member absenteeism disrupts the educational program the Board of Education considers attendance an important component of a staff member's job performance.

A teaching staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with Board policy, falsifies the reason for an absence, is absent without authorization, is repeatedly tardy, or accumulates an excessive number of absences may be subject to appropriate consequences, which may include the withholding of a salary increments, dismissal, and/or certification of tenure charges.

In accordance with N.J.S.A. 18A:30-1, sick leave is defined to mean the absence from work because of a personal disability due to injury or illness or because the staff member has been excluded from school by the school medical authorities on account of contagious disease or of being quarantined for such a disease in the staff member's immediate household. No teaching staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for in the collective bargaining agreement negotiated with the member's majority representative, in an individual employment contract, or provided in the policies of the Board. In accordance with N.J.S.A. 18A:30-4, the Superintendent or Board of Education may require a physician's certificate to be filed with the Secretary of the Board in order to obtain sick leave.

The Superintendent of Schools shall be responsible for developing, implementing, and maintaining an attendance program that is consistent with the basic philosophy, purpose, and mission of this school district.



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TEACHING STAFF MEMBERS - POLICY
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Attendance

Full consideration shall be given to the development of positive approaches for dealing with human behavior and to the institution of proper motivational techniques designed to engender improved staff attendance.

The Superintendent shall include in this program plans for conducting annual audits of district staff attendance. Such audits shall be the basis for a comprehensive report to the Board of Education in August of each year.

Definitions

Sickness or illness may be defined as a physical or mental impairment which can be certified by a physician, **if needed**. It tends to debilitate a person to the extent that it reduces his/her effectiveness on the job and may be classified as short-term or long-term.

Short-term occasional illnesses are sporadic periods of absences over a long duration, each of which usually consists of one to three days.

Long-term occasional illnesses are absences over a long duration, consisting of four days or more, in which a staff member is absent because of a legitimate ailment. All staff members must be cleared by the Human Resources Department prior to returning to their assignment.

The Superintendent, in consultation with administrative staff members, will review the rate of absence among the staff members. The review will include the collection and analysis of attendance data, the training of teaching staff members in their attendance responsibilities, and the counseling of teaching staff members for whom regular and prompt attendance is a problem.

N.J.S.A. 18A:27-4; 18A:28-5; 18A:30-1 et.seq.

Adopted: 3 December 2008

Adopted: 27 June 2013

Adopted: 12 May 2015



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East Orange Board of Education

TEACHING STAFF MEMBERS - REGULATION

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Professional Staff Attendance Review and
Improvement Plan

R 3212 **PROFESSIONAL STAFF ATTENDANCE REVIEW AND IMPROVEMENT PLAN**

All Principals and system-wide supervisors will report their absences to the Superintendent or his/her designee. All other professional personnel will report their absences to the Principal of their home building or the administrator in charge of the department and/or program. Additionally, all teaching staff members must list their absence in the AESOP notification system.

If requested to do so by the staff member, the Principal of the home building will notify Principals of any other buildings to which the absentee is assigned for each day of absence. Standard procedures will be used for all absences of regular classroom teachers and teachers of special subjects.

Issued: 3 December 2008

Issued: 27 June 2013



Policy/Regulations

East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY
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Conflict of Interest

3214 CONFLICT OF INTEREST

No teaching staff member of the Board of Education shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which is in conflict with the proper discharge of the teaching staff member's duties.

No teaching staff member shall use or attempt to use his/her position to secure unwarranted privileges or advantages.

No teaching staff member of the Board shall act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest.

No teaching staff member of the Board shall accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the teaching staff member in the discharge of his/her duties.

The Board of Education discourages the presentation of gifts to teaching staff members by students and their parent(s) or legal guardian(s), because it may embarrass students with limited means and give the appearance of currying favor.

The Board directs that teaching staff members instruct their students to express their appreciation by means other than gifts.

Teaching staff members may receive gifts of only nominal value from students or their parent(s) or legal guardian(s).

The Superintendent may approve an act or gift of appreciation to an individual teaching staff member when special circumstances warrant.

N.J.S.A. 18A:6-8; 18A:11-1

Adopted: 3 December 2008



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY
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Dress and Grooming

3216 DRESS AND GROOMING

The purpose of this dress code is to promote and encourage an atmosphere which is conducive to teaching and learning. Students view their teachers as role models so it is important that staff members present an appropriate image and appearance.

The Board of Education recognizes that each staff member's mode of dress and grooming is an expression of personal style and individual appearance. The Board will not interfere with the right of staff members to make decisions regarding their appearance, as long as those decisions are guided by the following parameters:

1. All dress and grooming must present an image and appearance which reflects standards that are acceptable to the school community, and which are appropriate for the job responsibilities to be performed.
2. All dress and grooming must be neat, clean, inoffensive, and within the bounds of good taste.
3. All dress and grooming must not have a negative impact of the maintenance of school and classroom discipline nor on the development of respect for authority.
4. All dress and grooming must not present a danger to the health and safety of staff members or others.
5. All dress and grooming must not diminish teaching effectiveness or have an adverse effect on the work of staff members.
6. This policy shall be reviewed periodically.

The Superintendent of Schools is authorized and directed to develop and enforce regulations to implement this policy.

N.J.S.A. 18A:27-4

Adopted: 3 December 2008



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East Orange Board of Education

TEACHING STAFF MEMBERS - REGULATION

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Dress and Grooming

R3216 **DRESS AND GROOMING**

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Staff Dress Code Guidelines:

Grooming and attire shall meet the following criteria during school/work hours:

- A. A female staff member may wear dresses, suits, skirts, with blouse or sweaters, slack ensembles or slack suits.
- B. A male staff member may wear suits or slacks (shirts with or without ties); a turtleneck shirt or turtleneck sweater with or without a jacket is acceptable. (Shirts and ties are preferred).
- C. The clothing and appearance of all staff members must be clean and neat.
- D. Physical education, home economics, science and industrial art teachers may wear clothing deemed appropriate for their instructional assignments and in their classrooms. All staff may wear appropriate attire for special occasions such as, but not limited to:
 - ❖ Picnics
 - ❖ Field trips
 - ❖ Track meets
 - ❖ Nature Walks
 - ❖ Halloween Parties
- E. All staff members are role models for students and, therefore, hats and caps must be removed when entering our school buildings and officers. No clothing shall be worn by staff members that constitutes a danger to the health and/or safety to him/herself or others, and no clothing may be worn that distracts and/or disrupts the instructional program (i.e. mini-skirts, see-through clothing).



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East Orange Board of Education

TEACHING STAFF MEMBERS - REGULATION

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Dress and Grooming

- F. If you are dressed inappropriately, the principal and/or staff member's supervisor shall determine whether a violation of the dress code has occurred and shall discuss, in private, the violation with the staff member. When a single violation so warrants or violations reoccur, the principal or supervisor may enter a reprimand in the staff member's file. The employee shall be directed by the supervisor to change into appropriate attire. Should this change require leaving the work site, the employee shall sign/clock out/in and shall be docked accordingly. Upon the third letter of reprimand, the principal or immediate supervisor may recommend more stringent disciplinary action such as, but not limited to, the following:
1. Withholding of increment
 2. Insubordination charges
- G. A staff member may appeal the denial of a waiver of this dress code or the entry of reprimand through the grievance procedure.
- H. Those employees required to wear uniforms (security, cafeteria, custodial and custodian staff) MUST wear the entire uniform during their workday.
- I. When appropriate, the Superintendent may relax the dress code (i.e. inclement weather, excessive temperature, etc.).
- J. When appropriate, the building principal may relax the dress code for individual members of the faculty (i.e. field trips; unique school activities; etc.).

EXAMPLES OF UNACCEPTABLE ATTIRE DURING SCHOOL/WORK HOURS ARE:

- ❖ Faded, torn, patched, frayed and/or dirty clothing
- ❖ Flip flop or beach like sandals/ slippers
- ❖ See-through clothing
- ❖ Excessive tight/form-fitting clothing
- ❖ Shirt or blouse buttons open beyond the mid-point of the chest or low cut tops
- ❖ Midriff, halter tube tops, strapless or spaghetti strap tops
- ❖ Painter's pants or overall
- ❖ Shorts or scooter (bike-shorts-not to exceed two (2) inches above the knee)
- ❖ T-Shirts, undershirts as outerwear
- ❖ Clothing with obscene language/gestures
- ❖ Sweatshirts, sweatpants and sweat suits (exceptions – physical education)
- ❖ Caps or hats in the building
- ❖ Dark eyeglasses (except for documented medical reasons)
- ❖ Distracting attire such as mini-skirts exceeding two (2) inches above the knee or skirts with high slits
- ❖ Cutoffs, dungarees and/or jeans
- ❖ Tights/Spandex, leggings



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East Orange Board of Education

TEACHING STAFF MEMBERS - REGULATION

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Dress and Grooming

- ❖ The wearing of a Bluetooth device while performing school district responsibilities.

ACCEPTABLE ATTIRE

- ❖ Khakis pants or "Dockers" style gabardines, linen, cotton or silk pants or dress slacks
- ❖ Dress shirts or blouses, casual shirts with collars, golf shirts, turtlenecks, knit tops, dresses and shirt or Capri pants which fall mid-calf.

We want to have a professional work environment and encourage you to exercise good judgment when dressing for work. When in doubt, "dress up."

N.J.S.A. 18A:6-10; 18A:11-1; 18A:27-4; 18A:54-20

Issued: 9 November 2010



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY
3217/page 1 of 1
Use of Corporal Punishment

3217 USE OF CORPORAL PUNISHMENT

The Board of Education cannot condone an employee's resort to force or fear in the treatment of students, even those students whose conduct appears to be open defiance of authority. Each student is protected by law from bodily harm and from offensive bodily touching.

Teaching staff members shall not use physical force or the threat of physical force to maintain discipline or compel obedience except as permitted by law, but may remove students from the classroom or school by the lawful procedures established for the suspension and expulsion of students.

A teaching staff member who:

1. Uses force or fear to discipline a student except as such force or fear may be necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of a student, to act in self-defense, or to protect persons or property;
2. Touches a student in an offensive way even though no physical harm is intended;
3. Permits students to harm one another by fighting; or
4. Punishes students by means that are cruel or unusual;

will be subject to discipline by this Board and may be dismissed.

N.J.S.A. 18A:6-1; 18A:37-1

Adopted: 3 December 2008



3218 **SUBSTANCE ABUSE**

The Board of Education recognizes a teaching staff member who reports to work under the influence of drugs or alcohol poses a significant threat to their health, safety, and welfare and the health, safety, and welfare of others, including students and other staff members. The Board strongly advises any teaching staff member that has a dependency on a substance as defined in this Policy to seek appropriate treatment. The Board has an obligation and the right to maintain a safe and healthy work environment and adopts this Policy as an important component toward maintaining a safe environment in the school district. A teaching staff member is prohibited from possession, use, distribution, or being under the influence of any substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.

For the purposes of this Policy, "substance" or "substances" means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

Any teaching staff member who reports to work or attends a school-sponsored function where the teaching staff member has assigned job responsibilities under the influence of or in possession of any substance will be subject to appropriate discipline, which may include termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.

A teaching staff member shall be required to submit to an immediate medical examination to include a substance test if the Principal or designee has reasonable suspicion to believe a teaching staff member is under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities. Refusal of a teaching staff member to consent to the medical examination and substance test will be determined to be a positive result.



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY
3218/page 2 of 2
Substance Abuse

In the event a teaching staff member's medical examination and substance test results are negative for a substance, any documents or records pertaining to the requirement for the examination and test and results will not be maintained by the school district. Any required examination and testing shall be paid for by the Board. The teaching staff member will be afforded the opportunity to have any test results confirmed using acceptable test confirmation practices. This confirming test shall be paid for by the teaching staff member.

In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any teaching staff member who, in the course of their employment, has reason to believe a school staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal, or in the absence of the Principal, to the staff member responsible at the time of the alleged violation. Either the Principal or the staff member shall notify the Superintendent of Schools who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the staff member involved.

In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)3, the Superintendent or designee shall not disclose the identity of a teaching staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the teaching staff member is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by a teaching staff member in response to questioning initiated by the Principal or designee or following the discovery by the Principal or designee of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

42 CFR Part 2
N.J.A.C. 6A:16-6.3; 6A:32-6.3

Adopted: 3 December 2008
Adopted: 12 May 2015



R 3218 **SUBSTANCE ABUSE**

A. Definition

1. "Principal or designee" means the teaching staff member's Principal or a staff member designated by the Principal to be responsible at the time of the alleged violation or the teaching staff member's supervisor or a staff member designated by the teaching staff member's supervisor to be responsible at the time of the alleged violation.
2. "Substance" or "substances" means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
3. "Substance test" means a test conducted by a State-licensed clinical laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.
4. "Under the influence" means the presence of a substance as defined in Policy 3218 and this Regulation as confirmed in a medical examination and substance test.

B. Procedures to be Followed When a Teaching Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a teaching staff member is suspected of being under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.



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TEACHING STAFF MEMBERS - REGULATION

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Substance Abuse

- a. The Principal or designee, upon receiving a report or information a teaching staff member may be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities will:
 - (1) Immediately notify the Superintendent of Schools;
 - (2) Immediately meet with the teaching staff member;
 - (a) The Principal or designee may include another staff member in this meeting; and
 - (b) The teaching staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.
- b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion the teaching staff member may be under the influence of a substance.
- c. The teaching staff member shall be provided an opportunity to respond to the report or information presented by the Principal or designee.
- d. In the event the Principal or designee believes the teaching staff member may be under the influence of a substance after meeting with the teaching staff member, the Principal or designee will arrange for an immediate medical examination to include a substance test.
- e. The teaching staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the Principal or designee.
- f. The teaching staff member, prior to the medical examination and substance test, will be informed by the physician or the physician's designee on the type of testing to be completed and the substances that will be tested.
- g. The teaching staff member may, prior to being examined and tested, disclose to the physician any prescription medicine, over-the-counter medicine or supplements, or any other reason why the teaching staff member's test results may be positive.



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TEACHING STAFF MEMBERS - REGULATION

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Substance Abuse

- h. A teaching staff member's refusal to be examined or tested in accordance with the provisions of Policy 3218 and this Regulation will be deemed as a positive test for substances.
 - 2. The medical examination and substance test shall be used by the physician to determine if the teaching staff member is under the influence of any substance as defined in Policy 3218 and this Regulation. The substance test procedures will provide for a confirming test using acceptable confirmation test procedures.
 - 3. The physician shall receive the results of the substance test within twenty-four hours of the test being administered. If the results of the substance test are not available within twenty-four hours, the physician shall report the results to the Superintendent and the teaching staff member as soon as the test results are available.
 - 4. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was not under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will notify the Superintendent of such results and the teaching staff member shall return to their position in the school district. Any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.
 - 5. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will:
 - a. Discuss the results of the examination and substance test with the teaching staff member and provide the teaching staff member an opportunity to present any medical or other reasons for the physician's determination.
 - b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a State-licensed clinical laboratory selected by the staff member and approved by the physician.
-



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- (1) The physician will schedule and coordinate the confirming test procedures, including the acceptable time period for the confirming test to be conducted based on the existing test results, and the time in which a confirming test result would be valid.
 - (2) The confirming substance test results must be provided to the physician within the time period required by the physician.
 - (3) Any confirming test results provided to the physician not within the time period required by the physician shall not be accepted and the teaching staff member shall be determined to have waived their right to have a confirming substance test considered by the physician.
- c. After completing the requirements in a. and b. above the physician shall make a final determination whether the teaching staff member was under the influence of a substance during the work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities.
- (1) If the physician makes a final determination the teaching staff member was not under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Superintendent and the teaching staff member shall return to their position in the school district and any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.
 - (2) If the physician makes a final determination the teaching staff member was under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Superintendent of Schools and the teaching staff member will be required to meet with the Superintendent.
- C. Procedures to be Followed When a Teaching Staff Member is Determined to be Under the Influence of a Substance



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Substance Abuse

1. Any teaching staff member who has been determined by the physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities shall be required to meet with the Superintendent.
 - a. The teaching staff member may include a staff member or a representative of their choice in this meeting.
2. The Superintendent will provide the teaching staff member an opportunity to respond to the physician's determination.
3. A teaching staff member who has been determined to have been under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities will be subject to appropriate discipline which may include termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member.

Issued: 3 December 2008

Issued: 12 May 2015



3221 **EVALUATION OF TEACHERS**

The Board of Education recognizes the importance of teacher effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3221 for the evaluation of teachers consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for teacher evaluations consistent with TEACHNJ and AchieveNJ.

For the purposes of Policy and Regulation 3221, “teacher” means a teaching staff member who holds the appropriate standard, provisional, or emergency instructional certificate issued by the Board of Examiners and is assigned a class roster of students for at least one particular course.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on 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 bargaining involve matters of educational policy or managerial prerogatives. All information contained in written performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10.1.1 et seq. shall be confidential and 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.

The Board shall annually adopt evaluation rubrics for teachers which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of teachers and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all teachers. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

The minimum requirements for the evaluation procedures for teachers as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each teacher rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5. A School Improvement Panel shall be established in accordance with N.J.A.C. 6A:10-3.1 and with the responsibilities outlined in N.J.A.C. 6A:10-3.2.



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The components of the teacher evaluation rubrics as described in N.J.A.C. 6A:10-4.1 shall apply to teachers. Measures of student achievement, as outlined in N.J.A.C. 6A:10-4.2, shall be used to determine impact on student learning. Teacher observations shall be conducted in accordance with the provisions of N.J.A.C. 6A:10-4.4. Observers shall conduct the observations pursuant to N.J.S.A. 18A:6-123.b.(8) and N.J.A.C. 6A:10-2.5 and 3.2, and they shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).

The teacher practice instrument approved by the Department of Education shall meet the criteria as outlined in N.J.A.C. 6A:10-7.2.

The Superintendent shall annually notify all teachers of the adopted evaluation policies and procedures/regulations no later than October 1. If a teacher is hired after October 1, the Superintendent shall notify the teacher of the policies and procedures/regulations at the beginning of his or her employment. All teachers shall be notified of amendments to the policy and procedures/regulations within ten teacher working days of adoption.

N.J.S.A. 18A:6-117 et seq.
N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5
N.J.A.C. 6A:10-3.1 and 3.2; N.J.A.C. 6A: 10-4.1 through 4.4
N.J.A.C. 6A:10-7.1 and 7.2

Adopted: 3 December 2008

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R 3221 EVALUATION OF TEACHERS

A. Definition – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3221 unless the context clearly indicates otherwise:

“Announced observation” means an observation in which the person conducting an evaluation for the purpose of evaluation will notify the teacher of the date and the class period the observation will be conducted.

“Annual performance report” means a written appraisal of the teacher’s performance prepared by the teacher’s designated supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a teacher’s evaluation rubric. The four summative performance categories are ineffective, partially effective, and highly effective.

“Calibration” in the context of educator evaluation means a process to monitor the competency of a trained evaluator to ensure the evaluator continues to apply an educator practice instrument accurately and consistently according to the standards and definitions of the specific instrument.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Co-observation” mean two or more supervisors who are trained on the practice instrument who observe simultaneously, or at alternate times, the same lesson or portion of a lesson for the purpose of training.

“Corrective Action Plan” means a written plan developed by a teaching staff member serving in a supervisory capacity in collaboration with the teacher to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teacher and the school district for implementing the plan, and specific support that the district shall provide.

“Department” means the New Jersey Department of Education.



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“Designated supervisor” means the supervisor designated by the Superintendent of Schools or designee as the teacher’s supervisor.

“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education’s evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies.

“Evaluation” means an appraisal of an individual’s professional performance in relation to his or her job description, professional standards, and Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth and multiple data sources.

“Evaluation rubrics” means a set of criteria, measures, and processes used to evaluate all teachers in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessments.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.

“Job Description” means a written description specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

“Long Observation” means an observation for the purpose of evaluation that is conducted for a minimum duration of forty minutes or one class period, whichever is shorter.

“Model evaluation rubric” means district educator evaluation rubrics that have been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department’s list of approved educator practice instruments.



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“Observation” means a method of collecting data on the performance of a teacher’s assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-1.1.

“Post-observation conference” means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the teacher for the purpose of evaluation to discuss the data collected in the observation.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Teacher practice instruments include a scoring guide that an evaluator used to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.

“Short observation” means an observation for the purpose of evaluation that is conducted for at least twenty minutes.

“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Student growth objective” means an academic goal that teachers and evaluators set for groups of students.

“Student growth percentile” means a specific metric for measuring individual student progress on Statewide assessments by tracking how much a student’s test scores have changed relative to other students Statewide with similar scores in previous years.

“Superintendent” means Superintendent of Schools or Chief School Administrator.

“Supervisor” means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-11.

“Teacher” means a teaching staff member who holds appropriate standard, provisional, or emergency instructional certificate issued by the Board of Examiners and is assigned a class roster of students for at least one particular course.



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“Teacher practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from the teacher practice instrument are components of the teacher’s evaluation rubrics and the scores are included in the summative evaluation rating for the individual.

“Unannounced observation” means an observation in which the person conducting an observation for the purpose of evaluation will not notify the teacher of the date or time the observation will be conducted.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3.

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into 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 bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Written Reports – N.J.A.C. 6A:10-1.4

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 Department or a **school district** from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Teachers – N.J.A.C. 6A:10-2.1

1. The Board of Education annually shall adopt evaluation rubrics for teachers. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective and highly effective.
2. The evaluation rubrics for teachers shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123. (P.L. 2012, c. 26, §17c).
3. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.



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- B. Duties of the Board of Education – N.J.A.C. 6A:10-2.2
1. The Board of Education shall meet the following requirements for the annual evaluation of teachers, unless otherwise specified:
 - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education’s evaluation policies and procedures as set forth in N.J.A.C. 6A:10-1.1 et seq.
 - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c);
 - c. Ensure the Superintendent annually notifies all teachers of the adopted evaluation policies and procedures no later than October 1. If a teacher is hired after October 1, the Board/Superintendent shall notify the teacher of the policies and procedures at the beginning of his or her employment. All teachers shall be notified of amendments to the policy and procedures within ten teacher working days of adoption.
 - d. Annually adopt by June 1, any Commissioner-approved **teacher** practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district’s evaluation rubrics.
 - e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2.
 - f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
 - g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teacher for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; and N.J.A.C. 6A:10-5.4, and N.J.A.C. 6A:10-6.2, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.



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2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teacher and, when applicable, applying the Commissioner-approved educator practice instruments;
 - a. Annually provide training on and descriptions of each component of the evaluation rubric for all teachers who are being evaluated in the school district and provide more thorough training for all teachers who are being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;
 - b. Provide training on the teacher practice instrument for any supervisor who will conduct observations for the purpose of evaluation of teachers. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;
 - c. Annually provide updates and refresher training on the teacher practice instrument for any supervisor who will observe **teacher** practice for the purpose of increasing accuracy and consistency among observers;
 - d. Annually require each supervisor who will conduct observations for the purpose of evaluation of a teacher to complete two co-observation during the academic year.
 - (1) Co-observers shall use the co-observation to calibrate teacher to promote accuracy in scoring, and to continually train themselves on the instrument; and
 - (2) A co-observation shall count as one required observation for the purpose of evaluation pursuant to N.J.A.C. 6A:10-4.4, as long as the observer meets the requirements set forth in N.J.A.C. 6A:10-4.3 and 4.4.
 - e. The Superintendent shall annually certify to the Department that all supervisors of teachers in the school district who are utilizing teacher practice instruments have completed training on the instrument and its application and have demonstrated competency in applying the teacher practice instruments.
- F. District Evaluation Advisory Committee -N.J.A.C. 6A:10-2.3



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1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
 2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
 3. Beginning in 2017-2018, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District's Evaluation Advisory Committee.
- G. Evaluation Procedures for Teachers – N.J.A.C. 6A:10-2.4
1. The provisions outlined in Policy and Regulation 3221 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teachers.
 2. Evaluation policies and procedures requiring the annual evaluation of all teachers shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
 - a. Roles and responsibilities for implementation of evaluation policies and procedures;
 - b. Job descriptions, evaluation rubrics for teachers, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in this N.J.A.C. 6A:10 et seq.;
 - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attrition to teachers, Principals, Assistant Principals for calculating the median and school-wide student growth percentile;
 - a. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
 - e. The process for preparation of individual professional development plans; and



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- f. The process for preparation of an annual written performance report by the teacher's designated supervisor, and an annual summary conference between the teacher and his or her designated supervisor.
3. The annual summary conference between designated supervisors and teachers shall be held before the written performance report is filed. The conference shall occur before June 30 of each year and shall include, but not be limited to, a review of the following:
 - a. The performance of the teacher based upon the job description and the scores or evidence compiled using the teacher's evaluation rubric, including, when applicable, the teacher's practice instrument;
 - b. The progress of the teacher toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan;
 - c. Available indicators or scores of student achievement or growth, when applicable, such as student growth objective scores and student growth percentile scores; and
 - d. The preliminary annual written performance report.
4. If any scores for the teacher's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
5. The annual written performance report shall be prepared by the teacher's designated supervisor and shall include, but not be limited to:
 - a. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4;
 - b. Performance area(s) of strength and area(s) needing improvement based upon the job description, observations for the purpose of evaluation and, when applicable, the teacher practice instrument; and
 - c. An individual professional development plan developed by the designated supervisor and the teacher or, when applicable, a corrective action plan from the evaluation year being reviewed in the report.



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6. The teacher and the designated supervisor shall sign the report within five teacher working days of the review.
 7. The Board of Education shall include all written performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teacher's file, or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily assessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1 A-1 et seq.
- H. Corrective Action Plans for Teachers - N.J.A.C. 6A:10-2.5
1. For each teacher rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teacher and the Superintendent or the teacher's designated supervisor.
 2. If the summative evaluation rating is calculated before the end of the school year, then the corrective action plan shall be developed and the teacher and his or her designated supervisor shall meet to discuss the corrective action plan prior to September 15 of the following school year. The conference to develop and discuss the corrective action plan may be combined with the teacher's annual summary conference that occurs at the end of the year of evaluation.
 3. If the ineffective or partially effective summative evaluation rating is received after the start of the school year following the year of evaluation, then a corrective action plan must be developed, and the teacher and his or her designated supervisor shall meet to discuss the corrective action plan within fifteen teacher working days following the school district's receipt of the teacher's summative rating.
 4. The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(c) and 3.7(c) until the next annual summary conference.
 5. The content of the corrective action plan shall:
 - a. Address areas in need of improvement identified in the teacher evaluation rubric;
 - b. Include specific, demonstrable goals for improvement;



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- c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 - d. Include timelines for meeting the goal(s).
6. The teacher's designated supervisor, and the teacher on a corrective action plan shall discuss the teacher's progress toward the goals outlined in the corrective action plan during each post observation conference, when required by N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10 4.4.
7. Progress toward the teacher's goals outlined in the corrective action plan, shall be documented in the teacher's personnel file and reviewed at the annual summary conference or the mid-year evaluation, when applicable. Both the teacher on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teacher's progress toward his or her corrective action plan goals.
8. Progress toward the teacher's goals outlined in the corrective action plan may be used as evidence in the teacher's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
9. Responsibilities of the evaluated teacher on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teacher's designated supervisor.
10. The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation as required by N.J.S.A. 18A:6-120.c. If the corrective action plan was created on or prior to September 15 of the academic year, the mid-year evaluation shall occur before February 15; if the corrective action plan was created after September 15, the mid-year evaluation shall occur midway between the development of the corrective action plan and the annual summary conference. The mid-year evaluation shall include, at a minimum, a conference to discuss progress toward the teacher's goal outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.
11. The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation, in addition to the observations required in N.J.A.C. 6A:10-4.4 for the purpose of evaluation as described in N.J.A.C. 6A:10-1.2 and 4.4(a). The Superintendent or Principal shall determine the length of the additional observation.



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12. Tenured teachers with a corrective action plan shall be observed by multiple observers for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4(c)2.
 13. The corrective action plan shall remain in effect until the teacher receives his or her next summative evaluation rating.
- I. School Improvement Panel- N.J.A.C. 6A:10-3 et seq.
1. School Improvement Panel Membership - N.J.A.C. 6A:10-3.1
 - a. The School Improvement Panel shall include the Principal, a Vice Principal, and a teacher who is chosen in accordance with b. below by the Principal in consultation with the majority representative. The Principal may appoint additional members to the School Improvement Panel as long as all members meet the criteria outlined in this section and N.J.S.A. 18A:6-120.a and the teacher(s) on the panel represents at least one-third of its total membership.
 - b. The Principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:
 - (1) The teacher member shall be a person with a demonstrated record of success in the classroom. A demonstrated record of success in the classroom means the teacher member shall have been rated effective or highly effective in the most recent available annual summative rating.
 - (2) The majority representative, in accordance with a. above, may submit to the principal, teacher member nominees for consideration.
 - (3) The Principal shall have final decision making authority and is not bound by the majority representative's list of nominees.
 - c. The teacher member shall serve a full academic year, except in case of illness or authorized leave, but may not be appointed more than three consecutive years.
 - d. All members of the School Improvement Panel shall be chosen by August 31 of each year.
 2. School Improvement Panel Responsibilities - N.J.A.C. 6A:10-3.2



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- a. The School Improvement Panel shall:
 - (1) Oversee the mentoring of teachers according to N.J.A.C. 6A:9B-8 and support the implementation of the school district mentoring plan;
 - (2) Conduct evaluations of teachers pursuant to N.J.A.C. 6A:10-2.4 and 4.4;
 - (3) Ensure corrective action plans for teachers are created in accordance to N.J.A.C. 6A:10-2.5(j); and conduct mid-year evaluations for teachers who are on a corrective action plan; and
 - (4) Identify professional development opportunities for all teachers based on the review of aggregate school-level data, including, but not limited to, teacher evaluation and student performance data to support school-level professional development plans described in N.J.A.C. 6A:9C-3.5.
 - b. To conduct observations for the purpose of evaluation, the teacher member shall have:
 - (1) Agreement of the majority representative;
 - (2) An appropriate supervisory certificate; and
 - (3) Approval of the Principal who supervises the teacher being observed.
 - c. The teacher member who participates in the evaluation process shall not serve concurrently as a mentor under N.J.A.C. 6A:9B-8.4.
- J. Components of Teacher Evaluation Rubric- N.J.A.C. 6A:10-4.1
1. The components of the teacher evaluation rubric described in N.J.A.C. 6A:10-4.1 et seq. shall apply to teachers holding the position of teacher and holding a valid and effective standard, provisional, or emergency instructional certificate.
 2. Evaluation rubrics for all teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:
 - a. Measures of student achievement pursuant to N.J.A.C. 6A: 10-4.2; and
 - b. Measures of teacher practice pursuant to N.J.A.C. 6A:10-4.3 and 4.4.



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3. To earn a summative rating, a teacher shall have a student achievement score, including median student growth percentile and/or student growth objectives(s) scores, and a teacher practice score pursuant to N.J.A.C. 6A:10-4.4.
 4. Each score shall be converted to a percentage weight so all components make up 100 percent of the evaluation rubric. By August 31 prior to the academic year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All components shall be worth the following percentage weights or fall within the following ranges:
 - a. If, according to N.J.A.C. 6A:10-4.2(b), a teacher receives a median student growth percentile, the student achievement component shall be at least forty percent and no more than thirty percent of a teacher's evaluation rubric rating as determined by the Department.
 - b. If, according to N.J.A.C. 6A:10-4.2(b), a teacher does not receive a median student growth percentile, the student achievement component shall be at least fifteen percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.
 - c. Measures of teacher practice described in N.J.A.C.6A:10-4.3 and 4.4 shall be at least fifty percent and no more than eighty-five percent of a teacher's evaluation rubric rating as determined by the Department.
 - d. Notwithstanding the provisions of a, b, and c above, if a teacher's appeal of his or her student growth objective is approved, according to N.J.A.C. 6A:10-4.2(f), the student growth objective score weight within the student achievement component and the teacher practice weight shall be adjusted by the Superintendent or the Commissioner, as applicable according to N.J.A.C. 6A:10-4.2(f).
 5. Standardized tests, used as a measure of student progress, shall not be the predominant factor in determining a teacher's annual summative rating.
- K. Student Achievement Components -N.J.A.C. 6A:10-4.2
1. Measures of student achievement shall be used to determine impact on student learning. The student achievement measures shall include the following components:



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- a. If the teacher meets the requirements of 2. below, the median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth in 4. below; and
 - b. Student growth objective(s), which shall be specific and measurable, based on available student learning data, aligned to the Core Curriculum Content Standards, and based on growth and/or achievement.
 - (1) For teachers who teach subjects or grades not covered by the Core Curriculum Content Standards, student growth objective(s) shall align to standards adopted or endorsed, as applicable, by the State Board.
2. The median student growth percentile shall be included the annual summative rating of a teacher who:
- a. Teaches at least one course or group within a course that falls within a standardized-tested grade or subject. The Department shall maintain on its website a course listing of all standardized-tested grades and subjects for which student growth percentile can be calculated pursuant to 4. below;
 - b. Teaches the course or group within the course for at least sixty percent of the time from the beginning of the course to the day of the standardized assessment; and
 - c. Has at least twenty individual student growth percentile scores attributed to his or her name during the academic year of the evaluation. If a teacher does not have at least twenty individual student growth percentile scores in a given academic year, the student growth percentile scores attributed to a teacher during the two academic years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the academic year of the evaluation. Only student growth percentile scores from academic year 2013-2014 or any year after shall be used to determine median student growth percentiles.
3. The Department shall periodically collect data for all teachers that include, but are not limited to, student achievement and teacher practice scores.
4. The Department shall calculate the median student growth percentile for teachers using students assigned to the teacher by the school district. For teachers who have a student growth percentile score:



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- a. The Board of Education shall submit to the Department final ratings for all components, other than the student growth percentile, for the annual summative rating; and
 - b. The Department then shall report to the employing district Board of Education the annual summative rating, including the median student growth percentile for each teacher who receives a median student growth percentile.
5. Student growth objectives for teachers shall be developed and measured according to the following procedures:
- a. The Superintendent shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile. A teacher with a student growth percentile shall have at least one and not more than four student growth objectives. A teacher without a student growth percentile shall have at least two and a maximum of four student growth objectives. By August 31, prior to the academic school year the evaluation rubric applies, the Department shall provide on its website the minimum and maximum number of required student growth objectives within this range.
 - b. A teacher with a student growth percentile shall not use the standardized assessment used in determining the student growth percentile to measure progress toward a student growth objective.
 - c. Each teacher shall develop, in consultation with his or her supervisor or a Principal's designee, each student growth objective. If the teacher does not agree with the student growth objectives, the Principal shall make the final determination.
 - d. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each academic year, or within twenty work days of the teacher's start date if the teacher begins work after October 1.
 - e. Adjustments to student growth objectives may be made by the teacher in consultation with his or her supervisor only when approved by the Superintendent or designee. Adjustments shall be recorded in the teacher's personnel file on or before February 15.



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- (1) If the Student Growth Objective (SGO) covers only the second semester of the school year, or if the teacher begins work after October 1, adjustments shall be recorded before the mid-point of the second semester.
- f. The teacher's designated supervisor shall calculate each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be discussed at the teacher's annual summary conference and recorded in the teacher's personnel file.
- L. Teacher Practice Components - N.J.A.C. 6A:10-4.3
 1. The teacher practice component rating shall be based on the measurement of the teacher's performance according to the school district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement.
- M. Teacher Observations – N.J.A.C. 6A:10-4.4
 1. For the purpose of teacher evaluation, observers shall conduct the observations pursuant to N.J.S.A. 18A:6-123.b (8) and N.J.A.C. 6A:10-2.5 and 3.2, and they shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).
 2. Observation conferences shall include the following procedures:
 - a. A supervisor who is present at the observation shall conduct a post-observation conference with the teacher being observed. A post-observation conference shall occur no more than fifteen teacher working days following each observation.
 - b. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness.
 - c. If agreed to by the teacher, post-observation conferences for short observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic.
 - d. A pre-conference, when required, shall occur at least one but not more than seven teacher working days prior to the observation.



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3. Each teacher shall be observed as described in N.J.A.C. 6A:10-4.4, at least three times during the school year, but not less than once during the semester. For all teachers, at least one of the required observations shall be announced and preceded by a pre-conference, and at least one of the required observations shall be unannounced. The Superintendent shall decide whether the third required observation is announced or unannounced. The following additional requirements shall apply:
 - a. Nontenured teachers shall receive a minimum of three observations within the timeframe set forth in N.J.S.A. 18A:27-3.1, and observations for all other teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.
 - b. Teachers on a corrective action plan shall receive observations within the timeline set forth in N.J.A.C. 6A:10-2.5.
 - c. Nontenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor, either simultaneously or separately, by multiple observers, with the following provisions:
 - (1) A co-observation shall fulfill the requirement in this section for multiple observers.
 - (2) One co-observation shall count as one observation required in 4. below.
 - d. One post-observation conference may be combined with a teacher's annual summary conference as long as it occurs within the required fifteen teacher working days following the observation for the purpose of evaluation.
 - e. A written or electronic evaluation report shall be signed by the supervisor who conducted the observation and post observation and the teacher who was observed.
 - f. The teacher shall submit his or her written objection(s) of the evaluation within ten teacher working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.
4. Each observation required for the purpose of evaluations shall be conducted for the minimum duration based on the following groups:



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- a. A nontenured teacher who is in his or her first or second year of teaching in the school district shall receive at least two long observations and one short observation.
 - b. A nontenured teacher who is in his or her third or fourth year of teaching in the school district shall receive at least one long observation and two short observations.
 - c. A tenured teacher shall receive at least three short observations.
 5. To earn a teacher practice score, a teacher shall receive at least three observations.
 - a. If a teacher is present for less than forty percent of the total student school days in an academic year, he or she shall receive at least two observations to earn a teacher practice score.
- N. Teacher Practice Instrument - N.J.A.C. 6A:10-6.2
 1. The teacher practice instrument approved by the Department shall meet the following criteria:
 - a. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers pursuant to N.J.A.C. 6A:9-3;
 - b. Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:
 - (1) Clearly define the expectations for each rating category;
 - (2) Provide a conversion to the four rating categories: ineffective, partially effective, effective, and highly effective;
 - (3) Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and
 - (4) Use clear and precise language that facilitates common understanding among teachers and administrators.



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- c. Rely, to the extent possible, on specific, discrete, observable, and/or measurable behaviors of students and teachers in the classroom with direct evidence of student engagement and teaming; and
 - d. Include descriptions of specific training and implementation details required for the instrument to be effective.
2. For Commissioner-approval of a teacher practice instrument in 2015 or any year thereafter, the instrument shall include a process to assess competency on the evaluation instrument which the school district may choose to use as a measure of competency.

Adopted: 3 December 2008

Adopted: 28 January 2014

Adopted: 12 January 2016



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Evaluation of Teaching Staff Members, Excluding
Teachers and Administrators

3222 EVALUATION OF TEACHING STAFF MEMBERS, EXCLUDING TEACHERS AND ADMINISTRATORS

The Board of Education recognizes the importance of teaching staff member effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3222 for the evaluation of teaching staff members consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for teaching staff member evaluations consistent with TEACHNJ and AchieveNJ.

For the purposes of Policy and Regulation 3222, "teaching staff member" includes, but is not limited to, educational services staff members, guidance counselors, school nurses, library/media specialists, occupational therapists, and other teaching staff members working under an educational services certificate. For the purposes of Policy and Regulation 3222, "teaching staff member" does not include teachers, Principals, Vice Principals, Assistant Principals, and administrators, including, but not limited to, directors and/or supervisors.

The rules in N.J.A.C. 6A:10 - Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into 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 bargaining involve matters of educational policy or managerial prerogatives. All information contained in written performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and 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.

The Board shall annually adopt evaluation rubrics for teaching staff members which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of teaching staff members and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all teaching staff members. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

The minimum requirements for the evaluation procedures for teaching staff members as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each teaching staff member rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5.



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Observations and evaluations for nontenured teaching staff members shall be in accordance with the provisions of N.J.S.A.18A:27-3.1. Evaluations for nontenured teaching staff members shall take place before April 30 each year prior to the May 15 notice requirement date for continued employment. Evaluations for tenured teaching staff members shall be completed prior to June 30.

The Superintendent shall annually notify all teaching staff members of the adopted evaluation policies and procedures/regulations no later than October 1. If a teaching staff member is hired after October 1, the Superintendent shall notify the teaching staff member of the policies and procedures/regulations at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy and procedures/regulations within ten teaching staff member working days of adoption.

N.J.S.A. 18A:6-117 et seq.; N.J.S.A. 18A:27-3.1

N.J.A.C. 6A:10-1.I through 1.4; 6A:10-2.1 through 2.5; 6A:10-6.2

Adopted: 28 January 2014

Adopted: 12 January 2016



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Evaluation of Teaching Staff Members, Excluding
Teachers and Administrators

R3222 **EVALUATION OF TEACHING STAFF MEMBERS, EXCLUDING
TEACHERS AND ADMINISTRATORS**

A. Definition – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3222 unless the context clearly indicates otherwise:

“Annual performance report” means a written appraisal of the teaching staff member’s performance prepared by the teaching staff member’s designated supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, if applicable, and includes all measures captured in a teaching staff member’s evaluation rubric. The four summative performance categories are ineffective, partially effective, and highly effective.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Corrective Action Plan” means a written plan developed by a teaching staff member serving in a supervisory capacity in collaboration with the teacher staff member to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teaching staff and the school district for implementing the plan, and specific support that the district shall provide.

“Department” means the New Jersey Department of Education.

“Designated supervisor” means the supervisor designated by the Superintendent of Schools or designee as the teaching staff member’s supervisor.

“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education’s evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.



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Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from educator practice instruments for teaching staff members other than teachers, Principals, Vice Principals, and Assistant Principals may be applied to the teaching staff member’s summative evaluation rating in a manner determined by the school district.

“Evaluation” means an appraisal of an individual’s professional performance in relation to his or her job description, professional standards, and Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth and multiple data sources.

“Evaluation rubrics” means a set of criteria, measures, and processes used to evaluate all teaching staff members in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessments.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.

“Job Description” means a written description specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

“Model evaluation rubric” means district educator evaluation rubrics that have been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department’s list of approved educator practice instruments.

“Observation” means a method of collecting data on the performance of a teaching staff member’s assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-1.1.



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“Post-observation conference” means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the teaching staff member for the purpose of evaluation to discuss the data collected in the observation.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator used to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.

“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Student growth objective” means an academic goal that teaching staff members and evaluators set for groups of students.

“Superintendent” means Superintendent of Schools or Chief School Administrator.

“Supervisor” means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-11.

“Teaching staff member” for the purpose of Policy 3222 and this Regulation, includes, but is not limited to, educational services staff members, guidance counselors, school nurses, library/media specialists, occupational therapists, and other teaching staff members working under an educational services certificate and does not include teachers, Principals, Vice Principals, Assistant Principals, and administrators, including, but not limited to, Directors and/or Supervisors.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3.

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into 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 bargaining involve matters of educational policy or managerial prerogatives.



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C. Educator Evaluation Data, Information, and Written Reports – N.J.A.C. 6A:10-1.4

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 Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Teaching Staff Members – N.J.A.C. 6A:10-2.1

1. The Board of Education annually shall adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective and highly effective.
2. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of teachers, unless otherwise specified:
 - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.
 - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c).
 - c. Ensure the Superintendent annually notifies all teaching staff members of the adopted evaluation policies and procedures no later than October 1. If a teacher is hired after October 1, the Board/Superintendent shall notify the teaching staff member of the policies and procedures at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy and procedures within ten teaching staff member working days of adoption.



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- d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics.
 - e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2.
 - f. Ensure data elements are collected and store the data in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and.
 - g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teaching staff member for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; and N.J.A.C. 6A:10-5.4, and 6A:10-6.2, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.
2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments;
- a. Annually provide training on and descriptions of each component of the evaluation rubric for all teaching staff members who are being evaluated in the school district and provide more thorough training for all teaching staff members who are being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;
 - b. Provide training on the teaching staff member practice instruments for any supervisor who will conduct observations for the purpose of evaluation of teaching staff members. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;



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- c. Annually provide updates and refresher training on the teaching staff member practice instruments for any supervisor who will observe teaching staff member practice for the purpose of increasing accuracy and consistency among observers; and
 - d. The Superintendent shall annually certify to the Department that all supervisors of teaching staff members in the school district who are utilizing educator practice instruments have completed training on the instrument and its application and have demonstrated competency in applying the educator practice instruments.
- F. District Evaluation Advisory Committee - N.J.A.C. 6A:10-2.3
1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
 2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
 3. Beginning in 2017-2018, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District's Evaluation Advisory Committee.
- G. Evaluation Procedures for Teaching Staff Members – N.J.A.C. 6A:10-2.4
1. The provisions outlined in Policy and Regulation 3222 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teaching staff members.
 2. Evaluation policies and procedures requiring the annual evaluation of all teaching staff members shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:



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- a. Roles and responsibilities for implementation of evaluation policies and procedures;
 - b. Job descriptions, evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;
 - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the processes for student attrition to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile;
 - d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
 - e. The process for preparation of individual professional development plans; and
 - f. The process for preparation of an annual written performance report by the teaching staff member's designated supervisor, and an annual summary conference between the teaching staff member and his or her designated supervisor.
3. The annual summary conference between the designated supervisor and the teaching staff member shall be held before the written performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:
- a. The performance of the teaching staff member based upon the job description and, when applicable, the scores or evidence compiled using the teaching staff member's evaluation rubric, including, whenever applicable, the teaching staff member's practice instrument;
 - b. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, whenever applicable, the corrective action plan;
 - c. Available indicators or scores of student achievement or growth such as student growth objective scores and student growth percentile scores, as applicable; and
 - d. The preliminary annual written performance report.



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4. If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
 5. The annual written performance report shall be prepared by the teaching staff member's designated supervisor, and shall include, but not be limited to:
 - a. A summative rating based on the evaluation rubric;
 - b. Performance area(s) of strength and area(s) needing improvement based upon the job description, observations for the purpose of evaluation and, when applicable, the teaching staff member practice instrument; and
 - c. An individual professional development plan developed by the designated supervisor and the teaching staff member or, when applicable, a corrective action plan from the evaluation year being reviewed in the report; and
 6. The teaching staff member and the designated supervisor shall sign the report within five teaching staff member working days of the review.
 7. The Board of Education shall include all written performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teaching staff member's personnel file or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1 A-l et seq.
- H. Corrective Action Plans for Teaching Staff Members - N.J.A.C. 6A:10-2.5
1. For each teaching staff member rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teacher and the Superintendent or the teaching staff member's designated supervisor.
 2. If the summative evaluation rating is calculated before the end of the school year, then the corrective action plan shall be developed and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan prior to September 15 of the following school year.



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The conference to develop and discuss the corrective action plan may be combined with the teaching staff member's annual summary conference that occurs at the end of the year of evaluation.

3. If the ineffective or partially effective summative evaluation rating is received after the start of the school year following the year of evaluation, then a corrective action plan must be developed, and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan within fifteen teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.
4. The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(c) and 3.7(c) until the next annual summary conference.
5. The content of the corrective action plan shall:
 - a. Address areas in need of improvement identified in the teaching staff member evaluation rubric;
 - b. Include specific, demonstrable goals for improvement;
 - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 - d. Include timelines for meeting the goal(s).
6. The teaching staff member's designated supervisor, and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each post observation conference.
7. Progress toward the teaching staff member's goals outlined in the corrective action plan shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference or the mid-year evaluation, when applicable. Both the teaching staff member on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals.
8. Progress toward the teaching staff member's goals outlined in the corrective action plan may be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.



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9. Responsibilities of the evaluated teaching staff member on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teaching staff member's designated supervisor.
- I. Teaching Staff Member Observations and Evaluations – N.J.A.C. 6A:10-6.2.
1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured teaching staff members, except teachers, Principals, Vice Principals, and Assistant Principals.
 2. Each nontenured teaching staff member shall be observed and evaluated in the performance of his or her duties at three times during each school year, but not less than once during each semester.
 3. Each tenured teaching staff member shall be observed and evaluated in the performance of his or her duties at least once each school year. The Superintendent shall determine the duration of observations.
 4. Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and a case-study analysis of a significant student issue.
 5. Each observation shall be followed within fifteen teaching staff member working days by a conference between the Superintendent or designated supervisor who made the observation and written or electronic evaluation, and the teaching staff member. Both parties to such a conference shall sign the written evaluation report and each shall retain a copy for his or her records. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for correction, and improve professional competence.
 6. The teaching staff member may submit his or her written objection(s) of the evaluation within ten teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.
 7. The required observations and evaluations for nontenured teaching staff members shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year excepting in the case of the first year of employment where the three observations and evaluations must have been completed prior to April 30.



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8. The number of required observations and the annual evaluation for nontenured teaching staff members may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year.
9. Evaluations for tenured teaching staff shall be completed prior to June 30.

Adopted: 28 January 2014

Adopted: 12 January 2016



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3223 EVALUATION OF ADMINISTRATORS, EXCLUDING PRINCIPALS, VICE PRINCIPALS AND ASSISTANT PRINCIPALS

The Board of Education recognizes the importance of administrator effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3223 for the evaluation of administrators consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for administrator evaluations consistent with TEACHNJ and AchieveNJ.

For the purposes of Policy and Regulation 3223, “administrator” means an appropriately certified staff member, as defined in N.J.S.A. 18A-1.1, employed in the school district in an administrative and/or supervisory role and capacity, and holding a valid and effective standard, provisional, or emergency instructional certificate. An “administrator” may be a director, supervisor, or any other administrative or supervisory position in the district. For the purposes of Policy and Regulation 3223 and N.J.A.C. 6A:10-1.1 et seq., “administrator” is not a Principal, Vice Principal or Assistant Principal.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on 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 bargaining involve matters of educational policy or managerial prerogatives. All information contained in written performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10.1.1 et seq. shall be confidential and 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.

The Board shall annually adopt evaluation rubrics for administrators which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of administrators and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all administrators. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

The minimum requirements for the evaluation procedures for administrators as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each administrator rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5.



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Observations and evaluations for nontenured administrators shall be in accordance with the provisions of N.J.S.A. 18A:27-3.1. Evaluations for nontenured administrators shall take place before April 30 each year prior to the May 15 notice requirement date for continued employment. Evaluations for tenured administrators shall be completed prior to June 30.

The Superintendent shall annually notify all administrators of the adopted evaluation policies and procedures/regulations no later than October 1. If an administrator is hired after October 1, the Superintendent shall notify the administrator of the policies and procedures/regulations at the beginning of his or her employment. All administrators shall be notified of amendments to the policy and procedures/regulations within ten administrator working days of adoption.

N.J.S.A. 18A:6-117 et seq.

N.J.S.A. 18A:27-3.1

N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5

Adopted: 3 December 2008

Adopted: 28 January 2014

Adopted: 12 January 2016



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**R 3223 EVALUATION OF ADMINISTRATORS, EXCLUDING PRINCIPALS,
VICE PRINCIPALS AND ASSISTANT PRINCIPALS**

A. Definition – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3223 unless the context clearly indicates otherwise:

“Administrator” means an appropriately certified staff member, as defined in N.J.S.A. 18A-1.1, employed in the school district in an administrative and/or supervisory role and capacity, and holding a valid and effective standard, provisional, or emergency administrative certificate. An “administrator” may be a director, supervisor or any other administrative or supervisory position in the district. For the purposes of Policy and Regulation 3223 and N.J.A.C. 6A:10-1.1 et seq., “administrator” is not a Principal, Vice Principal or Assistant Principal.

“Annual performance report” means a written appraisal of the administrator’s performance prepared by the administrator’s designated supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a teacher’s evaluation rubric. The four summative performance categories are ineffective, partially effective, and highly effective.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Corrective Action Plan” means a written plan developed by the administrator’s supervisor capacity in collaboration with the administrator to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual administrator and the school district for implementing the plan, and specific support that the district shall provide.

“Department” means the New Jersey Department of Education.

“Designated supervisor” means the supervisor designated by the Superintendent of Schools or designee as the administrator’s supervisor.



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“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education’s evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from educator practice instruments for teaching staff members other than teachers, Principals, Vice Principals, and Assistant Principals may be applied to the administrator’s summative evaluation rating in a manner determined by the school district.

“Evaluation” means an appraisal of an individual’s professional performance in relation to his or her job description, professional standards, and Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth and multiple data sources.

“Evaluation rubrics” means a set of criteria, measures, and processes used to evaluate all administrators in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessments.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.

“Job Description” means a written description specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

“Model evaluation rubric” means district educator evaluation rubrics that have been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department’s list of approved educator practice instruments.



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“Observation” means a method of collecting data on the performance of an administrator’s assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by the Superintendent or designee.

“Post-observation conference” means a meeting, either in-person or remotely, between the Superintendent or designated supervisor who conducted the observation and the administrator for the purpose of evaluation to discuss the data collected in the observation.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator used to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.

“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Student growth objective” means an academic goal that teachers and evaluators set for groups of students.

“Superintendent” means Superintendent of Schools or Chief School Administrator.

“Supervisor” means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-11.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3.

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into 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 bargaining involve matters of educational policy or managerial prerogatives.



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C. Educator Evaluation Data, Information, and Written Reports – N.J.A.C. 6A:10-1.4

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 Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Administrators – N.J.A.C. 6A:10-2.1

1. The Board of Education annually shall adopt evaluation rubrics for administrators. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective and highly effective.
2. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of administrators, unless otherwise specified:
 - a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-1.1 et seq.
 - b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c).
 - c. Ensure the Superintendent annually notifies all administrators of the adopted evaluation policies and procedures no later than October 1. If an administrator is hired after October 1, the Board/Superintendent shall notify the administrator of the policies and procedures at the beginning of his or her employment. All administrators shall be notified of amendments to the policy and procedures within ten administrator working days of adoption.



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- d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics.
 - e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2.
 - f. Ensure data elements are collected and stored the data in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
 - g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of an administrator for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; and N.J.A.C. 6A:10-5.4, and N.J.A.C. 6A:10-6.2 shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.
2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all administrators and, when applicable, applying the Commissioner-approved educator practice instruments;
- a. Annually provide training on and descriptions of each component of the evaluation rubric for all administrators who are being evaluated in the school district and provide more thorough training for any administrator who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;
 - b. Provide training on the educator practice instruments for any supervisor who will conduct observations for the purpose of evaluation of administrators. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;



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- c. Annually provide updates and refresher training on the educator practice instruments for any supervisor who will observe educator practice for the purpose of increasing accuracy and consistency among observers; and
 - d. The Superintendent shall certify to the Department that all supervisors of administrators in the school district who are utilizing educator practice instruments have completed training on the instrument and its application and have demonstrated competency in applying the educator practice instruments.
- F. District Evaluation Advisory Committee - N.J.A.C. 6A:10-2.3
1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.
 2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
 3. Beginning in 2017-2018, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District's Evaluation Advisory Committee.
- G. Evaluation Procedures for Teachers – N.J.A.C. 6A:10-2.4
1. The provisions outlined in Policy and Regulation 3223 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of administrators.
 2. Evaluation policies and procedures requiring the annual evaluation of all administrators shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
 - a. Roles and responsibilities for implementation of evaluation policies and procedures;



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- b. Job descriptions, evaluation rubrics for administrators, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;
 - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attrition to teachers, Principals, Vice Principals, and Assistant Principals for calculating the median and school-wide student growth percentile;
 - d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
 - e. The process for preparation of individual professional development plans; and
 - f. The process for preparation of an annual written performance report by the Superintendent or designated supervisor and an annual summary conference between the administrator and the Superintendent or designated supervisor.
3. The annual summary conference between the Superintendent or designated supervisor and the administrator shall be held before the written performance report is filed. The conference shall occur on or before June 30 of each year and shall include, but not be limited to, a review of the following:
- a. The performance of the administrator based upon the job description and the scores or evidence compiled using the administrator's evaluation rubric, including, whenever applicable the educator practice instrument;
 - b. The progress of the administrator toward meeting the goals of the individual professional development plan or, whenever applicable, the corrective action plan;
 - c. Available indicators or scores of student achievement or growth such as student growth objective scores and student growth percentile scores, as applicable; and
 - d. The preliminary annual written performance report.



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4. If any scores for the administrator's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
 5. The annual written performance report shall be prepared by the Superintendent or designated supervisor and shall include, but not be limited to:
 - a. A summative rating based on the evaluation rubric;
 - b. Performance area(s) of strength and area(s) needing improvement based upon the job description, observations for the purpose of evaluation and, when applicable, the educator practice instrument; and
 - c. An individual professional development plan developed by the Superintendent or designated supervisor and the administrator, if applicable, a corrective action plan from the evaluation year being reviewed in the report; and
 6. The administrator and the Superintendent or designated supervisor shall sign the report within five administrator working days of the review.
 7. The Board of Education shall include all written performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of his or her personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative, confidential location, the personnel file shall clearly indicate the report's location and how it can easily be accessed. The records shall be confidential and 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.
- H. Corrective Action Plans for Administrators - N.J.A.C. 6A:10-2.5
1. For each administrator rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed by administrator and the Superintendent or the designated supervisor.



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2. If the summative evaluation rating is calculated before the end of the school year, then the corrective action plan shall be developed and the administrator and the Superintendent or designated supervisor shall meet to discuss the corrective action plan prior to September 15 of the following school year. The conference to develop and discuss the corrective action plan may be combined with the administrator's annual summary conference that occurs at the end of the year of evaluation.
3. If the ineffective or partially effective summative evaluation rating is received after the start of the school year following the year of evaluation, then a corrective action plan must be developed, and the administrator and the Superintendent or designated supervisor shall meet to discuss the corrective action plan within fifteen administrator working days following the school district's receipt of the administrator's summative rating.
4. The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(c) and 3.7(c) until the next annual summary conference.
5. The content of the corrective action plan shall:
 - a. Address areas in need of improvement identified in the teacher evaluation rubric;
 - b. Include specific, demonstrable goals for improvement;
 - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 - d. Include timelines for meeting the goal(s).
6. The Superintendent or designated supervisor, and the administrator on a corrective action plan shall discuss the administrator's progress toward the goals outlined in the corrective action plan during each post observation conference.
7. Progress toward the administrator's goals outlined in the corrective action plan shall be documented in the administrator's personnel file and reviewed at the annual summary conference or the mid-year evaluation, when applicable. Both the administrator on a corrective action plan and the Superintendent or designated supervisor may collect data and evidence to demonstrate the administrator's progress toward his or her corrective action plan goals.



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8. Progress toward the administrator's goals outlined in the corrective action plan may be used as evidence in the administrator's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.
 9. Responsibilities of the evaluated administrator on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the Superintendent or designated supervisor.
 10. The corrective action plan shall remain in effect until the administrator receives his or her next summative evaluation rating.
- I. Administrator Staff Member Observations and Evaluations – N.J.A.C. 6A:10-6.2
1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured administrator.
 2. Each nontenured administrator shall be observed and evaluated in the performance of his or her duties at three times during each school year, but not less than once during each semester.
 3. Each tenured administrator shall be observed and evaluated in the performance of his or her duties at least once each school year. The Superintendent shall determine the duration of observations.
 4. Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and a case-study analysis of a significant student issue.
 5. Each observation shall be followed within fifteen administrator working days by a conference between the Superintendent or designated supervisor who made the observation and written or electronic evaluation and the administrator. Both parties to such a conference shall sign the written or electronic evaluation report and each shall retain a copy for his or her records. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for correction, and improve professional competence.
 6. The administrator may submit his or her written objection(s) of the evaluation within ten administrator working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.



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7. The required observations and evaluations for nontenured administrators shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the case of the first year of employment where the three evaluations and observations must have been completed prior to April 30.
8. The number of required observations and evaluations for nontenured administrators may be reduced proportionately when an individual administrator's term of service is less than one academic year.
9. Evaluations for tenured teaching staff shall be completed prior to June 30.

Adopted: 28 January 2014

Adopted: 12 January 2016



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3224 EVALUATION OF PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

The Board of Education recognizes the importance of Principal, Vice Principal, and Assistant Principal effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3224 for the evaluation of Principals, Vice Principals, and Assistant Principals consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for Principal, Vice Principal, and Assistant Principal evaluations consistent with TEACHNJ and AchieveNJ.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into 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 bargaining involve matters of educational policy or managerial prerogatives. All information contained in written performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and 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.

The Board shall annually adopt evaluation rubrics for Principals, Vice Principals, and Assistant Principals which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of Principals, Vice Principals, and Assistant Principals and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all Principals, Vice Principals, or Assistant Principals. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.



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The minimum requirements for the evaluation procedures for Principals, Vice Principals, and Assistant Principals as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each Principal, Vice Principal, or Assistant Principal rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5.

The components of the principal evaluation rubrics as described in N.J.A.C. 6A:10-5.1 shall apply to Principals, Vice Principals, and Assistant Principals. Measures of student achievement, as outlined in N.J.A.C. 6A:10-5.2, shall be used to determine impact on student learning. Principal, Vice Principal, and Assistant Principal observations shall be conducted in accordance with the provisions of N.J.A.C. 6A:10-5.4. The Superintendent or designated supervisor shall conduct observations for the evaluation of Principals pursuant to N.J.S.A. 18A:6-121 and he or she shall be trained pursuant to N.J.A.C. 6A:10-2.2(b). A Principal, or the Superintendent or designated supervisor, shall conduct observations for the evaluation of Vice Principals and Assistant Principals pursuant to N.J.S.A. 18A:6-121.

The principal practice instrument approved by the Department of Education shall meet the criteria as outlined in N.J.A.C. 6A:10-7.3.

The Superintendent annually shall notify all Principals, Vice Principals, or Assistant Principals of the adopted evaluation policies and procedures/regulations no later than October 1. If a Principal, Vice Principal, or Assistant Principal is hired after October 1, the Superintendent shall notify the Principal, Vice Principal, or Assistant Principal of the policies and procedures/regulations at the beginning of his or her employment. All Principals, Vice Principals, and Assistant Principals shall be notified of amendments to the policy and procedures/regulations within ten Principal, Vice Principal, or Assistant Principal working days of adoption.

N.J.S.A. 18A:6-117 et seq.
N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5
N.J.A.C. 6A:10-5.1 through 5.4
N.J.A.C. 6A:10-7.1 and 7.3

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R 3224 EVALUATION OF PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3224 unless the context clearly indicates otherwise:

“Annual performance report” means a written appraisal of the Principal’s, Vice Principal’s, or Assistant Principal’s performance prepared by the designated supervisor based on the evaluation rubric for his or her position.

“Annual summative evaluation rating” means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a Principal, Vice Principal, or Assistant Principal evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

“Calibration” in the context of educator evaluation means a process to monitor the competency of a trained evaluator to ensure the evaluator continues to apply an educator practice instrument accurately and consistently according to the standards and definitions of the specific instrument.

“Chief School Administrator” means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

“Commissioner” means Commissioner of the New Jersey Department of Education.

“Corrective Action Plan” means a written plan developed by the Superintendent or designee in collaboration with the Principal, Vice Principal, and Assistant Principal to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual Principal, Vice Principal, and Assistant Principal and the school district for implementing the plan, and specific support that the district shall provide.

“Department” means the New Jersey Department of Education.

“Designated supervisor” means the supervisor designated by the Superintendent of Schools as the Principal’s, Vice Principal’s, or Assistant Principal’s supervisor.



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“District Evaluation Advisory Committee” means a group created to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

“Educator practice instrument” means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies.

“Evaluation” means an appraisal of an individual's professional performance in relation to his or her job description, professional standards, and Statewide evaluation criteria that incorporates analysis of multiple measures of student achievement or growth and multiple data sources.

“Evaluation rubrics” means a set of criteria, measures, and processes used to evaluate all Principals, Vice Principals, and Assistant Principals in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

“Indicators of student progress and growth” means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

“Individual professional development plan” is as defined in N.J.S.A. 18A:6-119.

“Job description” means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

“Model evaluation rubric” means district educator evaluation rubrics that have been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department's list of approved educator practice instruments.

“Observation” means a method of collecting data on the performance of a Principal's, Vice Principal's, and Assistant Principal's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by the Superintendent or designee.



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“Post-observation conference” means a meeting, either in-person or remotely, between the Superintendent or the designated supervisor who conducted the observation and the Principal, Vice Principal, and Assistant Principal for the purpose of evaluation to discuss the data collected in the observation.

“Principal practice instrument” means an assessment tool that provides scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from the principal practice instrument are components of the evaluation rubrics and the scores are included in the summative evaluation rating for the individual.

“Scoring guide” means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

“Semester” means half of the school year.

“Signed” means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Student growth objective” means an academic goal that teachers and evaluators set for groups of students.

“Student growth percentile” means a specific metric for measuring individual student progress on Statewide assessments by tracking how much a student’s test scores have changed relative to other students Statewide with similar scores in previous years.

“Superintendent” means Superintendent of Schools or Chief School Administrator.

“Supervisor” means an appropriately certified teaching staff member as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-11 and certified to evaluate a Principal, Vice Principal, or Assistant Principal.



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B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into 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 bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Written Reports – N.J.A.C. 6A:10-1.4

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 Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Principals, Vice Principals, and Assistant Principals – N.J.A.C. 6A:10-2.1

1. The Board of Education shall annually adopt evaluation rubrics for all Principals, Vice Principals, and Assistant Principals. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.
2. The evaluation rubrics for Principals, Vice Principals, and Assistant Principals shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 (P.L. 2012, c. 26, §17c).
3. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of Principals, Vice Principals, and Assistant Principals, unless otherwise specified:



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- a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-1.1 et seq.;
- b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c);
- c. Ensure the Superintendent annually notifies all Principals, Vice Principals, and Assistant Principals of the adopted evaluation policies and procedures no later than October 1. If a Principal, Vice Principal, or Assistant Principal is hired after October 1, the Board/Superintendent shall notify all Principals, Vice Principals, and Assistant Principals of the policies and procedures at the beginning of his or her employment. All Principals, Vice Principals, and Assistant Principals shall be notified of amendments to the policy and procedures within ten Principal, Vice Principal, or Assistant Principal working days of adoption;
- d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;
- e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;
- f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
- g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a Principal, Vice Principal, or Assistant Principal for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4; and 6A:10-6.2 shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.



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2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all Principals, Vice Principals, and Assistant Principals and, when applicable, applying the Commissioner-approved principal practice instruments:
 - a. Annually provide training on and descriptions of each component of the evaluation rubric for all Principals, Vice Principals, and Assistant Principals who are being evaluated in the school district and provide more thorough training for any Principals, Vice Principals, and Assistant Principals who are being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the principal practice instrument;
 - b. Provide training on the principal practice instrument for the Superintendent or designated supervisor who will conduct observations for the purpose of evaluation of Principals, Vice Principals, or Assistant Principals. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;
 - c. Annually provide updates and refresher training on the principal practice instrument for any supervisor who will observe principal practice for the purpose of increasing accuracy and consistency among observers;
 - d. The Superintendent shall annually certify to the Department that all evaluators of Principals, Vice Principals, and Assistant Principals in the school district who are utilizing principal practice instruments have completed training on the instrument and its application and have demonstrated competency in applying the principal practice instrument.
- F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3
1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.



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2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.
 3. Beginning in 2017-2018, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District's Evaluation Advisory Committee.
- G. Evaluation Procedures for Principals, Vice Principals, and Assistant Principals - N.J.A.C. 6A:10-2.4
1. The provisions outlined in Policy and Regulation 3224 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of Principals, Vice Principals, and Assistant Principals.
 2. Evaluation policies and procedures requiring the annual evaluation of Principals, Vice Principals, and Assistant Principals shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:
 - a. Roles and responsibilities for implementation of evaluation policies and procedures;
 - b. Job descriptions, evaluation rubrics for Principals, Vice Principals, and Assistant Principals, the process for calculating the summative ratings and each component and the evaluation regulations set forth in N.J.A.C. 6A:10-1 et seq.;
 - c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attrition to teachers, Principals, Vice Principals, Assistant Principals for calculating the median and school-wide student growth percentile;
 - d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
 - e. The process for preparation of individual professional development plans; and



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- f. The process for preparation of an annual written performance report by the Superintendent or designated supervisor, and an annual summary conference between the Principal, Vice Principal, or Assistant Principal and the Superintendent or designated supervisor.
3. The annual summary conference between the Superintendent or designated supervisor and the Principal, Vice Principal, or Assistant Principal shall be held before the written performance report is filed. The conference shall occur on or before June 30 of each year and shall include, but not be limited to, a review of the following:
 - a. The performance of the Principal, Vice Principal, or Assistant Principal based upon the job description and, when applicable, the scores or evidence compiled using the evaluation rubric, including, when applicable, the principal practice instrument;
 - b. The progress of the Principal, Vice Principal, or Assistant Principal toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan;
 - c. Available indicators or scores of student achievement or growth, when applicable, such as student growth objective scores and student growth percentile scores; and
 - d. The preliminary annual written performance report.
4. If any scores for the Principal's, Vice Principal's, or Assistant Principal's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.
5. The annual written performance report for the Principal, Vice Principal, or Assistant Principal shall be prepared by the Superintendent or designated supervisor and shall include, but not be limited to:
 - a. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-5;
 - b. Performance area(s) of strength and area(s) needing improvement based upon the job description, observations for the purpose of evaluation and, when applicable, the principal practice instrument; and



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- c. An individual professional development plan developed by the Superintendent or designated supervisor and the Principal, Vice Principal, or Assistant Principal or, when applicable, a corrective action plan from the evaluation year being reviewed in the report.
 6. The Principal, Vice Principal, or Assistant Principal and the Superintendent or designated supervisor shall sign the report within five Principal, Vice Principal, or Assistant Principal working days of the review.
 7. The Board of Education shall include all written performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the Principal's, Vice Principal's, or Assistant Principal's personnel file, or in an alternative, confidential location. If reports and data are stored in an alternate location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and 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.
- H. Corrective Action Plans for Principals, Vice Principals, and Assistant Principals – N.J.A.C. 6A:10-2.5
 1. For each Principal, Vice Principal, and Assistant Principal rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the Principal, Vice Principal, or Assistant Principal and the Superintendent or designated supervisor.
 2. If the summative evaluation rating is calculated before the end of the school year, then the corrective action plan shall be developed and the Principal, Vice Principal, or Assistant Principal and the Superintendent or designated supervisor shall meet to discuss the corrective action plan prior to September 15 of the following school year. The conference to develop and discuss the corrective action plan may be combined with the Principal's, Vice Principal's, or Assistant Principal's annual summary conference that occurs at the end of the year of evaluation.
 3. If the ineffective or partially effective summative evaluation rating is received after the start of the school year following the year of evaluation, then a corrective action plan must be developed, and the Principal, Vice Principal, or Assistant Principal and the Superintendent or designated supervisor shall meet to



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discuss the corrective action plan within fifteen Principal, Vice Principal, or Assistant Principal working days following the school district's receipt of the Principal's, Vice Principal's, or Assistant Principal's summative rating.

4. The content of the corrective action plan shall replace the content of the individual professional development plan required in N.J.A.C. 6A:9C-3.4(c) and 3.7(c) until the next annual summary conference.
5. The content of the corrective action plan shall:
 - a. Address areas in need of improvement identified in the principal evaluation rubric;
 - b. Include specific, demonstrable goals for improvement;
 - c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
 - d. Include timelines for meeting the goal(s).
6. The Superintendent or designated supervisor and the Principal, Vice Principal, or Assistant Principal on a corrective action plan shall discuss the employee's progress toward the goals outlined in the corrective action plan during each post-observation conference, when required by N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10-5.4.
7. Progress toward the Principal's, Vice Principal's, or Assistant Principal's goals outlined in the corrective action plan shall be documented in the Principal's, Vice Principal's, or Assistant Principal's personnel file and reviewed at the annual summary conference or the mid-year evaluation, when applicable. Both the Principal, Vice Principal, or Assistant Principal on a corrective action plan and the Superintendent or designated supervisor may collect data and evidence to demonstrate the Principal's, Vice Principal's, or Assistant Principal's progress toward his or her corrective action plan goals.
8. Progress toward the goals outlined in the corrective action plan may be used as evidence in the Principal's, Vice Principal's, or Assistant Principal's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.



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9. Responsibilities of the evaluated Principal, Vice Principal, or Assistant Principal on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the Superintendent or designated supervisor.
 10. The Superintendent or designated supervisor and the Principal, as appropriate, shall conduct a mid-year evaluation of any Principal, Vice Principal, or Assistant Principal pursuant to N.J.S.A. 18A:6-121.c. If the corrective action plan was created before the start of the year, the mid-year evaluation shall occur midway between the development of the corrective action plan and the annual summary conference. The mid-year evaluation shall include, at a minimum a conference to discuss progress toward the Principal's, Vice Principal's, or Assistant Principal's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.
 11. The Superintendent shall ensure Principals, Vice Principals, and Assistant Principals with a corrective action plan receive one observation and a post-observation in addition to the observations required in N.J.A.C. 6A:10-5.4 for the purpose of evaluation as described in N.J.A.C. 6A:10-1.2 and 5.4. The Superintendent or Principal shall determine the length of the observation.
 12. The corrective action plan shall remain in effect until the Principal, Vice Principal, or Assistant Principal receives his or her next summative evaluation rating.
- I. Components of Principal Evaluation Rubrics – N.J.A.C. 6A:10-5.1
1. Unless otherwise noted, the components of the principal evaluation rubrics shall apply to teaching staff members holding the position of Principal, Vice Principal, or Assistant Principal and holding a valid and effective standard, provisional, or emergency administrative certificate.
 2. The principal evaluation rubric shall meet the standards provided in N.J.S.A. 18A:6-123, including, but not limited to:
 - a. Measures of student achievement pursuant to N.J.A.C. 6A:10-5.2; and
 - b. Measures of principal practice pursuant to N.J.A.C. 6A:10-5.3 and 5.4.



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3. To earn a summative rating, the Principal, Vice Principal, or Assistant Principal shall have a student achievement score, pursuant to N.J.A.C. 6A:10-5.2 and a principal practice score pursuant to N.J.A.C. 6A:10-5.3 and 5.4.
4. Each score shall be converted to a percentage weight so all measures make up 100 percent of the evaluation rubric. By August 31 prior to the academic year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All components shall be worth the following percentage weights or fall within the following ranges:
 - a. If, according to N.J.A.C. 6A:10-5.2(b), the Principal, Vice Principal, or Assistant Principal receives a school-wide student growth percentile score as described in N.J.A.C. 6A:10-5.2(c), the score shall be at least ten percent and no greater than forty percent of evaluation rubric rating as determined by the Department.
 - b. Measure of average student growth objective for all teachers, as described in N.J.A.C. 6A:10-5.2(d), shall be at least ten percent and no greater than twenty percent of evaluation rubric rating as determined by the Department.
 - c. Measure of administrator goal, as described in N.J.A.C. 6A:10-5.2(e), shall be no less than ten percent and no greater than forty percent of evaluation rubric rating as determined by the Department.
 - d. Measure of principal practice, as described in N.J.A.C. 6A:10-5.3(b), shall be thirty percent of evaluation rubric rating.
 - e. Measure of leadership practice, as described in N.J.A.C. 6A:10-5.3(c), shall be twenty percent of evaluation rubric rating.
 - f. Notwithstanding the provisions of a. through e. above, if an appeal of the administrator goal is approved, according to N.J.A.C. 6A:10-5.2(e)5, the administrator goal weight and the principal practice weight shall be adjusted by the Superintendent or the Commissioner, as applicable according to N.J.A.C. 6A:10-5.2(e)5.
5. Standardized assessments, used as a measure of student progress, shall not be the predominant factor in determining a Principal's annual summative rating.



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6. The Department shall periodically collect principal evaluation rubric data that shall include, but are not limited to, component-level scores and annual summative ratings.
- J. Student Achievement Components of Principal Evaluation Rubrics – N.J.A.C. 6A:10-5.2
1. Measures of student achievement shall be used to determine impact on student learning and shall include the following components:
 - a. The school-wide student growth percentile of all students assigned to the Principal;
 - b. Average student growth objective scores of every teacher, as described in N.J.A.C. 6A:10-4.2(e), assigned to the Principal; and
 - c. Administrator goals set by Principals, Vice Principals, and Assistant Principals in consultation with the Superintendent or designated supervisor pursuant to N.J.A.C. 6A:10-5.2(e), which shall be specific and measurable, based on student growth and/or achievement data.
 2. The school-wide student growth percentile score shall be included in the annual summative rating of Principals, Vice Principals, and Assistant Principals who are assigned to a school as of October 15 and who are employed in schools where student growth percentiles are available for students in one or more grades. If the Principal, Vice Principal, or Assistant Principal is employed in more than one school, the Superintendent shall assign to the Principal, Vice Principal, or Assistant Principal, as appropriate, the school-wide student growth percentile from one school and shall notify the Principal, Vice Principal, or Assistant Principal at the beginning of the school year of the student growth percentile assignment.
 3. The Department shall calculate the school-wide student growth percentile for Principals, Vice Principals, and Assistant Principals.
 4. The average student growth objective scores of all teachers, as described in N.J.A.C. 6A:10-4.2(e), shall be a component of the Principal's annual summative rating. The average student growth objective scores for Vice Principals or Assistant Principals shall be determined according to the following procedures:



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Evaluation of Principals, Vice Principals, and Assistant Principals

- a. The Principal, in consultation with the Vice Principal or Assistant Principal, shall determine prior to the start of the year, which teachers, if not all teachers in the school, shall be linked to the Vice Principal's and Assistant Principal's average student growth objective score.
 - b. If the Vice Principal or Assistant Principal does not agree with the list of teachers linked to his or her name for the purposes of this measurement, the Principal shall make the final determination.
5. Administrator goals for Principals, Vice Principals, or Assistant Principals shall be developed and measured according to the following procedures:
- a. The Superintendent shall determine for all Principals, Vice Principals, or Assistant Principals, the number of required administrator goals which shall reflect the achievement of a significant number of students within the school. By August 31 prior to the academic year in which the evaluation rubric applies, the Department shall provide on the Department's website the minimum and maximum number of required goals, which will be at least one goal and no more than four goals.
 - b. Principals, Vice Principals, or Assistant Principals shall develop, in consultation with the Superintendent or designated supervisor, each administrator goal. Vice Principals and Assistant Principals shall set goals specific to his or her job description or adopt the same goals as his or her Principal. If the Principal, Vice Principal, or Assistant Principal and Superintendent or designated supervisor do not agree upon the goal core, the Principal's, Vice Principal's, or Assistant Principal's Superintendent or designated supervisor shall make the final determination.
 - c. Administrator goals and the criteria for assessing performance based on those objectives shall be determined, recorded, and retained by the Principal, Vice Principal, or Assistant Principal and the Superintendent or designated supervisor by October 31 of each academic year, or within twenty work days of the Principal's, Vice Principal's, or Assistant Principal's start date if he or she begins work after October 1.
 - d. The administrator goal score shall be calculated by the Superintendent or designated supervisor of the Principal, Vice Principal, or Assistant Principal. The Principal's, Vice Principal's, or Assistant Principal's administrator goal score, if available, shall be discussed at his or her annual summary conference and recorded in his or her personnel file.



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Evaluation of Principals, Vice Principals,
and Assistant Principals

6. The Superintendent shall remove a teacher's student growth objective score from the Principal's, Vice Principal's, or Assistant Principal's final average student growth objective score for the 2013-2014 academic year and adjust the annual summative rating accordingly if:
 - a. A Principal's, Vice Principal's, or Assistant Principal's average student growth objective for the 2013-2014 academic year included a teacher's student growth objective that was successfully appealed according to N.J.A.C. 6A:10-4.2(f); and
 - b. Failure to remove the score would cause the Principal's, Vice Principal's, or Assistant Principal's annual summative rating to be ineffective or partially effective.

- K. Principal Practice Component of Evaluation Rubric – N.J.A.C. 6A:10-5.3
 1. Measures of principal practice shall include the following components:
 - a. A measure determined through a Commissioner-approved principal practice instrument; and
 - b. A leadership measure determined through the Department-created leadership rubric.
 2. Principal practice component rating shall be based on the measurement of the Principal's, Vice Principal's, or Assistant Principal's performance according to the school district's Commissioner-approved principal practice instrument. Observations pursuant to N.J.A.C. 6A:10-5.4 shall be used as one form of evidence for this measurement.
 3. Leadership practice shall be determined by a score on a leadership rubric, which will assess the Principal's, Vice Principal's, or Assistant Principal's ability to improve student achievement and teaching staff member effectiveness through identified leader behaviors. The rubric will be posted on the Department's website and annually maintained.

- L. Principal, Vice Principal, and Assistant Principal Observations – N.J.A.C. 6A:10-5.4
 1. The Superintendent or designated supervisor shall conduct observations for the evaluation of Principals pursuant to N.J.S.A. 18A:6-121 and he or she shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).



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Evaluation of Principals, Vice Principals,
and Assistant Principals

2. A Principal, or the Superintendent or designated supervisor, shall conduct observations for the evaluation of Vice Principals and Assistant Principals pursuant to N.J.S.A. 18A:6-121.
3. For the purpose of collecting data for the evaluation of a Principal, Vice Principal, or Assistant Principal, an observation, as described in N.J.S.A. 18A:6-119 and N.J.A.C. 6A:10-1.2, may include, but is not limited to: building walk-through, staff meeting observation, parent conference observation, or case study analysis of a significant student issue.
4. Post-observation conferences shall include the following procedures:
 - a. A Superintendent or designated supervisor who was present at the observation shall conduct a post-observation conference with the Principal, Vice Principal, or Assistant Principal being observed. A post-observation conference shall occur no more than fifteen Principal, Vice Principal, or Assistant Principal working days following each observation.
 - b. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the principal practice instrument and the Principal's, Vice Principal's, or Assistant Principal's individual professional development plan, collecting additional information needed for the evaluation, and offering areas to improve effectiveness.
 - c. With the consent of the observed Principal, Vice Principal, or Assistant Principal, post-observation conferences for individuals who are not on a corrective action plan may be conducted via written communication, including electronic communication.
 - d. One post-observation conference may be combined with the Principal's, Vice Principal's, or Assistant Principal's annual summary conference as long as it occurs within the required fifteen Principal, Vice Principal, or Assistant Principal working days following the observation.
 - e. A written or electronic evaluation report shall be signed by the Superintendent or designated supervisor who conducted the observation and post-observation and the Principal, Vice Principal, or Assistant Principal who was observed.



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- f. The Principal, Vice Principal, or Assistant Principal shall submit his or her written objection(s) of the evaluation within ten Principal, Vice Principal, or Assistant Principal working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.
5. Each tenured Principal, Vice Principal, and Assistant Principal shall be observed as described in N.J.A.C. 6A:10-5.4, at least two times during each school year. Each nontenured Principal, Vice Principal, and Assistant Principal shall be observed as described in N.J.A.C. 6A:10-5.4 at least three times during each school year, as required by N.J.S.A. 18A:27-3.1. An additional observation shall be conducted pursuant to N.J.A.C. 6A:10-2.5(l) for Principals, Vice Principals, and Assistant Principals who are on a corrective action plan.
- M. Principal Practice Instrument – N.J.A.C. 6A:10-7.3
1. The principal practice instrument approved by the Department shall meet the following criteria:
 - a. Incorporate domains of practice and/or performance criteria that align to the 2008 ISLLC Professional Standards for School Leaders developed by the Interstate School Leadership Licensure Consortium incorporated herein by reference, available at:

http://www.ccsso.org/documents/2008/educational_leadership_policy_standards_2008.pdf;
 - b. Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall clearly define the expectations for each category and provide a conversion for the four categories: ineffective, partially effective, effective, and highly effective;
 - c. Be based on multiple sources of evidence collected throughout the year;
 - d. Incorporate an assessment of the Principal's leadership for implementing a rigorous curriculum and assessments aligned to the Core Curriculum Content Standards;
 - e. Incorporate an assessment of the Principal's leadership for high-quality instruction;



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Evaluation of Principals, Vice Principals,
and Assistant Principals

- f. Include an assessment of the Principal's performance in evaluating teachers; and
 - g. Include an assessment of the Principal's support for teachers' professional growth.
2. For Commissioner-approval of a principal practice instrument in 2015 or any year thereafter, the instrument shall include a process to assess competency on the evaluation instrument which the school district may choose to use as a measure of competency.

Adopted: 3 December 2008

Adopted: 28 January 2014

Adopted: 12 January 2016



3230 OUTSIDE ACTIVITIES

The Board of Education recognizes that teaching staff members enjoy a private life outside their job responsibilities in the school district. The Board believes the role of the teaching profession is such that teachers exert a continuing influence away from the school district. Accordingly, the Board reserves the right to determine if activities outside the teaching staff member's job responsibilities interfere with their professional performance and the discharge of the member's responsibilities to the students of this district.

The Board directs that all teaching staff members are advised to be governed in the conduct of personal activities by the following guidelines:

1. Teaching staff members are advised to refrain from conduct, associations, and offensive speech that, if given publicity, would tend to have an adverse or harmful effect upon students or the school community;
2. Teaching staff members shall not devote time during their work day to an outside private enterprise, business, or business organization. They shall not solicit or accept customers for a private enterprise, business, and/or business organization on school grounds during their work day without the express permission of the Superintendent and/or the Building Principal;
3. The Board does not endorse, support, or assume liability in any way for any staff member of this district who takes students on trips not approved by the Board or Superintendent, and shall not be liable for the welfare of students who travel on such trips. Any staff member who takes students of this district on a trip not approved by the Board or Superintendent shall clearly and concisely inform the parent(s) of any student solicited and/or attending such a trip that the trip is not endorsed, supported, approved, or authorized by the Board of Education. A staff member shall not solicit students on school grounds for trips not approved by the Board or Superintendent;
4. The Board does not endorse, support, or assume liability in any way for any teaching staff member of this district who conducts a private activity in which students or employees of this district participate;
5. Teaching staff members shall not send campaign literature home with students, or request, direct, or have students distribute campaign literature on behalf of any candidate for local, state, or national office or for any bond issue, proposal, or any public question submitted at any general, municipal, or school election. No student shall be requested or redirected by any teaching staff member to engage in any activity which tends to promote, favor, or oppose any such candidacy, bond issue, proposal or public question;



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Outside Activities

6. Teaching staff members shall not privately tutor students for compensation that are currently enrolled in their classes; and
7. Copyrights and patents to materials or equipment developed, written, prepared, processed, or tested by teaching staff members in the performance of their professional duties reside with and may be claimed by the Board.

N.J.S.A. 18A:42-4
N.J.S.A. 19:1.1 et seq.

Adopted: 3 December 2008
Adopted: 12 March 2013
Adopted: 10 June 2014



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Outside Activities

R 3230 OUTSIDE ACTIVITIES

A. Outside Employment

1. A full-time employee may engage in outside employment only when such employment does not:
 - a. Constitute a conflict of interest,
 - b. Violate the provisions of the New Jersey School Ethics Act; or
 - c. Occur at a time when the employee has assigned district duties and responsibilities.
2. A full time employee who engages in employment outside the school district shall report that employment to the Superintendent only if the outside employment may require any type of accommodation by the school district or if the outside employment would require the staff member to not perform or limit the staff member's ability to perform all the responsibilities of their school district employment.

B. Private Enterprise, Business, or Business Organization

1. An employee shall not conduct activities on school district grounds that may advance a private enterprise, business or business organization without the express permission of the Superintendent and/or Building Principal. Permission will not be given for solicitations or collections on behalf of a private enterprise, business or business organization.
2. An employee shall not, on school grounds, solicit students for trips other than those expressly approved by the Board or Superintendent without permission of the Superintendent. School grounds shall not be used as the point of departure or arrival for any such privately arranged trip.

Issued: 3 December 2008

Issued: 12 March 2013



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Outside Employment as Athletic Coach

3231 OUTSIDE EMPLOYMENT AS ATHLETIC COACH

The Board of Education will permit, in accordance with this Policy, staff members of this school district to serve as an athletic coach in another school district providing the responsibilities in the other district do not interfere with the performance of the staff member's professional responsibilities in this district.

A staff member who wishes to accept employment as an athletic coach in another school district must request and receive permission to do so from the Superintendent of this district if the staff member may need to request any special accommodation(s) from this school district to fulfill their coaching responsibilities in another school district. A special accommodation may be consideration for a requested duty assignment(s), a temporary work schedule adjustment and/or other considerations. A special accommodation will not be considered if it would violate any provisions of any collective bargaining agreement within the district. The staff member's request to the Superintendent must be in writing and must indicate with specificity the accommodation(s) that may be required. The Superintendent, in consultation with the staff member's Building Principal and/or immediate supervisor, will evaluate each request on a case-by-case basis.

N.J.A.C. 6A:9B-5.16

Adopted: 3 December 2008

Adopted: 20 September 2016



3232 TUTORING SERVICES

School staff members routinely provide time beyond their assigned responsibilities to students who need additional help in their academic programs. This additional help is provided by a staff member on school grounds during their free time during their workday or immediately before or after school hours. The time a staff member provides additional help to a student is an extension of their assigned school district responsibilities and a staff member may not charge a fee for providing this additional help to students.

However, the Board of Education recognizes a school staff member may be privately contracted to provide tutoring services to a student in addition to any additional help a student receives before, during, and/or after the school day. These tutoring services shall be provided to a student under a private agreement between the staff member and the parent and/or student. Private tutoring shall not take place on school grounds.

The Board of Education assumes no responsibility, liability, or obligations for the selection of the private tutor or the quality of the private tutoring services. School staff members shall not provide private tutoring services for a fee or any compensation to any student that is currently enrolled in their classes.

Adopted: 10 September 2013



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Tutoring Services

R 3232 TUTORING SERVICES

- A. Additional Help in the Academic Programs
 - 1. Teachers will make every reasonable effort to assist students assigned to them who need additional help in their academic programs.
 - 2. Additional help may be given during the course of the staff member's work day or before or after the school hours.
 - 3. This additional help is an extension of the staff member's assigned school district responsibilities and no staff member may charge a fee for providing this additional help to students.
- B. Private Tutoring Services
 - 1. A staff member who believes a student may benefit from private tutoring services in addition to any additional help provided to a student as a part of the staff member's assigned responsibilities will inform the Principal or designee.
 - 2. If the Principal or designee concurs with the staff member's recommendation, he/she or the staff member will notify the student's parent. The principal or designee will not recommend a private tutor or maintain a list of private tutors. The retention of a private tutor shall be the sole responsibility of the parent.
 - 3. The responsibility of contracting a private tutor is the responsibility of the parent. The Principal or designee will discuss the student's performance and needs with the student's parent.
 - 4. The school staff member shall cooperate with the student in providing information and materials used in class and in specifying the areas where the student needs tutoring.
 - 5. Private tutoring shall not take place on school grounds and any fees or compensation arrangements shall be made between the private tutor and the parent. The Board of Education assumes no responsibility, liability, or obligations for the selection of a private tutor that is contracted by the parent or the quality of the tutoring services provided.
 - 6. A school staff member may be contracted by a parent to provide tutoring services to a student. School staff members are prohibited from providing private tutoring to students currently enrolled in their classes or to a student who the staff member participates as a member of the student's evaluation team.

Issued: 3 December 2008

Issued: 10 September 2013



3233 POLITICAL ACTIVITIES

The Board of Education recognizes and encourages the right of all citizens, including teaching staff members, to engage in political activity. The Board prohibits the use of school premises and school time, however, for partisan political purposes.

The Board establishes the following guidelines to govern teaching staff members in their political activities:

1. A teaching staff member shall not engage in political activity on school premises unless permitted in accordance with Board Policy No. 7510 - Use of School Facilities and/or applicable Federal and State laws;
2. A teaching staff member shall not post political circulars or petitions on school premises nor distribute such circulars or petitions to students nor solicit campaign funds or campaign workers on school premises;
3. A teaching staff member shall not display any material that would tend to promote any candidate for office on an election day in a school facility that is used as a polling place;
4. A teaching staff member shall not engage in any activity in the presence of students while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

A certificated staff member employed by this district who is a member of the Senate or General Assembly of the State of New Jersey shall be entitled to time off from school district duties, without loss of pay, during the periods of his/her attendance at regular or special sessions of the legislature and hearings or meetings of any legislative committee or commission.

A certificated staff member employed by this district who is a member of the Board of Chosen Freeholders of any county of New Jersey shall be entitled to time off from his/her duties, without pay, during the periods of his/her attendance at regular or special meetings of the Board and of any committee thereof and at such other times as he/she shall be engaged in performing the necessary functions and duties of his/her office as a member of the Board.

No other teaching staff member who holds elective or appointive office is so entitled to time off, except as such time off may be provided for by Board policy or negotiated agreement.

The provisions of this policy do not apply to the discussion and study of politics and political issues appropriate to the curriculum, the conduct of student elections, or the conduct of employee representative elections.



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Political Activities

Nothing in this Policy shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or student.

N.J.S.A. 11:17-2

N.J.S.A. 18A:6-8.1; 18A:6-8.2; 18A:6-8.4; 18A:42-4

N.J.S.A. 19:34-42

Green Township v. Rowe, Superior Court of New Jersey - Appellate Division A-2528-98T5

Adopted: 3 December 2008



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Political Activities

R 3233 POLITICAL ACTIVITIES

A. Prohibited Activities

The following political activities are prohibited on school district premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;
2. The distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;
3. Collection of and solicitation for campaign funds;
4. Solicitation for campaign workers;
5. Use of students for writing or addressing political materials or the distribution of such materials to or by students;
6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a district facility used as a polling place; and
7. Any activity in the presence of students while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

B. Permitted Activities

The following political activities are permitted on school premises.

1. Conduct of student and employee elections and any campaigning connected with those elections.
2. Classroom discussion and study of politics and political issues, when such discussion and study are appropriate to studies such as history, current events, or political science.



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Political Activities

3. Distribution of political materials when approved by the Building Principal and when relevant to the class, curriculum, and maturity of the students. Any such material shall be presented by the teacher without bias or discrimination.
- C. Nothing in this Regulation shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or student.

Issued: 3 December 2008



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For Teachers and School Leaders

3240 **PROFESSIONAL DEVELOPMENT FOR TEACHERS AND SCHOOL LEADERS**

The Board of Education encourages all teaching staff members to pursue a program of continuing professional development by course work or matriculation in institutions of higher learning, participation in workshops and conferences, membership in professional organizations, and independent scholarship.

Teaching staff members may be permitted to: visit other schools and classrooms; attend local, regional, or national conferences; participate in committees, workshops, and panels, both within and outside the district. Requests for participation in such professional development activities must be submitted in writing to the Superintendent or designee for approval. In addition, the Board, the Board of Education must approve all travel expenditures in accordance with N.J.S.A. 18A:11-12 and the State of New Jersey Department of Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars and any additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.

A teaching staff member who has been granted time off and/or reimbursed for a professional development activity shall submit to the Assistant Superintendent for Curriculum and Instruction, within ten working days, a brief written report of the activity that includes the primary purpose of the travel, the key issues addressed at the event, and their relevance to improving instruction or the operations of the school district.

All active teachers, defined as staff whose positions require possession of the instructional or educational services certificates in accordance with N.J.A.C. **6A:9C-8 through 11 and 13** and all active school leaders serving on a permanent or interim basis whose positions require possession of the Chief School Administrator, Principal, or Supervisor endorsement in accordance with N.J.A.C. **6A:9B-12** shall comply with the professional development requirements as outlined in N.J.A.C. **6A:9C-4.1** et seq.

To meet the professional development requirement, each teacher shall be guided by an individual Professional Development Plan (PDP), which shall include at least twenty hours per year of qualifying activities as outlined in N.J.A.C. **6A:9C-4.4**. The PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in **N.J.A.C. 6A:9-3.3** and the Standards for Professional Learning in N.J.A.C. **6A:9C-3.3**. The PDP shall be effective for one year and shall include, at least the minimum requirements outlined in N.J.A.C. **6A:9C-4.4(c)**.

District-level and school-level professional development planning and implementation shall be in accordance with the requirements of **N.J.A.C. 6A:9C-4-2**.

Implementation of the professional development requirement for school leaders shall be in accordance with N.J.A.C. **6A:9C-4.3**.



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Professional Development
For Teachers and School Leaders

The Board of Education shall comply with the monitoring and assistance requirements as outlined in N.J.A.C. **6A:9C-4.4**.

The Board shall monitor and enforce the professional development requirements for teachers and school leaders set forth in N.J.A.C. **6A:9C-4.1** et seq. and shall actively assist and support the provision of opportunities and resources, and the efforts by teachers and school leaders to meet the professional development requirements.

N.J.S.A. 18A:31-2; 18AL6-111

N.J.A.C. **6A:9B-12; 6A:9C-3.3; 6A:9C-4.1 et seq.; 6A:9C-8 through 11 and 13**

Adopted: 3 December 2008

Adopted: 14 September 2010

Adopted: 10 June 2014

Adopted: 20 September 2016



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TEACHING STAFF MEMBERS - REGULATION
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Professional Development
for Teachers and School Leaders

R 3240 **PROFESSIONAL DEVELOPMENT FOR TEACHERS AND SCHOOL LEADERS**

A. Definitions (N.J.A.C. 6A:9C-2.1)

1. **The definitions set forth in N.J.A.C. 6A:9-2.1 shall apply to the words and terms used in N.J.A.C. 6A:9C-3 et seq. and 6A:9C-4 et seq. and Policy and Regulation 3240.**

B. Components of Professional Development – (N.J.A.C 6A:9C-3.2)

1. Professional development shall **align with the Professional Standards for Teachers and the Professional Standards for School Leaders in N.J.A.C. 6A:9-3, the standards for professional learning in N.J.A.C. 6A:9C-3.3**, student learning and educator development needs, and school, school district, and/or State improvement goals.
2. Professional development shall **encompass a broad range of professional learning that contributes to improved practice, including, but not limited to, participation in** the work of established collaborative teams of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on:
 - a. Evaluating student learning needs through ongoing reviews of data on student performance; and
 - b. Defining a clear set of educator learning goals based on the rigorous analysis of data **on student performance**.
3. Professional learning shall incorporate coherent, sustained, and evidenced-based strategies that improve educator effectiveness and student achievement, **such as** job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills to their work.
4. Professional **learning** may be supported by external expert assistance or additional activities that:
 - a. Address defined student and educator learning goals;
 - b. Advance primarily ongoing school-based professional **learning**; and



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Professional Development for Teachers and
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- c. Include, but are not limited to, courses, workshops, institutes, networks, and conferences provided by for-profit and nonprofit entities outside the school such as universities, educational service agencies, technical assistance providers, networks of content specialists, and other education organizations and associations.
- C. Standards for Professional Learning (N.J.A.C. **6A:9C-3.3**)
 1. Professional learning that increases educator effectiveness and improves results for all students shall be guided by the following standards:
 - a. Learning communities: Occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment;
 - b. Leadership: Requires skillful leaders who develop capacity, advocate, and create support systems for professional learning;
 - c. Resources: Requires prioritizing, monitoring, and coordinating resources for educator learning;
 - d. Data: Uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;
 - e. Learning designs: Integrates theories, research, and models of human learning to achieve its intended outcomes;
 - f. Implementation: Applies research on change and sustains support for implementation of professional learning for long-term change; and
 - g. Outcomes: Aligns its outcomes with educator performance and student curriculum standards.
 2. The standards in 1.a. through g. above shall serve as indicators to guide the policies, activities, facilitation, implementation, management, and evaluation of professional development.
- D. Requirements for **and Implementation of Teachers' Individual Professional Development Plans** (N.J.A.C. **6A:9C-4.4**)



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Professional Development for Teachers and School Leaders

1. Each teacher shall be guided by an individualized Professional Development Plan (PDP), **pursuant to N.J.S.A. 18A:6-128.a**, which shall include at least twenty hours per year of qualifying **experiences**. The twenty-hour annual requirement shall be **based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including** the use of family or medical leave.
2. The content of each PDP shall be developed by each teacher's supervisor, in consultation with the teacher, and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3 and the Standards for Professional Learning in N.J.A.C. **6A:9C-3.3**.
3. The **individual** PDP shall be effective for one year, **updated annually**, and **modified during the year, as necessary, and** shall specify, at least:
 - a. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation; **and**
 - b. **One** area for development of professional practice **derived from individual, collaborative team, school, or school district improvement goals;**
4. The **Progress of on the individual PDP shall be discussed at the annual summary conference, pursuant to N.J.A.C. 6A:10-2.4, but may occur more frequently throughout the year.**
5. **Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her supervisor, and shall be reviewed as part of each annual summary conference.**
6. All teachers governed by the professional development requirements shall have an individual PDP within thirty instructional days of the beginning of their respective teaching assignments.
7. A teacher's individual PDP goals may necessitate more than the recommended minimum requirements outlined in N.J.A.C. **6A:9C-4**.
8. Additional hours of qualifying **experiences** may be required for teachers in low-performing schools, as determined by the Commissioner of Education.



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Professional Development for Teachers and
School Leaders

9. **The teacher's designated supervisor shall:**
 - a. **Use the teacher performance evaluation process and the professional development planning process to monitor each teacher's progress in meeting the professional development requirements and shall take appropriate steps to assure such progress. If a teacher's progress is found to be inadequate, the teacher's designated supervisor shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and**
 - b. **Maintain accurate records of each teacher's progress in meeting the individual professional development requirements, pursuant to N.J.A.C. 6A:9C-4.3 and N.J.A.C. 6A:9C-4.4. Such records shall include a copy of each teacher's current PDP and timeline, as well as any documentation and evidence showing the teacher's progress toward meeting the plan's requirements.**
 10. **If a teacher leaves the employ of one New Jersey school district and is hired by another, the previous employing school district shall share with the new employing school district the teacher's individual PDP and all supporting documentation. If the current individual PDP is found to be unsuitable to the teacher's new assignment, the new employing school district shall ensure a revised individual PDP and timeline is created within thirty days of hire by the employee's new supervisor in collaboration with the new teacher.**
- E. **School-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)**
1. The Principal shall oversee the development and implementation of a plan for school-level professional development **and shall ensure:**
 - a. The school-level professional development plan includes a description of school-level and team-based professional learning aligned with identified school goals, and **includes** teacher and student learning needs; **and**
 - b. **All teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements pursuant to N.J.A.C. 6A:9C-4.4(a).**



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2. The school-level plan shall become part of the **school district plan** for professional development **overseen and** reviewed by the **Superintendent of Schools**.
- F. Requirements for District-Level **Plans for** Professional Development Implementation (N.J.A.C. **6A:9C-4.2**)
1. **The school district plan shall provide information on school-level and district-wide professional development learning opportunities, the resources being allocated toward their support, a justification for the expenditures, and include any professional development required by statute or regulation.**
 2. The Superintendent of Schools or designee shall oversee the development and implementation of **the school district** plans to address the school district's professional development needs **and shall review on an annual basis the school district plan to assess its effectiveness and revise it, as necessary, to meet the school district's learning goals for students, teachers, and school leaders.**
 3. **When overseeing and reviewing the school district plan, the Superintendent or designee shall:**
 - a. Review school-level professional development plans;
 - b. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plan, and data from school- and district-level performances;
 - c. Plan, support, and implement professional **learning** activities that address the CCCS, and that align with the Standards for Professional Learning in N.J.A.C. **6A:9C-3.3** and the Professional Standards for Teachers and School Leaders in N.J.A.C. 6A:9-3;
 - d. Develop and update, as necessary, the district mentoring plan for **non-tenured teachers including novice professional teachers who hold a CE or CEAS** in accordance with N.J.A.C. **6A:9C-5.3**.
 - e. **Present the plan to the Board of Education to review for fiscal impact; and**



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Research Projects By Staff Members

3245 RESEARCH PROJECTS BY STAFF MEMBERS

The Board of Education encourages the participation of teaching staff members in research projects that are soundly designed and professionally conducted.

Teaching staff members may seek funding from local, state, and federal sources, public and private, for locally conducted research projects. Any research project involving students must be approved by the Board; all other research projects involving district personnel, facilities, and/or resources may be approved by the Superintendent.

An application for approval of a proposed research project must set forth the purpose of the project; a detailed description of the project; the degree to which, if any, the project will interrupt or displace the regular instructional program; a projection of the number of students, if any, and staff members who will be involved, the period of time that will be devoted to the project, and the project costs; the source of funding; any background information necessary to an understanding of the project; the means by which the project will be evaluated; and an assessment of the contribution the project will make to the educational program of this district.

A written report must be made to the Superintendent when a research project is terminated, either completed or incomplete. The Superintendent may also require progress reports during the course of any research project and may notify appropriate administrators of the conduct of any research project.

Adopted: 3 December 2008



3270 **PROFESSIONAL RESPONSIBILITIES**

The Board of Education will establish and enforce rules for the assignment of specific duties to teaching staff members and for the conduct of teaching staff members during the work day.

The Board directs the Superintendent to require the preparation of lesson plans by each teacher that implement the goals and objectives of the educational program. Teachers shall also be responsible for providing adequate direction and guidance to substitutes. Lesson plans will be subject to periodic review by the Building Principal.

The Superintendent shall apply uniformly throughout the district, except as may otherwise be provided in this policy, the following additional rules for teaching staff member conduct:

1. During the work day, teaching staff members may be assigned extra or alternative duties by the Building Principal in accordance with Board Policy No. 3134;
2. Teaching staff members are expected to attend every faculty meeting unless expressly excused by the Building Principal; and
3. A teaching staff member who is excused from attending a faculty meeting must meet with the Building Principal the following day to review the topics covered at the meeting.

Teaching staff members who are assigned to work on curriculum revision during the regular school day will be given an appropriate reduction in teaching assignments.

Adopted: 3 December 2008



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Lesson Plans and Plan Books

R 3270 LESSON PLANS AND PLAN BOOKS

A. Lesson Plans

1. Each teaching staff member assigned specific instructional responsibilities shall prepare regular lesson plans.
2. Each lesson plan must include the:
 - a. Name of the unit or area of learning;
 - b. Goals and objectives;
 - c. New Jersey Core Curriculum Content standards;
 - d. Content outline;
 - e. Duration of the lesson;
 - f. Instructional methodology;
 - g. Evaluation procedures;
 - h. Progress Indicators;
 - i. Any seat work or activity center assignments;
 - j. Homework assignments; and
 - k. Resource materials.
3. Lesson plans must be completed at least one week in advance.
4. Lesson plans will follow the format established at the building or departmental level, as appropriate. Lesson plans will ordinarily be prepared on a daily basis, but, if the format so dictates, may be prepared on a long-range unit basis.
5. Lesson plans must be prepared with clarity and in sufficient detail to permit a person unacquainted with the classroom to conduct the lesson efficiently and effectively.



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Lesson Plans and Plan Books

B. Plan Books

1. A plan book will be kept by each teacher as a master plan for instruction in the classroom. In addition, the plan book will permit administrators to monitor classroom instruction and will give direction to substitutes.
2. Plan books will include:
 - a. Lesson plans,
 - b. A seating chart of students in the classroom,
 - c. Daily class schedules, and
 - d. The names of students receiving remedial instruction or removed from the classroom for specialized instruction during the school day.
3. Plan books will be submitted to the Principal or subject supervisor for review.
4. Plan books must be available for use by a substitute in an unforeseen situation. Plan books will not be removed from the classroom overnight.
5. Plan books will be turned in to the Building Principal at the end of the school year.

C. Substitute Lesson Plans

Each teacher shall submit a substitute folder to the Principal or Assistant Principal that contains the following:

1. Special plans and hints for the substitute;
2. Helpful students for each selection;
3. Procedure for opening exercises;
4. Explanation sheet on taking daily attendance;
5. Special lessons to be used by the substitute when you are absent;
6. Procedure for dismissal of each class and dismissal at the end of the day;
7. Special subjects schedule-art, music, physical education, students leaving for instrumental lessons and remedial reading;



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Lesson Plans and Plan Books

8. Fire drill forms;
9. Seating charts;
10. Room rules and regulations;
11. Names of students with special problems, such as physical disabilities.

Substitute folders should be reviewed and updated periodically. Special plans in the substitute folder will only be necessary should the teacher want a substitute not to follow their regular lesson plans. To help the substitute and to provide meaningful work for the children when they are absent, prepare a folder of subject related seatwork activities or ideas which a substitute can utilize if needed for each class assignment. Every attempt should be made to have the substitute follow the teachers' plan books so that the children's education will not be interrupted during the teacher's absence, particularly if it is an extended absence.

Issued: 3 December 2008



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Liability for Student Welfare

3280 LIABILITY FOR STUDENT WELFARE

Teaching staff members are responsible for supervision of students and must discharge that responsibility with the highest levels of care and prudent conduct. All teaching staff members of this district shall be governed by the following rules in order to protect the well-being of students and to avoid any assignment of liability to this Board of Education or to a staff member personally in the event a student is injured.

The Superintendent shall prepare such regulations as may be required to enforce the following rules:

1. Each teaching staff member must maintain a standard of care for supervision, control, and protection of students commensurate with the member's assigned duties and responsibilities;
2. A teaching staff member should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumed responsibilities carry the same potential for liability as do assigned responsibilities;
3. A teaching staff member must provide proper instruction in safety wherever course guides so provide;
4. A teaching staff member must report immediately to the Building Principal any accident or safety hazard the member detects;
5. A teaching staff member must not send students on personal errands;
6. A teaching staff member must never transport students in a personal vehicle without the approval of the Building Principal;
7. A teaching staff member must not require a student to perform tasks that may be detrimental to the health or well-being of the student or other students;
8. A teaching staff member will refrain from the use of personal furnishings and equipment in the classroom without the express permission of the Principal;
9. A teaching staff member must immediately report any instance of substance abuse, violence, vandalism, accidents, or suspected child abuse in accordance with Policy Nos. 8442, 8461, and 8462.

N.J.S.A. 9:6-8.8 et seq.

N.J.S.A. 18A:25-2

N.J.S.A. 59:1-1 et seq.

Adopted: 3 December 2008



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Liability for Student Welfare

R 3280 LIABILITY FOR STUDENT WELFARE

- A. A teaching staff member must maintain a standard of care for supervision, control, and protection of students commensurate with the member's assigned duties and responsibilities.
1. A class or activity must never be left unattended while students are in the room, except that a teacher may stand immediately outside the door of the room as students are entering.
 2. A class or activity must never be left with an unqualified person in charge of students.
 3. Younger students should be accompanied to assigned places of instruction and monitored until supervision is assumed by another qualified, responsible person.
 4. Students shall not be allowed to inflict bodily harm on one another. Teaching staff members are responsible for preventing and stopping student fights and assaults, whatever the cause or intent; if necessary, responsible assistance must be quickly summoned. Teaching staff members may restrain a student only with the reasonable amount of force necessary to:
 - a. Quell a disturbance,
 - b. Obtain possession of weapons or dangerous objects,
 - c. Offer self-defense, or
 - d. Protect persons or property.
- B. A teaching staff member should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumed responsibilities carry the same potential for liability as do assigned responsibilities.
- C. A teaching staff member must provide proper instruction in safety wherever course guides so provide.
- D. A teaching staff member must report immediately to the Building Principal any accident or safety hazard the member detects.
- E. A teaching staff member must not send students on personal errands.



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Liability for Student Welfare

- F. A teaching staff member must never transport students in a personal vehicle without the approval of the Building Principal. Any transportation of students by private vehicle is subject to Policy No. 8660.
- G. A teaching staff member must not require a student to perform tasks that may be detrimental to the student's health or well-being.
 - 1. Students may be permitted to use only items of equipment that have been provided by the Board.
 - 2. Equipment shall not be used for purposes other than the instructional purposes for which the equipment was provided; equipment may never be operated in a hazardous manner.
 - 3. Power tools and other inherently hazardous equipment may be used only by students to whom the tools or equipment have been assigned for instructional purposes and who have received instruction for their safe use.
 - 4. Students will be permitted to work in a shop, kitchen, or laboratory only during the period scheduled for instruction and only in accordance with safety rules.
 - 5. Classroom materials and equipment should be organized so as to minimize the danger of injury to students.
 - 6. Teachers must exercise good judgment when assigning tasks to students to prevent bodily harm and damage to property.
 - 7. Safety equipment provided for use in potentially hazardous situations must be properly and promptly utilized when necessary.
- H. A teaching staff member must render prompt reports when so required by law and Board policy.
 - 1. Instances of substance abuse will be reported in accordance with Policy No. 5530.
 - 2. Instances of violence and/or vandalism will be reported in accordance with Policy No. 8461.
 - 3. Accidents will be reported in accordance with Board Policy No. 8442.
 - 4. Instances of suspected child abuse will be reported in accordance with Policy Nos. 8461 and 8462.



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5. Missing children will be reported in accordance with Policy No. 8464.

Issued: 3 December 2008



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Inappropriate Staff Conduct

3281 **INAPPROPRIATE STAFF CONDUCT**

The Board of Education recognizes its responsibility to protect the health, safety and welfare of all students within this school district. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a student's health, safety and welfare. The Board strongly believes that school staff members have the public's trust and confidence to protect the well-being of all students attending the school district.

In support of this Board's strong commitment to the public's trust and confidence of school staff, the Board of Education holds all school staff to the highest level of professional responsibility in their conduct with all students. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school district.

The Board recognizes and appreciates the staff-student professional relationship that exists in a school district's educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward students.

School staff's conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to students or about students and shall not engage in inappropriate language or expression in the presence of students. School staff shall not engage in inappropriate conduct toward or with students. School staff shall not engage or seek to be in the presence of a student beyond the staff member's professional responsibilities. School staff shall not provide transportation to a student in their private vehicle or permit a student into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Building Principal/immediate supervisor and the parent/legal guardian.

Inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to students or for public display.

A school staff member is always expected to maintain a professional relationship with students and protect the health, safety and welfare of school students. A staff member's conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education, an arbitration process, and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.



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Inappropriate Staff Conduct

School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Building Principal any possible violations of this Policy. In the event the report alleges conduct by the Building Principal or the immediate supervisor, the school staff member may report directly to the Director for Human Resources. In addition, school personnel having reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 et seq. and inform the Building Principal or immediate supervisor after making such report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Building Principal will notify the Director for Human Resources of all reports, including anonymous reports. The Director for Human Resources will investigate all reports with a final report to the Superintendent of Schools. The Director for Human Resources upon reviewing an initial report or the Superintendent, upon reviewing the Director for Human Resources' investigation report, may take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 et seq., and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at any time, upon request.

N.J.S.A. 18A:28-5 et seq.; N.J.A.C. 6A:16-10.1 et seq.

Adopted: 3 December 2008

Adopted: 14 September 2010

Adopted: 12 March 2013



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Inappropriate Staff Conduct

R 3281 **INAPPROPRIATE STAFF CONDUCT**

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. Policy No. 3281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to students.

A. Definitions

1. "Building Principal" is the Principal of the building where the staff member is assigned.
2. "Grievance Procedure" is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.
3. "Hostile Environment Sexual Harassment" is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
4. The "immediate supervisor" for teaching staff members may be a Building Principal, a member of the school district's non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.
5. "Inappropriate comments" includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a student's clothing or physical appearance, comments with sexual overtones, comments regarding a student's dating partner or comments about the staff member's personal life that are not relevant to the professional responsibility of the school staff member.
6. "Inappropriate conduct" includes, but is not limited to, sexual misconduct, a request by a school staff member to a student for a social relationship outside the school staff/student relationship, sexually harassing conduct, inappropriate touching by the staff member to a student or permitting a student to inappropriately touch a staff member, corporal punishment, requesting a student to expose private parts of their body,



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other than for school medical purposes, and a staff member exposing their own private parts of their body to a student. Inappropriate conduct also includes physical contact between a staff member and student that is beyond the staff member/student professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/student professional relationship. "Inappropriate conduct" does not include a hug initiated by a student as a sign of the student's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

7. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.
8. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.
9. "Quid Pro Quo Sexual Harassment" is when a school employee explicitly or implicitly conditions a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.
10. "Professional responsibility/or responsibilities" is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.
11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Director of Human Resources no later than seventy-two hours after the required reporting time.
12. "Sexual Harassment" is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.



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Inappropriate Staff Conduct

13. "Staff member" or "school staff member" is a compensated and/or uncompensated member of the school district's staff, including any agents and/or representatives of the school district.
14. "Unannounced or uninvited visit" is a student visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member's residence and/or other place where the staff member may be when not performing school related professional responsibilities.

B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a student is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal or immediate supervisor.
2. Any staff member who believes, or has reason to believe, a student is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a student beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal or immediate supervisor.
3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal or immediate supervisor.
4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.
5. Any student, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Director of Human Resources.
6. Any person, including school staff, may make an anonymous report to the Director of Human Resources if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.



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7. School staff having reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 et seq. and inform the Building Principal or immediate supervisor after making such report.
- C. Investigation of Reports
1. An immediate supervisor or Building Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Director of Human Resources.
 2. The Director of Human Resources will begin a prompt and thorough investigation of every report.
 3. The Director of Human Resources or the Superintendent will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families if there is reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-11.1 et seq., and/or any other measure provided for in the law.
- D. Preliminary Investigation of Reports by Others
1. The Director of Human Resources will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the Director of Human Resources received the report.
 2. The Director of Human Resources' preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any students who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and student(s) reported to have engaged in conduct prohibited by this Policy and Regulation.
 3. The Director of Human Resources will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any student involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.



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Inappropriate Staff Conduct

4. If, based on a preliminary investigation, the Director of Human Resources determines conduct prohibited by this Policy and Regulation did not exist, the Director of Human Resources will meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) reported to review the results of the Director of Human Resources' preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. The Director of Human Resources will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.
 5. If, based on a preliminary investigation, the Director of Human Resources deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the student indicated in the report upon request.
- E. Full Investigation
1. The Director of Human Resources, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or local law enforcement.
 2. The Director of Human Resources will conduct the full investigation if the New Jersey Department of Children and Families and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-11.1 et seq. for reporting to the Division of Youth and Family Services and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.
 3. The full investigation will include, but not be limited to, interviews with the staff member(s), students, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.
 4. The Director of Human Resources will accept testimony and evidence from the staff member(s), student(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.



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Inappropriate Staff Conduct

5. All persons that provide information, testimony and evidence to the Director of Human Resources relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Superintendent of Schools.
6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the Director of Human Resources will prepare a written report to the Superintendent of Schools. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the Director of Human Resources.
7. If the Director of Human Resources full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Superintendent concurs with the report's findings, the Director of Human Resources will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) investigated to review the findings.
8. If the Director of Human Resources full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Superintendent concurs with the report's findings, the Superintendent may take such appropriate action necessary and as provided for in the law. This action may include, but is not to be limited to:
 - a. Provide the staff member an opportunity to rebut the findings of the Director of Human Resources full investigation report and findings;
 - b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;
 - c. Not recommend the staff member be re-appointed for the next school year;
 - d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;
 - e. Institute tenure charges (if applicable) in accordance with N.J.S.A. 18A and N.J.A.C. 6A; and/or
 - f. Recommend to the Board of Education any other disciplinary and/or legal measures as the Superintendent of Schools determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.



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Inappropriate Staff Conduct

9. If the Superintendent does not concur with the findings of the Director of Human Resources full investigation, the Superintendent may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the Director of Human Resources, a discussion with the student(s) and parent(s)/legal guardian(s) and any activity the Superintendent believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Superintendent will proceed consistent with paragraph 7. and 8. above.
10. Any person who is not satisfied with the Superintendent's determination may appeal to the Board of Education.

Issued: 3 December 2008

Issued: 14 September 2010

Issued: 12 March 2013



3282 USE OF SOCIAL NETWORKING SITES

The Board of Education has a strong commitment to quality education and the well-being of all students, as well as the preservation of the school district's reputation. The Board believes staff members must establish and maintain public trust and confidence and be committed to protecting all students attending the school district. In support of the Board's strong commitment to the public's trust and confidence, the Board holds all staff members to the highest level of professional responsibility.

The Commissioner of Education has determined inappropriate conduct outside a staff member's professional responsibilities may determine them as unfit to discharge the duties and functions of their position. Staff members should be advised communications, publications, photographs, and other information appearing on social networking sites deemed inappropriate by the Board could be cause for dismissal of a non-tenured staff member or to certify tenure charges against a tenured staff member to the Commissioner of Education.

Staff members are advised to be concerned and aware such conduct deemed inappropriate may include, but is not limited to, communications and/or publications using emails, text-messaging, social networking sites, or any other form of electronic communication that is directed and/or available to students or for public display or publication.

While the Board respects the right of staff members to use social networking sites, staff members should recognize they are held to a higher standard than the general public with regard to standards of conduct and ethics. It is important that a staff member's use of these sites does not damage the reputation of the school district, employees, students or their families. Staff members who utilize, post or publish images, photographs, or comments on social networking sites, blogs, or other forms of electronic communication outside their professional responsibilities shall ensure their use, posting, or publications are done with an appropriate level of professionalism and are appropriate conduct for a school staff member. Staff members should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that what is private in the digital world often has the possibility of becoming public even without their knowledge or consent.

The school district strongly encourage all staff members to carefully review the privacy settings on social networking sites they use and exercise care and good judgment when posting content and information on such sites. Staff members should adhere to the following guidelines, which are consistent with the district's workplace standards on harassment, student relationships, conduct, professional communication, and confidentiality.

When using personal social networking sites, school staff members:

1. Should not make statements that would violate any of the district's policies, including its policies concerning discrimination or harassment;



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Use of Social Networking Sites

2. Must uphold the district's value of respect for the individual and avoid making defamatory statements about the school district, employees, students, or their families;
3. May not disclose any confidential information about the school district or confidential information obtained during the course of his/her employment, about any individual(s) or organization, including students and their families;
4. Shall not use social networking sites to post any materials of a sexually graphic nature;
5. Shall not use social networking sites to post any materials which promote violence;
6. Shall not use social networking sites which would be detrimental to the mission and function of the district;
7. Are prohibited from using their school district title as well as adding references to the district in any correspondence including, but not limited to, e-mail, postings, blogs, and social networking sites unless the communication is of an official nature and is serving the mission of the district. This prohibition also includes signature lines and personal email accounts;
8. Shall not post updates to their status on any social networking sites during normal working hours including posting of statements or comments on the social networking sites of other during school time unless it involves a school project. Employees must seek approval from the Superintendent of Schools for such use; and
9. Shall not post or publish any information the Commissioner of Education would deem to be inappropriate conduct by a school staff member.

The Policy of this district is to maintain a level of professionalism both during and after the school day. Any publication through any means of electronic communication which is potential adverse to the operation, morale, or efficiency of the district, will be deemed a violation of this Policy. If the Board or Superintendent believes that a staff member's activity on any social networking site violates the district's policies, the Board or Superintendent may request that the employee cease such activity. Depending on the severity of the incident, the staff member may be subject to disciplinary action.



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Use of Social Networking Sites

This Policy has been developed and adopted by this Board to provide guidance and direction to staff members on how to avoid actual and/or the appearance of inappropriate conduct toward students and/or community while using social networking site.

Adopted: 11 September 2012



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Electronic Communications Between Teaching Staff
Members and Students

Jun 14

3283 **ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS**

The Board of Education recognizes electronic communications and the use of social media outlets create new options for extending and enhancing the educational program of the school district. Electronic communications and the use of social media can help students and teaching staff members communicate regarding: questions during non-school hours regarding homework or other assignments; scheduling issues for school-related co-curricular and interscholastic athletic activities; school work to be completed during a student's extended absence; distance learning opportunities; and other professional communications that can enhance teaching and learning opportunities between teaching staff members and students. However, the Board of Education recognizes teaching staff members can be vulnerable in electronic communications with students.

In accordance with the provisions of N.J.S.A. 18A:36-40, the Board of Education adopts this Policy to provide guidance and direction to teaching staff members to prevent improper electronic communications between teaching staff members and students.

The Commissioner of Education and arbitrators, appointed by the Commissioner, have determined inappropriate conduct may determine a teaching staff member unfit to discharge the duties and functions of their position. Improper electronic communications by teaching staff members may be determined to be inappropriate conduct.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a teaching staff member's responsibilities regarding co-curricular, athletic coaching, and any other instructional or non-instructional responsibilities assigned to the teaching staff member by the administration or Board of Education.

For the purposes of this Policy, "improper electronic communications" means an electronic communication between a teaching staff member and any student of the school district when:



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Electronic Communications Between Teaching Staff
Members and Students

1. The content of the communication is inappropriate as defined in this Policy; and/or
2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for electronic communications between a teaching staff member and a student as defined in this Policy.

Inappropriate content of an electronic communication between a teaching staff member and a student includes, but is not limited to:

1. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;
2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the teaching staff member's or student's past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or bullying;
6. Communications requesting or trying to establish a personal relationship with a student beyond the teaching staff member's professional responsibilities;
7. Communications related to personal or confidential information regarding another school staff member or student; and
8. Communications between the teaching staff member and a student that the Commissioner of Education or an arbitrator would determine to be inappropriate in determining the teaching staff member is unfit to discharge the duties and functions of their position.

The following acceptable protocols for all electronic communications between a teaching staff member and a student shall be followed:

1. E-Mail Electronic Communications Between a Teaching Staff Member and a Student



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Electronic Communications Between Teaching Staff Members and Students

- a. All e-mails between a teaching staff member and a student must be sent or received through the school district's e-mail system. The content of all e-mails between a teaching staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.
 - b. A teaching staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a teaching staff member's personal e-mail address, the staff member shall respond to the e-mail through the school district e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the teaching staff member and the student.
 - c. A teaching staff member's school district e-mail account is subject to review by authorized school district officials. Therefore, a teaching staff member shall have no expectation of privacy on the school district's e-mail system.
2. Cellular Telephone Electronic Communications Between a Teaching Staff Member and a Student
 - a. Communications between a teaching staff member and a student via a personal cellular telephone shall be prohibited.
 - (1) However, a teaching staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the teaching staff member's professional responsibilities for a specific purpose such as a field trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.
3. Text Messaging Electronic Communications Between Teaching Staff Members and Students
 - a. Text messaging communications between a teaching staff member and an individual student are prohibited.



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Electronic Communications Between Teaching Staff Members and Students

- (1) However, a teaching staff member may, with prior approval of the Principal or designee, text message students provided the need to text message is directly related to the teaching staff member's professional responsibilities with a class or co-curricular activity. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the class or activity by the Principal or designee.
4. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Teaching Staff Members and a Student
 - a. A teaching staff member is prohibited from communicating with any student through the teaching staff member's personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a teaching staff member and a student.
 - b. A teaching staff member shall not accept "friend" requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a teaching staff member's personal social networking website or other Internet-based social media website shall not be responded to by the teaching staff member and shall be reported to the Principal or designee by the teaching staff member.
 - c. If a teaching staff member has a student(s) as a "friend" on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.
 - d. Communication between a teaching staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.



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Electronic Communications Between Teaching Staff
Members and Students

Reporting Responsibilities

In the event a student sends an improper electronic communication, as defined in this Policy, to a teaching staff member, the teaching staff member shall report the improper communication to the Principal or designee by the next school day. The Principal or designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a teaching staff member or a student may result in appropriate disciplinary action.

A teaching staff member and student may be exempt from the provisions outlined in this Policy if a teaching staff member and student are relatives. The parent of a student and the teaching staff member requesting an exemption from the provisions of this Policy must submit a written request to the Principal of the student's school indicating the family relationship between the student and the teaching staff member. The Principal will provide written approval of the request to the teaching staff member and the student. If the Principal does not approve the request, the teaching staff member and the student must comply with all provisions of this Policy. The Principal's approval of a request for this exemption shall only be for the individual teaching staff member and student included in the request and for the school year in which the request is submitted.

The provisions of this Policy shall be applicable at all times while the teaching staff member is employed in the school district and at all times the student is enrolled in the school district, including holiday and summer breaks.

A copy of this Policy will be made available on an annual basis, to all parents, students, and school employees either electronically or in school handbooks.

N.J.S.A. 18A:36-40

Adopted: 14 October 2014



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Arrest Notification by Certificate Holders

3284 **ARREST NOTIFICATION BY CERTIFICATE HOLDERS**

Pursuant to N.J.A.C. 6A:9-17.1 (c), all certificate holders shall report their arrest or indictment for any crime or offense to the Superintendent within 14 calendar days. The report shall include the date of arrest or indictment and charge(s) lodged against the certificate holder. Such certificate holder shall also report to the Superintendent the disposition of any charges within seven calendar days of the disposition. Failure to comply with these reporting requirements may be deemed "Just Cause" pursuant to N.J.A.C. 6A:9-17.5.

The Division of Human Resource Services will provide an annual notice of this requirement to all certificate holders by September 30th of each school year. Each affected employee will sign a document acknowledging his/her receipt of such notice, which will remain on file within the Division of Human Resource Services. Anyone hired after September 30th will receive a copy of said notice with his/her pre-employment documentation and will sign a document acknowledging his/her receipt of such notice in the Division of Human Resource Services.

Adopted: 9 December 2014



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Academic Freedom

3310 ACADEMIC FREEDOM

The curriculum adopted by the Board of Education is designed to address the educational goals established for this school district and to meet the needs of students. The course guides prepared for each course of study describe the material to be covered in each course and, in general, the approach to be employed by the teaching staff member responsible for the course.

The Board recognizes that some deviation from the course guide is necessary to the free exchange of ideas within the classroom. Exposure to a wide range of ideas encourages the spirit of inquiry that is essential to the learning process; the thorough examination of those ideas aids students in developing powers of reasoning and in acquiring habits of academic discipline.

The Board directs that the discussion of any issue not specifically covered by the course guide be conducted in an unprejudiced and dispassionate manner. The Board will not condone classroom discussion that is unrelated to the educational goals of this district or to the subject of the course of study, disrupts the educational process, does not match the maturity level of the students, neglects to inform students of various responsible points of view on the subject under discussion, or fails to take into account the sensibilities of the community.

Adopted: 3 December 2008



3321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY TEACHING STAFF MEMBERS

The Board recognizes that as telecommunications and other new technologies shift the manner in which information is accessed, communicated and transferred that those changes will alter the nature of teaching and learning. Access to telecommunications will allow teaching staff members to explore databases, libraries, Internet sites, bulletin boards and the like while exchanging information with individuals throughout the world. The Board supports access by teaching staff members to information sources but reserves the right to limit in-school use to materials appropriate to educational purposes. The Board directs the Superintendent to effect training of teaching staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes.

The Board also recognizes that telecommunications will allow teaching staff members access to information sources that have not been pre-screened using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer network(s) and declares unethical, unacceptable, inappropriate or illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges, instituting legal action or taking any other appropriate action as deemed necessary.

The Board provides access to computer network(s)/computers for administrative and educational purposes only. The Board retains the right to restrict or terminate teaching staff member's access to the computer network(s)/computers at any time, for any reason. The Board retains the right to have the Superintendent or designee monitor network activity, in any form necessary, to maintain the integrity of the network(s) and ensure its proper use.

Standards for Use of Computer Network(s)

Any individual engaging in the following actions declared unethical, unacceptable or illegal when using computer network(s)/computers shall be subject to discipline or legal action:

1. Using the computer network(s)/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities which violate federal, state, local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the network(s). Obscene activities shall be defined as a violation of generally accepted social standards for use of publicly owned and operated communication vehicles.
2. Using the computer network(s)/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.
3. Using the computer network(s) in a manner that:



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Acceptable Use of Computer Network(s)/Computers and
Resources by Teaching Staff Members

- a. Intentionally disrupts network traffic or crashes the network;
- b. Degrades or disrupts equipment or system performance;
- c. Uses the computing resources of the school district for commercial purposes, financial gain or fraud;
- d. Steals data or other intellectual property;
- e. Gains or seeks unauthorized access to the files of others or vandalizes the data of another user;
- f. Gains or seeks unauthorized access to resources or entities;
- g. Forges electronic mail messages or uses an account owned by others;
- h. Invades privacy of others;
- i. Posts anonymous messages;
- j. Possesses any data which is a violation of this policy; and/or
- k. Engages in other activities that do not advance the educational purposes for which computer network(s)/computers are provided.

Violations

Individuals violating this policy shall be subject to appropriate disciplinary actions as defined by Policy No. 3150, Discipline which includes but are not limited to:

1. Use of the network(s)/computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension;
7. Dismissal;



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Acceptable Use of Computer Network(s)/Computers and
Resources by Teaching Staff Members

8. Legal action and prosecution by the authorities; and/or
9. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

N.J.S.A. 2A:38A-3

Adopted: 3 December 2008



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TEACHING STAFF MEMBERS - REGULATION

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Acceptable Use of Computer Network(s)/Computers
and Resources by Teaching Staff Members

R 3321 **ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY
TEACHING STAFF MEMBERS**

The school district provides computer equipment, computer services, and Internet access to its students and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The "system administrators" referred to herein as employees of the school district who administer the school district computer network(s)/computers and the system administrators reserve the right to monitor all activity on network(s)/computer facilities/computers.

Because of the complex association between so many government agencies and computer network(s)/computers, teaching staff members must adhere to strict regulations. Regulations are provided here so that teaching staff members are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Teaching staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing teaching staff members' behavior and communications apply. The school district's network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to teaching staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the district computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with district standards. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

Computer network(s)/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network(s)/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private. Users should expect all files stored on district servers will be available for review by the Director of Technology and/or school administrators.

Within reasonable limits, freedom of speech and access to information will be honored. During school, teaching staff members will guide students toward appropriate materials.

Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;



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TEACHING STAFF MEMBERS - REGULATION

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Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members

2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/computers;
5. Violating copyright laws;
6. Using another's password;
7. Trespassing in another's folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any non-school related business or solicit the performance of any activity which is prohibited by law or is non-educational.



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Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members

While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide student access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Teaching staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise student use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Teaching staff members should discipline students knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform students that such activities may result in termination of such students' accounts on the computer network(s) and their independent use of computers.

On-line Conduct

Any action by a teaching staff member or other user of the school district's computer network(s)/computers that is determined by a system administrator to constitute an inappropriate use of computer network(s)/computers resources or to improperly restrict or inhibit other members from using and enjoying those resources is strictly prohibited and may result in limitation on or termination of an offending member's account and other action in compliance with the Board policy and regulation. The user specifically agrees not to submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material; nor shall a user encourage the use, sale, or distribution of controlled substances. Transmission of material, information or software in violation of any local, state or federal law is also prohibited and is a breach of the Consent and Waiver Agreement.

Users agree to indemnify the East Orange School District and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network(s)/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.

Software Libraries on the Network(s)

Software libraries on the network(s) are provided to teaching staff members as an educational resource. No teaching staff member may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network(s)/computers (e.g., computer viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the



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Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members

account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network(s)/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

Public Posting Areas (Message Boards/Usenet Groups)

Usenet and Internet Relay Chat Room messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network(s). The system administrators or the school administration, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators or the school administration, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network(s)/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat) etc.

Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such



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Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members

messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A member who exceeds his/her quota of disk space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network(s), the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network(s)/computers or may be terminated as a user and be subject to other disciplinary action.

Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network(s)/computers that are connected to the Internet backbone or of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.



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Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members

Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation No. 3321, Teaching Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy No. 3150, Teaching Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Director of Technology in matters relating to the use of computer network(s)/computers and by the Superintendent or designee in matters of discipline or employee suspension or actions by the authorities is the appropriate course of action.

Individuals violating this policy shall be subject to the consequences as indicated in Policy No. 2361 and other appropriate discipline which includes but are not limited to:

1. Use of Computer Network(s)/Computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension from employment;
7. Legal action and prosecution by the authorities.
8. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

Decisions of the Director of Technology may be appealed in accordance with the appropriate employee grievance procedure.

Issued: 3 December 2008



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Staff Member's Use of Personal Cellular Telephones/
Other Communication Devices

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3322 STAFF MEMBER'S USE OF PERSONAL CELLULAR TELEPHONES/ OTHER COMMUNICATION DEVICES

The East Orange Board of Education recognizes a teaching staff member may need to electronically communicate on a non-school related, personal matter using a personal cellular telephone or other personal communication device during their workday. Electronic communications include, but are not limited to: voice conversations, text-messaging, accessing social networking or other internet sites, or any other type of electronic communication.

In the event the teaching staff member needs to electronically communicate on a non-school related, personal matter using a personal cellular telephone or other personal communication device during their workday the teaching staff member may do so provided the communication is made during the teaching staff member's duty free lunch or break periods and is made outside the presence of students in an area inside the school building designated by the Principal or teaching staff member's immediate supervisor.

A teaching staff member's personal cellular telephone or other personal communication device shall be secured by the teaching staff member and outside the view of others when the teaching staff member is performing assigned school district responsibilities.

An electronic communication by a teaching staff member on a non-school related, personal matter using a personal cellular telephone or other personal communication device shall not be made while the teaching staff member is performing assigned school district responsibilities.

In the event the teaching staff member has an emergency requiring immediate attention that requires such a communication while performing assigned school district responsibilities, the teaching staff member shall inform their Principal or immediate supervisor before or immediately after the communication, depending on the nature of the emergency. The Board of Education is not responsible if a teaching staff member's personal cellular telephone or other communication device is lost, stolen, or missing.

Adopted: 3 December 2008

Adopted: 9 November 2010

Adopted: 13 October 2015



3324 **RIGHT OF PRIVACY**

The Board of Education will provide facilities and school district-owned property to assist staff members in their job responsibilities or for the staff members' convenience. These facilities or district-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a staff member with exclusive use and access to such facilities or school district-owned property or may require the facility or school district-owned property be share with other staff members. The staff member may be provided a lock or key by the school district or may secure the facility or school district-owned property using their own locking device with permission from the Principal or designee.

School staff members should be aware their expectation of privacy in these facilities and/or the school district-owned property provided by the Board of Education is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by legitimate school district policies or regulations. In addition, staff members shall have a reduced expectation of privacy in these facilities and school district-owned property if there is reasonable suspicion the staff member is violating a law or school policy. School staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school district-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, school staff members are discouraged from storing personal and effects in these facilities or school district-owned property.

Adopted: 8 May 2012



3351 **HEALTHY WORKPLACE ENVIRONMENT**

The Board of Education recognizes a healthy workplace environment enables school district administrative and teaching staff members to fully contribute their expertise and skills to their school district responsibilities. A healthy workplace environment can improve productivity, reduce absenteeism, and reduce staff turnover while having a positive impact on the school district's programs provided to students in the school district.

A significant characteristic of a healthy workplace environment is that employees interact with each other with dignity and respect regardless of an employee's work assignment or position in the school district. Repeated malicious conduct of an employee or group of employees directed toward another employee or group of employees in the workplace that a reasonable person would find hostile or offensive is unacceptable and is not conducive to establishing or maintaining a healthy workplace environment. This unacceptable conduct may include, but is not limited to, repeated infliction of verbal abuse such as the use of derogatory remarks; insults; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person's work performance. A single act of such conduct shall not constitute the unacceptable conduct prohibited by this policy unless it is especially severe and egregious.

Unacceptable conduct, for the purposes of this policy, is not conduct toward an employee of a protected class or because of the employee's protected activity. These employees and activities are afforded the legal protections under various Federal and State anti-discrimination laws. In addition, unacceptable conduct for the purposes of this policy shall not be confused with conduct of management employees exercising management rights including, but not limited to, assigning tasks, reprimanding, assigning discipline, or directing.

Employees who believe the conduct prohibited by this policy has been directed toward them or to another employee of the school district shall submit a written report to the Superintendent of Schools. The written report shall provide specific details supporting the claim including, but not limited to, the specific conduct; the names of witnesses (if any) who may have observed such conduct; dates or times when such conduct occurred; and any other information the person(s) making the report believes will be informative and helpful to an investigation of the allegations. Upon receipt of a report, the Superintendent or designee will conduct an investigation and upon completion of the investigation will inform the person(s) who made the report such an investigation was completed. The amount of investigation information shared with the person(s) making the report will be at the discretion of the Superintendent or designee and may vary depending on whether the conduct reported was directed to the person(s) making the report, confidential personnel matters, and/or other issues as determined by the Superintendent or designee.



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Healthy Workplace Environment

If the investigation determines conduct prohibited by this policy has taken place, the Superintendent or designee will meet with the offender(s) and the victim(s) to review the investigation results and to implement remedial measures to ensure such conduct does not continue or reoccur. Appropriate disciplinary action may be taken depending on the severity of conduct.

There shall be no reprisals or retaliation against any person(s) who reports conduct prohibited by this policy.

Adopted: 10 September 2010



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TEACHING STAFF MEMBERS - POLICY

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Sexual Harassment

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3362 SEXUAL HARASSMENT

The Board of Education recognizes that an employee's right to freedom from employment discrimination includes the opportunity to work in an environment untainted by sexual harassment. Sexually offensive speech and conduct are wholly inappropriate to the harmonious employment relationships necessary to the operation of the school district and intolerable in a workplace to which the children of this district are exposed.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature that would not have happened but for the employee's gender. Whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct is severe and pervasive and has the purpose or effect of unreasonably altering or interfering with work performance or creating an intimidating, hostile, or offensive working environment, the employee shall have cause for complaint.

The sexual harassment of any employee of this district is strictly forbidden. Any employee or agent of this Board who is found to have sexually harassed an employee of this district will be subject to discipline which may include termination of employment. Any employee who has been exposed to sexual harassment by any employee or agent of this Board is encouraged to report the harassment to an appropriate supervisor. An employee may complain of any failure of the Board to take corrective action by recourse to the procedure by which a discrimination complaint is processed. The employee may appeal the Board's action or inaction to the United States Equal Employment Opportunity Commission or the New Jersey Division of Civil Rights. Complaints regarding sexual harassment shall be submitted following the procedures outlined in Regulation No. 1530, Equal Employment Opportunity.

The Affirmative Action Officer shall instruct all employees and agents of this Board to recognize and correct speech and behavior patterns that may be sexually offensive with or without the intent to offend.

29 C.F.R. 1604.11

Adopted: 3 December 2008



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TEACHING STAFF MEMBERS - REGULATION

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Sexual Harassment of Teaching Staff
Members Complaint Procedure

R 3362 **SEXUAL HARASSMENT OF TEACHING STAFF MEMBERS** **COMPLAINT PROCEDURE**

Sexual harassment of school staff members is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.
2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.
3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

1. Reporting of Sexual Harassment Conduct
 - a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.



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Sexual Harassment of Teaching Staff Members Complaint Procedure

- b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or telephone call.
 - c. A report to the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
 - d. In the event the report alleges conduct by the Building Principal or the Affirmative Action Officer, the Superintendent will designate a school official to assume the Building Principal's or Affirmative Action Officer's responsibilities as outlined in Policy No. 3362 and this Regulation.
2. Affirmative Action Officer's Investigation
- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
 - b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.
 - c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.
 - d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.
 - e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation No. 3362 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.



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TEACHING STAFF MEMBERS - REGULATION

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Sexual Harassment of Teaching Staff Members Complaint Procedure

- f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
 - g. The Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if there is potential criminal conduct by any party.
 - h. The school district administration may take interim measures during an Affirmative Action Officer's investigation of a complaint.
 - i. The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.
3. Investigation Results
- a. Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the person(s) providing notice to the school district and the staff member(s) who was alleged to be sexually harassed.
 - b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
 - c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
 - d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.
 - e. In the event the Affirmative Action Officer determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The school district may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that



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Sexual Harassment of Teaching Staff Members Complaint Procedure

the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.

- f. In some situations, the school district may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.
- g. The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there have been any new incidents or retaliation.
- h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.

4. Affirmative Action Officer's Investigation Appeal Process

- a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.
- b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

C. Office Of Civil Rights (OCR) Case Resolution

Persons not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.



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Sexual Harassment of Teaching Staff Members Complaint Procedure

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).
2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of school staff members, OCR will consider whether:
 - a. The school district has a policy prohibiting sexual harassment and a grievance procedure;
 - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
 - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

Issued: 3 December 2008



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TEACHING STAFF MEMBERS - POLICY

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Teaching Staff Member Tenure

3370 TEACHING STAFF MEMBER TENURE

The Board of Education recognizes that the benefit of tenure is conferred by law on teaching staff members who have completed the requisite period of probationary service in this school district. The Board also recognizes that certain service does not qualify the teaching staff member who performs that service for the grant of tenure.

Tenure in any administrative or supervisory position as listed in N.J.S.A. 18A:28-5 shall accrue only by employment in that administrative or supervisory position. Tenure so accrued will not extend to any other administrative or supervisory position and nothing shall limit or restrict tenure rights which were or may be acquired pursuant to N.J.S.A. 18A:28-6.

The Board specifically directs that service in the following positions will not accrue toward the tenure status and will be performed only under contract renewable at the discretion of the Board:

1. Substitute teacher acting in the absence of another employee;
2. Summer school teacher;
3. Co-curricular advisor;
4. Athletic coach; and
5. Department chairperson other than a supervisor.

Nothing in this policy will be deemed to confer tenure on any employee who serves in a position not listed above and for whom tenure is not provided by law.

N.J.S.A. 18A:16-1.1; 18A:28-3 et seq.; 18A:28-5 et seq.

Adopted: 3 December 2008



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TEACHING STAFF MEMBERS - POLICY
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Teaching Staff Member Tenure Acquisition

3372 TEACHING STAFF MEMBER TENURE ACQUISITION

In accordance with the provisions of N.J.S.A. 18A:28-5.a, teaching staff members employed prior to August 6, 2012 (the effective date of P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.) in the positions of teacher, Principal, other than Administrative Principal, Assistant Principal, Vice Principal, Assistant Superintendent, and all school nurses including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services, school athletic trainer and such other employees as are in positions which require them to hold appropriate certificates issued by the Board of Examiners, serving in any school district or under any Board of Education, except those who are not the holders of proper certificates in full force and effect and School Business Administrators shared by two or more school districts, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by Subarticle B of Article 2 of Chapter 6 of N.J.S.A. 18A, after employment in the district or by the Board of Education for:

1. Three consecutive calendar years, or any shorter period which may be fixed by the employing Board for such purpose; or
2. Three consecutive academic years, together with employment at the beginning of the next succeeding academic year; or
3. The equivalent of more than three academic years within a period of any four consecutive academic years.

In accordance with the provisions of N.J.S.A. 18A:28-5.b, teaching staff members employed on or after August 6, 2012 (the effective date of P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.) in the position of teacher, Principal, other than Administrative Principal, Assistant Principal, Vice Principal, Assistant Superintendent, and all school nurses, including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services, school athletic trainer and such other employees as are in positions which require them to hold appropriate certificates issued by the Board of Examiners, serving in any school district or under any Board of Education, excepting those who are not the holders of proper certificates in full force and effect, and School Business Administrators shared by two or more school districts, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by Subarticle B of Article 2 of Chapter 6 of N.J.S.A.18A, after employment in the district or by the Board of Education for:

1. Four consecutive calendar years; or
2. Four consecutive academic years, together with employment at the beginning of the next succeeding academic year; or



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Teaching Staff Member Tenure Acquisition

3. The equivalent of more than four academic years within a period of any five consecutive academic years.

In order to achieve tenure pursuant to N.J.S.A. 18A:28-5.b, a teacher shall also complete a district mentorship program during the initial year of employment and receive a rating of effective or highly effective in two annual summative evaluations within the first three years of employment after the initial year of employment in which the teacher completes the district mentorship program.

In order to achieve tenure pursuant to N.J.S.A. 18A:28-5.b, a Principal, Assistant Principal, and Vice Principal shall also receive a rating of effective or highly effective in two annual summative evaluations within the first three years of employment with the first effective rating being received on or after the completion of the second year of employment.

"Effective" or "highly effective" means the employee has received an annual summative evaluation rating of "effective" or "highly effective" based on the performance standards for his/her position established through the evaluation rubric adopted by the Board of Education and approved by the Commissioner of Education.

Tenure in any of the administrative or supervisory positions enumerated in N.J.S.A. 18A:28-5 et seq. shall accrue only by employment in that administrative or supervisory position. Tenure so accrued shall not extend to any other administrative or supervisory position and nothing in N.J.S.A. 18A:28-5 shall limit or restrict tenure rights which were or may be acquired, pursuant to N.J.S.A. 18A:28-6 - Tenure Upon Transfer or Promotion, in a position in which the individual actually served.

N.J.S.A. 18A:28-5

Approved: 12 November 2013



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Tenure Upon Transfer or Promotion

3373 TENURE UPON TRANSFER OR PROMOTION

In accordance with the provisions of N.J.S.A.18A:28-6.a, any such teaching staff member under tenure or eligible to obtain tenure under N.J.S.A. 18A:28-1 et seq. who is transferred or promoted with his/her consent to another position covered by N.J.S.A. 18A:28-1 et seq. on or after July 1, 1962, shall not obtain tenure in the new position until after:

1. The expiration of a period of employment of two consecutive calendar years in the new position unless a shorter period is fixed by the employing Board of Education for such purpose; or
2. Employment for two academic years in the new position together with employment in the new position at the beginning of the next succeeding academic year; or
3. Employment in the new position within a period of any three consecutive academic years, for the equivalent of more than two academic years;

provided that the period of employment in such new position shall be included in determining the tenure and seniority rights in the former position held by such teaching staff member, and in the event the employment in such new position is terminated before tenure is obtained therein, if he/she then has tenure in the district or under the Board of Education, such teaching staff member shall be returned to his/her former position at the salary which he/she would have received had the transfer or promotion not occurred together with any increase to which he/she would have been entitled during the period of such transfer or promotion.

In accordance with the provisions of N.J.S.A.18A:28-6.b, any such teaching staff member under tenure or eligible to obtain tenure under N.J.S.A. 18A:28-1 et seq., who is transferred or promoted with his/her consent to another position covered by N.J.S.A. 18A:28-1 et seq. on or after August 6, 2012 (the effective date of P.L.2012, c.26- N.J.S.A. 18A:6-117 et seq.), shall not obtain tenure in the new position until after:

1. The expiration of a period of employment of two consecutive calendar years in the new position; or
2. Employment for two academic years in the new position together with employment in the new position at the beginning of the next succeeding academic year; or
3. Employment in the new position within a period of any three consecutive academic years, for the equivalent of more than two academic years;



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Tenure Upon Transfer or Promotion

provided that the period of employment in such new position shall be included in determining the tenure and seniority rights in the former position held by such teaching staff member, and in the event the employment in such new position is terminated before tenure is obtained therein, if he/she then has tenure in the district or under the Board of Education, such teaching staff member shall be returned to his/her former position at the salary which he/she would have received had the transfer or promotion not occurred together with any increase to which he/she would have been entitled during the period of such transfer or promotion. In order to receive tenure pursuant to N.J.S.A. 18A:28-6.b, a teacher, Principal, Assistant Principal, and Vice Principal shall be evaluated as effective or highly effective in two annual summative evaluations within the first three years of employment in the new position. For purposes of N.J.S.A. 18A:28-6.b, "effective" or "highly effective" means the employee has received an annual summative evaluation rating of "effective" or "highly effective" based on the performance standards for his/her position established through the evaluation rubric adopted by the Board of Education and approved by the New Jersey Commissioner of Education.

N.J.S.A. 18A:28-6

Adopted: 12 November 2013



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TEACHING STAFF MEMBERS - POLICY

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Tenure Upon Transfer to an
Underperforming School

3374 **TENURE UPON TRANSFER TO AN UNDERPERFORMING SCHOOL**

The Board of Education may grant tenure to a teaching staff member coming from another New Jersey public school district to the same position in an underperforming school in this school district in accordance with the provisions of N.J.S.A. 18A:28-5.1. As used in this Policy, "underperforming school" means a school in this school district which has been identified by the New Jersey Department of Education as a "focus school" or a "priority school" for any year within a two-year period.

In accordance with the provisions of N.J.S.A. 18A:28-5.1, a tenured teaching staff member who has been rated effective or highly effective on his/her most recent annual summative evaluation in a New Jersey public school district, and who accepts employment in the same position in an underperforming school in another New Jersey public school district, shall be under tenure in that position in the new school district during good behavior and efficiency and shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by Subarticle B of Article 2 of Chapter 6 of N.J.S.A. 18A, after the employee receives a rating of effective or highly effective in at least one of the annual summative evaluations within the first two years of employment in the underperforming school in the new school district.

For purposes of this Policy, "effective" or "highly effective" means the employee has received an annual summative evaluation rating of "effective" or "highly effective" based on the performance standards for his/her position established through the evaluation rubric adopted by the Board of Education and approved by the New Jersey Commissioner of Education.

N.J.S.A. 18A:28-5.1

Approved: 12 November 2013



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY

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In-District Transfers

3375 IN-DISTRICT TRANSFERS

At various times during the school year, positions become available in the district in which current staff members may be interested. Within a reasonable timeframe, the positions are posted on the HR section of the District's website, and also sent via email to the entire school district staff.

A current employee who desires a change in assignment or location shall adhere to the following procedures:

1. Within five (5) school days from the date of the posting, discuss his/her desire for transfer or reassignment with his/her existing administrator AND the administrator of the building to which the employee is seeking to transfer.
2. Complete the *Request for Transfer* form in its entirety, including obtaining his/her present administrator's signature. The administrator's signature does not denote his/her agreement with the request for transfer; it simply acknowledges that the employee has made his/her present administrator aware of his/her desire to transfer to another position and/or location. Submit the completed form to the Division of Human Resource Services. If an employee has attempted to obtain his/her current administrator's signature, but is unsuccessful, this information should be relayed to Division of Human Resource Services prior to submitting the *Request for Transfer* form. The employee may submit the form to the Division of Human Resource Services after discussing his/her attempt to gain the current administrator's signature.
3. Complete the online application process for the position/location to which he/she wishes to transfer.

The Superintendent or his/her designee will review the transfer request and arrive at a decision as soon as practical, but no later than sixty (60) calendar days after the transfer request has been received. The Division of Human Resource Services will communicate with the employee, his/her current administrator, and prospective administrator regarding all matters pertaining to the request for transfer. If the Superintendent or his/her designee determines that the transfer should be granted, the Superintendent will recommend such to the full board. The current employee may not be transferred to the new location/assignment until a suitable replacement has been identified and is able to commence the assignment, but not longer than sixty (60) calendar days. The employee will be notified, in writing, of the Board's decision relative to his/her request for transfer/reassignment. All transfer requests cannot be honored. Following the prescribed procedure will not guarantee approval of a transfer. In-district applicants will not be considered for transfers without submitting the Request for Transfer form to the Division of Human Resource Services.

Approved: 10 November 2015



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Protection Against Retaliation

3381 PROTECTION AGAINST RETALIATION

The Board of Education will take no retaliatory action, by discharge, demotion, suspension, or any other adverse action, against an employee because that employee has conscientiously:

1. Disclosed or threatened to disclose to a supervisor or public body an activity, policy, or practice of this Board or any district officer that the employee reasonably believes to be in violation of law or rule;
2. Provided information to a public body conducting an investigation, hearing, or inquiry into any alleged violation of law by the Board or an officer of this district; or
3. Objected to or refused to participate in an activity, policy, or practice of this district that the employee reasonably believes to be in violation of law or rule, fraudulent, criminal, or incompatible with a clear mandate of public policy concerning the public health, safety, or welfare or protection of the environment.

An employee who has reason to believe that the Board has engaged in an illegal activity or an activity contrary to public policy must report that belief in writing to the Superintendent before notice is given to a supervisor or a public body. The Superintendent shall promptly report the same to the Board and institute an investigation of the reported activity. The findings of the investigation will be reported in writing to the Board and to the employee.

The protection of law and this policy apply only to employees who have given notice in accordance with this policy and have afforded the Board a reasonable period of time to take any corrective action that may be required or have acted in circumstances that the employee believes in good faith constitute an emergency.

The Superintendent shall post notice of this policy and inform employees of their rights under the New Jersey Conscientious Employee Protection Act.

N.J.S.A. 34:19-1

Adopted: 3 December 2008



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Compensation

3410 COMPENSATION

The Board of Education will establish the compensation for teaching staff members not covered by the terms of a negotiated agreement or in an individual contract with the Board.

N.J.S.A. 18A:6-6; 18A:16-11; 18A:27-4; 18A:29-2

Adopted: 3 December 2008



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Benefits

3420 **BENEFITS**

The Board of Education will establish benefits for teaching staff members not covered by the terms of a negotiated agreement or in an individual contract with the Board.

N.J.S.A. 18A:6-6; 18A:16-12 et seq.; 18A:27-4

Adopted: 3 December 2008



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Work Related Disability Pay

3425 WORK RELATED DISABILITY PAY

The Board of Education will permit, in accordance with law, the absence without loss of pay or of annual or accumulated sick leave benefits of a teaching staff member disabled by accident or injury arising out of and in the course of employment. Any such employee shall seek the workers' compensation benefits to which he/she is entitled by law.

An employee whose disability has qualified for the receipt of workers' compensation benefits shall be presumed eligible for work related disability pay under this policy. When an employee's disability is so brief as to preclude the employee's application for workers' compensation benefits, the employee may request and the Board may grant work related disability pay.

Any employee who qualifies for work related disability pay under this policy will be entitled to receive full pay during the period he/she is on disability leave of absence, for up to twelve consecutive months.

As a condition of receiving full salary, an employee who receives workers' compensation benefits for his/her work-related disability must endorse and deliver to the Board all workers' compensation temporary disability checks received for the period covered by this policy.

N.J.S.A 18A:30-2.1; 18A:66-32.1
N.J.S.A 34:15-38

Adopted: 3 December 2008



TEACHING STAFF MEMBERS - POLICY

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Modified Duty Early Return to Work
Program – Teaching Staff Members

3425.1 **MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – TEACHING STAFF MEMBERS**

New Jersey's workers' compensation laws provide lost wages and pay medical expenses for an employee who sustains an injury as a result of an on-the-job accident, injury, or occupational disease. Workers' compensation is designed to protect school district employees and their families against the hardships from injury arising in the workplace. In an effort to assist school staff in recovering from an eligible workers' compensation injury, the Board provides a Modified Duty Early Return To Work Program. The Program is provided to staff members who have been injured on the job, but who are not permanently disabled. The Program is intended to minimize the negative psychological impact to an injured staff member due to being out of work and to provide a transition and adjustment period for the injured staff member to return to work while recovering from an on-the-job injury.

The school district may assign temporary modified duties and responsibilities to staff members that have sustained an eligible workers' compensation injury. These employees may temporarily perform duties and responsibilities that may or may not be within their job description, or may or may not be within their department. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

The modified duties and responsibilities will be determined by the Director for Human Resources, the district's designated Workers' Compensation Coordinator, after a medical examination and evaluation of the injured staff member by the Board's designated workers' compensation physician. The Workers' Compensation Coordinator will determine if the injured staff member is eligible for modified duties or responsibilities. This determination will be based on:

1. The workers' compensation physician's examination and evaluation report;
2. The injured staff member's capabilities to assume modified duties or responsibilities;
3. The availability of modified duties and responsibilities within the district at the time; and/or
4. Other issues that may impact the district's ability to assign modified duties and responsibilities.

This Modified Duty Early Return to Work Program will be administered consistent with applicable federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

Adopted: 3 December 2008



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TEACHING STAFF MEMBERS - REGULATION

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Modified Duty Early Return to Work
Program – Teaching Staff Members

R 3425.1 **MODIFIED DUTY EARLY RETURN TO WORK PROGRAM –
TEACHING STAFF MEMBERS**

The Modified Duty Early Return to Work Program shall be administered by the Director of Human Resources, the district's designated Workers' Compensation Coordinator.

A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office in each school building and in the Coordinator's office.
2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or to the workers' compensation physician.
 - a. In the event the injury requires immediate medical treatment, the staff member may be directed to the school physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.
 - b. In the event the staff member gets injured when schools are closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:
 - (1) Go to the hospital emergency room; and
 - (2) Notify their immediate supervisor as soon as possible after the injury.
 - c. In the event the injured staff member goes to the hospital emergency room when schools are closed, the staff member must report the injury to the Coordinator the next business day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.



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Modified Duty Early Return to Work Program – Teaching Staff Members

- d. In the event the staff member gets injured when schools are closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:
 - (1) Immediately notify their immediate supervisor; and
 - (2) Notify the Coordinator's office the next business day.
 3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.
 - a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.
 4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.
 5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.
- B. Physician's Workers' Compensation Examination and Evaluation
1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school district.
 2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.



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Modified Duty Early Return to Work Program – Teaching Staff Members

3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.
- C. Modified Duty Restriction
1. There is no permanent modified duty and all modified duty positions are temporary.
 2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.
 3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.
 4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.
 5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.
 6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.
- D. Assignment of Job Tasks
1. Assigning modified duty to staff members will be decided on a case-by-case basis.
 2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.
 3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.



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Modified Duty Early Return to Work
Program – Teaching Staff Members

4. There is no restriction on the school district location or the type of modified duties assigned to the staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.
5. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

E. Staff Member Requirements

1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.
2. Staff members are required to follow the Coordinator's directives regarding:
 - a. Job assignments and tasks;
 - b. Attending scheduled doctors' appointments; and
 - c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.

F. Compliance With Laws

The Modified Duty Early Return To Work Program shall be administered consistent with the applicable federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

Issued: 3 December 2008



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TEACHING STAFF MEMBERS - POLICY
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Family Leave

3431.1 **FAMILY LEAVE**

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Family Leave

A. Introduction

The Board will provide family leave in accordance with the Federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA).

FMLA leave for eligible staff members shall be up to twelve weeks leave of absence in a twelve month period upon advance notice to the district for the birth of a son or daughter of the staff member and in order to care for such son or daughter; for the placement of a son or daughter with the staff member for adoption or foster care; in order to care for the spouse, son, daughter, or parent of the staff member if such spouse, son, daughter, or parent has a serious health condition; or for a serious health condition that makes the staff member unable to perform the functions of the position of such staff member, or because of any qualifying exigency arising out of the fact that the staff member's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible staff members may take up to a combined total of twenty-six workweeks in a single twelve month period to care for a covered servicemember with a serious injury or illness.

NJFLA leave for teaching staff members shall be up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the district so that a staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

B. Applicability

The Board will comply with requirements of the New Jersey and Federal Family Leave laws. The laws have similar and different provisions that may provide different rights and obligations for the staff member and/or the Board. The staff member shall be afforded the most favorable rights if there is a conflict in the rights afforded to the staff member under the two laws.

1. If the staff member is eligible for leave for reasons provided under the FMLA and NJFLA, then the time taken shall be concurrent and be applied to both laws.
2. The NJFLA provides twelve weeks leave in a twenty-four month period while the FMLA provides twelve weeks leave in a twelve-month period. A staff member is eligible for up to twelve weeks leave in the first twelve months of the twenty-four month period under the NJFLA. A staff member is eligible for up to twelve weeks leave in the second twelve-month period under the FMLA.



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3. In the event the reason for the family leave is recognized under one law and not the other law, the staff member is eligible for each law's leave entitlements within one twelve-month period. (Example: A staff member may use their FMLA leave for a twelve week family leave for their own pregnancy, which is considered a "serious health condition" under FMLA, and upon conclusion of the twelve week FMLA leave, the staff member would be eligible for a twelve week NJFLA leave to care for their newborn or any other reasons pursuant to the NJFLA.)

C. Definitions

1. Federal Family and Medical Leave Act (FMLA)

"Contingency operation" means a military operation that results in the call or order to, or retention on, active duty of members of the uniformed services during a war or during a national emergency declared by the President or Congress.

"Covered active duty" or "call to covered active duty" means duty during deployment of a member with the Armed Forces to a foreign country and, in the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

"Covered servicemember" means a current member of the Armed Forces (including National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

"Covered veteran" means an individual who was a member of the Armed Forces (including National Guard or Reserves), discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible staff member takes FMLA leave to care for the covered veteran. For a veteran discharged prior to March 8, 2013, the effective date of the FMLA Final Rule, the period between October 28, 2009 and March 8, 2013 will not count towards the determination of the five-year period. 29 CFR §825.127(b)(2)



“Military caregiver leave” means leave taken to care for a covered servicemember with a serious injury or illness under FMLA. 29 CFR §825.127

“Next of kin of a covered servicemember” means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 29 CFR §825.122(k). 29 CFR §825.127(d)(3)

“Outpatient status” means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. 29 CFR §825.127(b)(1)

“Parent” means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents “in law.”

“Parent of a covered servicemember” means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”



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“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider. “Serious health condition” may include treatment of substance abuse pursuant to 29 CFR §825.119.

“Serious injury or illness,” only in the case of a veteran or current member of the Armed Forces, means:

- a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and
- b. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - (1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
 - (2) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of fifty percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - (3) A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or



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- (4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. 29 CFR §825.127(c)

“Single twelve-month period” means that a military caregiver’s leave begins on the first day the staff member takes FMLA leave and ends twelve months after that date, regardless of the twelve-month period established by the district for other FMLA leave reasons. 29 CFR §825.127(e)(1)

“Son” or “daughter” means a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen or age eighteen or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

“Son or daughter of the covered servicemember” means a covered servicemember’s biological, adopted or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. 29 CFR §825.127(d)(1)

“Son or daughter on covered active duty or call to covered active duty status” means the staff member’s biological, adopted or foster child, stepchild, legal ward, or a child for whom the staff member stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. 29 CFR §825.126(a)(5)

“Spouse” means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex marriage or common law marriage. 29 CFR §825.122

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider.

- a. Inpatient care in a hospital, hospice, or residential medical care facility
- b. Continuing medical treatment or continuing supervision by a health care provider. A used in this definition, “continuing medical treatment or continuing supervision by a health care provider” means a period of incapacity (that is, inability to work, attend school or perform regular daily activities due to a serious health condition, treatment therefore



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and recovery there from) of more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

- i. Treatment two or more times by a health care provider, or
 - ii. Treatment by a health care provider on one occasion which results in a regimen of continuing treatment under the supervision of a health care provider;
- c. A period of incapacity due to pregnancy, or for prenatal care;
 - d. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
 - e. A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective (such as Alzheimer's disease, a severe stroke or the terminal stages of a disease) where the individual is under continuing supervision of, but need not be receiving active treatment by, a health care provider; or
 - f. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity or more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy) or kidney disease (dialysis).

"Staff member" means an employee eligible for family and medical leave in accordance with the Federal Family and Medical Leave Act (FMLA).

"Week" or "Workweek" means the number of days a staff member normally works each calendar week.

2. New Jersey Family Leave Act (NJFLA)

"Child" means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but incapable of self-care because of a mental or physical impairment.



“Continuing medical treatment” or “continuing supervision by a health care provider” means a period of incapacity or a period of absence in accordance with N.J.A.C. 13:14.

“Parent” means a biological, adoptive, or foster parent; step-parent; parent-in-law; a legal guardian having a “parent-child relationship” with a child as defined by law; or a person who has sole or joint legal or physical custody, care, guardianship, or visitation with a child.

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.

“Spouse” means a person to whom a staff member is lawfully married as defined by New Jersey law.

“Staff member” means an employee eligible for family leave in accordance with the New Jersey Family Leave Act.

“Week” or “Workweek” means the number of days a staff member normally works each calendar week.

D. Eligibility

1. Federal Family and Medical Leave Act (FMLA)

A staff member shall become eligible for FMLA leave after he/she has been employed at least twelve months in this district and employed for at least 1250 hours of service during the twelve-month period immediately preceding the commencement of the leave. The twelve months the staff member must have been employed need not be consecutive months pursuant to 29 CFR §825 110(b). The minimum 1250 hours of service shall be determined according to the principles established under the Fair Labor Standards Act (FSLA) for determining compensable hours of work pursuant to 29 CFR §785. Entitlement to FMLA leave taken for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care shall expire at the end of the twelve-month period beginning on the date of such birth or placement.



Pursuant to 29 CFR §825 202, a husband and wife both employed by the district are limited to a combined total of twelve weeks of leave during the twelve-month period if the leave is taken for the birth of a son or daughter of the staff member or to care for such son or daughter after birth; for placement of a son or daughter with the staff member for adoption or foster care or in order to care for the spouse, son, daughter, or parent of the staff member with a serious health condition.

The method to determine the twelve-month period in which the twelve weeks of FMLA leave entitlement occurs will be a “rolling” twelve-month period measured backward from the date a staff member uses any family leave.

A staff member during any period of FMLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member using FMLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the district. The staff member may continue the part-time employment that commenced prior to the FMLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

2. New Jersey Family Leave Act (NJFLA)

A staff member shall become eligible for NJFLA leave after he/she has been employed at least twelve months in this district for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. The calculation of the twelve-month period to determine eligibility shall commence with the commencement of the NJFLA leave. NJFLA leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

The district shall grant a family leave under NJFLA to more than one staff member from the same family (for example, a husband and a wife, or a brother and a sister) at the same time, provided such staff members are otherwise eligible for the leave. N.J.A.C. 13:14-1.12

A staff member during any period of the NJFLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member on NJFLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the district. The staff member may continue the part-time employment that commenced prior to the NJFLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.



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The method to determine the twenty-four month period in which the twelve weeks of NJFLA leave entitlement occurs will be a “rolling” twenty-four month period measured backward from the date a staff member uses any leave.

E. Types of Leave

1. Federal Family and Medical Leave Act (FMLA)

A staff member may take FMLA leave to include servicemember qualifying exigency leave or military caregiver leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

- a. Leave for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care may not be taken by a staff member intermittently or on a reduced leave schedule.
- b. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition.
- c. Intermittent leave means leave scheduled for periods of time from one hour or more to several weeks; however, the total time within which the leave is taken cannot exceed a twelve month period for each serious health condition episode. Intermittent leave may be taken for a serious health condition that requires periodic treatment by a health care provider, rather than one continuous period of time. Intermittent leave may also be taken for absences where the staff member is incapacitated or unable to perform the essential functions of the position because of a serious health condition even if the staff member does not receive treatment by a health care provider. The staff member shall make a reasonable effort to schedule intermittent leave so as not to unduly disrupt the operations of the instructional/educational program.
- d. Reduced leave means leave scheduled for fewer than the staff member’s usual number of hours worked per workweek, but not fewer than a staff member’s usual number of hours worked per workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule not exceeding twenty-four consecutive weeks. The staff member shall make a reasonable effort to schedule reduced leave so as



not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

- e. The fact that a holiday may occur within the week taken by a staff member as Family Leave has no effect and the week is counted as a week of Family Leave. However, if the staff member is out on Family Leave and the school district is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school district is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

- f. "Instructional employees" as defined in 29 CFR §825 600(c) are those staff members whose principle function is to teach and instruct students in class, a small group, or in an individual setting. This term includes teachers, athletic coaches, driving instructors, and special education assistants, such as signers for the hearing impaired. Teacher assistants or aides who do not have as their principal job actual teaching or instructing, guidance counselors, child study team members, curriculum specialists, cafeteria workers, maintenance workers and/or bus drivers are not considered instructional employees for the purposes of this policy. Semester as defined in 29 CFR §825 602(a) (3)(b) means the school semester that typically ends near the end of the calendar year and the end of the spring each school year. A school district can have no more than two semesters in a school year.

- (1). Leave taken at the end of the school year and continues into the beginning of the next school year is considered consecutive leave. Should the employee's position require certification, it shall be the staff member's obligation to recertify to remain eligible for employment.



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- (2). In accordance with 29 CFR §825 601(a)(1), eligible instructional staff members that need intermittent or reduced leave to care for a family member, or for the staff member's own serious health condition which is foreseeable based on planned medical treatment and the staff member would be on leave more than twenty percent of the total number of working days over the period the leave would extend, the district:
 - (a) May require the staff member to take the leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
 - (b) Transfer the staff member temporarily to an available alternative position for which the staff member is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the staff member's regular position.
- (3). In accordance with 29 CFR §825.601, if the instructional staff member does not give the required notice for leave that is foreseeable and desires the leave to be taken intermittently or on a reduced leave schedule, the district may require the staff member to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the staff member to delay taking the leave until the notice provision is met.
- (4). In accordance with 29 CFR §825.602, if an instructional staff member begins leave more than five weeks before the end of the school year, the district may require the staff member to continue taking leave until the end of the semester if:
 - (a) The leave will last three weeks, and
 - (b) The staff member would return to work during the three-week period before the end of the semester.
- (5). In accordance with 29 CFR §825.602, if an instructional staff member begins leave for a purpose other than the staff member's own serious health condition during the five-week period before the end of the semester, the district may require the staff member to continue taking leave until the end of the semester if:



- (a) The leave will last more than two weeks; and
- (b) The staff member would return to work during the two-week period before the end of the semester.

(Example of leave falling within these provisions: If a staff member plans two weeks of leave to care for a family member which will begin three weeks before the end of the term, the district could require the staff member to stay out on leave until the end of the term.)

- (6). In accordance with 29 CFR §825.602, if an instructional staff member begins leave for a purpose other than the staff member's own serious health condition during the three week period before the end of a semester, the district may require the staff member to continue taking leave until the end of the semester if the leave will last more than five working days.
 - (7). In the event the district requires the instructional staff member to take additional leave to the end of the semester in accordance with (4), (5), or (6) above, the additional leave days shall not be counted as FMLA leave.
- g. Servicemember qualifying exigency leave may arise out of the foreign deployment of the staff member's spouse, child, or parent 29 CFR §§825.122 and 126:
- (1) The district must grant an eligible staff member up to twelve work weeks of unpaid, job-protected leave during any twelve-month period for qualifying exigencies that arise when the staff member's spouse, child, or parent is on covered active duty, or has been notified of an impending call or order to covered active duty.
 - (2) The military member must be the spouse, son, daughter, or parent of the staff member taking FMLA exigency leave.
 - (3) FMLA leave can be granted for one or more of the following exigencies:
 - (a) Short-notice deployment:
 - i. Notification of duty seven or less calendar days prior to date of deployment;



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- ii. Leave can be used for a period of seven calendar days beginning on the date the military member is notified.
- (b) Military events and related activities, including official ceremonies, programs, or events sponsored by the military and related to the covered active duty or call to covered active duty status of the military member; and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross.
- (c) Childcare and school activities including arranging for alternative childcare; providing childcare on an urgent, immediate need basis (not routine, regular, or everyday basis); to enroll in or transfer to a new school or day care facility; or to attend meetings with staff at a school or day care facility:
 - i. The son or daughter must be the son or daughter of the covered servicemember.
- (d) Financial and legal arrangements made to address the military member's absence while on covered active duty or call to covered active duty status.
- (e) Counseling, provided by someone other than a health care provider for oneself, for the military member, or qualified child, if the need arises from the covered active duty or call to covered active duty status of the military member.
- (f) Rest and Recuperation (R&R) to spend time with the military member on short-term, temporary R&R leave during a term of deployment:
 - i. Can be used for a period of fifteen calendar days beginning on the date the military member commences each instance of R&R leave.
- (g) Post-deployment activities such as ceremonies or briefings including any that arise from the death of the military member while on covered active duty.



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- (h) Parental care for one meeting the definition of a “parent” and incapable of self-care including: arranging alternative care; providing care on an immediate need basis; and to attend meetings or arrange services at a care facility.
 - (i) Additional activities in accordance with 29 CFR §825.126(b)(9).
- h. Military caregiver leave provides care for a covered servicemember with a serious injury or illness 29 CFR §§825.122 and 127:
- (1) The district must grant up to a total of twenty-six workweeks of unpaid, job-protected leave during a “single twelve-month period” to care for a covered servicemember with a serious injury or illness.
 - (a) The eligible staff member must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.
 - (b) The staff member is limited to a combined total of twenty-six workweeks for any FMLA-qualifying reasons during the single twelve-month period. Up to twelve of the twenty-six weeks may be for an FMLA-qualifying reason other than military caregiver leave.
 - (c) Spouses who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of twenty-six workweeks of leave during a single twelve-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full twenty-six workweeks of FMLA leave.
 - (2) Leave entitlement is applied on a per-covered-servicemember, per-injury basis.



- (a) The staff member may take an additional twenty-six weeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than twenty-six weeks of leave may be taken within any single twelve-month period.
- (b) An eligible staff member may take military caregiver leave to care for more than one current service member or covered veteran at the same time or for the same family member with the same serious injury or illness both when the family member is a current servicemember and when the family member is a veteran.
- (c) Military caregiver leave may be taken by eligible staff members whose family members are recent veterans with serious injuries or illnesses incurred or aggravated in the line of duty on active duty, and that manifested before or after the veteran left active duty.

2. New Jersey Family Leave Act (NJFLA)

A staff member may take NJFLA leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program. The district shall not require a staff member to take a leave of absence beyond the period of time the staff member requests family leave. N.J.A.C. 13:14-1.5(f)

- a. In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary. The total time within which the leave is taken, cannot exceed a twelve-month period for each serious health condition episode. The staff member will provide the district with prior notice of the leave in a manner which is reasonable and practicable; and the staff member shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the district.



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- b. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule for a period not exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave on a reduced leave schedule without an agreement between the staff member and the district if the leave is taken for the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.
- c. The fact that a holiday may occur within the week taken by a staff member as family leave has no effect and the week is counted as a week of family leave. However, if the staff member is out on family leave and the school district is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school district is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

F. Notice

1. Federal Family and Medical Leave Act (FMLA)

- a. Foreseeable Leave - A staff member eligible for FMLA leave must give at least a thirty day written advance notice to the Director for Human Resources if the need for the leave is foreseeable based on an expected birth, placement for adoption of foster care, or planned medical treatment for a serious health condition of the staff member or a family member. If thirty days is not practical, the staff member must provide notice "as soon as practicable" which means as soon as both possible and practical, taking into account all the facts and circumstances in the



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individual case. For foreseeable leave where it is not possible to give as much as thirty days notice "as soon as practical" ordinarily would mean at least verbal notification to the Director for Human Resources within one or two business days or when the need for leave becomes known to the staff member. The written notice shall include the reasons for the leave, the anticipated duration of the leave and the anticipated start of the leave.

When planning medical treatment, the staff member must consult with the Director for Human Resources and make a reasonable effort to schedule the leave so as not to unduly disrupt the educational program, subject to the approval of the health care provider. Staff members are ordinarily expected to consult with the Director for Human Resources prior to scheduling of treatment that would require leave for a schedule that best suits the needs of the district and the staff member. The district may delay the staff member taking leave for at least thirty days if the staff member fails to give thirty days' notice for foreseeable leave with no reasonable excuse for the delay.

- d. Unforeseeable Leave - When the approximate timing of the need for leave is not foreseeable, a staff member should give notice to the Director for Human Resources for leave as soon as practicable under the facts and circumstances of the particular case. It is expected the staff member will give notice to the Director for Human Resources within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not foreseeable. The staff member should provide notice to the employer either in person or by telephone, telegraph, facsimile machine or other electronic means.

2. New Jersey Family Leave Act (NJFLA)

- a. Foreseeable Leave - A staff member eligible for NJFLA leave must give at least a thirty day advance written notice to the Director for Human Resources of the need to take family leave except where the need to take family leave is not foreseeable.

- (1). Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave, except that if the date of the birth or adoption requires leave to begin in less than thirty days, the staff member shall provide such notice that is reasonable and practicable.



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(2). Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of leave, except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.

(3). When the Director for Human Resources is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide timely notice within two business days of returning to work to have the time considered for family leave in accordance with the Family Leave Act.

b. Unforeseeable Leave - When the need for leave is not foreseeable, the staff member must provide notice "as soon as practicable" which shall be at least verbal notice to the Director for Human Resources within one or two business days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the Director for Human Resources, but any verbal notice must be followed by written notice delivered within two working days.

G. Leave Designation

An eligible staff member shall designate FMLA or NJFLA leave upon providing notice of the need for the leave or when the need for leave commences consistent with the criteria contained within this policy. Once a district administrator becomes aware that an individual's absences meet the criteria of an FMLA or NJFLA, as described in this policy, he/she must inform the Director of Human Resources so that the employee may be advised of their rights under FMLA and NJFLA and placed on leave accordingly.

H. Benefits

Whether a staff member is required to use sick time or any other accrued leave time concurrent with FMLA or NJFLA leave time will depend upon either the district's practice or a provision in the district's collective bargaining agreement, if applicable.
29 CFR §825.100

The Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act may be a combination of both paid and unpaid leave. Once the conditions of an FMLA or NJFLA leave have been met, any employees taking leave pursuant to either FMLA or NJFLA will be required to fulfill all the requirements of the leave selected, including, when appropriate, the use of accrued leave balances, dependent on for whom the leaving is taken to provide care. If the purpose of the leave is due to the serious health



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condition of the employee, all personal illness days, personal days, and vacation days (if applicable) must be used. Family illness days shall not be used for the employee's own serious health condition UNLESS personal illness days, family illness days and/or personal days are combined in the collective bargaining agreement that represents the employee. If the purpose of the leave is due to the serious health condition of an eligible dependent, all family illness days, personal days, and vacation days (if applicable) must be used. Personal illness days shall not be used for the care of an employee's eligible dependent UNLESS family illness days, personal illness days, and/or personal leave are combined in the collective bargaining agreement that represents the employee. In cases where there is no collective bargaining agreement for an employee, leave allotments will be applied based on their intended use. (These provisions are made in accordance with N.J.S.A. 18A:30-1 which defines the intended use of sick leave as the "...absence from his or her post of duty, of any person because of personal disability due to illness or injury...")

The employee will remain on paid status until all applicable accrued leave balances have been exhausted. Once all applicable accrued leave balances have been exhausted, the leave will continue unpaid until the employee returns to duty. Under no circumstances will the total leave entitlement, both paid and unpaid exceed the maximum limits as set forth in this policy. The Board will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued to work instead of taking the leave. If the staff member was paying all or part of the premium payments prior to the leave, the staff member would continue to pay his/her share during the leave time. Any instructional employee who is on leave under NJFLA or FMLA at the end of the school year will be provided with any benefits over the summer that the staff member would normally receive if they had been working at the end of the school year.

I. Returning from Leave

The Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act

A staff member returning from leave shall be entitled to the position he/she held when leave commenced or to an equivalent position of like seniority, status, employment benefits, pay and other conditions of employment. If the district experiences a reduction in force or layoff and the staff member would have lost his/her position had the staff member not been on family leave as a result of the reduction in force or pursuant to the good faith operation of a bona fide layoff and recall system including a system under any collective bargaining agreement, the staff member shall be entitled to reinstatement to the former or an equivalent position in accordance with applicable statutes, codes and laws. The staff member's tenure and seniority rights, if any, and other benefits shall be preserved, but the staff member shall accrue no additional time toward tenure or seniority for the period of the leave, except as may be provided by law.



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The return of a staff member prior to the expiration of the requested family leave may be permitted by the Board if the return does not unduly disrupt the instructional program or require the Board to incur the cost of continuing the employment of a substitute under contract.

The Board may, in accordance with the provisions of 29 CFR §825.312 delay restoration of employment of a staff member using FMLA leave for the staff member's serious health condition until the staff member submits a fitness-for-duty examination from his/her health care provider indicating that the staff member is able to resume work. In the event the Board requires such a fitness-for-duty examination before restoration of the staff member after leave, the Board will provide the staff member specific notice either at the time the staff member gives notice of the need for leave or immediately after the leave commences and the staff member advises the Board of the medical circumstances for the leave.

If leave is taken under FMLA, and the staff member does not return to work after the leave expires, the Board is entitled to recover health insurance costs paid while the staff member was on FMLA. The Board's right to recover premiums would not apply if the staff member fails to return to work due to:

1. The continuation, onset or recurrence of a serious health condition of the staff member; or
2. Circumstances beyond the staff member's control.

J. Ineligible Staff Members

1. Federal Family and Medical Leave Act (FMLA)

The district may deny job restoration after FMLA leave if the staff member is a "key employee" as defined in 29 CFR §825.217 if such denial is necessary to prevent substantial and grievous economic injury to the district or the district may delay restoration to a staff member who fails to provide a fitness for duty certificate to return to work for leave that was the staff member's own serious health condition. A "key employee" is a salaried, staff member who is among the highest paid ten percent of the school district staff employed by the district within 75 miles of the worksite. No more than ten percent of the school district staff within 75 miles of the worksite may be "key employees."

In the event the Director for Human Resources believes that reinstatement may be denied to a key employee, the Director for Human Resources must give written notice to the staff member at the time the staff member gives notice of the need for leave, or when the need for leave commences, if earlier, that he/she qualifies as a key employee. The key employee must be fully informed of the



potential consequences with respect to reinstatement and maintenance of health benefits if the district should determine that substantial and grievous economic injury to the district's operations will result if the staff member is reinstated from leave. The district's notice must explain the basis for the district's finding that substantial and grievous economic injury will result, and if leave has commenced, must provide the staff member a reasonable time in which to return to work. If the staff member on leave does not return to work in response to the notice of intent to deny restoration, the staff member continues to be entitled to maintenance of health insurance.

A key employee's rights under the FMLA continue unless and until the staff member either gives notice that he/she no longer wishes to return to work or the district actually denies reinstatement at the conclusion of the leave period. A staff member is still entitled to request reinstatement at the end of the leave period even if the staff member did not return to work in response to the district's notice. The district will then again determine whether there will be substantial and grievous economic injury from reinstatement based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the district will notify the staff member in writing (in person or by certified mail) of the denial of the restoration.

2. New Jersey Family Leave Act

The district may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school district staff or one of the seven highest paid employees of the district, whichever is greater, if the denial is necessary to prevent substantial and grievous economic injury to the school district's operations. The Director for Human Resources shall notify the staff member of the intent to deny the leave at the time the Director for Human Resources determines the denial is necessary. If the leave has already commenced at the time of the district's notification of denial, the staff member shall be permitted to return to work within ten working days of the date of notification.

K. Verification of Leave

1. Federal Family and Medical Leave Act (FMLA)

The Board requires a staff member's FMLA leave to care for the staff member's seriously ill spouse, son, daughter, or parent; or for a servicemember's qualifying exigency or serious injury; or for illness due to the staff member's own serious health condition, that makes the staff member unable to perform one or more of the essential functions of the staff member's position, be supported by a certification issued by the health care provider of the staff



member or the staff member's ill family member. The medical certification required encompasses both physical and psychological care and includes situations where a family member is unable to care for his/her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself/herself to the doctor. It can also include providing psychological comfort and reassurance beneficial to a child, spouse, or parent with a serious health condition who is receiving inpatient or home care and can include situations where the staff member may be needed to substitute for others who normally care for the family member or covered servicemember or to make arrangements for changes in care. The staff member need not be the only individual or family member available to care for the family member or covered servicemember. 29 CFR §825.124

The certification must meet the requirements of 29 CFR §§825.306, 309, and 310 to include: which part of the definition of "serious health condition" applies; the approximate date the serious health condition commenced and its probable duration; whether it will be necessary for the staff member to take intermittent and/or reduced leave; whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity; if additional treatments will be required for the condition; and/or if the patient's incapacity will be intermittent or will require reduced leave. The certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement.

In the event the Director for Human Resources doubts the validity of the certification, in accordance with 29 CFR §825.307, the district may require, at the district's expense, the staff member obtain an opinion regarding the serious health condition from a second health care provider designated by the district, but not employed on a regular basis by the district. If the second opinion differs from the staff member's health care provider, the district may require, at the district's expense, the staff member obtain the opinion of a third health care provider designated by the district or approved jointly, in good faith, by the district and the staff member. The opinion of the third health care provider shall be final and binding on the district and the staff member.

The district may require re-certification pursuant to the requirements of 29 CFR §825.308. In accordance with 29 CFR §825.309, the staff member on leave must provide a written report to the Director for Human Resources every thirty workdays. The report shall include the staff member's status and intended date to return to work. In the event the staff member's circumstances change, the staff member must provide reasonable notice to the Director for Human Resources if the staff member intends to return to work on a date sooner than



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previously noticed to the district. The staff member is not required to take more leave than necessary to resolve the circumstance that precipitated the need for leave. As a condition of returning to work after the leave for the staff member's own serious health condition, and in accordance with 29 CFR Section 825.310, the district requires a staff member to provide a certification from their health care provider that the staff member is able to resume work.

In accordance with 29 CFR §825.311, the district may delay the taking of FMLA leave to a staff member who fails to provide certification within fifteen days after being requested to do so by the district. In accordance with 29 CFR § 825.312, the district may delay the taking of leave until thirty days after the date the staff member provides notice to the district of foreseeable leave or the district may delay continuation of leave if a staff member fails to provide a requested medical certification in a timely manner.

2. New Jersey Family Leave Act

The Board shall require the certification of a duly licensed health care provider verifying the purpose of requested NJFLA leave. Certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement, whichever is appropriate.

In the event the Director for Human Resources doubts the validity of the certification for the serious health condition of a family member of the staff member, the district may require, at the district's expense, the staff member to obtain an opinion regarding the serious health condition from a second health care provider designated or approved, but not employed on a regular basis, by the district. If the second opinion differs from the certification the district may require, at the district's expense, that the staff member obtain the opinion of a third health care provider designated or approved jointly by the district and the staff member concerning the serious health condition. The opinion of the third health care provider shall be final and binding on the district and the staff member.

L. Interference with Family Leave Rights

The Federal Family and Medical Leave Act and the New Jersey Family Leave Act prohibit interference with a staff member's rights under the law, and with legal proceedings or inquiries relating to a staff member's rights. Unless permitted by the law, no staff member shall be required to take family leave or to extend family leave beyond the time requested. A staff member shall not be discriminated against for having exercised



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his/her rights under the Federal Family and Medical Leave Act or the New Jersey Family Leave Act nor discouraged from the use of family leave.

M. Non-Tenured Teaching Staff

Family leave granted to a nontenured staff member cannot extend the staff member's employment beyond the expiration of his/her employment contract.

N. Record Keeping

In order that staff member's entitlement to FMLA leave and NJFLA leave can be properly determined, the Director for Human Resources shall ensure the keeping of accurate attendance records that distinguish family leave from other kinds of leave. The Director for Human Resources will publish a notice explaining the Act's provisions and provide information concerning the procedures for filing complaints of violations of the FMLA and NJFLA.

O. Processing of Complaints

1. Federal Family and Medical Leave Act (FMLA) 29 CFR §§825.400-401

- a. If there is a dispute between the district and a staff member as to whether leave qualifies as FMLA leave, it should be resolved through discussion between the staff member and the district. Such discussions and the decision shall be documented by the school district.
- b. The staff member also may file, or have another person file on his/her behalf, a complaint with the United States Secretary of Labor. A complaint may be filed in person, by mail, or by telephone with the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, at any local office of the Wage and Hour Division.

2. New Jersey Family Leave Act N.J.A.C. 13:14-1.16

- a. Any complaint alleging a violation of the Act shall be processed in the same manner as a complaint filed under the terms of N.J.S.A. 10:5-1 et seq. and N.J.A.C. 13:4 through the New Jersey Department of Law and Public Safety, Division on Civil Rights.



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Implementation of FMLA and NJFLA will be consistent with provisions in collective bargaining agreement(s) in the district.

29 C.F.R. §825 et seq.
29 CFR §785
N.J.S.A. 10:5-1
N.J.A.C. 13:14-1 et seq.
N.J.S.A. 18A:30-1

Adopted: 3 December 2008
Adopted: 9 November 2010
Adopted: 9 December 2014
Adopted: 12 January 2015



3431.3 **NEW JERSEY'S FAMILY LEAVE INSURANCE PROGRAM**

Board of Education employees are eligible to apply for benefits under New Jersey's Family Leave Insurance Program administered by the State of New Jersey – Department of Labor and Workforce Development. New Jersey's Family Leave Insurance Program (NJFLI) may provide up to six weeks of Family leave insurance benefits payable to covered employees from either the New Jersey State Plan or an approved employer-provided private plan.

A benefit provided through the NJFLI will be for the employee to bond with a child during the first twelve months after the child's birth, if the covered individual or the domestic partner or civil union partner of the covered individual is a biological parent of the child, or the first twelve months after the placement of the child for adoption with the covered individual. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI must provide the Superintendent of Schools written notice thirty calendar days prior to beginning the leave. Failure to provide this thirty-day notice may result in a reduction in the employee's maximum family leave insurance benefits. Intermittent leave to bond with a newborn or newly adopted child must be agreed to by the Superintendent of Schools and the employee and, if agreed to, must be taken in periods of seven days or more.

A benefit provided through the NJFLI will also be to care for a family member with a serious health condition supported by a certification provided by a health care provider. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI for consecutive leave must provide the school district reasonable and practical notice unless the time of the leave is unexpected or the time of the leave changes for unforeseen reasons. An employee who intends to apply for benefits under this provision of the NJFLI for intermittent leave must provide the school district with a written notice at least fifteen calendar days prior to beginning the leave.

For the purposes of this Policy, "family member" means a child, spouse, domestic partner, civil union partner, or parent of a covered individual. "Child" means a biological, adopted, or foster child, stepchild, or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than nineteen years of age or is nineteen years of age or older but incapable of self-care because of mental or physical impairment.

[Optional – An employee will be required to use (up to ten) workdays of earned vacation, personal, or other earned leave in connection with a period of paid leave from the NJFLI. In accordance with N.J.S.A. 18A:30-1, sick leave is only to be used for personal disability due to illness due to illness or injury and therefore may not be used for NJFLI purposes.]

All applications for benefits under the NJFLI must be filed directly with the State of New Jersey – Department of Labor and Workforce Development. The eligibility requirements, wage requirements, benefit duration and amounts, and benefit limitations shall be in accordance with the provisions of the NJFLI as administered by the State of New Jersey – Department of Labor



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New Jersey's Family Leave Insurance Program

and Workforce Development. A formal appeal may be submitted to the State of New Jersey – Department of Labor and Workforce Development if an employee or the Board disagrees with a determination on a claim.

The NJFLI provides eligible individuals a monetary benefit and not a leave benefit. The school district administrative and related staff will comply with the State of New Jersey – Department of Labor and Workforce Development requests for information in accordance with the provisions of N.J.S.A. 12:21-3.9.

The Board may elect to provide employees with Family Leave Insurance benefits coverage under a private plan which must be approved by the State of New Jersey – Department of Labor and Workforce Development.

A printed notification of covered individuals' right relative to the receipt of benefits under the NJFLI will be posted in each of the district's worksites and in a place or places accessible to all employees at the worksite. Each employee shall receive a copy of this notification in writing at the time of the employee's hiring, whenever the employee provides written notice to the Superintendent of their intention to apply for benefits under the NJFLI, or at any time upon the first request of the employee. The written notification may be transmitted to the employee in electronic form.

N.J.S.A. 43.21-25 et seq.

N.J.A.C. 12:21-1.1 et seq.

Adopted: 14 September 2010



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Sick Leave

3432 SICK LEAVE

The Board of Education shall grant sick leave, in accordance with law, to teaching staff members absent from work because of personal disability or quarantine. Each steadily employed employee eligible for sick leave will be entitled annually to the number of paid sick leave days negotiated with the employee's majority representative or provided in this policy or in an individual contract with the Board.

The Board will consider requests for extension of sick leave benefits on a case-by-case basis.

29 U.S.C. 2601 et seq.
N.J.S.A. 18A:30-1 et seq.

Adopted: 3 December 2008



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Sick Leave

R 3432 SICK LEAVE

A. Eligibility for Sick Leave

1. Each person steadily employed by this district will be paid in full, to the limit of his/her entitlement, for days on which the employee is absent from work because of:
 - a. Personal disability due to the employee's illness or injury,
 - b. The employee's exclusion from school by the school district's medical authorities on account of a contagious disease, or
 - c. The employee's having been quarantined for a contagious disease in his/her immediate household.
2. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee:
 - a. Has engaged in or prepared for gainful employment with an employer other than the Board,
 - b. Has participated in a concerted work stoppage, or
 - c. Has engaged in any activity, vocational or avocational, that clearly refutes the employee's claim of disability or quarantine.

B. Call in Procedures

1. An employee who anticipates a day of disability should make every reasonable effort to so notify the Building Principal no later than the day before the absence, to allow sufficient time for the securing of substitute services.
2. Notice of the disability should include a reasonable estimate of the duration of the disability.
3. An employee who becomes aware of his/her disability on the morning of the absence must call the Human Resources division at 973-615-3857 between the hours of 5:00 p.m. and 7:00 a.m.
4. An employee who becomes disabled during the school day must so inform the Principal as promptly as possible and request permission to leave the school premises.



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5. In all instances, the employee himself/herself should call the Principal to report sick leave. An agent may be appointed to call in sick leave only when the employee is so incapacitated as to make a personal call inadvisable or impossible.

C. Sick Leave Charges

1. A sick leave absence commences when the absence is called in pursuant to paragraph B. An employee who leaves school early because of a disability will not be charged with a sick leave day provided the absence commences after the hour of 2:00 p.m.
2. A sick leave day once commenced may be reinstated as a working day only with the approval of the Director of Human Resources.
3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.
4. An employee scheduled for a sick leave absence on a day on which the schools do not open because of an emergency (such as a snow day) will not be charged with a sick leave day.

D. Verification of Sick Leave

1. An employee absent for reasons of disability more than four consecutive working days in any one instance shall submit the signed statement of his/her physician indicating:
 - a. The reason for the employee's absence, as personally known to the physician; and
 - b. If the employee is not immediately returning to work, the anticipated duration of the employee's disability.
2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.
3. If the results of the examination conducted pursuant to paragraph D2 are inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's disability on days claimed for sick leave.



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Sick Leave

E. Readmission After Disability

1. An employee who wishes to return to work without restriction or after sick leave of more than four consecutive working days in any one instance shall submit the signed statement of his/her physician indicating the employee's fitness to perform his/her duties. (i.e. exhibit #3432)
2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.
3. If the results of the examination conducted pursuant to paragraph E2 are inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's fitness to return to service.

F. Exhaustion of Sick Leave

1. The Director of Human Resources will monitor each employee's sick leave bank and charge the employee's bank of accumulated sick leave with sick leave days in accordance with Policy No. 3432 and this regulation.
2. When it is apparent that an employee on extended sick leave will utilize the last sick leave day to which he/she is entitled the Director of Human Resources will so inform the employee by written notice. The notice will include a statement of the employee's right to request the Board for an extension of sick leave.
3. A request for the extension of sick leave should be submitted to the Director of Human Resources. The request must be accompanied by a physician's signed statement setting forth the nature and anticipated duration of the employee's disability.
4. An employee who anticipates an extended period of disability may apply to the Board for a disability leave of absence pursuant to Policy No. 3431.
5. Employees are reminded that sick leave extensions and disability leaves of absence are not entitlements and will be granted or denied by the Board on a case by case basis.
6. Employees will receive no compensation or benefits during an unpaid leave of absence, except the continuation of health insurance coverage for which the employee must recompense the district.



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G. Accumulation of Sick Leave

1. Sick leave will be charged, first, to the sick leave newly available in the employee's current contract year and, when that sick leave entitlement is exhausted, to the employee's bank of accumulated sick leave.
2. At the beginning of each contract year, sick leave newly available but unused in the prior contract year will be carried forward and credited to a full-time employee's bank of sick leave.
3. The unused sick leave of part-time employees will be accumulated on the basis of hours of work rather than days of work.
 - a. When a part-time employee, continuously employed in the district, is employed full-time, his/her accumulated sick leave hours will be divided by the number of hours in a full working day, and the dividend will be multiplied by the number of days he/she worked each week as a part-time employee. The product will be divided by five, the number of days in a full-time week. The resulting number, rounded up to the next full day, represents the number of accrued sick leave days in the employee's sick leave bank.

H. Records

1. The personnel file of each person employed by this district will include an accurate record of the employee's attendance in accordance with Policy No. 3212.
2. Each employee's attendance record will record the reason for any absence.
3. The attendance record will include the number of accumulated unused sick leave days in the employee's sick leave bank.

Exhibit 3432

Procedures for Employees Returning to Work After an Absence or Leave

Employees who are absent for reasons of personal illnesses, accident or injury (after four or more consecutive days) must provide medical verification of their absence to their school or department. The District also has the right to require a medical statement after each day of absence.



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Sick Leave

The medical statement provided must include the following information:

1. Period of disability (specific dates).
2. Specific date for return to work.
3. Statement regarding limitation or restrictions, if any:
(must be specific or state "none")

The employee may also be required to provide written medical verification of the absences for any of the following reasons:

1. Excessive absences.
2. Absence pattern suggests an abuse of sick leave.
3. There is a question about the legitimacy of the reason(s) for the absences.
4. There is a question about the ability to perform the duties of the position or assignment.

The medical statement must be written on appropriate medical stationary (letterhead or an Rx note) and must be an original copy.

The employee must report to the Division of Human Resource Services for return-to-work clearance whenever a return after an accident, illness or injury (regardless of duration), if the medical statement has any limitation or restrictions. The employee can report to the Division of Human Resource Services without making an appointment and you will be seen by the Director of Human Resources or designee.

In addition, if the employee has been absent and are no longer entitled to pay, they must report to the Human Resource Office for clearance to return to work. This will project the employees' entitlement to benefits and salary.

Finally, if the employee is returning from a pregnancy leave, child-rearing leave, Family Act Leave or any other Board approved leave (excluding professional leave), they must report to Human Resources for correct employment status.

No employee who has any restrictions or limitations will be permitted to return to work unless clearance is obtained from the Division of Human Resource Services. There will be no exceptions.



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Sick Leave

The above procedures apply to all employees and must be followed without exception. The district is obligated to permit the employee to resume their position and assignment but only if the employee is medically able to perform the duties and responsibilities of the position and assignment.

Issued: 3 December 2008



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Vacations

3433 VACATIONS

The Board of Education believes that the school district benefits when teaching staff members employed to work twelve months a year are given periodic relief from the responsibilities of their positions without loss of compensation.

The Board reserves the right to determine the conditions under which vacation time may be taken when not otherwise covered by the terms of a negotiated agreement or in an individual contract with the Board.

N.J.S.A. 18A:30-7

Adopted: 3 December 2008



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Anticipated Disability

3435 ANTICIPATED DISABILITY

The Board of Education shall provide for leaves of absence, in accordance with law and the policies of this Board, for any employee of this district not covered by the terms of a negotiated agreement whose absence from duties will be required for a foreseeable event of disability such as childbirth or surgery.

An employee who anticipates disability shall so notify the Superintendent as soon as the employee is under medical supervision for the condition and a date is projected for the anticipated disability. Because of the potentially disabling nature of pregnancy and the certainty of temporary disability at birth, the Board will presume that a pregnant employee is disabled for work thirty days before the anticipated date of childbirth and continues to be disabled for thirty days after birth, except that any such employee who presents medical certification of her fitness may continue to work until she is actually disabled and may return to work as soon as she is able.

The Board reserves the right to require an employee who requests an extended leave of absence that includes anticipated disability to commence and/or terminate the leave at times that ensure continuity in the educational program in accordance with Policy No. 3431. No person who is required to take leave at a time other than that requested will be denied the use of sick leave for the anticipated disability that occurs or is presumed to occur during the leave.

An employee who anticipates a disability may request a leave of absence to commence before disability and to extend beyond the period of disability. Any such request shall be subject to Board discretion and the Board's policy on leave of absence. An employee on voluntary leave of absence is not eligible for sick leave pay for disability occurring during the period of that absence.

42 U.S.C. 2000e-2

29 C.F.R. 1604-1 et seq.

N.J.S.A. 10:5-12

N.J.S.A. 18A:6-6; 18A:16-2; 18A:30-1 et seq.

Adopted: 3 December 2008



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Personal Leave

3436 PERSONAL LEAVE

The Board of Education will provide compensated absence for reasons of personal necessity for teaching staff members not covered by the terms of a negotiated agreement or in an individual contract with the Board.

The Board reserves the right to determine the reasons for which personal leave will be granted, the number of days that may be used in any one school year for personal leave, and the manner of proof of personal necessity.

N.J.S.A. 18A:30-7

Adopted: 3 December 2008



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Military Leave

3437 MILITARY LEAVE

The Board of Education recognizes that military service rendered by any district employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is a service benefiting all citizens. Any permanent or full-time officer and/or employee of the district will be provided military leave and related benefits pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq., P.L. 2001 Chapter 351 amending N.J.S.A. 38:23-1, N.J.S.A. 38A:1-1 and N.J.S.A. 38A:4-4., and any other applicable Federal and State laws.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized militia of New Jersey (New Jersey National Guard, New Jersey Naval Militia Joint Command) shall be entitled, in addition to pay received, if any, to a leave of absence without loss of pay or time on all days in which he/she is engaged in any period of State or Federal active duty. The leave of absence for Federal active duty or active duty for training shall not exceed ninety work days in the aggregate in any calendar year. A permanent or full-time temporary officer or employee who has served less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of ninety workdays shall be without pay, but without loss of time.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other organization affiliated therewith, including the National Guard of other states, shall be entitled, in addition to pay received, if any, to a leave of absence without loss of pay or time on all work days he/she shall be engaged in any period of active duty, provided such leave of absence shall not exceed thirty work days in any calendar year. A permanent or full-time temporary officer or employee who has served less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty workdays shall be without pay, but without loss of time.

Military leave with pay is not authorized for Inactive Duty Training (IDT) as defined in N.J.A.C. 5A:2-2.1.

The district will provide benefits and rights for staff on military leave as required by Federal and State laws.

Pursuant to N.J.S.A. 52:13H-2.1, in accordance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application by the district to the State Treasury and approval of the application by the Director of the Division of Budget and Accounting, reimbursement shall be made by the State of New Jersey for any costs incurred as a result of the provisions of P.L. 2001, Chapter 351.



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Military Leave

N.J.S.A. 18A:6-33; 18A:28-11.1; 18A:29-11; 18A:66-8.1
N.J.S.A. 38:23-1 et seq.; 38A:1-1; 38A:4-4; 52:13H-2.1;
N.J.A.C. 5A:2-2.1
Uniformed Services Employment and reemployment Rights Act
(USERRA), 38 U.S.C. Section 4301 et seq.

Adopted: 3 December 2008



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East Orange Board of Education

TEACHING STAFF MEMBERS - POLICY
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Jury Duty

3439 JURY DUTY

The Board of Education will indemnify any teaching staff member against loss of pay incurred by a call to jury duty. No such employee will be penalized in any way for an absence caused by service on a panel of grand or petit jurors. The time any such employee is absent on jury duty will not be charged against personal leave and will count as school district service.

Teaching staff members shall report a call to jury duty during the school term to the Principal or their immediate supervisor who shall determine whether or not a replacement is available. Teaching staff members scheduled for jury service during the school term for whom the administration indicates a replacement cannot reasonably be found shall seek from the Assignment Judge an excusal or deferment of service. Teaching staff members shall obtain from the Superintendent, or designee, a letter indicating the lack of availability of a substitute in such instances.

A teaching staff member who is a full-time teacher and is absent from school duties on jury duty for any court of New Jersey, any court of any other State, any federal district court, or in the U.S. District Court for New Jersey will receive their usual compensation from the school district for each day the teaching staff member is present for jury duty. In the event there is any jury duty compensation, excluding mileage and lodging, paid to the teaching staff member for their time on jury duty, the teaching staff member will be entitled to keep the jury duty compensation paid to him/her in addition to their school district paid usual compensation.

An employee summoned to jury duty shall promptly report the summons to his/her immediate supervisor. On return from jury duty, the employee must submit to his/her immediate supervisor a court record of the number of days served on jury duty.

While on jury duty, an employee must report daily to his/her supervisor the schedule for the following day.

N.J.S.A. 2B:20-1 et seq.; 2B:20-10; 2B:20-16

Adopted: 3 December 2008