

**ESTELL MANOR SCHOOL DISTRICT**  
**Estell Manor, New Jersey**

**Policy Manual**

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**Policy**

RECRUITMENT, SELECTION AND HIRING

The Estell Manor Board of Education guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The board believes that the quality of the professional staff in large part determines the quality of the education offered district students. Therefore, the superintendent shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of district students. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

Provisional teaching candidates shall be given equal consideration with all other candidates for teaching positions. The superintendent shall follow all requirements of the administrative code in providing the necessary training program for all teachers hired with provisional certificates.

In accordance with the Every Student Succeeds Act, all teachers hired by the board for programs in the district supported with Title I, part A funds shall meet the State certification and licensure requirements. All teachers of core academic subjects (English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history and government) hired by the board shall possess the appropriate certification including having a bachelor's degree from an accredited institution of higher learning and:

- A. Complete an undergraduate major in the appropriate subject area;
- B. Hold a graduate degree in the subject area; or
- C. Complete at least 30 credits in a coherent sequence of courses appropriate to the subject area.

The superintendent or his or her designee shall ensure that the district's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law Against Discrimination.

It shall be the duty of the superintendent to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the successful completion of a criminal history check, proof of citizenship or eligible alien status, and certification for the type of position for which nomination is made.

The superintendent shall take steps to verify the academic credentials of any potential candidate for employment, and ensure any degrees cited, academic coursework or credits completed, or titles claimed by an individual have been granted by an accredited institution of higher education. For superintendent candidates, the board shall take similar steps. Documents shall not be accepted from non-accredited institutions or any fraudulent source. If a current employee is found to have obtained employment, tuition reimbursement or increased salary based on documents or credentials obtained from a non-accredited

RECRUITMENT, SELECTION AND HIRING (continued)

institution, the board will take appropriate action, up to and including the possible discharge of the individual and/or obtaining a refund of the tuition reimbursement or increased salary.

The superintendent shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The superintendent shall prepare and maintain job descriptions that define the duties, responsibilities and qualifications required for each position. The board shall adopt those job descriptions required by law or code and others as appropriate.

The superintendent in determining the candidates to be nominated shall seek information whenever possible from the candidate's prior employers.

The board shall affirm employment and initial placement on the salary guide by a recorded roll call majority vote of the full membership of the board.

The board shall appoint all staff members only from nominations made by the superintendent. Should a nominee be rejected, it shall be the duty of the superintendent to make other nominations.

Residency Requirements

Every employee hired by the board shall have their principal residence with the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy. However, if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy. However, if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- D. A break in public service shall be defined as an actual separation from employment for more than seven

RECRUITMENT, SELECTION AND HIRING (continued)

calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence shall not be considered a break in public service;

- E. An employee may request an exemption made to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Employment History - Definitions

For the purpose of this policy:

- A. "Child abuse" means any conduct that falls under the purview and reporting requirements of law (P.L. 1971, c.437; N.J.S.A. 9:6-8.8 et seq.) and is directed toward or against a child or student, regardless of the age of the child or student (see also board policy 5141.4 Missing, Abused and Neglected Children);
- B. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent or erotic contact with a student.

Required Disclosure of Employment History

The board shall require all applicants for employment and applicants to provide contracted services for positions and services that involve regular contact with students to provide the following information:

- A. A list, including name, address, telephone number and other relevant contact information of the applicant's:
1. Current employer;
  2. All former employers within the last 20 years that were schools; and
  3. All former employers within the last 20 years where the applicant was in a position that involved direct contact with children;
- B. A written authorization that consents to and authorizes disclosure of the information requested for the district to review the employment history and the release of related records by the applicant's list of employers as detailed in "A" of this section, and that releases those employers from liability that may arise from the disclosure or release of records;
- C. A written statement as to whether the applicant:
1. Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
  2. Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct;
  3. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an

RECRUITMENT, SELECTION AND HIRING (continued)

adjudication or finding of child abuse or sexual misconduct.

Review of the Employment History

A review of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The dates of employment shall be requested and a statement as to whether the applicant:

- A. Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
- B. Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
- C. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The review of the employment history may be conducted through telephone or cellphone, electronic communication or written communications. If the review is conducted by telephone or cellphone the results of the review shall be documented in writing by the district employee assigned to conduct the review.

Any applicant who willfully provides false information or willfully fails to disclose information required shall be subject to discipline and including termination or denial of employment; may be deemed in violation of law (N.J.S.A. 2C:28-3); and may be subject to a civil penalty of not more than \$500. Notification of these penalties shall be on all applications for employment for positions which involve regular contact with students.

Review of Out-of-State Employment History

A review of out-of-State employers that are part of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The superintendent or his or her designee shall ensure that the employment history review conducted with an out-of-State employer is documented with specificity as to the diligent efforts made to:

- A. Verify the information provided by the applicant; and
- B. Obtain the information requested from any out-of-State employers listed by the applicant.

Nondisclosure Agreements

The district shall not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

- A. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
- B. Affects the ability of the district to report suspected child abuse or sexual misconduct to the appropriate authorities;

RECRUITMENT, SELECTION AND HIRING (continued)

- C. Requires the district to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the district. This excludes allegations that are found to be false or alleged incidents of child abuse or sexual misconduct that have not been substantiated.

Implementation

The district may employ or contract with an applicant on a provisional basis for a period not to exceed 90 days pending the employment history review by the district provided that all of the following conditions are satisfied:

- A. The applicant has complied and provided the information requested;
- B. The district has no knowledge or information pertaining to the applicant that the applicant is required to disclose as part of the employment history review; and
- C. That special or emergent circumstances exist that justify the temporary employment of the applicant.

When the review of an applicant’s employment history reveals that the applicant has a history of sexual misconduct or child abuse, the applicant shall be disqualified from employment with the district without grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule or regulation.

The district shall respond to requests for employment history information pertaining to former or current district employees in compliance with law, within 20 days of the receipt of the request and former employee’s consent to release the information.

Information received about an applicant’s employment history shall not be a public record.

Adopted: July 23, 2014  
 NJSBA Review/Update: July 2021  
 Readopted: October 27, 2021

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check, Domestic Partnership Act, Residency Requirements

<b>Legal References:</b> <u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
<u>See particularly:</u>	
<u>N.J.S.A. 10:5-3</u>	
<u>N.J.S.A. 18A:3-15. 1 et seq.</u>	Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
<u>N.J.S.A. 18A:6-5</u>	Inquiry as to religion and religious tests prohibited
<u>N.J.S.A. 18A:6-6</u>	No sex discrimination
<u>N.J.S.A. 18A:6-7.1, -7.5</u>	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
<u>N.J.S.A. 18A:6-7.6</u> through <u>N.J.S.A. 18A:6-7.13</u>	Employees; qualifications; discrimination, prohibitions
<u>N.J.S.A. 18A:6-76.1</u>	Deadline for notification to students of requirements

RECRUITMENT, SELECTION AND HIRING (continued)

<u>N.J.S.A.</u> 18A:11-1	of provisional certificate and induction program
<u>N.J.S.A.</u> 18A:13-40	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:16-1	General powers and duties of board of newly created regional districts
<u>N.J.S.A.</u> 18A:26-1, -1.1, -2	Officers and employees in general
<u>N.J.S.A.</u> 18A:27-1 <u>et seq.</u>	Citizenship of teachers, exceptions
<u>See particularly:</u>	Employment and Contracts
<u>N.J.S.A.</u> 18A:27-4.1	
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u>	<u>Domestic Partnership Act</u>
<u>N.J.S.A.</u> 52:14-7	Residency Requirements
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:7-1.4, -1.5, -1.6, -1.8	
<u>N.J.A.C.</u> 6A:9B-5.7	Citizenship requirement
<u>N.J.A.C.</u> 6A:9B-5.8	Endorsement requirements
<u>N.J.A.C.</u> 6A:9B-6.1 <u>et seq.</u>	College courses and certification
<u>N.J.A.C.</u> 6A:9B-8.1 <u>et seq.</u>	Requirements for Instructional Certification
<u>N.J.A.C.</u> 6A:9B-10.1 <u>et seq.</u>	Exceptions for the Requirements for the Instructional Certificate
<u>N.J.A.C.</u> 6A:9B-11.1 <u>et seq.</u>	Additional requirements or exceptions to requirements for instructional certification with special endorsements
<u>N.J.A.C.</u> 6A:9B-12.1 <u>et seq.</u>	Requirements for administrative certification
<u>N.J.A.C.</u> 6A:10-1.1 <u>et seq.</u>	Educator effectiveness
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-4.1	Employment of teaching staff
<u>N.J.A.C.</u> 6A:32-5.1	Standards for determining seniority

P.L. 2018, c.5 – regarding requirements for employment history review for child abuse and sexual misconduct.

P.L. 2018, c.9 – regarding unlawful employment practices with respect to discrimination in compensation or in the financial terms and conditions of employment

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

The Comprehensive Equity Plan, New Jersey Department of Education

RECRUITMENT, SELECTION AND HIRING (continued)

**Possible**

**Cross References:**

2130	Administrative staff
*2131	Superintendent
4000	Concepts and roles in personnel
*4111.1/4211.1	Nondiscrimination/affirmative action
*4112.2	Certification
*4112.4/4212.4	Employee health
4112.5/4212.5	Criminal history check
*4112.6/4212.6	Personnel records
*4112.8/4212.8	Nepotism
*4121	Substitute teachers
*4222	Noninstructional aides
*5120	Assessment of individual needs
*6010	Goals and objectives

\*Indicates policy is included in the Critical Policy Reference Manual.

**Regulation**

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SUPPORT FOR BREASTFEEDING MOTHERS

The following procedures shall be implemented in each school when an employee requests accommodations to support their choice to breastfeed.

School Responsibilities

Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive:

A. Milk expression breaks for breastfeeding

The employees shall be allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors.

B. A place to express milk

A private room (not a toilet stall or restroom) shall be made available for the employee(s) to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the principal. Expressed milk can be stored in general refrigerators; in designated refrigerators provided in the lactation room or other location; or in employee's personal cooler.

C. Staff Support

The principal shall notify pregnant and breastfeeding employees about the district's worksite lactation support policies and procedures. The principal shall be responsible for negotiating policies and practices that will help facilitate each employee's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

D. Signage

The building principal shall ensure that the New Jersey Department of Education signage shall be displayed in a clear and conspicuous manner in the school's waiting area, as well as in any lactation room that is made available. The New Jersey Department of Education signage shall contain information about breast feeding; affirm a mother's right to nurse in public; and indicate that lactation rooms are being made available for the privacy and comfort of nursing mothers.

The building principal shall ensure board policy and regulations on provisions for milk expression breaks, for breastfeeding and the designated lactation room(s) are distributed to staff and students who are pregnant and nursing mothers returning from maternity leave.

Employee Responsibilities

A. Communication with Supervisors

Any employee who wishes to express milk during the work period shall keep the principal and/or their immediate supervisor informed of their needs so that appropriate accommodations can be made to satisfy

SUPPORT FOR BREASTFEEDING EMPLOYEES (regulation continued)

the needs of both the employee and the school.

B. Breastfeeding Equipment

The employee is responsible for the purchase, maintenance and storage of breastfeeding equipment. The district is not responsible for any lost, broken or stolen private property.

C. Maintenance of Milk Expression Areas

Breastfeeding employees are responsible for keeping designated milk expression area clean and using antibacterial wipes to sanitize small areas. Employees shall be required to report any large spills to the maintenance department. Employees are also responsible for keeping the general designated lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

D. Milk Storage

Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of her milk using the school refrigerator or personal storage coolers.

E. Use of Break Times to Express Milk

When more than one breastfeeding employee needs to use the designated lactation room, employees can use the sign-in log provided in the room to negotiate milk expression times that are most convenient or best meet their needs.

Adopted: October 27, 2021

**Policy**

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NONDISCRIMINATION/AFFIRMATIVE ACTION

The Estell Manor Board of Education guarantees to all persons equal access to all categories of employment, assignment to a position, transfer, and promotion in this district. The board shall not assign, transfer, promote, or retain staff, or fail to assign, transfer, promote, or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, liability for service in the Armed Forces of the United States, disability, nationality, atypical hereditary cellular or blood trait of any individual, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test.

An affirmative action/equity program shall be a part of every aspect of employment not limited to but including upgrading; demotion or transfer; recruitment or recruitment advertising; renewal or non-renewal; layoff or termination; rates of pay or other forms of compensation including fringe benefits; employment selection or selection for training and apprenticeships; promotion; or tenure.

The board-designated affirmative action officer shall identify and recommend correction of any existing inequities, and any that occur in the future.

Affirmative Action Officer and Team

The board designated affirmative action officer shall:

- A. In collaboration with the affirmative action team coordinate the required professional development training for certificated and non-certificated staff;
- B. Notify all employees of district grievance procedures for handling discrimination complaints; and
- C. Ensure that the district grievance procedures, including investigative responsibilities and reporting information, are followed (see board policy 2224 Nondiscrimination/Affirmative Action).

Harassment and Favoritism

The board of education is an affirmative action employer and holds all its employees responsible for maintaining a working environment that is free from all discriminatory practices. Harassment or favoritism on any basis included in the board's statement of equal access to employment, retention and advancement is prohibited.

Administrators and supervisors shall be familiarized with the actions that constitute harassment and favoritism. This material shall be included in the legally mandated affirmative action inservice training for all employees, and shall be clear and specific (see policy 2224). When harassment has been determined to have taken place, appropriate disciplinary action will follow. All such determinations shall be reported to the board.

Sexual Harassment

The board of education shall maintain a working environment that is free from sexual harassment. Administrators and supervisors will make it clear to all staff that sexual harassment is prohibited. No supervisory employee shall threaten or insinuate, either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation,

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

compensation, assignment or advancement. No supervisory employee shall promise or suggest, either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment of an employee. Sexually harassing conduct committed by nonsupervisory personnel is also prohibited.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to the conduct or communication is made a term or condition of employment or education;
- B. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and assignment or education;
- C. The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or education;
- D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the schools. Harassment by board members, employees, parents, students, vendors and others doing business with the district is prohibited. Any child or staff member who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the affirmative action officer or building principal. Anyone else who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the superintendent or board president. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including dismissal. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent/board. Law enforcement shall be summoned when appropriate. This policy statement on sexual harassment shall be distributed to all staff members.

Staff or students may file a formal grievance related to harassment on any of the grounds addressed in this policy. The affirmative action officer will receive all complaints and carry out a prompt and thorough investigation, and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

Pregnancy

The board prohibits discrimination against pregnant women and those who suffer medical conditions related to pregnancy and childbirth. The superintendent or his or her designee shall ensure that reasonable accommodations are made that will allow them to maintain a healthy pregnancy or recovery from childbirth, without being removed from their positions, placed on unpaid leave, or fired.

The district shall provide reasonable accommodations to pregnant women and those who suffer medical conditions related to pregnancy and childbirth, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work.

Requested accommodations that cause the district an undue hardship are not required by law and shall not be provided.

Lactation Provisions

Employees hired or returning to work following a pregnancy leave who choose to continue providing their milk

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

for their infants shall receive the accommodations required by law that support their choice to breast feed. Accommodations shall include but shall not be limited to:

## A. Milk expression breaks for breastfeeding

The employees shall be allowed to breastfeed or express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal leave or may make up the time as negotiated with their supervisors.

## B. A place to express milk

A private room (not a toilet stall or restroom) shall be made available for the employee(s) to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the principal. Expressed milk can be stored in general refrigerators; in designated refrigerators provided in the lactation room or other location; or in employee's personal cooler.

## C. Staff Support

The principal shall notify pregnant and breastfeeding employees about the district's worksite lactation support policies and procedures. The principal shall be responsible for negotiating policies and practices that will help facilitate each employee's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding employees.

The building principal shall ensure that the New Jersey Department of Education signage shall be displayed in a clear and conspicuous manner in the school's waiting area, as well as in any lactation room that is made available. The New Jersey Department of Education signage shall contain information about breast feeding; affirm a mother's right to nurse in public; and indicate that lactation rooms are being made available for the privacy and comfort of nursing mothers.

The building principal shall ensure board policy and regulations on provisions for milk expression breaks, for breastfeeding and the designated lactation room(s) are distributed to staff and students who are pregnant and nursing mothers returning from maternity leave.

(See the district procedure at 4111.1/4211.1 Breastfeeding, Regulation.)

Employment and Contract Practices

The board shall ensure all persons, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status, have equal and bias-free access to all categories of employment and equal pay for equal work among members of the school district's staff.

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

The board directs the superintendent to ensure that appropriate administrators implement the district's affirmative action policies by:

- A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the district's affirmative action policies in their contacts with district staff and students (see board policy 3327 Relations with Vendors);

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion, personnel-management practices and collective bargaining agreements are structured and administered in a manner that furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding inservice programs on affirmative action for all staff in accordance with law.

Whistleblower Protection

The board prohibits discrimination or retaliation against any school employee who does any of the following:

- A. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the board that the employee reasonably believes is in violation of a law, or a rule or regulation established pursuant to law or is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation established pursuant to law by the board including any violation involving deception of, or misrepresentation; or
- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare or protection of the environment.

The board shall ensure that notices are posted conspicuously in each school, informing employees that they are protected under the "Conscientious Employee Protection Act."

Appeals

Grievances related to equity in employment practices shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in employment practices.

Report on Implementation

The superintendent shall devise regulations, including grievance forms and procedures to implement this policy. He/she shall be responsible for informing staff annually of the identity and location of the affirmative action officer and the implementing procedures.

Adopted:	July 23, 2014
Revised:	May 26, 2021
NJSBA Review/Update:	July 2021
Readopted:	October 27, 2021

Key Words

Affirmative Action, Nondiscrimination, Employee Nondiscrimination/Affirmative Action, Domestic Partnership Act

**Legal References:** N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
 See particularly:  
N.J.S.A. 10:5-3, -3.1, -4.1,  
 -12, -27

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

<u>N.J.S.A.</u> 18A:6-5	Inquiry as to religion and religious tests prohibited
<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
<u>N.J.S.A.</u> 18A:18A-17	Facilities for handicapped persons
<u>N.J.S.A.</u> 18A:26-1	Citizenship of teachers, etc.
<u>N.J.S.A.</u> 18A:26-1.1	Residence requirements prohibited
<u>N.J.S.A.</u> 18A:29-2	Equality of compensation for male and female teachers
<u>N.J.S.A.</u> 18A:36-20	Discrimination Prohibition
<u>N.J.S.A.</u> 26:4B-4	Right to breastfeed in public
<u>N.J.S.A.</u> 26:4C-1	Lactation rooms
through -3	
<u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u>	Domestic Partnership Act
<u>N.J.S.A.</u> 34:19-1 <u>et seq.</u>	Conscientious Employee Protection Act
See particularly:	
<u>N.J.S.A.</u> 34:19-3	
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
See particularly:	
<u>N.J.A.C.</u> 6A:7-1.4, -1.5, -1.6, -1.8	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Executive Order 11246 as amended

P.L.1997, c.101 (C.26:4B-4). Right to Breastfeed in Public

P.L.2019, c.242. Requirements regarding the provision of lactation rooms for nursing mothers.

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Vinson v. Superior Court of Alameda County, 740 P.2d 404 (Cal. Sup. Ct. 1987)

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

<b><u>Cross References:</u></b> *2224	Nondiscrimination/affirmative action
*3320	Purchasing procedures
*4111	Recruitment, selection and hiring
*4112.8/4212.8	Nepotism
*4147/4247	Employee safety

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

- \*4211 Recruitment, selection and hiring
- \*5145.4 Equal educational opportunity
- \*6121 Nondiscrimination/affirmative action

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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DOMESTIC VIOLENCE

The Estell Manor Board of Education is committed to ensuring that all staff are supported in the event that they experience domestic violence as defined by law (N.J.S.A. 2C:25-19). Victims of domestic violence can suffer devastating physical, emotional and psychological effects and economic disruption. The board encourages employees who are victims of domestic violence to contact the appropriate administrator or employee responsible for orienting, training, counseling and appraising staff. Employees disclosing their experiences with domestic violence shall be supported in the work environment to an extent that is feasible and practical for the employee to maintain and perform their job and for the effective operation of the educational program.

The board adopts as its own the following State of New Jersey Domestic Violence Policy for Public Employers.

Definitions

“Domestic violence” means acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

An “abuser/perpetrator” is an individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

The “human resources officer” or “HRO” is an employee of district with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. The HRO is designated by the superintendent with board approval and is the primary or secondary contact to assist employees in reporting domestic violence incidents.

“Intimate partners” are partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.

A “temporary restraining order” or “TRO” is a civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

## DOMESTIC VIOLENCE (continued)

A “victim” is a person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

“Workplace-related incidents” are incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

### Designated Human Resources Officer

The superintendent shall designate, and the board approve, a human resource officer (HRO) to assist employees who are victims of domestic violence.

The designated HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy. Should the HRO be unavailable at any time, the superintendent shall designate a secondary HRO, who shall also be appropriately trained to respond and assist domestic violence victims pursuant to this policy.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors shall maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence. The name and contact information of the designated HRO must be provided to all employees.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

### Reporting Domestic Violence

Any disclosure of domestic violence by an employee shall be taken seriously and according to the following guidelines:

- A. Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Requests to meet may be made by cell phone or telephone. Email may not be confidential and should not be used when private information is being discussed or disclosed unless this is the only safe method of communication available;
- B. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO. When the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, the

DOMESTIC VIOLENCE (continued)

employee shall so report to the appropriate authority in addition to reporting to the designated HRO. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. The HROs shall remind employees to contact 911 if they feel they are in immediate danger.

Responsibilities of the Human Resource Officer (HRO)

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance;
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement;
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services;
- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced below;
- E. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the HRO is also required to report the incident to their agency's EEO Officer or Title IX Officer, as appropriate;
- F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team;
- G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy (see section titled *Confidentiality* below);
- H. Upon the employee's consent, the employee may provide the HRO with copies of any temporary restraining orders (TROs), final restraining orders (FROs), and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs must be kept in a separate confidential personnel file.

Confidentiality

In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law. Thus, this policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report.

This confidentiality policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law.

DOMESTIC VIOLENCE (continued)

The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

Confidentiality of Employee Records

To ensure confidentiality and accuracy of information, the HRO is required to keep all documents and reports of domestic violence in a confidential personnel file separate from the employee's other personnel records (see board policy 4112.6 Personnel Records). These records shall be considered personnel records and shall not be government records available for public access under the Open Public Records Act (N.J.S.A. 47:1A-10).

The New Jersey Security and Financial Empowerment Act

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence.

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during 20 or more calendar weeks in the current or immediately preceding calendar year. This leave can be taken intermittently in days, but not hours.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19 and N.J.S.A. 30:4-27.6, respectively. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic or sexual violence.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner, or civil union partner, as they relate to an incident of domestic or sexual violence:

- A. Seeking medical attention;
- B. Obtaining services from a victim services organization;
- C. Obtaining psychological or other counseling;
- D. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
- E. Seeking legal assistance or remedies to ensure health and safety of the victim; or

DOMESTIC VIOLENCE (continued)

- F. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

Domestic Violence Action Plan

The board directs the superintendent to develop an action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to law (N.J.S.A. 11A:2-6a), and in accordance with the following guidelines:

- A. Designate an HRO with responsibilities detailed in this policy;
- B. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities;
- C. Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer;
- D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TDI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence;
- E. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence;
- F. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT, and advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.

Implementation

Members of the board, district administrators, the designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

In addition to this policy, the board, school administration and the HRO shall follow all applicable laws, guidelines, standard operating procedures, internal affairs policies, and New Jersey Attorney General directives and guidelines that impose a duty to report. To the extent that the rules set forth in this policy conflict with collective negotiated agreements or with the Family Educational Rights and Privacy Act (FERPA), the provisions of the negotiated agreements and the provisions of FERPA control.

DOMESTIC VIOLENCE (continued)

NJSBA Review/Update: July 2021  
 Adopted: October 27, 2021

Key Words

Domestic Violence, Abuse, Leave

**Legal References:** N.J.S.A. 11A:2-6a Civil Service, domestic violence policies  
N.J.S.A. 34:11B-1 et seq. New Jersey Family Leave Act  
N.J.S.A. 34:11C-1 et seq. New Jersey Security and Financial Empowerment Act  
N.J.S.A. 2C:25-19 Definition of Domestic Violence and Victim of Domestic Violence  
N.J.S.A. 34:19-1 et seq. Conscientious Employee Protection Act  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education -  
See particularly:  
N.J.A.C. 6A:7-1.8 Equality in Employment and Contract Practices  
N.J.A.C. 6A:16-11.1 District policies and procedures; reporting potentially missing or abused children  
  
29 U.S.C. 2601 et seq. Family and Medical Leave Act  
  
29 C.F.R. 825.200 et seq.  
  
 P.L. 2008, c. 17, Family Temporary Disability Leave

The Civil Service Commission's New Jersey Domestic Violence Policy is located at:  
[https://www.state.nj.us/csc/authorities/domestic\\_violence.html](https://www.state.nj.us/csc/authorities/domestic_violence.html)

**Resources:**

NJSBA Legally Speaking Article <https://www.njsba.org/news-publications/school-leader/may-june-2018-vol-48-no-6/legally-speaking-domestic-violence-victims-are-focus-of-new-law/>

Local Finance Notice <https://www.nj.gov/dca/divisions/dlgs/lfns/18/2018-17.pdf>

Fox Rothchild LLP, The New Jersey Security and Financial Empowerment Act, Eileen Oakes Muskett, 2013.  
<https://www.foxrothschild.com/publications/the-new-jersey-security-and-financial-empowerment-act/>

[https://uhr.rutgers.edu/sites/default/files/userfiles/New%20Jersey%20SAFE%20Act%20Poster\\_10-1-13.pdf](https://uhr.rutgers.edu/sites/default/files/userfiles/New%20Jersey%20SAFE%20Act%20Poster_10-1-13.pdf)

**Possible**

**Cross References:** \*2224 Nondiscrimination/affirmative action  
 \*3320 Purchasing procedures  
 \*4111 Recruitment, selection and hiring  
 \*4112.8 Nepotism  
 \*4147 Employee safety  
 \*5145.4 Equal educational opportunity  
 \*6121 Nondiscrimination/affirmative action

\*Indicates policy is included in the Critical Policy Reference Manual.



### CERTIFICATION

The certification of teachers and other personnel in the public schools of New Jersey is a protective measure for the children, the community, and the staff members themselves. No teaching staff member shall be appointed, except by a recorded roll call majority vote of the full membership of the board of education. All personnel hired shall have proper certification as required by the State Board of Education. The superintendent will take appropriate steps to avoid the employment of teachers with revoked or suspended certificates. Where the superintendent receives formal notice from a state entity that an employee's certificate, as required by the employee's employment title is no longer valid, the employee's employment shall cease, notwithstanding the fact that the term of employment may not have expired. No teaching staff member shall be entitled to any salary unless he is the holder of an appropriate certificate. No teaching staff member, contracted by private agencies that provide educational services by means of public funds, shall provide educational services to district students unless he or she is the holder of a valid certificate.

Validity of certification must be verified with the county office.

The superintendent must receive valid evidence of proper and effective certification or qualifications to pursue the alternative route to certification before presenting a candidate to the board.

The superintendent shall ensure that each applicant hired to teach in the school district shall have passed a satisfactory examination in physiology and hygiene; and substance abuse issues which includes material on the physiological, psychological, sociological and legal aspects of drug and alcohol abuse, methods of educating students on the negative effects of substance abuse, and intervention strategies for dealing with students engaged in substance abuse.

#### Reporting of Arrests, Charges and Indictments

All certificated staff members who are charged, arrested or indicted for a crime or offense must submit a report of the arrest or indictment to the superintendent within fourteen days. This reporting requirement pertains to both in-state and out-of-state offenses and crimes and shall include the date of the arrest or indictment and the charges lodged. The certificated staff member shall also report the disposition of any charge within seven days of its disposition.

Failure to comply with these reporting requirements may be deemed "just cause" to revoke or suspend the certificate(s) of any certificate holder pursuant to N.J.A.C. 6A:9B-4.3.

The superintendent will make these requirements known to all new employees and to all employees on an annual basis.

#### District Reporting Requirements

Pursuant to N.J.A.C. 6A:9B-4.3, the superintendent shall notify the New Jersey Board of Examiners when:

- A. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
- B. Nontenured teaching staff members who are accused of criminal offenses or unbecoming conduct,

CERTIFICATION (continued)

resign, retire or are removed from their positions;

- C. A certificate holder fails to maintain any license, certificate or authorization that is mandated in order for the holder to serve in a position;
- D. He or she becomes aware that a certificate holder has been convicted of a crime while in the district's employ; or
- E. The superintendent has received a report from the Division of Child Protection and Permanency (DCP&P) substantiating allegations of abuse or neglect or establishing "concerns" regarding a certificated teaching staff member.

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.

Mentoring Novice Provisional Teachers

In order to enhance student achievement of the New Jersey Student Learning Standards the district shall develop a mentoring program for nontenured teachers, including novice provisional teachers who hold a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS). The mentoring program shall provide 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.

For the purposes of this policy:

"Novice teacher" means any full-time or part-time teacher who has not completed one year of full-time teaching under a valid State teaching certificate.

"Provisional teacher" means a holder of a provisional two-year certificate issued to candidates who have met requirements for initial employment as part of a State-approved school district training program or residency leading to standard certification.

"Novice provisional teacher" means a certificate holder (CEAS or CE) who is also a novice teacher who has not completed one year of full-time teaching.

The goal of the district mentoring program shall be to enhance teacher knowledge of and strategies related to:

- A. Facilitating student growth and achievement in the New Jersey Student Learning Standards;
- B. Identifying exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and
- C. Assisting first-year teachers in performing their duties and adjusting to the challenges of teaching.

First Teaching Year's Supports

- A. During a nontenured teacher's first year of employment, the district shall provide an induction program that shall include introduction to and training on:
  - 1. Board policies and procedures;

CERTIFICATION (continued)

2. The school district curricula;
  3. Board policies and procedures on student assessment; and
  4. The district's evaluation rubric, including assessing student learning through student growth objectives.
- B. The district shall provide individualized supports and activities aligned with the Professional Standards for Teachers (N.J.A.C. 6A:9-3.3), the standards for professional learning (N.J.A.C. 6A:9C-3.3), and the school district's Commissioner-approved teaching practice instrument. The individualized supports and activities shall be guided by the following:
1. The nontenured teacher's degree of preparation;
  2. The nontenured teacher's individual professional development plan (see board policy 4131/4131.1 Staff Development). The professional development plan shall be developed within 30 instructional days of the beginning of the teaching assignment;
  3. Areas of focus within the district mentoring plan;
  4. The goals of the school and district plans for professional development; and
- C. One-to-one mentoring for novice provisional teachers that includes:
1. The assignment of an individual mentor at the beginning of the contracted teaching assignment;
  2. Observation and feedback from the mentor, confidential guidance and support, and the opportunity for the novice provisional teacher to observe effective teaching practices;
  3. In-person contact time between the mentor teacher and the novice provisional teacher;
  4. Meetings with the mentor at least once per week for the first four weeks of the teaching assignment.

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.

Mentor Selection

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;
- 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.

District Mentoring Plan

The superintendent or designee shall develop a district mentoring plan as part of the school district's professional development plan (PDP). The district mentoring plan shall include logistics for its implementation and describe the school district's responsibilities:

- A. The superintendent shall submit the district mentoring plan to the board for review of its fiscal impact;

CERTIFICATION (continued)

- 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 nontenured teachers and their mentors;
- C. The superintendent or designee shall review the plan annually and revise it, as necessary, based on feedback from mentor logs, each school improvement panel, and data on teacher and student performance.

Special Education

All personnel serving students with disabilities shall be appropriately certified and licensed, where a license is required. Each member of the child study team shall perform only those functions that are within the scope of their professional license (where applicable) and certification issued by the New Jersey Department of Education. Where related services are provided by non-certified personnel because there is no certification required, such services shall be provided under the supervision of certified district board of education personnel.

Adopted: November 25, 2013  
 NJSBA Review/Update: July 2021  
 Readopted: October 27, 2021

Key Words

Certificates, Certification

<b><u>Legal References:</u></b>	<p><u>N.J.S.A.</u> 18A:6-38 Powers and duties of the board; issuance and revocation of certificate; rules and regulations</p> <p><u>N.J.S.A.</u> 18A:6-39 Issuance of certificates to non-citizens</p> <p><u>N.J.S.A.</u> 18A:6-76.1 Deadlines for notification to students of requirements of provisional certificate and induction program; submission of induction program plan to school districts and Department of Education; coordination of mentor training program</p> <p><u>N.J.S.A.</u> 18A:6-127 Researched-based mentoring program</p> <p><u>N.J.S.A.</u> 18A:26-1, -2,-8.1,-9 Citizenship of teachers, etc.</p> <p><u>N.J.S.A.</u> 18A:26-2.1 <u>et al.</u> Supervisory certificate required for appointment as director of athletics</p> <p><u>N.J.S.A.</u> 18A:27-1 Appointment of teaching staff members</p> <p><u>N.J.S.A.</u> 18A:27-2 Employment without certificate prohibited</p> <p><u>N.J.S.A.</u> 18A:29-1 Uncertified teacher denied salary</p> <p><u>N.J.S.A.</u> 18A:40A-4 Preservice training of future teachers; teaching certificate requirements</p> <p><u>N.J.A.C.</u> 6A:9-1.1 <u>et seq.</u> Professional Standards</p> <p><u>See particularly:</u></p> <p><u>N.J.A.C.</u> 6A:9-3.3 Professional Standards for Teachers</p> <p><u>N.J.A.C.</u> 6A:9A-5.5 Completion of CE educator preparation program</p> <p><u>N.J.A.C.</u> 6A:9B-1.1 <u>et seq.</u> Certificate Holders</p> <p><u>N.J.A.C.</u> 6A:9B-4.3 School district and candidate reporting responsibility</p> <p><u>N.J.A.C.</u> 6A:9B-5.1 Certificate required</p> <p><u>N.J.A.C.</u> 6A:9B-5.2 Types of certificates or credentials</p> <p><u>N.J.A.C.</u> 6A:9B-5.4 Certification responsibilities of the district board of education</p>
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CERTIFICATION (continued)

<u>N.J.A.C.</u> 6A:9B-5.6	Fees
<u>N.J.A.C.</u> 6A:9B-5.9	Examination in physiology, hygiene, and substance abuse issues requirement
<u>N.J.A.C.</u> 6A:9C-5.1 <u>et seq.</u>	District mentoring program
<u>N.J.A.C.</u> 6A:20-2.8	Staffing for adult education
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-4.1(d)	Employment of teaching staff

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917

**Possible**

<b><u>Cross References:</u></b>	*2131	Superintendent
	4010	Goals and objectives
	*4111	Recruitment, selection and hiring
	6130	Organizational plan
	*6141	Curriculum design/development
	*6142.1	Family life education
	*6156	Instructional planning/scheduling
	*6163.1	Media center/library
	*6164.2	Guidance services
	*6171.4	Special education
	*6200	Adult/community education

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

EMPLOYEE HEALTH

Examinations

When a candidate has been given a conditional offer of employment, he/she shall be required to submit to a medical evaluation and a physical examination. This physical examination may include testing for controlled dangerous substances as they are defined in the criminal code. Elements of the examination of newly employed staff shall include but not be limited to those physical exam elements listed in administrative code. Employees may be required to undergo an annual physical examination.

The results of all required employee medical examinations shall be made known to the superintendent on a confidential basis, discussed with the employee, and made a part of his/her confidential medical record. Records and reports of examinations shall be filed with the district medical inspector as confidential information but shall be available to and reported to appropriate health agencies as required by law.

In the event an employee of the board has been determined to have a mental abnormality or communicable disease or exhibits symptoms of substance abuse and, if in the opinion of the district medical inspector such condition makes the employee unfit for continued employment, the board may remove the employee from further service as provided by law or grant leave as provided by law during the period of unfitness. An employee determined to be unfit must provide the board with satisfactory proof of recovery before reinstatement will be allowed.

In the event an employee of the board shows evidence of deviation from normal physical or mental health, the district may require additional individual psychiatric or physical examinations of the employee. When an additional psychiatric or physical examination is required:

- A. The board shall provide the employee with a written statement of reasons for the required additional examination. The district board of education shall provide the employee with a hearing, if requested;
- B. The determination of the board hearing if requested shall be appealable to the commissioner;
- C. The employee may, without reprisal, refuse to waive his or her right to protect the confidentiality of medical information.

The report of the required psychiatric or physical examination shall include a statement by the examining physician as to any physical or mental condition noted likely to prevent the person examined from performing all duties and responsibilities of the position sought or occupied, or a statement that no such condition exists.

In order to protect the students and staff in the Estell Manor District school, all regulations of the State Department of Education, the State Department of Health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases. Staff who have been identified as having a communicable disease shall not be permitted continued employment unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine and reporting.

When required examinations are performed by a physician designated by the board, the board shall bear the expense. Should an employee prefer to see his/her own physician, with board approval, the employee shall bear the expense.

EMPLOYEE HEALTH (continued)Occupational Containment of Bloodborne Pathogens

The board is committed to provide a safe and healthful work environment for staff. In pursuit of this endeavor, an Exposure Control Plan (ECP) shall be provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with federal regulations.

The ECP is a key document to assist the district in implementing and ensuring compliance with the OSHA bloodborne pathogens standard, thereby protecting employees. This ECP includes:

- A. Identification of tasks, procedures and job classifications where occupational exposure to blood occurs;
- B. Procedures for evaluating the circumstances surrounding an exposure incident; and
- C. The schedule and method for implementing the specific sections of the standard, including:
  - 1. Methods of compliance;
  - 2. Hepatitis B vaccination;
  - 3. Post-exposure evaluation and follow-up;
  - 4. Hazard communication requirements;
  - 5. Effective employee training;
  - 6. Recordkeeping.

The ECP shall be reviewed annually to ensure that it reflects use of the most current medical technology.

Implementation and Dissemination

The superintendent in consultation with the district medical inspector shall prepare regulations to implement this policy in compliance with law and code. All employees shall receive this policy and be made aware of all requirements for health examinations.

Adopted: August 24, 2005  
 NJSBA Review/Update: July 2021  
 Readopted: October 27, 2021

Key Words

Physical Examinations, Health Examinations, Employee Physicals, Nondiscrimination, Psychological Examinations, Bloodborne Pathogens

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2C:35-1 et seq.</u> <u>N.J.S.A. 18A:16-2</u> <u>N.J.S.A. 18A:16-3</u> <u>N.J.S.A. 18A:16-4</u> <u>N.J.S.A. 18A:16-5</u> <u>N.J.S.A. 18A:40-10</u> <u>N.J.S.A. 18A:66-39</u> <u>N.J.S.A. 26:4-1</u> <u>N.J.S.A. 26:4-6</u> <u>N.J.S.A. 26:4-15</u> <u>N.J.S.A. 26:5c-1 et seq.</u> <u>N.J.A.C. 6A:16-2.1 et seq.</u> <u>N.J.A.C. 6A:32-6.2</u> <u>N.J.A.C. 8:61-1.1 et seq.</u>	<u>Comprehensive Drug Reform Act of 1987</u> Physical examinations; requirement Character of examinations Sick leave; dismissal Records of examinations Exclusion of teachers and students exposed to disease Disability retirement "Communicable disease" defined Prohibiting attendance of teachers or students Reporting of communicable diseases by physicians <u>AIDS Assistance Act</u> Health services policy and procedure requirements School Employee Physical Examinations Participation and Attendance at School by Individuals
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EMPLOYEE HEALTH (continued)

N.J.A.C. 12:100-4.2 with HIV Infection  
Safety and Health Standards for Public Employees  
(Adoption by reference)

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

29 CFR 1910.1030 - Bloodborne Pathogens Standard

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Elizabeth v. Elizabeth Fire Officers Association, 10 NJPER 15022

HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools,  
SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

**Possible**

- Cross References:**
- \*4111 Recruitment, selection and hiring
  - \*4112.6/4212.6 Personnel records
  - 4117.50 Standards for staff discipline
  - 4117.52 Dismissal/suspension
  - \*4119.23/4219.23 Employee substance abuse
  - 4150/4250 Leaves
  - \*4211 Recruitment, selection and hiring

\*Indicates policy is included in the Critical Policy Reference Manual.

PERSONNEL RECORDS

Orderly administration of the Estell Manor School District and compliance with state and federal law require the compilation of information about all employees of the district. The board of education recognizes that there is a distinction between those personnel records that are clearly a matter of public concern, and those that must be considered privileged until such time as they are opened to the public by the commissioner of education or the courts.

The superintendent shall consult with the board attorney regarding which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The superintendent and the board attorney shall be responsible for limiting administrative records to those that are consistent with New Jersey and federal law.

In accordance with federal law, the superintendent shall establish procedures to release information upon request regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents/guardians for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their children.

The superintendent shall establish the necessary regulations for maintaining both public and confidential employee records.

Public Record

The public file shall consist of an alphabetic index of all those presently employed by the district in whatever capacity. The information in this file shall be limited to name, title, position, salary, payroll record, length of service, and, if applicable, date of separation and rehire. The superintendent shall devise procedures for making this file available to the public in accordance with the Open Public Records Act.

Personnel File

The confidential file, which 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. shall consist of an individual personnel folder for each current employee.

- A. The information in this file shall include all records mandated by state and federal law including:
1. Evaluation of performance;
  2. Written performance reports and supporting data for tenured staff, including but not limited to written observation reports and additional components of the summative evaluation rating 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 (N.J.A.C. 6A:10-2.4,g);
  3. Record of attendance;
  4. Original application filed by the employee;
  5. Original salary and increments;
  6. Date of tenure;
  7. Notations of commendation and disciplinary actions consistent with law.

PERSONNEL RECORDS (continued)

B. The personnel file is available for examination:

1. At any time, by the superintendent or the supervisory personnel he/she designates;
2. During regular business hours, by the employee or his/her personally authorized representative, in accordance with regulations;
3. During regular business hours, or at any meeting of the board or any committee thereof, by any member of the board when necessary to make an informed decision regarding any assigned board responsibility or duty.

Health Record

Employee health records shall be maintained separately from other personnel files and in strict confidentiality. Only the employee, the chief medical inspector and the superintendent shall have access to an employee’s medical file. To assure ready access in a medical emergency, the section of the medical record that contains the health history may also be shared with the building principal and the school nurse with the consent of the employee.

Emergency Contact Information

Staff emergency contact cards for all employees shall be maintained by the superintendent and updated annually.

Adopted: August 24, 2005  
 NJSBA Review/Update: July 2021  
 Readopted: October 27, 2021

Key Words

Records, Personnel Records, Employee Records

**Legal References:** N.J.S.A. 18A:6-7 Oaths of persons employed in teaching capacities  
N.J.S.A. 18A:6-7a Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded  
N.J.S.A. 18A:6-11 Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.S.A. 47:1A et seq. Examination and copies of public records (Open Public Records Act)  
N.J.S.A. 47:3-15 et seq. Destruction of Public Records Law  
N.J.A.C. 6A:10-2.4 Evaluation procedures for all teaching staff  
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations  
N.J.A.C. 12:100-4.2 Safety and health standards for public employees occupational exposure to bloodborne pathogens (Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogens Standard

Every Student Succeeds Act of 2015 , Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

PERSONNEL RECORDS (continued)

Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

Citizens for Better Education v. Camden Bd. of Ed., 124 N.J. Super. 523 (App. Div. 1973)

Trenton Times Corp. v. Trenton Bd. of Ed., 138 N.J. Super. 357 (App. Div. 1976)

Nero v. Hyland, 76 N.J. 213 (1978), rev'd 146 N.J. Super. 46 (App. Div. 1977), 136 N.J. Super. 537 (Law Div. 1975)

Brick Township Education Association v. Brick Township Bd. of Ed., 1974 S.L.D. 111

Sayreville Education Association v. Sayreville Bd. of Ed., 1971 S.L.D. 197

White v. Galloway Township Bd. of Ed., 1977 S.L.D. 900, aff'd St. Bd. 1977 S.L.D. 903

Witchel v. Cannici and the Passaic Bd. of Ed., 1966 S.L.D. 159

Mendell v. Cimmino and the Kinnelon Bd. of Ed., 1970 S.L.D. 185

Cordano v. Weehawken Bd. of Ed., 1974 S.L.D. 316, appeal dismissed St. Bd. 1974 S.L.D. 323

Horner v. Kingsway Regional Board of Education, 1990 S.L.D. 752

Lacey Township Board of Education v. Lacey Township Education Association, 130 N.J. 312 (1992)

Beatty v. Chester 1999 S.L.D. August 31

Ciambrone v. Bloomingdale 2000 S.L.D. May 7

**Possible**

<b><u>Cross References:</u></b>	*3570	District records and reports
	*4111	Recruitment, selection and hiring
	*4112.4/4212.4	Employee health
	*4115	Supervision
	*4116	Evaluation
	*4211	Recruitment, selection and hiring
	*4215	Supervision
	*4216	Evaluation
	*5141.4	Child abuse and neglect

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

NEPOTISM

Definitions

For the purpose of this policy the following definitions shall apply:

“Nepotism” shall be defined as the showing of favoritism to an employee or candidate for employment based on the existence of a “conflicted relationship” with a board member or superintendent.

“Conflicted relationship” includes but is not limited to an immediate family member, a relative, and any other relationship that create a justifiable impression that the public trust may be violated.

“Conflicted board member/administrator” shall mean any board member or administrator with a conflict of interest, regardless of the source of conflict as identified in the definitions below.

“Relative” shall be defined as an individual’s spouse, civil union partner, domestic partner, or the parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister, of the individual or of the individual’s spouse, civil union partner or domestic partner, whether the relative is related to the individual or the individual’s spouse, civil union partner or domestic partner, by blood, marriage or adoption.

“Immediate family” shall be defined as board member or school administrator, their spouse, civil union partner, domestic partner, child, parent or sibling residing in the same household, whether related by blood, marriage or adoption.

“Other” when describing relationships between individuals and board members or the superintendent includes but is not limited to in-law, cousin, cohabitating partner, and step daughter-in-law and any other personal or professional relationship that creates the justifiable impression that the public trust is being violated.

Employment and Supervision of a Relative

The Estell Manor Board of Education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not initially appoint a relative of a board member or of the superintendent to any employment position in this district.

The superintendent shall not recommend to the board for initial hire any relative of a board member or of the superintendent, unless the person is subject to the exception below. Nor shall any person be considered for employment in any position in which he/she would come under the direct or indirect supervision of any relative. Where is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternative supervision and reporting mechanisms shall be put in place.

No conflicted administrator shall supervise, or exercise authority over personnel matters in which the administrator has a conflict. No board member shall deliberate or vote on a matter involving the member’s conflicted relationship. Nor should the board member be present for any confidential discussion of employment matters in which they have a conflict. Neither should the board member receive confidential information pertaining to a matter in which they have a conflict.

NEPOTISM (continued)

Exceptions Regarding Employment

Persons who are employees of the board on the date that this policy initially becomes effective or the date a relative becomes a board member or superintendent shall not be prohibited from continuing to be employed in the district. This includes employees who must be renewed annually by the board. The superintendent may recommend those employees for reemployment, transfer, promotion or removal.

A relative of a school board member or superintendent may be initially employed by the district provided that the district has obtained the approval from the executive county superintendent of schools. Such approval shall be granted only upon demonstration by the school district that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position. Per diem substitutes and student employees may be excluded from the initial hiring aspects of this nepotism policy.

Participation in Employment Related Matters

Conflicted board members may not participate in employment matters concerning the superintendent, principal or any administrator or supervisor(s) in the chain of command between the employee and superintendent.

Prohibited activities for conflicted board members include hiring of the selection agency, criteria, job description, voting to advertise for applicants, search committee, vote to hire and any evaluation and contract discussion post-hire.

Conflicted board members may not be present in closed session when discussions regarding the administrators take place and should not be privy to executive session materials until such time as the minutes are made available to the general public.

Board Member/Superintendent Participation in Negotiations

A. In-District Bargaining Units

When a board member or school administrator is in a conflicted relationship which prohibits participation in collective negotiations, that board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to, setting negotiation parameters, being a member of the negotiating team, receiving negotiations updates, voting on the proposed agreement and post-contract participation in grievances. Nor shall that board member or school administrator be present with the board in closed session when negotiation strategies are being discussed. A school administrator may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

Board members or the superintendent are similarly precluded from participation in negotiations with any bargaining unit whose members have supervisory authority over a family member or other conflicted connection.

B. Out-of-District Similar Statewide Bargaining Units

1. When a board member is a member of an out-of-district similar statewide union or when a board member or school administrator is in a conflicted relationship involving an immediate family member who is a member of an out-of-district similar statewide union with which the board is negotiating, that board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to:

NEPOTISM (continued)

- a. Developing negotiation parameters;
- b. Being a member of the negotiating team;
- c. Receiving confidential negotiations information updates;
- d. Voting on the contract; and
- e. Grievance participation.

A school administrator may, however provide technical information that is necessary to the collective bargaining process when no one else in the district can provide that information.

2. When a board member or school administrator is in a conflicted relationship involving a relative who is a member of an out-of-district similar statewide union with which the board is negotiating, there is no conflict unless the relative has a union leadership position in the state-wide union or local union that has the ability to affect negotiations. Union leadership positions in the state-wide union or local union that have the ability to affect negotiations include but are not limited to:

- a. Officer;
- b. Grievance chairperson;
- c. Building representative;
- d. Negotiation committee member.

A school official who has a conflicted relationship with any employee of the district or an employee in another out-of-district similar statewide union as of the effective date of this policy shall declare such relationship to the board immediately.

Doctrine of Necessity

When a quorum of the board has conflicted interests, the doctrine of necessity may be invoked in order to allow conflicted board members to participate in the negotiation process and vote. The doctrine of necessity may be invoked for the negotiation team or superintendent search committee only when the board of education has fewer non-conflicted board members than are required, pursuant to statute, to take action. The board shall only invoke the doctrine of necessity after consultation with the board attorney. When invoking the doctrine of necessity, the board shall state publically that it is invoking the doctrine of necessity with the reasons for doing so and the specific nature of the conflicts of interest. The board shall read the resolution invoking the doctrine of necessity at a regularly scheduled public meeting, post the notice of the resolution for 30 days and provide the School Ethics Commission with a copy of the resolution.

Implementation

The connections and relationships that create a conflict of interest for an individual board member's participation in board decisions are subject to changes that result from commissioner rulings or changes in law. Therefore, the board shall consult with the board attorney as necessary and appropriate for guidance and clarification related to the implementation of this policy.

Adopted: November 23, 2015  
Revised: January 27, 2016  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Nepotism, Hiring Relatives, Relatives, Doctrine of Necessity

NEPOTISM (continued)

<b>Legal References:</b>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-2	Inconsistent interests or office prohibited
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions
	<u>N.J.S.A.</u> 52:13D-13 and 21.2	State conflict of interest law
	<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appealable decisions
	<u>N.J.A.C.</u> 6A:23A-1.2 <u>et seq.</u>	Fiscal accountability; definitions
	<u>N.J.A.C.</u> 6A:23A-6.2 <u>et seq.</u>	Fiscal accountability; nepotism
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

In the Matter of the Election of Dorothy Bayless to the Board of Education of the Lawrence Township School District, 1974 S.L.D. 603, reversing 1974 S.L.D. 595

Shirley Smiecinski v. Board of Education of the Township of Hanover, Morris County, 1975 S.L.D. 478

Scola v. Ringwood Bd. of Ed., 1978 S.L.D. 413

Salerno v. Old Bridge Board of Ed., 1984 S.L.D. (April 28)

Larsen v. Woodbridge Board of Ed., 1985 S.L.D. (March 18)

Scannella v. Scudillo, School Ethics Decision, Complaint No. C-14-93, (February 3, 1994)

In the Matter of Frank Pannucci, 2000 S.L.D. March 1, State Board Rev'g Commissioner 97 NJAR 2d (EDU) 339

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A03-98

School Ethics Commission, Advisory Opinion, A14-00

School Ethics Commission, Advisory Opinion, A03-13

School Ethics Commission, Advisory Opinion, A15-13

School Ethics Commission, Advisory Opinion, A22-13

School Ethics Commission, Advisory Opinion, A09-14

NEPOTISM (continued)

- School Ethics Commission, Advisory Opinion, A10-14
- School Ethics Commission, Advisory Opinion, A11-14
- School Ethics Commission, Advisory Opinion, A43-14
- School Ethics Commission, Advisory Opinion, A03-15
- School Ethics Commission, Advisory Opinion, A05-15
- N.J. Department of Education 05-13-09 Broadcast # 1 “Nepotism Policy Clarification”

**Possible**

**Cross References:**

*4111	Recruitment, selection and hiring
*4119.21/4212.21	Conflict of interest
*4211	Recruitment, selection and hiring
*9270	Conflict of interest

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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ASSIGNMENT; TRANSFER

The superintendent shall make certified staff assignments in the manner best calculated, in his/her judgment, to enhance the Estell Manor School District educational program.

Teaching, supervisory, administrative and support personnel are subject to assignment and transfer after recommendation of the superintendent and approval by the board of education. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law. Disciplinary transfers are prohibited. Particular attention shall be paid to ensuring to the extent possible that there shall be equivalence of teachers and administrative staff among the schools. Discrimination in assignment, transfer and promotion shall not be tolerated (see 2224, 4111 and 4111.1).

The superintendent or his or her designee shall monitor district promotion, assignment and transfer practices to ensure nondiscrimination.

Adopted: August 23, 2000, August 24, 2005  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Personnel Assignment, Personnel Transfer, Assignment and Transfer, Assignment, Transfer

**Legal References:** N.J.S.A. 18A:25-1 Transfer of teaching staff members  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher  
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions  
N.J.S.A. 18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions  
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act  
See particularly:  
N.J.S.A. 34:13A-23, -25, -27, -29  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
  
42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964  
  
20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972  
  
29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973  
  
20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act  
  
Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L.

ASSIGNMENT; TRANSFER (continued)

No. 100-297) amending Elementary and Secondary Education Act of 1965.

34 CFR 200.1 to 200.89 - Part 200

34 CFR Part 204

Ridgefield Park Education Association v. Ridgefield Park Board of Education, 78 N.J. 144 (1978)

The Comprehensive Equity Plan, New Jersey State Department of Education Division

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*3220/3230	State funds; federal funds
	*4111	Recruitment, selection and hiring
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6145	Extracurricular activities
	*6160	Instructional services and resources
	*6171.3	At-risk and Title 1
	*6171.4	Special education

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

SUPERVISION

The Estell Manor Board of Education believes that the purpose of supervision is to improve teacher performance in the classroom so that all students have an opportunity to achieve the New Jersey Student Learning Standards.

Each teacher employed in this district as of the effective date specified in code shall be responsible for fulfilling requirements for continuing education and for making annual progress toward the goal of 20 hours annually of state-approved professional development. Each teacher's individual professional development plan (PDP) shall incorporate appropriate steps toward this goal and shall be designed to assist teachers in obtaining and maintaining the knowledge and skills essential to student achievement of the New Jersey Student Learning Standards. The professional development plan shall describe specific activities designed to provide guidance for that teacher in improving his/her performance. Such activities may include, but are not limited to, seminars, course work, day-long workshops, and classes on certain instructional approaches.

Although supervisors shall develop professional development plans in collaboration with teachers, the superintendent shall maintain final authority in determining their appropriate content. 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:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3. Supervisory assistance and support in achieving the 20 clock hours of state-approved continuing education shall be offered in the context of the district's evaluation process (see policy 4116 Evaluation for Teaching Staff Members), negotiated agreements, other policies, student safety and well-being, continuity of instruction, and budgetary constraints.

The superintendent shall develop procedures for supervision of the teaching and administrative staff in performance of their duties that shall not be limited to the observations required for evaluation. Such supervision may include, but need not be limited to, review of lesson plans and teacher-made examinations; regularly scheduled curriculum conferences; and brief, informal classroom observations. The supervisor shall note the teacher's satisfactory fulfillment or non-fulfillment of continuing education requirements identified in the professional development plan.

Adopted: September 23, 2015  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Continuing Education, Professional Development Plans, Personnel Supervision, Supervision

**Legal References:** N.J.S.A. 18A:4-15 General rule-making power  
N.J.S.A. 18A:4-16 Incidental powers conferred  
N.J.S.A. 18A:6-10 et seq. Dismissal and reduction in compensation of persons under tenure in public school system...  
N.J.S.A. 18A:6-117 et seq. Teacher Effectiveness and Accountability for the Children

See particularly:  
N.J.S.A. 18A:6-128 Ongoing professional development; corrective action plan\  
N.J.S.A. 18A:11-1 General mandatory powers and duties

SUPERVISION (continued)

<u>N.J.S.A.</u> 18A:27-3.1 through -3.3	Non-tenured teaching staff; observation and evaluation; conference; purpose ...
<u>N.J.S.A.</u> 18A:28-5	Tenure of teaching staff members
<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
<u>N.J.A.C.</u> 6A:9-3	Standards for Professional Learning
<u>N.J.A.C.</u> 6A:9C-3.1 <u>et seq.</u> <u>See particularly:</u> <u>N.J.A.C.</u> 6A:9C-3.9 (c-d)	Professional development for teachers and school leaders
<u>N.J.A.C.</u> 6A:9C-4.4	Requirements for and implementation of teachers' individual professional development plans
<u>N.J.A.C.</u> 6A:10-1.1 <u>et seq.</u>	Educator effectiveness
<u>N.J.A.C.</u> 6A:10-4.1 <u>et seq.</u>	Components of teacher evaluation

**Possible**

<b><u>Cross References:</u></b> 2130	Administrative staff
*2131	Superintendent
4000	Concepts and roles in personnel
4010	Goals and objectives
*4112.6/4212.6	Personnel records
*4116	Evaluation
*4117.41	Nonrenewal
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4215	Supervision
*4216	Evaluation
*6143.1	Lesson plans
*6200	Adult/community education

\*Indicates policy is included in the Critical Policy Reference Manual.

**Regulation**

EVALUATION OF TEACHING STAFF MEMBERS

**GENERAL STATEMENT**

The board of education directs the superintendent to oversee the implementation of the evaluation process for all teaching staff members. The board recognizes that the procedures for the implementation of the evaluation process shall in part depend on the specific procedural instructions accompanying the board adopted evaluation rubrics and practice instruments. Therefore, the board directs the superintendents to dedicate the supervisory staff necessary to conduct the evaluation process according to such instruction within the time frames detailed in law and board policy.

**STAFF RESPONSIBLE**

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Superintendent	<ul style="list-style-type: none"> <li>• General policy and procedure oversight within the district</li> <li>• Recommend for board adoption the evaluation rubrics and practice instruments</li> <li>• Ensure teaching staff members and principals, vice principals and assistant principal receive training on the evaluation process</li> <li>• Determine the number of required student growth objectives for teachers</li> <li>• Report district evaluation data to the board</li> </ul>
Building principal	<ul style="list-style-type: none"> <li>• General oversight of policy and procedures in the school</li> <li>• Appoint the school improvement panel</li> <li>• Serve on the school improvement panel</li> </ul>
Principal, vice principal, assistant principal, designated supervisor	<ul style="list-style-type: none"> <li>• Receive training in observation, evaluation rubrics, practice instruments</li> <li>• In consultation with the evaluated teaching staff members develop student growth objectives</li> <li>• Conduct evaluations including observations and post observation conferences</li> <li>• Ensure all parts of the evaluation process are conducted by the appropriate deadlines</li> <li>• Annual summary conference</li> <li>• Annual performance report</li> </ul>
School advisory panel	<ul style="list-style-type: none"> <li>• Oversee the mentoring program</li> <li>• Conduct evaluations</li> <li>• Ensure corrective action plans are created (where appropriate) and conduct mid-year evaluations</li> <li>• Identify professional development opportunities</li> <li>• Conduct observations</li> </ul>
Board of education	<ul style="list-style-type: none"> <li>• Approve evaluation rubric and practice instruments</li> <li>• Establish the district evaluation advisory committee</li> <li>• Evaluate evaluation data</li> <li>• Annually readopt teacher evaluation policies and</li> </ul>

TEACHER EVALUATION (regulation continued)

	procedures
Teaching staff members (including teachers, noninstructional certified staff)	<ul style="list-style-type: none"> <li>• Receive training on evaluation rubrics, practice instrument</li> <li>• In consultation with the principal, designated supervisor, develop student growth objectives</li> </ul>

**PROCEDURES**

- A. The superintendent, and as appropriate in consultation with the district advisory committee and/or the school improvement panel(s), shall oversee the implementation all aspects of the district process for the evaluation of teaching staff members as detailed in board policy;
- B. The superintendent shall notify all teaching staff members annually of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, he/she shall be notified of the policies at the beginning of his or her employment.
- C. The superintendent or his or her designee shall notify all teaching staff members of amendments to the policy within 10 working days of adoption;
- D. The superintendent shall recommend annually to the board for adoption teacher and principal evaluation rubrics that meet the following minimum standards (N.J.S.A. 18A:6-123):
1. Four defined annual ratings: ineffective, partially effective, effective, and highly effective;
  2. The evaluation rubric must be partially based on multiple objective measures of student learning that assess student growth from one year's measure to the next year's measure;
  3. The district may determine the methods for measuring student growth, in grades in which a state test is not required;
  4. Multiple measures of practice and student learning are used in conjunction with professional standards of practice using a comprehensive evaluation process in rating effectiveness with specific measures and implementation processes;
  5. Standardized assessments shall be used as a measure of student progress but shall not be the predominant factor in the overall evaluation of a teacher;
  6. The rubric is based on the professional standards for that employee;
  7. The performance measures used in the rubric are linked to student achievement;
  8. The employee receives multiple observations during the school year which shall be used in evaluating the employee;
  9. At each observation of a teacher, either the principal, his or her designee who is employed by the district in a supervisory role and capacity, and who possesses a school administrator certificate, principal certificate, or supervisor certificate, the vice-principal, or the assistant principal shall be present;
  10. The staff member who will be observing shall receive training on the use of the teaching practice instrument. This training shall be completed before the observer conducts his or her first observation for the purpose of evaluation;
  11. An opportunity for the employee to improve his effectiveness from evaluation feedback;
  12. Guidelines regarding training and the demonstration of competence on the evaluation system to support its implementation;
  13. A process for ongoing monitoring and calibration of the observers to ensure that the observation protocols are being implemented correctly and consistently;
  14. A performance framework, associated evaluation tools, and observation protocols, including training and observer calibration resources;
  15. A process for a school district to obtain the approval of the commissioner to utilize other evaluation tools; and
  16. A process for ensuring that the results of the evaluation help to inform instructional development.
- E. The superintendent shall ensure that all teaching staff members including teachers, noninstructional certified staff, principals, vice principals, assistant principals and supervisors receive the required training

TEACHER EVALUATION (regulation continued)

detailed in board policy 4116 Evaluation of Teaching Staff Members;

- F. The superintendent or his or her designee shall certify to the Department of Education that any observer who conducts an observation of a teaching staff member meets the statutory observation requirements (N.J.S.A. 18A:6-119, N.J.S.A. 18A:6-123.b(8), and N.J.S.A. 18A:27-3.1) and certify that the teacher member of the School Improvement Panel meets the requirements detailed in board policy 4116 Evaluation of Teaching Staff Members and according to law (N.J.A.C. 6A:10-3.2);
- G. The board shall annually adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubrics for teachers, principals, vice principals, and assistant principals shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 and described above. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

Measurements of the Teacher Evaluation Rubric

The measurements of the teacher evaluation rubric shall be used to calculate a summative rating for all teaching staff members. The summative rating is the overall evaluation score derived from the evaluation scores of the following measures:

- A. Measures of student achievement:
1. Median student growth percentile for teachers who:
    - a. Teach at least one course or group within a course that falls within a standardized-tested grade or subject;
    - b. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and
    - c. Have at least 20 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 20 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.
  2. Student growth objectives (SGO) for all teachers developed in consultation with their designated supervisor or the principal's designee.
- A. Measures of teacher practice component rating which shall be based on the measurement of the teacher's performance according to the 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;
- B. Teacher observation.

Student Growth Percentile

- A. Median student growth percentile shall be included in the annual summative rating for teachers who:
1. Teach at least one course or group within a course that falls within a standardized-tested grade or subject;
  2. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and
  3. Have at least 20 individual student growth percentile scores attributed to his or her name during the school year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given school year, the student growth percentile scores attributed to a teacher during the two school years prior to the evaluation year may be used in addition to the student growth

TEACHER EVALUATION (regulation continued)

percentile scores attributed to the teacher during the school year of the evaluation.

- B. The New Jersey Department of Education 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:
1. The board shall submit to the Department final ratings for all components, other than the student growth percentile, for the annual summative rating; and
  2. The Department then shall report to the board the annual summative rating, including the median student growth percentile for each teacher who receives a median student growth percentile.

Student Growth Objectives

Student growth objectives for teachers are academic goals that teachers and designated supervisors set for groups of students. 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 school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1. Student growth objectives 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. The minimum and maximum number of required student growth objectives within this range shall be posted on the New Jersey Department of Education website by August 31, prior to the school year;
- 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 20 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. If the SGO covers only the second semester of the school year, or if a 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.

Observation and Post Observation Conference

The observation and post observation conferences shall be conducted according the procedures detailed in board policy 4116 Evaluation of Teaching Staff Members.

Corrective Action

TEACHER EVALUATION (regulation continued)

A corrective action plan shall be developed for any teaching staff member who is rated ineffective or partially ineffective by the evaluation rubrics. The corrective action plan shall be developed according to the procedures detailed in board policy 4116 Evaluation of Teaching Staff Members.

Staff Development

The observation and post observation conferences shall be conducted according the procedures detailed in board policy 4116 Evaluation of Teaching Staff Members and 4131/4141.1 Staff Development.

**REGULATION HISTORY**

Adopted: October 27, 2021

**CROSS REFERENCES**

2130 Principal Evaluation  
2130 Principal Evaluation, Regulation  
2131 Superintendent  
4131/4131.1 Staff Development  
4131/4131.1 Staff Development, Exhibit

**Policy**

EVALUATION OF TEACHING STAFF MEMBERS

The Estell Manor Board of Education believes that the effective evaluation of teaching staff is essential to the achievement of the educational goals of this district, including student achievement of the New Jersey Student Learning Standards. The purpose of this evaluation shall be to promote professional excellence and improve the skills of teaching staff members; improve student learning and growth; and provide a basis for the review of staff performance.

The board is committed to establishing educator evaluation rubrics for the evaluation of teaching staff members' effectiveness to further the development of a professional corps of State educators and to increase student achievement. The district evaluation system shall facilitate:

- A. Continual improvement of instruction;
- B. Meaningful differentiation of educator performance using four performance levels;
- C. Use of multiple valid measures in determining educator performance levels, including objective measures of student performance and measures of professional practice;
- D. Evaluation of educators on a regular basis;
- E. Delivery of clear, timely and useful feedback, including feedback that identifies areas for growth and guides professional development; and
- F. District personnel decisions.

Definitions

For the purpose of this board policy the following definitions shall apply:

"Corrective action plan" means a written plan developed by a teaching staff member serving in a supervisory capacity in collaboration with the teaching 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 member "and the school district for implementing the plan, and specific support that the district shall provide.

"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.

"Teaching staff member" means a member of the professional staff holding office, position, or employment of such character that the qualifications for such office require him or her to hold a valid, effective, and appropriate standard, provisional, or emergency certificate issued by the State Board of Examiners. Teaching staff members include the positions of school nurse and school athletic trainer. There are three different types of certificates that teaching staff members work under:

- A. An instructional certificate (holders of this certificate are referred to in this chapter as "teachers");

EVALUATION (continued)

- B. Administrative certificate; and
- C. Educational services certificate (N.J.A.C.6A:9B-14.1 et seq.).

This definition of teaching staff member includes certified staff positions that have instructional responsibilities as well as certified staff positions that have no instructional responsibilities. Some examples of teaching staff member positions without instructional responsibilities include supervisor, director, school nurse, athletic trainer, principal, vice-principal, student assistance counselor, school psychologist, and guidance counselor.

It is important to note that there are different requirements in this policy and in the law for the training, observation and observation conferences of classroom teachers with instructional responsibilities and those certified staff members who have no instructional responsibilities. This also includes differences in the educational rubrics adopted by the board and approved by the commissioner. The requirements of this policy and law for other aspects of teacher evaluation apply to staff with and without instructional responsibilities (teaching staff members) including reports, personnel records, professional development plans and corrective action plans.

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

Board Responsibilities

The board shall:

- A. Ensure that evaluation rubrics are submitted to the commissioner by June 1 for approval by August 1. The board shall annually adopt evaluation rubrics for all teaching staff members that have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubric that has been approved by the Commissioner of Education shall not be subject to collective negotiations. No collective bargaining agreement or other contract entered adopted after July 1, 2013 shall conflict with the district’s educator evaluation system;
- B. Annually adopt policies and procedures developed by the superintendent on the evaluation of all teaching staff members;
- C. Annually adopt, by June 1, Commissioner-approved educator practice instruments and notify the New Jersey Department of Education which instruments will be used as part of the school district’s evaluation rubrics;
- D. Ensure the principal of each school within the school district has established a School Improvement Panel. The panel shall be established annually by August 31 and shall carry out the duties and functions described below and in N.J.A.C. 6A:10-3.2;
- E. 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;
- F. Ensure that the superintendent or his or her designee certifies to the New Jersey Department of Education that any observer who conducts an observation of a teaching staff member for the purpose of evaluation meets the statutory observation requirements as described below and in accordance with N.J.S.A. 18A:6-119, N.J.S.A. 18A:6-123.b(8), and N.J.S.A. 18A:27-3.1. Additionally the superintendent or his or her designee shall certify that a teacher member of the School Improvement Panel conducting observations for the purposes of evaluation has the agreement of the majority representative, has the appropriate

EVALUATION (continued)

supervisory certification and has the approval of the principal who supervises the teacher being observed. A teacher member of the School Improvement Panel who participates in the evaluation process shall not serve concurrently as a mentor; and

- G. Ensure that the superintendent annually notifies all teaching staff members of the adopted policies and procedures by October 1. The board shall also notify each teaching staff members at the beginning upon commencement of employment.
- H. Prior to the 2018-19 school year, the board shall establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the board's evaluation policies and procedures. Beginning with the 2018-19 school year, the District Evaluation Advisory Committee shall no longer be required.

Responsibilities of the Superintendent

The board shall ensure through the superintendent or his or her designee(s) that the following requirements are met:

- A. The superintendent shall direct the development of and oversee the development, revision, and implementation of district evaluation policies and procedures requiring the annual evaluation of all teaching staff members. The superintendent may consult with the District Advisory Evaluation Committee or representatives from School Improvement Panels. The superintendent shall ensure:
  - 1. The assignment of roles and responsibilities for implementation of evaluation policies and procedures;
  - 2. The development of job descriptions and 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:10-1.1 et seq.;
  - 3. The application of methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, principals, assistant principals, and vice principals for calculating the median and schoolwide student growth percentile;
  - 4. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
  - 5. Process for developing and scoring student growth objectives;
  - 6. The process for preparation of individual professional development plans (see board policy 4131/4131.1 Staff Development); and
  - 7. The process for the 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.
- B. The superintendent shall notify all teaching staff members annually of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, he/she shall be notified of the policies at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy within 10 working days of adoption;
- C. The principal of each school within the school district has established a School Improvement Panel. The panel shall be established annually by August 31;
- D. Data elements shall be 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
- E. The superintendent or his or her designee in the district shall certify to the New Jersey Department of Education that any observer who conducts an observation of a teaching staff member meets the statutory observation requirements (N.J.S.A. 18A:6-119, 18A:6-123.b(8), and 18A:27-3.1) and shall further certify

EVALUATION (continued)

that the teacher member of the School Improvement Panel meets the requirements detailed below and according to law (N.J.A.C. 6A:10-3.2); and

- F. The superintendent shall develop policies and procedures that ensure student performance data on the Statewide assessment, is, upon receipt, promptly disseminated to teaching staff members who were primarily responsible for instructing applicable students in the year the assessment was administered, as well as to teachers who will be primarily responsible to instructing applicable students in the upcoming school year.

Training for Teaching Staff Members and Supervisors

The board of education shall ensure, through the superintendent that the following training procedures are observed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments:

## A. Teaching Staff Members

Annual training shall be provided on and descriptions provided of each component of the evaluation rubric for all teaching staff members who are being evaluated. More thorough training shall be provided for any teaching staff member 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. Supervisors of Classroom Teachers

"Supervisor" means an appropriately certified teaching staff member, 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-12.1 et seq.:

1. Annually provide updates and refresher training for supervisors who are conducting evaluations in the district and more thorough training for any supervisor who will evaluate teaching staff members for the first time. Training shall be provided on each component of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member;
2. Each supervisor who will conduct observations for the purpose of evaluation of a teacher shall complete two co-observations annually, during the academic year:
  - a. Co-observers shall use co-observation to promote accuracy and consistency in scoring;
  - b. A co-observation may count as one required observation for the purpose of evaluation as long as the observer meets the requirements of law and this policy (see Teacher Observation and Observation Conferences below). The co-observation shall not count as two or more required observations. If a co-observation counts as one required observation, the score shall be determined by the teacher's designated supervisor.

The superintendent shall annually certify to the Department of Education that all supervisors of teaching staff members in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.

District Evaluation Advisory Committee

The board of education shall establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the district's evaluation policies and procedures. The District Evaluation Advisory Committee shall include representation from the following groups:

EVALUATION (continued)

- A. Teachers from each school level represented in the school district;
- B. Central office administrators overseeing the teacher evaluation process;
- C. Supervisors involved in teacher evaluation, when available or appropriate; and
- D. 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 district board of education. The superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups (N.J.A.C. 6A:10-2.3). *(Note: the District Evaluation Advisory Committee is not required after the beginning of the 2017-2018 school year but may be continued at the discretion of the district.)*

School Improvement Panel

The principal of each school shall establish a School Improvement Panel. The panel shall include the principal, a vice-principal, and a teacher who is chosen by the principal in consultation with the majority representative. If an assistant principal or vice principal is not available to serve on the panel, the principal shall appoint an additional member who is employed in the district in a supervisory role and capacity. The principal may appoint additional members to the panel as long as all members meet the following criteria and teachers on the panel represent at least one-third of its total membership.

The building principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:

- A. The teacher member shall be a person with a demonstrated record of success in the classroom and who has demonstrated a record of success with an evaluation rating of effective or highly effective in the most recent available annual summative rating;
- B. The majority representative may submit to the principal teacher member nominees for consideration;
- C. The principal shall have final decision making authority and is not bound by the majority representative's list of nominees.

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. All members of the School Improvement Panel shall be chosen by August 31 of each year.

Duties of the School Improvement Panel

The School Improvement Panel shall (N.J.A.C. 6A:10-3.2):

- A. Oversee the mentoring of teachers according to board policy 4112.2 Certification district mentoring plan;
- B. Conduct evaluations of teachers according to board policy and law (N.J.A.C. 6A:10-2.4 and 4.4);
- C. Ensure corrective action plans for teachers are created in accordance to N.J.A.C. 6A:10-2.5(j) and conduct the mid-year evaluations for teachers who are on a corrective action plan; and
- D. Identify professional development opportunities for all teaching staff members based on the review of

EVALUATION (continued)

aggregate school-level data, including, but not limited to, educator evaluation and student performance data to support school-level professional development plans described in N.J.A.C. 6A:9C-4.2 (see board policy 4131/4131.1 Staff Development);

- E. To conduct observations for the purpose of evaluation, the teacher member shall have:
- a. Agreement of the majority representative;
  - b. An appropriate supervisory certificate; and
  - c. Approval of the principal who supervises the teacher being observed.
- F. The teacher member who participates in the evaluation process shall not serve concurrently as a mentor (N.J.A.C. 6A:9C-5.2(a) 3).

Components of Teacher Evaluation

The components of teacher evaluation shall include the following:

- A. Evaluation rubrics for all teaching staff members shall be adopted by the board annually. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubrics for teachers, principals, vice principals, and assistant principals shall include all other relevant minimum standards as stated in board policy and law (N.J.S.A. 18A:6-123). Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.
- B. Board adopted practice instruments for teaching staff members;
- C. Observations for the purposes of evaluation and post observation conferences by the supervisor;
- D. A professional development plan (PDP);
- E. An annual summary conference between designated supervisors and teaching staff members shall be held before the written performance report is filed. The conference shall be held on or before June 30 of each year and include:
  1. The performance of the teaching staff member based upon the job description and the scores or evidence compiled using the teaching staff member's evaluation rubric, including, when applicable, the educator's practice instrument and available indicators or student achievement measures such as student growth objective scores and student growth percentile scores;
  2. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan;
  3. The preliminary annual written performance report.

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.

- F. An annual performance report shall be prepared by the designated supervisor. The annual written performance report shall include, but not be limited to:
1. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component;
  2. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff member's evaluation rubric;
  3. The teaching staff member's individual professional development plan or corrective action plan from the

EVALUATION (continued)

evaluation year being reviewed in the report.

The teaching staff member and the designated supervisor shall sign the report within five working days of the review.

The board shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part 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. 47:1A-1 et seq.)

Teacher Evaluation Rubric

The evaluation rubrics for all classroom teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:

## A. Measures of student achievement:

1. Median student growth percentile for teachers who:
  - a. Teach at least one course or group within a course that falls within a standardized-tested grade or subject;
  - b. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and
  - c. Have at least 20 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 20 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.
2. Student growth objectives which are academic goals that teachers and designated supervisors set for groups of students. 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 school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1;

B. Measures of the teacher practice component rating which shall be based on the measurement of the teacher's performance according to the 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;

C. Teacher observation.

Teacher Practice Instrument

The teacher practice instrument shall be approved by the Department of Education and shall:

- A. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers (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

EVALUATION (continued)

guide shall:

1. Clearly define the expectations for each rating category;
  2. Provide a conversion to the four rating categories: highly effective, effective, partially effective, and ineffective;
  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;
- 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 learning; and
- D. Include descriptions of specific training and implementation details required for the instrument to be effective.

Observation: Tenured and Nontenured Classroom Teachers

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 additional required observations are announced or unannounced, if applicable. The following additional requirements shall apply:

- A. Each observation required for the purpose of evaluation shall be conducted for at least 20 minutes;
- B. Nontenured teachers shall be observed at least three times each school year but not less than once each semester. Evaluations shall take place before April 30 each year. The evaluations may cover that period between April 30 of one year and April 30 of the succeeding year. In the case of the first year of employment all three evaluations must be completed prior to April 30. The number of required observations and evaluations may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year. Each evaluation shall be followed by a conference between that teaching staff member and his or her superior or superiors. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for their correction and improve professional competence:
1. To earn a teacher practice score, a nontenured teacher shall receive at least three observations;
  2. If a nontenured teacher is present for less than 40 percent of the total student school days in a school year, he or she shall receive at least two observations to earn a teacher practice score;
- C. Tenured teachers shall be observed at least two times during each school year. Observations for all tenured teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year;
- D. If a tenured teacher was rated highly effective on his or her most recent summative evaluation and if both the teacher and the teacher's designated supervisor agree to use this option, one of the two required observations may be an observation of a Commissioner-approved activity other than a classroom lesson. The Department shall post annually to its website a list of Commissioner-approved activities that may be observed in accordance with this section;
- E. Teachers on a corrective action plan shall receive one additional observation, including a post-observation conference.
- F. Upon receiving a final summative evaluation that necessitates a corrective action plan any remaining

EVALUATION (continued)

required observation(s) shall not be conducted until the corrective action plan has been finalized;

- G. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed;
- H. The teacher shall submit his or her written objection(s) of the evaluation within 10 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. The district may consider and address the objections in the teacher's corrective action plan.

Observation Conferences for Teachers

The following procedures shall apply to teacher observation conferences:

- 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 15 teaching staff member 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, one required post-observation conference and any pre-conference(s) for observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic;
- D. One post-observation conference may be combined with a teacher's annual summary conference, as long as it occurs within the required 15 teaching staff member working days following the observation for the purpose of evaluation; and
- E. A pre-conference, when required, shall occur at least one but not more than seven teaching staff member working days prior to the observation.

Annual Written Performance Report for Teachers

The annual written performance report shall be prepared by the designated supervisor. In the case of a teacher, the annual written performance report shall be prepared by the teacher's principal, or his or her designee, 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:10-4.2 including the median student growth percentile, student growth objectives, the teacher practice component, and teacher observation. The four summative performance ratings are:
  - 1. Highly effective;
  - 2. Effective;
  - 3. Partially effective;
  - 4. Ineffective.
- B. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff member's evaluation rubric; and

EVALUATION (continued)

- C. The teaching staff member's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.

The teaching staff member and the designated supervisor shall sign the report within five working days of the review.

Annual Summary Conference for Teachers

The annual summary conference between designated supervisors and teaching staff members shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each year and 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 the scores or evidence compiled using the teaching staff member's evaluation rubric, including the educator's practice instrument and available indicators or student achievement measures such as student growth objective scores and student growth percentile scores;
- B. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan;
- C. The preliminary annual written performance report.

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.

Teaching Staff Members other than Teachers, Principals, Vice Principals and Assistant Principals

Some examples of teaching staff member positions without instructional responsibilities may include supervisor, director, school nurse, athletic trainer, student assistance counselor, school psychologist, and guidance counselor.

The components of the teacher evaluation rubric shall apply to teaching staff members other than a teacher, principals, vice principals and assistant principals and the district shall determine the components of the board adopted rubric that apply to staff without instructional responsibilities.

Observations include, but are not limited to: observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:

- A. Be at least 20 minutes in length;
- B. Be followed within 15 teaching staff member working days by a conference between the supervisor who made the observation and the nontenured teaching staff member;
- C. Be followed by both parties to the conference signing the written or electronic evaluation report and each retaining a copy for his or her records; and
- D. Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within 10 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. The district may consider and address the objections in the teacher's corrective action plan.

All tenured teaching staff members shall receive at least one observation per school year. All nontenured

EVALUATION (continued)

teaching staff members shall receive at least three observations.

Personnel Records of Teaching Staff Members

The board 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 according to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) and board policy 4112.6/4212.6 Personnel Records.

Teacher Professional Development Plans

Each teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-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.

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. The individual PDP shall be effective for one year and shall specify, at a minimum:

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;
- B. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

Progress on the individual PDP shall be discussed at the annual summary conference as detailed in board policy 4116 Evaluation of Teaching Staff Members and law (N.J.A.C. 6A:10-2.4). 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.

Each teacher's individual PDP shall be updated annually no later than October 31. If the teacher is hired after October 1, the PDP shall be developed within 25 working days of his or her hire. A teacher's individual PDP goals may necessitate more than the recommended minimum requirements of 20 hours of professional development annually. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner.

The board of education shall ensure that all teachers receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective PDPs.

Corrective Action Plans for Teaching Staff Members

When a teaching staff member is 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 teaching staff member and the superintendent or the teaching staff member's supervisor.

A corrective action plan shall be developed by the teaching staff member and the teaching staff member's designated supervisor when the teaching staff member is rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics. If the teaching staff member does not agree with

EVALUATION (continued)

the corrective action plan's content, the designated supervisor shall make the final determination.

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 by October 31 of the school year following the year of evaluation. However, if the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a 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 within 25 teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.

The content of the corrective action plan shall replace the content of the individual professional development plan until the next annual summary conference.

The content of the corrective action plan shall:

- A. Address areas in need of improvement identified in the educator 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).

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. The teaching staff member and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.

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. 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.

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.

Responsibilities of the evaluated employee on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teaching staff member's supervisor.

Mid-Year Evaluation of the Corrective Action Plan

The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. The mid-year evaluation shall include, at a minimum a conference to discuss progress toward the teacher's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.

The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation,

EVALUATION (continued)

including a post-observation conference, in addition to the observations required as part of the teaching staff member evaluation process.

Tenured teachers with a corrective action plan shall be observed by multiple observers.

Implementation

This policy and related procedures shall be reviewed at least yearly, and any necessary revisions made before readoption by the board.

The board shall ensure that the superintendent notifies each teaching staff member of the board adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, the teaching staff member shall be notified of the evaluation policies and procedures at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy within 10 working days of adoption.

Adopted: January 2014  
 NJSBA Review/Update: July 2021  
 Readopted: October 27, 2021

Key Words

Evaluation, Teacher Evaluation, Personnel Evaluation, Evaluation Advisory Committee, School Improvement Panel; Evaluation Rubric

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:11-1	General rule-making power
	<u>N.J.S.A.</u> 18A:6-10 <u>et seq.</u>	Dismissal and reduction in compensation of persons under tenure in public school system
	<u>N.J.S.A.</u> 18A:6-117 <u>et seq.</u>	Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) ACT
	<u>See particularly:</u>	Definitions relative to the TEACHNJ Act
	<u>N.J.S.A.</u> 18A:6-119	School improvement panel
	<u>N.J.S.A.</u> 18A:6-120	Evaluation of principal, assistant principal, vice-principal
	<u>N.J.S.A.</u> 18A:6-121	Annual submission of evaluation rubrics
	<u>N.J.S.A.</u> 18A:6-122	Review, approval of evaluation rubrics
	<u>N.J.S.A.</u> 18A:6-123	Ongoing professional development; corrective action plan
	<u>N.J.S.A.</u> 18A:6-128	Evaluation of nontenured teaching staff
	<u>N.J.S.A.</u> 18A:27-3.1 through -3.3	
	<u>N.J.S.A.</u> 18A:27-10 <u>et seq.</u>	Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
	<u>N.J.S.A.</u> 18A:28-5	Requirements for tenure
	<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
	<u>N.J.A.C.</u> 6A:9B-12.1	Purpose of requirements of administrative certification
	<u>N.J.A.C.</u> 6A:9C-1.1 <u>et seq.</u>	Required professional development for teachers and school leaders
	<u>N.J.A.C.</u> 6A:10-1.1 <u>et seq.</u>	Educator effectiveness
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:10-1.2	Definitions
	<u>N.J.A.C.</u> 6A:10-1.4	Educator evaluation data, information and written reports
	<u>N.J.A.C.</u> 6A:10-2.2	Duties of the district board of education
	<u>N.J.A.C.</u> 6A:10-2.3	District evaluation advisory committee
	<u>N.J.A.C.</u> 6A:10-2.4	Evaluation procedures for all teaching staff members
	<u>N.J.A.C.</u> 6A:10-3.1	School improvement panel

EVALUATION (continued)

<u>N.J.A.C.</u> 6A:10-4.1	Components of Teacher evaluation
<u>N.J.A.C.</u> 6A:10-4.2	Student achievement components
<u>N.J.A.C.</u> 6A:10-4.3	Teacher practice components
<u>N.J.A.C.</u> 6A:10-4.4	Teacher observations
<u>N.J.A.C.</u> 6A:10-6.1	Evaluation of teaching staff members other than teachers, principals, vice principals and assistant principals
<u>N.J.A.C.</u> 6A:32-4.1(e) (f)	Employment of teaching staff
<u>N.J.A.C.</u> 6A:32-5.1 <u>et seq.</u>	Standards for determining seniority

Lacey Township Bd. of Ed. v. Lacey Township Education Association, 130 N.J. 312 (1992), aff'g 259 N.J. Super. 397 (App. Div. 1991)

**Possible**

<b><u>Cross References:</u></b>	*2130	Principal evaluation
	*2131	Superintendent
	4000	Concepts and roles in personnel
	4010	Goals and objectives
	*4112.6	Personnel records
	*4115	Supervision
	*4117.41	Nonrenewal
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4215	Supervision
	*4216	Evaluation
	*6143.1	Lesson plans
	*6200	Adult/community education

\*Indicates policy is included in the Critical Policy Reference Manual.

REDUCTION IN FORCE/ABOLISHING A POSITION

The Estell Manor Board of Education has the right under state law to abolish unilaterally any existing position in whole or in part and to reduce the number of employees in any category for reasons of economy, reduction in the number of students, change in the administrative or supervisory organization, change in the educational program or other good cause.

Should it become necessary to reduce the number of employees in the district, the laws and regulations of the state shall be the controlling guides. If, in the case of such reduction, candidates for termination are nontenured personnel only, the primary basis for selection for termination or reduction shall be the needs of the district's educational program and the individual's contribution toward achievement of that program based on properly completed observations and evaluations.

If, in the case of such reduction, candidates for termination or reduction in grade are tenured in this district, the state regulations regarding seniority shall be the primary basis for decision. In the event that there should be equal applicable seniority among staff members, the decision for reduction or termination shall be based on the needs of the district's educational program and the individual's contribution toward achievement of that program based on properly completed observations and evaluations.

In no case shall any choice be based on arbitrary, capricious or discriminatory reasons.

The superintendent shall prepare guidelines for restructuring positions and for determining objectively which employees are to be dismissed as a result, and shall present his/her recommendations to the board for action.

Adopted: August 23, 2000  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

RIF, Reduction in Force, Abolishing a Position, Nontenured Teachers

**Legal References:** N.J.S.A. 18A:28-5 Tenure of teaching staff members  
N.J.S.A. 18A:28-9 Reduction of force; power to reduce and reasons for reduction  
N.J.S.A. 18A:28-10 Reasons for dismissals of persons under tenure on account of reduction  
N.J.S.A. 18A:28-11 Seniority; board to determine; notice and advisory opinion  
N.J.S.A. 18A:28-12 Dismissal of persons having tenure on reduction; reemployment  
N.J.A.C. 6A:9B-5.5 Assignment of titles  
N.J.A.C. 6A:32-5.1 Standards for determining seniority

Dennery v. Passaic County Regional High School District Bd. of Ed., 131N.J. 626 (1993)

Primka v. Edison, 93 NJAR 2d (EDU) 91 aff'd State Board 93 NJAR 2d (EDU) 94 aff'd App. Div. unpub. Op. Dkt. No. A-2427-92T3 Jan. 18, 1994

REDUCTION IN FORCE/ABOLISHING A POSITION

Impey v. Board of Education of Shrewsbury, 142 N.J. 388 (1995)

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1542 (3d Cir. 1996)

**Possible**

- Cross References:** \*2131 Superintendent
- \*4116 Evaluation
- \*4117.41 Nonrenewal

\*Indicates policy is included in the Critical Policy Reference Manual.

NONRENEWAL

The Estell Manor Board of Education shall renew the employment contract of a nontenured teaching staff member by a recorded roll call majority vote of the full board only upon the recommendation of the superintendent. A nontenured teaching staff member who is not recommended for renewal by the superintendent shall be deemed nonrenewed. Written notice of nonrenewal of employment will be sent to the employee by the board secretary. This notice will be given by the date specified by law.

A written request from a nontenured teaching staff member for a written statement of reasons for nonreemployment will be honored by the board of education.

An informal appearance before the board may be requested in writing within 10 calendar days and shall be scheduled within 30 days of receipt of the board's statement of reasons.

It is the board of education's prerogative to determine the date, starting time and length of an informal appearance, the purpose of which shall be to permit the staff member a final opportunity to convince the board of education to offer reemployment. Written notice of date and time will be provided to the staff member at least five days prior to the informal appearance.

The nontenured teaching staff member may be represented by counsel or one individual of his/her choosing and may present witnesses on his/her behalf. Those witnesses are not subject to cross-examination by the board of education and will be excused from the hearing after making their statements.

Within three days following the informal appearance, the board of education or its designee will notify the teaching staff member, in writing, of the board's final decision.

Adopted: August 23, 2000  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Nonrenewal, Nontenured Teachers

<b>Legal References:</b> <u>N.J.S.A.</u> 18A:27-3.1	Non-tenured teaching staff; observation and evaluation; conference; purpose
<u>N.J.S.A.</u> 18A:27-3.2	Teaching staff member; notice of termination; statement of reasons; request; written answer
<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exceptions
<u>N.J.S.A.</u> 18A:27-10 <u>et seq.</u>	Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
<u>N.J.A.C.</u> 6A:10-9.1	Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of notice of nonreemployment
<u>N.J.A.C.</u> 6A:32-4.1 <u>et seq.</u>	Employment of teaching staff

NONRENEWAL (continued)

Donaldson v. North Wildwood Bd. of Ed., 65 N.J. 236 (1974)

Hicks v. Pemberton Township Board of Education, 1975 S.L.D. 332

Velasquez v. Brielle Board of Education, 97 N.J.A.R. 2d (EDU) (August 6), aff'g on different grounds Comm'r 96 N.J.A.R. 2d (EDU) (April 4)

**Possible**

**Cross References:** \*4115 Supervision  
\*4116 Evaluation  
\*4117.4 Reduction in force/abolishing a position

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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DISMISSAL/SUSPENSION

If the Estell Manor Board of Education upon recommendation of the superintendent institutes dismissal/suspension proceedings against a member of the certified and support staff, it will be only after all reasonably possible corrective measures have been attempted and have failed.

Dismissal/suspension procedures shall protect the "due process" rights of the staff member as well as those of the school district, according to the intent and letter of the statutes and any applicable court decisions.

The superintendent shall make certified and support staff aware of the policy of the board regarding dismissal/suspension.

Adopted: May 22, 2002  
NJSBA Review/Update: August 2021  
Readopted: October 27, 2021

Key Words

Termination, Dismissal

**Legal Reference:** N.J.S.A. 18A:6-10 et seq. Dismissal and Reduction in compensation (tenured staff)  
N.J.S.A. 18A:16-2 Physical examinations; drug testing; requirement  
N.J.S.A. 18A:16-4 Sick leave; dismissal  
N.J.S.A. 18A:17-2 Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees  
N.J.S.A. 18A:17-3 Tenure of janitor employees  
N.J.S.A. 18A:27-1 et seq. Employment and Contracts  
See particularly:  
N.J.S.A. 18A:27-4.1  
N.J.S.A. 18A:28-8 Notice of intention to resign required  
N.J.S.A. 18A:66-43 Retirement for service age limits

**Possible**

**Cross References:** \*2131 Superintendent  
\*4111.1/4211.1 Nondiscrimination/affirmative action  
\*4112.4/4212.4 Employee health  
4112.5/4212.5 Criminal history check  
\*4112.6/4212.6 Personnel records  
\*4112.8/4212.8 Nepotism  
\*4121 Substitute teachers  
\*4222 Noninstructional aides  
\*5120 Assessment of individual needs  
\*6010 Goals and objectives

\*Indicates policy is included in the Critical Policy Reference Manual.

REDUCTION IN FORCE/ABOLISHING A POSITION

**Policy**

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CONFLICT OF INTEREST

An employee of the Estell Manor Board of Education shall not 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 his/her duties.

An employee of the board shall not use or attempt to use his/her position to secure unwarranted privileges or advantages for himself/herself or others.

An employee of the board shall not act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest such as selection or purchase of any textbook or other materials on which he/she receives a royalty.

An employee of the board shall not accept any benefit, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such benefit, service or other thing of value was given or offered for the purpose of influencing him/her in the discharge of his/her duties.

Bribery and corrupt practices by employees as described in the criminal justice code are forbidden and shall be prosecuted to the full extent of the law.

Political Activities of Staff

All employees are prohibited from engaging in campaign activities on school property that potentially present a conflict of interest.

All employees are prohibited from engaging in any activity in the presence of students during performance of the employees' duties, which activity is intended or designed to promote, further or assert a position on any voting issue, board issue, or collective bargaining issue.

Disciplinary Action

Violations of this policy may result in disciplinary action.

Adopted: August 24, 2005  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Royalties, Conflict of Interest, Political Activity of Staff

**Legal References:** N.J.S.A. 2C:27-1 et seq. Bribery and Corrupt Influence  
See particularly:  
N.J.S.A. 2C:27-5, -10,-11  
N.J.S.A. 18A:6-8 Interest of school officers, etc., in sale of textbooks or supplies; royalties  
N.J.S.A. 18A:6-8.4 Right to hold elective or appointive state, county or

CONFLICT OF INTEREST (continued)

<u>N.J.S.A.</u> 18A:11-1	municipal office
<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	General mandatory powers and duties <u>School Ethics Act</u>
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:12-24	
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 19:34-15	Electioneering within or about polling place; misdemeanor
<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appeals
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

Green Township Education Association v. Rowe, et al., 328 N.J. Super 525 (App. Div. 2000)

**Possible**

**Cross References:**

*1140	Distribution of materials by students and staff
1313	Gifts to district employees
*4112.8/4212.8	Nepotism
4117.50	Standards for staff discipline
4118.2	Freedom of speech
*4119.22/4219.22	Conduct and dress
*4119.23/4219.23	Employee substance abuse
*4138/4238	Nonschool employment
*9270	Conflict of interest

\*Indicates policy is included in the Critical Policy Reference Manual.

CONDUCT AND DRESS

The Estell Manor Board of Education expects staff conduct to be that of appropriate role models for students.

The board expects all staff members to be neatly groomed and dressed in clothing suitable for the subject of instruction, the work being performed, or the occasion.

The board retains the authority to specify the following dress and grooming guidelines for staff, within law, that will prevent such matters from having an adverse impact on the educational process. All staff members shall, when assigned to district duty:

- A. Be physically clean, neat and well groomed;
- B. Dress in a manner reflecting their assignments;
- C. Dress in a manner that does not cause damage to district property;
- D. Dress and be groomed in such a way so as not to cause a health or safety hazard.

If a staff member feels that an exception to this policy would enable him/her to carry out assigned duties more effectively, a request shall be made to the superintendent.

Unbecoming Conduct

When an employee, either within the schools or outside normal duties, creates conditions under which the proper operation of the school is affected, the board upon recommendation of the superintendent and in accordance with statute shall determine whether such acts or lack of actions constitute conduct unbecoming a school employee, and if so, will proceed against the employee in accordance with law.

Unbecoming conduct sufficient to warrant board review may result from a single flagrant incident or from a series of incidents.

Use of Appliances

Classrooms are prohibited from having kitchen appliances including, but not limited to, microwave ovens, coffee pots, hot plates, toaster ovens, refrigerators, electric tea pots, toasters or any such other device for cooking, storing or preparing foods. Teachers and staff planning special activities must be authorized by the principal to utilize appliances needed for instructional purposes.

Adopted: October 24, 2001, December 18, 2013  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Employee Conduct, Employee Dress

CONDUCT AND DRESS (continued)

- Legal References:** N.J.S.A. 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher.  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
- Hicks v. Pemberton Bd. of Ed., 1975 S.L.D. 332
- Quiroli v. Linwood Bd. of Ed., 1974 S.L.D. 1035
- Carlstadt Teachers Ass'n v. Carlstadt Bd. of Ed., App. Div., unreported decision (docket no. A-1469-80-T4, decided March 26, 1982), 1982 S.L.D. 1448

**Possible**

- Cross References:** 4117.50 Standards for staff discipline  
4119.2 Responsibilities  
\*4119.21/4219.21 Conflict of interest  
\*4119.23/4219.23 Employee substance abuse  
4119.24 Staff/student relations  
\*4138/4238 Nonschool employment  
\*4138.2 Private tutoring  
\*5131.1 Harassment, intimidation and bullying  
\*6144 Controversial issues

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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EMPLOYEE SUBSTANCE ABUSE

General - All Employees

The use of alcoholic beverages in Estell Manor School worksites is prohibited. Violations of this prohibition may subject an employee to disciplinary action which may include but is not limited to nonrenewal, suspension, or termination at the discretion of the board.

The unlawful manufacture, distribution, dispensing, possession of, use of or sale of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance on or in school worksites is prohibited. Any violation may subject an employee to participation in a drug rehabilitation program and disciplinary action including but not limited to nonrenewal, suspension, or termination at the discretion of the board of education.

For the purposes of this policy "worksite" shall include any school building, or any school premises and any school-owned vehicles or any other school-approved vehicle used to transport students to and from school or school activities. Worksite also includes off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the school district.

The board of education, as a result of criminal convictions of any criminal drug statute violation by an employee occurring outside of the worksite, may discipline said employee. Disciplinary action may include, but is not limited to nonrenewal, suspension, or termination at the discretion of the board.

Illegal gambling is not permitted in or on the school worksite.

Smoking by employees in school buildings or on school grounds is prohibited. For purposes of this policy, "smoking" means inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco. Chewing tobacco and other forms of smokeless tobacco are also specifically prohibited by this policy.

The superintendent shall establish a drug-free awareness program which includes notice of the dangers of drug abuse in the workplace and available drug counseling programs and shall distribute this policy to all employees annually. New employees shall be provided with a copy of this policy prior to beginning work assignments.

Work Performance in Connection with a Federal Grant

In order for the school district to qualify for any direct federal grant, the district must certify that it will provide a drug-free workplace and maintain a good faith effort to continue to maintain a drug-free workplace. To this end, employees engaged in school worksites as a result of federal grant moneys shall in addition to complying with requirements of the programs, also be in strict compliance with this policy.

The superintendent or designee shall notify all employees whose work performance is done in connection with a federal grant that they are to notify their respective supervisors of convictions of any criminal drug statute violation occurring in the workplace. Employees must notify their supervisors no later than five days after such conviction. To be in compliance, the district must notify the federal grant program of such

EMPLOYEE SUBSTANCE ABUSE (continued)

conviction within 10 days of receipt of said conviction.

Adopted: August 24, 2005  
 NJSBA Review/Update: August 2021  
 Readopted: October 27, 2021

Key Words

Smoking; Drinking; Drugs; Smoking Prohibition; Employee Smoking, Drinking, Use of Drugs on School Premises

**Legal References:**

<u>N.J.S.A.</u> 2C:33-16	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
<u>N.J.S.A.</u> 2C:35-1 <u>et seq.</u>	<u>Comprehensive Drug Reform Act of 1987</u>
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:16-2	Physical examinations; requirement
<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.
<u>N.J.S.A.</u> 18A:36-32	Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 26:3D-55 <u>et seq.</u>	<u>New Jersey Smoke-Free Air Act</u>
<u>N.J.A.C.</u> 6A:16-6.3	Reporting students or staff members to law enforcement authorities
<u>N.J.A.C.</u> 6A:16-6.5	Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
<u>N.J.A.C.</u> 6A:26-12.2(a)4	Policies and procedures for school facility operation

New Jersey Constitution, Art. IV, § VII, par. 2

Anti-Drug Abuse Act of 1988

Drug-Free Workplace Act of 1988

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:**

*1330	Use of school facilities
*1410	Local units
*3220/3230	State funds; federal funds
*3515	Smoking prohibition
*4112.4/4212.4	Employee health
4117.50	Standards for staff discipline
*4219.23	Employee substance abuse
*5131.6	Drugs, alcohol, tobacco (substance abuse)

\*Indicates policy is included in the Critical Policy Reference Manual.

ELECTRONIC COMMUNICATION BY SCHOOL STAFF

"Electronic communications," for the purpose of this policy, means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular phone, computer, computer network, personal data assistant, or pager. Electronic communications include, but are not limited to, e-mails, instant messages, and communications made by means of an Internet website, including social media and social networking websites. The superintendent/principals will annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process.

The annual orientation and reminder will give special emphasis to improper fraternization with students using electronic communications:

- A. School employees may not list current students as "friends" on networking sites without written approval of the school principal;
- B. All electronic contacts with students should be through the district's computer and telephone systems;
- C. All electronic contacts by coaches and extracurricular advisors with team members and members of extracurricular activities shall, as a general rule, be sent to all team members and activity participants;
- D. School employees will not give out their private cell phone or home phone numbers to students without prior approval of the principal;
- E. Electronic communications that are inappropriate and therefore prohibited include but are not limited to:
  - 1. Items with sexual content;
  - 2. Items exhibiting or advocating use of drugs, alcohol or other illegal activities;
  - 3. Items that pertain to confidential student information;
  - 4. Any content that significantly affects the employee's ability to perform his/her job or disrupts the educational environment;
  - 5. Any content that would violate district policies and procedures;
- F. Examples of inappropriate behavior from other districts shall be covered and discussed, including behavior to avoid and the need for staff to use common sense in avoiding inappropriate and unprofessional behavior;
- G. Staff shall have no expectation of privacy when using district technology, the district network and/or public social media venues;
- H. The administration shall monitor for improper staff electronic communications on district computers, other school issued technology, and the district computer network;
- I. Staff shall be informed of the consequences that may result from inappropriate electronic communications up to and including dismissal from employment.

The superintendent or designees may periodically conduct internet searches to see if staff members have posted inappropriate materials online. When inappropriate use of computers and internet websites is

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

discovered, the school principals and superintendent will seek to preserve the problematic or offensive material and will seek to maintain storage and chain of custody of the evidence. The superintendent/principal shall promptly bring that alleged misconduct to the attention of the board president.

Cell Phones

As a general rule, school staff shall not contact students' cell phones unless directed to do so by the parent/guardian or student. School district personnel shall limit cell phone interaction with students to contact that pertains to legitimate school business. Legitimate school business includes (but is not limited to):

- A. Answering academic inquiries regarding homework, other classroom work or assignments;
- B. Scheduling appointments for school related conferences and/or extra help;
- C. Clarifying classroom expectations and/or assignments;
- D. Notifications related to classroom, club or sports schedules, events, trips, assignments, and deadlines.

Cell phone contact with students shall be as brief and direct as possible. When brief contact is not sufficient and/or feasible to resolve the matter, where appropriate, teachers shall schedule face-to-face conferences during regular classroom and extra-help periods to confer with the student. No cell phone contact shall exceed three replies.

Text Messages

Any text messages by staff members, coaches and volunteers shall, as a general rule, be sent to the entire class, team, club or organization and not to any student individually. Exceptions may include situations involving confidential medical issues, emergencies or individual issues not involving the entire group. Staff shall not send messages containing material that:

- A. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
- B. Violates the district's affirmative action policies (2224, 4111.1, 4211.1, and 6121);
- C. Is personal in nature and not related to the business of the district;
- D. Can be interpreted as provocative, flirtatious or sexual in nature;
- E. Is confidential information and not authorized for distribution;
- F. Violates board policy 5131.1 Harassment, Intimidation and Bullying.

Electronic Communication

School district personnel shall adhere to the following guidelines when sending or receiving messages via district owned or issued devices and the district network:

- A. All messages shall pertain to legitimate school business;
- B. Personnel shall not reveal district issued passwords to others. If a staff member believes that a password has been lost or stolen, or that email has been accessed by someone without authorization, he/she must contact the supervisor for technology or the principal;

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

- C. District administrators shall have access to the employee's password or passwords for all district owned or issued devices and the use of the district network;
- D. Electronic messages on school owned or issued electronic devices and the district network shall be retained for the period of time specified by the Destruction of Public Records Law and board policy 3570 Records (retained three (3) years for external correspondence and one (1) year for internal correspondence);
- E. Federal copyright laws shall be observed;
- F. Staff shall not send messages that contain material that:
1. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
  2. Violates the district's affirmative action policies (2224, 4111.1, 4211.1, 6121);
  3. Is personal in nature and not related to the business of the district;
  4. Can be interpreted as provocative, flirtatious or sexual in nature;
  5. Is confidential and not authorized for distribution;
  6. Violates board policy 5131.1 Harassment, Intimidation and Bullying.
- G. Personnel shall become familiar with the district's policies and regulation on staff and student access to networked information resources and acceptable use of technology (6142.10 Internet Safety and Technology) before initiating email use;
- H. Employees learning of any misuse of the email systems shall notify the supervisor for technology, principal or superintendent immediately.

Online Education

An online classroom is still a classroom. Though courses and/or assigned programs of home instruction may be online, appropriate classroom behavior is still mandatory. Respect for the participants is essential for learning and student achievement.

Staff communications with students during online education will be limited to legitimate school business as set forth under cell phones, text messages and electronic communication, above. Professional standards and etiquette shall be observed at all times.

Implementation

This policy shall be made available electronically or otherwise disseminated to all staff members, annually or as needed.

Adopted: July 23, 2014  
 NJSBA Review/Update: July 2021  
 Readopted: October 27, 2021

Key Words

Employee Conduct, Cell Phones, Text Messaging, E-Mail, Electronic Communication

**Legal References:** N.J.S.A. 2A:38A-1 et seq. Computer System  
N.J.S.A. 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

	employment of teacher, etc.
<u>N.J.S.A.</u> 18A:36-35	Disclosure of certain student information on Internet prohibited without parental consent
<u>N.J.S.A.</u> 18A:36-40	Written policy concerning electronic communications between school employees and students
<u>N.J.S.A.</u> 18A:37-13 <u>et seq.</u>	Anti-Bullying Bill of Rights Act
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 47:3-15 <u>et seq.</u>	Destruction of Public Records Law
<u>N.J.A.C.</u> 6A:9-3.3	Professional standards for teachers
<u>N.J.A.C.</u> 6A:9B-4.7	Grounds for revocation and suspension of certification

In the Matter of Certificate of Weidemoyer, Exam 2010 April 29.

In the Matter of Certificates of Stenz, Exam 2010: March 25.

In the Matter of the Certificates of Alan Chadrijan, Exam 2011: July 28.

In the Matter of Rhaney, Exam 2011: June 16.

In the Matter of Young, Exam: 2011: Sept 22.

In Re Cluggish, Exam 2011, Dec 16.

**Possible**

<b><u>Cross References:</u></b> *2224	Nondiscrimination/affirmative action
*3570	District records
*4111.1	Nondiscrimination/affirmative action
4117.50	Standards for staff discipline
*4119.21	Conflict of interest
*4119.22	Conduct and dress
*4119.23	Employee substance abuse
4119.24	Staff/student relations
*4131/4131.1	Staff development, inservice education, visitation, conferences
*4211.1	Nondiscrimination/affirmative action
*4219.21	Conflict of interest
*4219.22	Conduct and dress
*4219.23	Employee substance abuse
4219.24	Staff/student relations
*4231/4231.1	Staff development, inservice education, visitation, conferences
*5125	Student records
*5131	Conduct and discipline
*5131.1	Harassment, intimidation and bullying
*6121	Nondiscrimination/affirmative action
*6142.10	Internet safety and technology
*6144	Controversial issues
*6173	Home instruction

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

SUBSTITUTE TEACHERS

The superintendent shall make provision to employ the services of substitute teachers in order to maintain the effective operation of the Estell Manor School District educational program.

The board shall approve potential substitute personnel and the positions in which they may substitute. Teacher substitutes must have at least a valid substitute teaching credential issued by the Executive County Superintendent, and preferably hold a degree.

Any substitute teacher shall be entitled only to the wages approved by the board on a per diem basis, and to no other benefits.

Persons employed as aides may not perform as substitutes for professional employees unless they are board-approved substitute teachers.

The superintendent shall recruit, screen and recommend to the board candidates for employment as instructional substitutes. He/she shall:

- A. Develop procedures for the assignment of substitutes;
- B. Develop methods of evaluating substitute teachers and recommend the retention on the board's approved substitute list of those substitutes who have performed their duties satisfactorily.

Vacant Positions and Use of Substitutes

It is the goal of the district to provide continuity in the educational program by employing permanent qualified teaching staff. When a position in the district is vacant, the district shall observe the limits as provided for in law, in the employment of substitute teachers.

Definitions

- A. A *Substitute Credential* allows the holder to temporarily perform the duties of a fully licensed and regularly employed teacher.
- B. A *Certificate of Eligibility (CE)* is a credential with lifetime validity issued to persons who have completed a degree program of academic study and the applicable test requirements for certification. The CE permits the applicant to seek and accept employment in positions requiring certification through the State Alternate Route Program.
- C. A *Certificate of Eligibility with Advanced Standing (CEAS)* is a credential with lifetime validity issued to persons who have completed a degree program of academic study and the applicable test requirements and traditional professional preparation programs for certification. The CEAS permits the applicant to seek and accept employment in positions requiring certification.

Limits on Filling Vacant Teaching Positions with Substitutes

A vacant teaching position shall not be filled in any school year by one or more individuals:

SUBSTITUTE TEACHERS (continued)

- A. Holding a substitute credential issued by the State Board of Education for a total amount of time exceeding 20 school days (N.J.S.A. 18A:16-1.1a);
- B. Employed as a substitute teacher, holding a certificate of eligibility (CE) or a certificate of eligibility with advanced standing (CEAS) issued by the State Board of Examiners and *working in an area authorized by their credentials* for a total amount of time exceeding 60 school days (N.J.S.A. 18A:16-1.1b). If the substitute is employed more than 60 days, compensation shall be adjusted on a pro-rata basis, consistent with the salary provided to a teacher with similar credentials employed by the district;
- C. Employed as a substitute teacher, holding a certificate of eligibility (CE) or a certificate of eligibility with advanced standing (CEAS) issued by the State Board of Examiners and *working in an area not authorized by their credentials* for a total amount of time exceeding 20 school days (N.J.S.A. 18A:16-1.1c);
- D. Employed as a substitute teacher and holding a standard instructional certificate issued by the State Board of Examiners and *working in an area not authorized by their credentials* for a total amount of time exceeding 40 school days (N.J.S.A. 18A:16-1.1d).

The executive county superintendent of schools may grant an extension of time in accordance with law, upon written application from the district demonstrating the district's inability to hire an appropriately certified teacher for the vacant position within the original time limit.

Adopted: August 23, 2000  
 NJSBA Review/Update: November 21, 2011, September 24, 2012  
 Readopted: October 27, 2021

Key Words

Substitute Teachers, Vacant Position, Vacancy, Long Term Substitute

**Legal References:** N.J.S.A. 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception ...  
N.J.S.A. 18A:16-1.1 See Particularly:  
N.J.S.A. 18A:16-1.1a through -1.1d May appoint temporary officers and employees  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.  
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions  
N.J.S.A. 18A:29-16 Emergency certificates; day-by-day basis substitute  
N.J.A.C. 6A:9A-1.1 et seq. Educator preparation programs  
N.J.A.C. 6A:9B-7.1 et seq. Substitute credential  
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

P.L. 2010, c. 97, (N.J.S.A. 18A:16-1.1a) limits long term (over 20 days) employment of substitutes.

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

SUBSTITUTE TEACHERS (continued)

Sayreville Education Assoc. on behalf of Rucki et. al. v. Board of Education of the Borough of Sayreville, 193 N.J. Super. 390 (App.Div. 1984)

Lammers v. Board of Education of Borough of Point Pleasant, 260 N.J. Super. 390 (App.Div. 1992)

**Possible**

- Cross References:** \*4111 Recruitment, selection and hiring
- \*4112.2 Certification
- \*4112.4/4212.4 Employee health

\*Indicates policy is included in the Critical Policy Reference Manual.

STUDENT TEACHERS/INTERNS

The Estell Manor Board of Education encourages the superintendent to cooperate with colleges and universities in the placement of student teachers/administrative interns in the district's school. Student teachers/administrative interns shall be placed with experienced staff members who agree to perform the necessary training and supervision.

The superintendent shall recommend and the board shall approve the selection and placement of student teachers and administrative interns. Student teachers/interns shall comply with the requirements of law regarding health examinations and criminal history checks.

The supervising teacher and principal shall be responsible for the conduct of student teachers while serving in the school. The superintendent shall be responsible for administrative interns.

Student teachers/interns shall be allowed to participate in school activities where their contributions would be appropriate to the educational program of the school.

The superintendent shall endeavor to ensure the equitable distribution of student teachers/interns throughout the district.

No remuneration will be provided to student teachers or administrative interns.

Adopted: August 24, 2005  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Student Teachers, Administrative Interns

**Legal References:** N.J.S.A. 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:16-2 through -5 Physical examinations; requirement ...  
N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions  
N.J.S.A. 18A:16-6.1 Indemnity of officers and employees in certain criminal actions  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:9A-1.1 et seq. Educator preparation programs  
N.J.A.C. 6A:9A-4.3 Admission to CEAS education preparation program  
N.J.A.C. 6A:9A-4.4 Clinical components, supervision of practicum students  
N.J.A.C. 6A:32-4.1(d)(e) Employment of teaching staff  
See particularly:  
N.J.A.C. 6A:32-4.1(d), -4.1(e)  
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

STUDENT TEACHERS/INTERNS (continued)

**Possible**

<b><u>Cross References:</u></b>	*4111	Recruitment, selection and hiring
	*4112.4/4212.4	Employee health
	*4121	Substitute teachers
	*4123	Classroom aides
	*6162.4	Community resources

\*Indicates policy is included in the Critical Policy Reference Manual.

CLASSROOM AIDES (PARAPROFESSIONALS)

The Estell Manor Board of Education, within its financial means, may hire aides (paraprofessionals) as recommended by the superintendent.

It is the responsibility of the classroom teacher to plan for any teacher aide's (paraprofessional's) constructive involvement with the class. The primary benefit must be to the students.

Classroom aides (paraprofessionals) shall be under the supervision of the classroom teacher.

The superintendent shall submit statements of assurance affirming that all paraprofessional staff hired were employed as instructional or health and safety personnel or in accordance with the requirements of individualized education programs. The statements of assurance shall be submitted biannually to the executive county superintendent no later than September 30 and January 31. All aides (paraprofessionals) shall be required to comply with the provisions of the law regarding health examinations and criminal history checks.

In accordance with federal law, the superintendent shall establish procedures to release information, upon request, regarding the qualifications of classroom aides (paraprofessionals) to parents/guardians for any classroom aide (paraprofessional) who is employed by a school receiving Title I funds and who provides instructional assistance to their children.

On or before May 15 in each year, a paraprofessional continuously employed since the preceding September 30 in a school district that receives funding under Title I of the federal Elementary and Secondary Education Act of 1965 shall receive either:

- A. A written offer of a contract for employment for the next succeeding year providing for at least the same terms and conditions of employment but with such increases in salary as may be required by law or policies of the board of education; or
- B. A written notice that such employment will not be offered.

Qualification of Classroom Aides (Paraprofessionals) In Title I Schools

All classroom aides (paraprofessionals) paid in whole or in part with Title 1 funds shall be qualified in accord with federal law. All such paraprofessional (classroom aides) must have a high school diploma or its equivalent. All such classroom aides (paraprofessionals), except those working as translators or solely in conducting parent involvement activities, also must meet one of the following criteria:

- A. Completed at least two years of study at an institution of higher education;
- B. Obtained an associate's (or higher) degree; or
- C. Passed a formal state or local assessment demonstrating ability to assist in instructing reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness, as appropriate.

Adopted: September 23, 2015



STANDARDS FOR PROFESSIONAL LEARNING AND PROFESSIONAL STANDARDS FOR TEACHERS  
AND SCHOOL LEADERS

Standards for Professional Learning (N.J.A.C. 6A:9C-3.3)

Professional learning that increases educator effectiveness and improves results for all students shall be guided by the following standards:

1. *Learning Communities*: Occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment;
2. *Leadership*: Requires skillful leaders who develop capacity, advocate, and create support systems for professional learning;
3. *Resources*: Requires prioritizing, monitoring, and coordinating resources for educator learning;
4. *Data*: Uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;
5. *Learning Designs*: Integrates theories, research, and models of human learning to achieve its intended outcomes;
6. *Implementation*: Applies research on change and sustains support for implementation of professional learning for long-term change; and
7. *Outcomes*: Aligns its outcomes with educator performance and New Jersey Student Learning Standards.

Professional Standard for Teachers (N.J.A.C. 6A:9-3.3)

*Standard One: Learner Development.* The teacher understands how learners grow and develop, recognizing that patterns of learning and development vary individually within and across the cognitive, linguistic, social, emotional, and physical areas, and designs and implements developmentally appropriate and challenging learning experiences.

*Standard Two: Learning Differences.* The teacher uses understanding of individual differences and diverse cultures and communities to ensure inclusive learning environments that enable each learner to meet high standards.

*Standard Three: Learning Environments.* The teacher works with others to create environments that support individual and collaborative learning, and that encourage positive social interaction, active engagement in learning, and self-motivation.

*Standard Four: Content Knowledge.* The teacher understands the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches, particularly as they relate to the New Jersey Student Learning Standards and creates learning experiences that make these aspects of the discipline accessible and meaningful for learners to assure mastery of the content.

*Standard Five: Application of Content.* The teacher understands how to connect concepts and use differing perspectives to engage learners in critical thinking, creativity, and collaborative problem solving related to authentic local and global issues.

STAFF DEVELOPMENT; INSERVICE EDUCATION (exhibit continued)

*Standard Six: Assessment.* The teacher understands and uses multiple methods of assessment to engage learners in examining their own growth, to monitor learner progress, and to guide the teacher's and learner's decision-making.

*Standard Seven: Planning for Instruction.* The teacher plans instruction that supports every student in meeting rigorous learning goals by drawing upon knowledge of content areas, curriculum, cross-disciplinary skills, and pedagogy, as well as knowledge of learners and the community context.

*Standard Eight: Instructional Strategies.* The teacher understands and uses a variety of instructional strategies to encourage learners to develop deep understanding of content areas and their connections, and to build skills to apply knowledge in meaningful ways.

*Standard Nine: Professional Learning.* The teacher engages in ongoing individual and collaborative professional learning designed to impact practice in ways that lead to improved learning for each student, using evidence of student achievement, action research, and best practice to expand a repertoire of skills, strategies, materials, assessments, and ideas to increase student learning.

*Standard Ten: Leadership and Collaboration.* The teacher seeks appropriate leadership roles and opportunities to take responsibility for student learning, to collaborate with learners, families, colleagues, other school professionals, and community members to ensure learner growth, and to advance the profession.

*Standard Eleven: Ethical Practice.* The teachers acts in accordance with legal and ethical responsibilities and uses integrity and fairness to promote the success of all students.

Professional Standards for School Leaders (N.J.A.C. 6A:9-3.4 from the National Policy Board for Educational Administrators)

*Standard One: Mission, Vision and Core Values.* Effective educational leaders develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student.

*Standard Two: Ethics and Professional Norms.* Effective educational leaders act ethically and according to professional norms to promote each student's academic success and well-being.

*Standard Three: Equity and Cultural Responsiveness.* Effective educational leaders strive for equity of educational opportunity and culturally responsive practices to promote each student's academic success and well-being.

*Standard Four: Curriculum, Instruction and Assessment.* Effective educational leaders develop and support intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being.

*Standard Five: Community of Care and Support for Students.* Effective educational leaders cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student.

*Standard Six: Professional Capacity of School Personnel.* Effective educational leaders develop the professional capacity and practice of school personnel to promote each student's academic success and well-being.

*Standard Seven: Professional Community for Teachers and Staff.* Effective educational leaders foster a professional community of teachers and other professional staff to promote each student's academic success and well-being.

STAFF DEVELOPMENT; INSERVICE EDUCATION (exhibit continued)

*Standard Eight: Meaningful Engagement of Families and Community.* Effective educational leaders engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being.

*Standard Nine: Operations and Management.* Effective educational leaders manage school operations and resources to promote each student's academic success and well-being.

*Standard Ten: School Improvement.* Effective educational leaders act as agents of continuous improvement to promote each student's academic success and well-being.

[http://npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders\\_2015.pdf](http://npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders_2015.pdf)

**Policy**

STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Estell Manor Board of Education recognizes its legal obligation to provide inservice activities that are aligned with student learning and educator development needs, and school, district, and/or State improvement goals. It is the board's priority that continuing education for teaching staff focus on the improvement of teachers' and school leaders' effectiveness in assisting students in the achievement of the New Jersey Student Learning Standards.

The superintendent shall develop a comprehensive management system for staff professional improvement and shall assist staff members in the area of professional improvement by providing relevant information regarding workshops, professional meetings and course offerings. Professional learning shall incorporate coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills to their work.

District-Level Professional Development Plans

The superintendent or his or her designee shall oversee the development and implementation of a plan to address districts' professional development needs. The school district professional development plan shall be reviewed on an annual basis to assess its effectiveness and revised it, as necessary, to meet the school district's learning goals for students, teachers, and school leaders. When overseeing and annually 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 plans, and data from school- and district-level performances;
- C. Plan, support, and implement professional learning that addresses the New Jersey Student Learning Standards, 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 the Professional Standards for School Leaders in N.J.A.C. 6A:9-3;
- D. Develop and update, as necessary, the district mentoring plan for nontenured teachers, including novice provisional teachers who hold a certificate of eligibility (CE) or a certificate of eligibility with advanced standing (CEAS);
- E. Present the plan to the district board of education to review for fiscal impact; and
- F. Certify annually to the New Jersey Department of Education, through a statement of assurance, that the school district is meeting the requirements for the school district plan and that it includes requirements of the district mentoring plan.

School districts sending to the same middle and/or high school may form a regional consortium to develop one districtwide plan based on the sending schools' plans.

School-Level Professional Development Plans

STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)

The principal shall oversee the development and implementation of a plan for school-level professional development that shall ensure:

A. The school level plan includes:

1. A description of school-level and team-based professional learning aligned with identified school goals; and
2. Teacher and student learning needs; and

B. All teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements of N.J.A.C. 6A:9C-4.4(a) that at least 20 hours per year of qualifying professional development experiences are provided. The 20-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.

Professional Development for School Leaders

“School leader” means an administrator whose position requires possession of a school administrator, principal, or supervisor endorsement.

All active school leaders serving on a permanent or interim basis shall complete training on issues of school law, ethics, governance, and harassment, intimidation and bullying (N.J.S.A. 18A:26-8.2); and other statutory requirements related to student safety and well-being. To meet this ongoing requirement, the specific training needs of each school leader will be reviewed annually as part of the professional development planning process.

A. School Leaders

Each school leader shall create, implement, and complete an individual professional development plan (PDP) that:

1. Aligns with the Professional Standards for School Leaders (N.J.A.C. 6A:9-3.4) and the Standards for Professional Learning;
2. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the superintendent, principals, or supervisors;
3. Identifies professional goals that address specific individual, school, or district goals;
4. Grounds professional development activities in objectives related to improving teaching, learning, and student achievement, and in support of the school and/or district professional development plan; and
5. Includes training on: school law, ethics, and governance pursuant to N.J.S.A. 18A:26-8.2; and other statutory requirements related to student safety, bullying and harassment, and well-being.

Each school leader's individual PDP shall be developed by October 31. However, when the school leader is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.

B. Professional Development for the Superintendent

The superintendent shall develop an individual PDP for review by his or her district board of education. In developing the individual PDP, the following process shall be followed:

1. The board shall review the superintendent's individual PDP, including the individual training needs and shall ensure the individual PDP aligns to school district goals and to the school district's plan for professional development;

STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)

2. The superintendent shall submit annually to the board evidence of progress toward completion of the individual PDP. The superintendent also shall submit every three to five years, depending on the length of his or her contract with the board, summative evidence of plan completion;
3. The superintendent may appeal to the executive county superintendent if he or she disagrees with the board regarding PDP contents or progress toward completion. The executive county superintendent shall have final decision-making authority on all such matters.

C. Professional Development for Positions Requiring a Principal, Supervisor or Superintendent Endorsement

Leaders whose positions require a principal or supervisor endorsement, or whose positions require a superintendent endorsement but who do not serve as a superintendent of the district, shall develop an individual PDP in collaboration with his or her designated supervisor. Leaders shall provide evidence of progress toward fulfillment of his or her plan. The superintendent or designee shall:

1. Review each principal's, supervisor's, or other school leader's individual PDP, including individual training needs and shall ensure it aligns to school and school district goals and the school district's plan for professional development;
2. Meet with the principal, supervisor, or other school leader at mid-year to assess progress toward his or her PDP's completion or modification; and
3. Review the individual PDP's status as part of the principal's, supervisor's, or other school leader's annual performance evaluation.

D. Evidence of Progress and Maintaining Records

The school leader's designated supervisor, or the board in the case of the superintendent, shall:

1. Use the performance evaluation process and professional development planning process to monitor the school leader's progress in meeting the professional development requirements. If a school leader's progress is found to be inadequate, the school leader's designated supervisor or the board in the case of the superintendent shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
2. Maintain accurate records of each school leader's progress in meeting the individual professional development requirements. Such records shall include a copy of each school leader's current PDP and timeline, as well as any documentation and evidence showing the school leader's progress toward meeting the plan's requirements.

- E. If a school leader leaves the employ of one New Jersey school district and is hired by another, the school leader's designated supervisor, or the board in the case of the superintendent, shall ensure a revised individual PDP appropriate to the new employment is developed in collaboration with the school leader.

Professional Development for Teachers

Each teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-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.

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. The individual PDP shall be effective for one year and shall specify, at a minimum:

STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;
- B. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

Each teacher's individual PDP shall be updated annually no later than October 31. However, when the teacher is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.

Progress on the individual PDP shall be discussed at the annual summary conference as detailed in board policy 4116 Evaluation of Teaching Staff Members and law (N.J.A.C. 6A:10-2.4) but may occur more frequently throughout the year. 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.

A teacher's individual PDP goals may necessitate more than the recommended minimum requirements of 20 hours of professional development annually. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner.

The board of education shall ensure that all teachers receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective PDPs.

Supervisor Responsibilities in the Development of Profession Development Plans (PDP)

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. The designated supervisor 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. 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.

If a teacher leaves the employ of one New Jersey school district and is hired by another, the former district of employment shall share the teacher's individual PDP and all supporting documentation with the new employing school district. 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 30 days of hire by the employee's new supervisor in collaboration with the new teacher.

Achievement Gap and Inequity

The board shall on a continuing basis, provide professional development training for all school personnel (certified and noncertified) to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice on the basis of protected status. Parents/guardians and other community members shall be invited to participate in the professional development training. Newly hired certified and noncertified staff shall be provided professional development training on educational equity issues within the first year of employment.

STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)Mandated Inservice Programs

The superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, missing, abused and neglected children, drug/alcohol abuse awareness, suicide awareness, handling blood and body fluids, possible hazardous substances in the workplace, crises response, school violence and other topics specifically required by federal or New Jersey law. These required presentations, seminars and/or workshops shall not count automatically toward the required annual 20 hours of continuing education. The superintendent or his or her designee shall determine when required presentations, seminars and/or workshops shall count toward the teaching staff member's completion of the required annual 20 hours of continuing education.

Adopted: November 25, 2013  
 NJSBA Review/Update: July 2021  
 Readopted: October 27, 2021

Key Words

Staff Development, Professional Inservice, Visitations, Conferences, Continuing Education

<b><u>Legal References:</u></b> <a href="#">N.J.S.A. 18A:6-111 et seq.</a>	Instruction in Suicide Prevention
<a href="#">See particularly:</a>	
<a href="#">N.J.S.A. 18A:6-112</a>	Instruction in suicide prevention for public school teaching staff
<a href="#">N.J.S.A. 18A:6-117 et seq.</a>	Teacher Effectiveness and Accountability for the Children
<a href="#">N.J.S.A. 18A:6-128</a>	Ongoing professional development; corrective action plan
<a href="#">N.J.S.A. 18A:6-130 et seq.</a>	Professional development
<a href="#">N.J.S.A. 18A:7A-11</a>	Reports be school districts, commissioner; interim review
<a href="#">N.J.S.A. 18A:17-46</a>	Act of violence; report by school employee; notice of action taken; annual report
<a href="#">N.J.S.A. 18A:26-8.2</a>	"School leader" defined; training as part of professional development
<a href="#">N.J.S.A. 18A:27-4</a>	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
<a href="#">N.J.S.A. 18A:30-7</a>	Power of boards of education to pay salaries
<a href="#">N.J.S.A. 18A:31-2</a>	Attendance at conventions of New Jersey Education Association
<a href="#">N.J.S.A. 18A:37-17</a>	Establishment of Bullying Prevention Programs and Approaches
<a href="#">N.J.S.A. 18A:37-21</a>	School Safety Team
<a href="#">N.J.S.A. 18A:40A-3</a>	Initial inservice training programs; curriculum; availability
<a href="#">See particularly:</a>	
<a href="#">N.J.S.A. 18A:40A-3(a), -18(c)</a>	
<a href="#">N.J.S.A. 34:5A-10</a>	Retention of workplace surveys
<a href="#">N.J.S.A. 34:5A-13</a>	Employee education and training program; certification of instructors
<a href="#">N.J.A.C. 6A:7-1.4</a>	Responsibilities of the district board of education
<a href="#">N.J.A.C. 6A:7-1.6</a>	Professional development

STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)

<u>N.J.A.C. 6A:9C-1.1 et seq.</u> <u>See particularly:</u> <u>N.J.A.C. 6A:9C-4.1 through -4.4</u>	Required professional development for teachers and school leaders
<u>N.J.A.C. 6A:10-2.4</u>	Evaluation procedures for all teaching staff
<u>N.J.A.C. 6A:10-2.5</u>	Corrective action plans for all teaching staff
<u>N.J.A.C. 6A:10-4.1 et seq.</u>	Components of teacher evaluation
<u>N.J.A.C. 6A:14-1.2(b)14</u>	District eligibility for assistance under IDEA Part B (regarding highly qualified teachers)
<u>N.J.A.C. 6A:15-1.8</u>	Inservice training (Bilingual Education)
<u>N.J.A.C. 6A:16-1.1 et seq.</u> <u>See particularly:</u> <u>N.J.A.C. 6A:16-3.1(a)4, -5.1(d), -6.2(b)12</u>	Programs to Support Student Development Inservice training, alcohol, tobacco, drug prevention: safety and security, cooperation with law Enforcement
<u>N.J.A.C. 6A:16-7.7</u>	Harassment, Intimidation and Bullying
<u>N.J.A.C. 6A:16-11.1</u>	Reporting potentially missing, abused or neglected children or attempted or completed suicide
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-4.1</u>	Employment of teaching staff

Every Student Succeeds Act of 2015, Pub. L. 114-95., 20 U.S.C.A. 6301 et seq.

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible****Cross References:**

*4115	Supervision
*4116	Evaluation
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.4	Child abuse and neglect
*6142.2	English as a second language; bilingual/bicultural
*6171.3	At-risk and Title 1
*6171.4	Special education

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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NONSCHOOL EMPLOYMENT

Estell Manor School employees shall not engage in outside activities or perform any services other than those assigned by the district during the hours of the prescribed school day.

No outside work by a staff member shall prevent him/her from properly performing assigned functions during duty hours or be prejudicial to his/her work effectiveness.

Adopted: September 27, 2000, February 27, 2002  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Nonschool Employment; Employee Outside Activities

<b>Legal References:</b>	<u>N.J.S.A.</u> 18A:6-8.1	Leave of certain employees to serve in legislature
	<u>N.J.S.A.</u> 18A:6-8.2	Leave of certain employees to serve on board of chosen freeholders
	<u>N.J.S.A.</u> 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-24	School officials; prohibited conduct
	<u>N.J.S.A.</u> 18A:17-18	Full time required of superintendents; when
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 52:13D-12 <u>et seq.</u>	New Jersey Conflicts of Interest Law
	<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

**Possible**

<b>Cross References:</b>	*3514	Equipment
	*4119.21/4219.21	Conflict of interest
	*4138.2	Private tutoring

\*Indicates policy is included in the Critical Policy Reference Manual.

PRIVATE TUTORING

The Estell Manor Board of Education recognizes that the discharge of its responsibility to provide a thorough and efficient system of education for each child in the district may require special help for some students beyond the regular classroom program. Tutorial instruction shall be interpreted to mean individualized instruction additional to, and in support of, regular classroom instruction.

Wherever possible within the working day, each teaching staff member shall assist assigned students in the remediation of individual learning difficulties.

In certain cases where extra help is desirable and the parents/guardians request such assistance, a teacher or administrator may recommend that the parents/guardians secure tutorial services for the student.

To avoid placing a teacher in a position where he/she may have a conflict of interest, teachers shall not tutor, for a fee, students enrolled in their classes or upon whose evaluation or assignment they may be called upon to pass. Nor shall any employee of the board make a commitment to perform services for extra pay when he/she has been instrumental in recommending the need for those services.

Teachers shall not tutor any student for pay during regular working hours or on school premises.

Adopted: August 23, 2000  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Tutoring, Conflict of Interest

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teachers,  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

**Possible**

**Cross References:** \*4119.21/4219.21 Conflict of interest  
\*4138/4238 Nonschool employment  
6164.6 Tutoring  
\*6173 Home instruction

\*Indicates policy is included in the Critical Policy Reference Manual.

EMPLOYEE SAFETY

Through its overall safety program, the Estell Manor Board of Education shall seek to ensure the safety of employees during working hours.

The board shall be diligent in maintaining safe working conditions for employees. It shall provide an Exposure Control Plan for the occupational containment of bloodborne pathogens as described in file code 4112.4/4212.4 Employee Health. The board shall also provide information on possible hazardous substances in the workplace, in accordance with law.

The board shall expect employees to follow all established safety rules and regulations, such as those pertaining to the use of safety equipment, the wearing of safety clothing and protective eye devices where appropriate, and the lifting or shifting of heavy weights.

Employees shall report all accidents to their supervisor immediately.

Adopted: August 23, 2000, September 27, 2000

NJSBA Review/Update: July 2021

Readopted: October 27, 2021

Key Words

Insurance Management, Accidents, Employee Safety

<b>Legal References:</b>	<u>N.J.S.A. 2C:7-1 et seq.</u>	Registration of sex offenders; definition; requirements
	<u>N.J.S.A. 18A:16-2</u>	Physical examinations; requirement
	<u>N.J.S.A. 18A:40-12.1</u>	Protective eye devices required for teachers, students and visitors in certain cases
	<u>N.J.S.A. 18A:40-12.2</u>	Rules prescribing kinds, types and quality of devices
	<u>N.J.S.A. 34:5A-1 et seq.</u>	<u>Worker and Community Right to Know Act</u>
	<u>N.J.S.A. 34:6A-25 et seq.</u>	<u>New Jersey Public Employees' Occupational Safety and Health Act</u>
	<u>N.J.S.A. 34:19-1 et seq.</u>	<u>Conscientious Employee Protection Act</u>
	<u>N.J.A.C. 6A:26-12.5</u>	Eye protection in schools
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C. 12:100-4.2</u>	Safety and Health Standards for Public Employees (Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogens Standard

**Possible**

<b>Cross References:</b>	*3510	Operation and maintenance of plant
	*3516	Safety
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4112.4/4212.4	Employee health
	*5142	Student safety

\*Indicates policy is included in the Critical Policy Reference Manual.

**Regulation**

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FAMILY LEAVE AND MEDICAL LEAVE  
PROCEDURES FOR MILITARY FAMILY LEAVE

The military family leave provisions of the Family and Medical Leave Act (FMLA) entitle eligible employees of covered employers to take FMLA leave for any “qualifying exigency” arising from the foreign deployment of the employee’s spouse, son, daughter, or parent with the Armed Forces, or to care for a service member with a serious injury or illness if the employee is the service member’s spouse, son, daughter, parent or next of kin.

Qualifying Exigency Leave

A. A covered employer must grant an eligible employee up to 12 workweeks of unpaid, job-protected leave during any 12-month period for qualifying exigencies that arise when the employee’s spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty. Covered active duty means:

1. For members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
2. For members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Deployment to a foreign country includes deployment to international waters.

B. Qualifying exigencies for which an employee may take FMLA leave include:

1. Making alternative child care arrangements for a child of the deployed military member;
2. Attending certain military ceremonies and briefings; or
3. Making financial or legal arrangements to address the military member’s absence.

C. If the military member is on covered active duty, the employee may take FMLA leave for the following qualifying exigencies:

1. Issues arising from the military member’s short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member receives notice of deployment, an employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment;
2. Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member’s deployment;
3. Certain childcare and related activities arising from the military member’s covered active duty, including arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility;
4. Certain activities arising from the military member’s covered active duty related to care of the military member’s parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers;
5. Making or updating financial and legal arrangements to address a military member’s absence while on covered active duty;

MILITARY FAMILY LEAVE (regulation continued)

6. Attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider;
7. Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave;
8. Certain post-deployment activities within 90 days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, and addressing issues arising from the death of a military member, including attending the funeral;
9. Any other event that the employee and employer agree is a qualifying exigency.

Military Caregiver Leave

An eligible employee may receive up to a total of 26 workweeks of unpaid, job-protected leave during a single 12-month period to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member.

When a service member designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to be the service member's only FMLA next of kin. When a current service member has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the service member, all such family members are considered the service member's next of kin and may take FMLA leave to provide care to the service member.

## A. Single 12-Month Period

1. The single 12-month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other FMLA leave reasons;
2. An eligible employee is limited to a *combined* total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for an FMLA-qualifying reason other than military caregiver leave. For example, if an employee uses 10 weeks of FMLA leave for his or her own serious health condition during the single 12-month period, the employee has up to 16 weeks of FMLA leave left for military caregiver leave;
3. Military caregiver leave is available to an eligible employee once per service member, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same service member if he or she has another serious injury or illness. For example, if an eligible employee takes military caregiver leave to care for a current service member who sustained severe burns, the employee would be entitled to an additional 26 weeks of caregiver leave in a different 12-month period if the same service member is later diagnosed with a traumatic brain injury that was incurred in the same incident as the burns;
4. An eligible employee may also take military caregiver leave to care for more than one current service member or covered veteran with a serious injury or illness at the same time, but the employee is limited to a total of 26 weeks of military caregiver leave in any single 12-month period. Additionally, an eligible employee may be able to take military caregiver leave for the same family member with the same serious injury or illness both when the family member is a current service member and when the family member is a veteran.

## B. A covered service member is either:

1. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness. For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform his or her

MILITARY FAMILY LEAVE (regulation continued)

military duties; or

2. A veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty;

Military Caregiver Leave: Specific Criteria for Veterans

- A. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness is a covered veteran if he or she:
  1. Was a member of the Armed Forces (including a member of the National Guard or Reserves);
  2. Was discharged or released under conditions other than dishonorable; and
  3. Was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for him or her.

For a veteran who was 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. For example, if a service member retired on October 28, 2007, he or she would have had three years remaining of the five-year period on October 28, 2009. The family member requesting FMLA leave will have three years to begin military caregiver leave starting on March 8, 2013. Likewise, if a service member was discharged on December 1, 2010, the five-year period will begin on March 8, 2013 and extend until March 8, 2018.

- B. A serious injury or illness means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:
  1. A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; *or*
  2. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*
  3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*
  4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any *one* of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Adopted: October 27, 2021

**Policy**

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FAMILY LEAVE AND MEDICAL LEAVE

Statement of Purpose

In accordance with the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., (FMLA) and the New Jersey Family Leave Act, N.J.S.A. 34:11B-1 et seq., (NJFLA), the Estell Manor Board of Education will permit eligible employees to take a job-protected leave of absence due to certain qualifying events. All requests by eligible employees for a leave of absence that qualify under the FMLA, the NJFLA, or both, are subject to this policy.

Scope and Effective Date

This policy applies to all board employees eligible for leave under the FMLA or the NJFLA and will apply to all applications for a leave of absence pursuant to the FMLA and/or the NJFLA made on or after the date of adoption of this policy.

Non-waiver of Rights

The interaction between the FMLA, the NJFLA, and other applicable laws is complicated and may need to be reviewed on a case-by-case basis. Employees will receive that to which they are entitled by law. This policy will not serve to grant any greater rights or waive any right that the board may have under the FMLA or the NJFLA.

Eligibility and Qualifying Events

An employee must be an eligible employee and choose to take a leave of absence because of one or more of the qualifying events described below:

A. Federal Family and Medical Leave Act (FMLA)

Employees are eligible for FMLA leave when employed by the board for at least 12 months and have worked at least 1,250 hours during the 12 months prior to the date your leave commences.

Employees qualify for FMLA benefits for:

1. The birth of your child;
2. The placement of a child with you for adoption or foster care;
3. Your need to care for a spouse, parent or dependent child who has a serious health condition;
4. A serious health condition that prevents you from performing the essential functions of your job;
5. Military family qualifying exigency and care giver.

B. New Jersey Family Leave Act (NJFLA)

Employees are eligible for NJFLA when employed by the board for at least 12 months and have worked at least 1,000 base hours during the immediately preceding 12 month period.

FAMILY MEDICAL LEAVE (continued)

As of June 30, 2019, all employers with 30 or more employees worldwide will be covered. In addition, all state and local government agencies, regardless of size, are covered by the NJFLA.

Employees qualify for NJFLA benefits for:

1. The birth of your child, including childbirth under a valid agreement between an employee and a gestational carrier;
2. The placement of a child with you for adoption or foster care;
3. Your need to care for a family member including a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, or one partner in a civil union couple, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship who has a serious health condition;
4. Leave authorized pursuant to the New Jersey Safe Act for domestic violence or a sexually violent offense;
5. Your need to care for a parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, who was a victim of domestic violence or a sexually violent offense. This unpaid leave shall be no more than 20 days in one 12-month period, to be used in the 12-month period next following any incident of domestic violence or any sexually violent offense.

Note: Paid leave and unpaid leave are not included for purposes of calculating the number of hours worked under the FMLA and the NJFLA.

Note: Leave taken for the birth, adoption or placement of a child in foster care must begin within one year of the birth, adoption or placement.

Duration of Leave

The amount of leave that may be taken by an eligible employee because of a qualifying event and how the amount of leave is measured depends upon whether the leave is taken pursuant to the FMLA, the NJFLA, or both. The amount of leave available to an employee will be calculated on a "rolling forward" basis. If a leave of absence qualifies pursuant to both statutes, an employee is eligible to take the maximum amount of leave provided by either statute as follows:

## A. Federal Family and Medical Leave Act (FMLA)

The 12 month period is measured forward from the first date that FMLA leave is taken; the next 12 month period begins the first time FMLA leave is taken after completion of any previous 12 month period.

An eligible employee may receive up to a total of 26 workweeks of unpaid, job-protected military care giver leave during a single 12-month period to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member. A service member is either a current member of the Armed Forces or a veteran of the Armed Forces who requires care due to a qualifying condition incurred or aggravated by their service (see: regulation for special criteria applying to military service members).

## B. New Jersey Family Leave Act (NJFLA)

## FAMILY MEDICAL LEAVE (continued)

An employee's NJFLA unpaid leave entitlement is limited to a total of 12 weeks in any 24 month period upon advanced notice to the board. The 24 month period is any 24 months measured from the first date any leave is taken.

### Definition of Serious Health Condition

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition which requires inpatient care in a hospital, hospice or residential medical care facility or continuing medical treatment or continuing supervision by a healthcare provider as described by the FMLA and NJFLA. Serious health condition does include routine physical, eye or dental examinations.

### Advance Notice

In all cases, an employee requesting leave must complete an application for a leave of absence form. If the employee intends to take a leave of absence to care for a family member with a serious medical condition, he or she is required to provide the board with 30 days notice. If the need for the leave of absence is unforeseeable, the employee must notify the board as soon as possible. If the employee does not complete the required forms, or if he or she fails to give the required notice, the board may deny the leave request or delay the commencement of the leave.

### Notice of Rights

The superintendent shall ensure that conspicuous notice is displayed of district employees' rights and obligations pursuant to the New Jersey Security and Financial Empowerment Act (N.J.S.A. 34:11-1 et seq.), regarding family leave for victims of domestic violence or a sexually violent offense or employees who must care for a family member who is a victim. The notification shall be in the form and manner that the Commissioner of Labor and Workforce Development prescribes. The district shall use other appropriate means to keep its employees so informed.

### How Leave May Be Taken

Under certain circumstances, leave may be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying event. A reduced leave schedule is a leave schedule that reduces your usual number of working hours per workweek or per workday. Intermittent leave may be taken due to the birth or adoption of a child without the approval of superintendent. A reduced leave schedule will be approved for leaves due to the serious health condition of the employee only if medically necessary. If the leave of absence is needed for a planned medical treatment, the employee must schedule the treatment so as to create minimum disruption to the school district.

Intermittent leave is non-consecutive leave comprised of intervals each of which is at least one but less than twelve weeks (12) weeks within a consecutive twelve month (12) period for each single serious health condition. The board shall approve all requests for medically necessary intermittent leave.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on care of or planned medical treatment for a family member, or if an employee is given approval to take intermittent or reduced schedule leave for the birth of a child or placement of a child for adoption, the employee may be required to temporarily transfer to an available alternative position with equivalent pay and benefits during the period of leave. Additionally, those employees who are employed mainly in an instructional capacity (instructional employees) who request leave that is foreseeable based on a planned medical treatment may be required to take leave for periods of a particular duration or transfer temporarily to an alternative position with equivalent pay and benefits when the employee would be gone for more than 20 percent of the working days during the period of leave. Instructional employees who fail to give 15 day notice

## FAMILY MEDICAL LEAVE (continued)

of foreseeable leave to be taken intermittently may also be required to take leave of a particular duration, to transfer temporarily to an alternative position, or to delay the taking of leave until the required notice is given.

### Continuity of Instruction

Where applicable, the board reserves the right to require that an instructional employee continue his or her leave until the end of a term if leave begins more than five weeks prior to the end of a term, lasts at least three weeks, and the employee would return during the three-week period prior to the end of the term. If an employee is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's leave entitlement. The board has the option not to require the employee to stay on leave until the end of the school term.

### Medical Certification

If the application for a leave of absence is based on a serious health condition of an employee or the serious health condition of a spouse, one partner in a civil union couple, parent or child, the employee must submit an approved medical certification completed and signed by a health care provider. If the medical certification is not timely submitted, the board may deny the leave. The board has the right to require periodic re-certifications from the health care provider. The board also may require, at its expense that the employee submit to a medical examination by a health care provider designated by the board concerning the information stated in the medical certification. If the second opinion differs from the first opinion, the board may require that the employee obtain a third opinion from a health care provider chosen jointly by the employee and the board at the board's expense. The third opinion shall be final and binding.

### Exhaustion of Paid Leave

An approved leave of absence under the FMLA and the NJFLA is unpaid leave. Where applicable, all leaves shall be counted and run concurrently with leave granted in accordance with the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., (FMLA) and the New Jersey Family Leave Act, N.J.S.A. 34:11B-1 et seq., (NJFLA).

Paid leave time does not accrue during unpaid FMLA and NJFLA leave. Similarly, holidays occurring during an FMLA or NJFLA leave of absence will not be paid.

Time taken off by an employee due to an on-the-job injury which is covered by workers' compensation will be charged as FMLA leave. This means that an employee's FMLA 12 workweek entitlement runs concurrently with every absence covered by disability.

### Continuation of Benefits

During FMLA and NJFLA leave, the board will continue group health care benefits at the level and under the conditions that coverage was provided prior to the commencement of leave. If an employee out on FMLA and/or NJFLA leave normally pays a portion of the premiums for health insurance coverage, these payments will continue during the period of leave. Health insurance coverage will terminate if the employee's premium payment is more than thirty (30) days late. The board will advise employees at least fifteen (15) days prior to termination of coverage. The board retains the right to recover health insurance premiums that it has paid for an employee on leave if the employee fails to return to work, unless the employee does not return because of (a) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave, or (b) other circumstances beyond the employee's control.

## FAMILY MEDICAL LEAVE (continued)

An employee on an unpaid leave of absence is entitled to retain those employment benefits accrued at the time leave was taken. However, additional employment benefits, such as seniority, will not accrue during leave as provided by law.

### Spouses Employed by the Board

If a husband and wife are both employed by the board, the aggregate number of workweeks of FMLA leave to which both employees are entitled may be limited to 12 workweeks during any 12 month period if the leave is due to the birth or adoption of a child or to care for a parent who has a serious health condition.

### Return from Leave

The board may require an employee on leave to periodically report on whether he or she plans to return to work. If the employee wishes to return to work prior to the expiration of the approved leave, the employee must give notice to the superintendent or his/her designee at least five working days prior to the planned return. Additionally, if the employee wishes to return to work later than the expiration of the approved leave, the employee must give notice to the superintendent or his/her designee at least five working days prior to the date the approved leave was scheduled to conclude. The employee may be permitted to return to work prior to the expiration of the leave if the superintendent or his/her designee determines that it will not cause an undue hardship to the board.

If FMLA leave was taken because of an employee's own serious health condition, the board may require that the employee provide a certificate from his or her treating health care provider which states that the employee is able to resume working.

If the employee does not return to work at the expiration of an approved leave, the employee will be considered to have voluntarily resigned his or her employment with the board.

### Restoration to Position

When an employee returns from leave, the employee will be restored to the same or to an equivalent position, with equivalent pay and benefits to the extent required by law. However, in no event shall the board be obligated to extend a non-tenured employee's unpaid leave of absence beyond the contract year for which the employee is employed. Additionally, an employee is not entitled to restoration to a position or an equivalent position where that employee would not otherwise be employed at the time reinstatement is requested (e.g., expiration of contract, layoff). The board can also deny restoration where an employee is unable to work at the conclusion of the 12-week leave period or where an employee gives an unequivocal notice of his or her intent not to return to work after FMLA/NJFLA leave.

### Coordination of FMLA and NJFLA Leaves

If an employee's leave qualifies under both the FMLA and the NJFLA, the leave used will be counted against the employee's entitlement under both laws. For example, if an employee takes 12 workweeks of leave because of the birth of a child, the 12 workweeks will be counted against both the employee's FMLA and NJFLA entitlement. It shall be the responsibility of the employee to keep track of days used, it shall not be the responsibility of the district.

### No Retaliation

No employee shall be retaliated against for having exercised his or her rights under the FMLA and/or the NJFLA nor shall they be discouraged from the use of family and medical leave.

FAMILY MEDICAL LEAVE (continued)

Employee Acknowledgement

Each employee or prospective employee shall be given a copy of this policy. He/she must acknowledge receipt and understanding of the policy as a condition of employment by signing an acknowledgement form.

Adopted: July 24, 2013  
NJSBA Review/Update: August 2021  
Readopted: October 27, 2021

Key Words

Family Leave, Disability, Birth, Adoption, Family Illness, Consecutive Leave, Intermittent Leave

**Legal References:** N.J.S.A. 34:11B-1 et seq. Family Leave Act

29 U.S.C. 2601 et seq.

29 C.F.R. 825.200 et seq.

P.L. 2008, c. 17, Family Temporary Disability Leave

P.L. 2019, c. 37, concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave, amending various parts of the statutory law and supplementing P.L.1948, c.100

**Possible**

**Cross References:** \*4151/4251 Attendance patterns  
\*4151.1/4251.1 Personal illness and injury/health and hardship

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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LEAVES OF ABSENCE, WITHOUT PAY

Unless otherwise negotiated and embodied in a contract with the Estell Manor Board of Education:

- A. Leaves of absence may be considered by the board of education. Each request will be considered on a case by case basis, and must be consistent with federal, state and/or contractual guidelines. The superintendent shall present recommendations to the Board of Education for all requests for leaves of absence.
- B. When evaluating requests for long-term leaves, the superintendent shall be required to consider the impact on instructional programs.

Adopted: July 24, 2013  
NJSBA Review/Update: August 2021  
Readopted: October 27, 2021

Key Words

Leave, Professional Leave

**Legal References:** N.J.S.A. 18A:30-1 et. seq. Leaves of absence

**Possible**

**Cross References:**

*2224	Nondiscrimination/affirmative action
*4111.1/4211.1	Nondiscrimination/affirmative action
*4112.4/4212.4	Health
*4151.1/4251.1	Personal illness and injury
4151.5/4251.5	Jury duty
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action

\*Indicates policy is included in the Critical Policy Reference Manual.

ATTENDANCE PATTERNS

The Estell Manor Board of Education believes that the regular presence of assigned personnel is vital to the success of the district's educational program. Consistent absenteeism or tardiness is unacceptable and subject to disciplinary action.

The superintendent shall develop and the board shall adopt a plan to encourage all staff to strive for excellent attendance and punctuality records. These procedures should include a requirement that the staff member personally report all illnesses and request all leave at the earliest possible time. Procedures shall be in accordance with New Jersey statutes and district negotiated contracts.

The superintendent shall report on staff attendance and punctuality at every regular monthly board meeting.

Provisions shall be made for public acknowledgment of outstanding staff attendance records.

NJSBA Review/Update: July 2021  
Adopted: October 27, 2021

Key Words

Employee Attendance, Attendance Patterns, Attendance

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.  
N.J.S.A. 18A:29-14 Withholding increments; causes; notice of appeals  
N.J.S.A. 18A:30-1 et seq. Sick Leave  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Montville Education Ass'n v. Montville Bd. of Ed., 1984 S.L.D. 550, rev'd St. Bd. 1984 S.L.D. 559, rev'd App. Div., unreported decision (docket no. A-1178-84T7, decided December 6, 1985) 1985 S.L.D. 1972, decision on remand, St. Bd., 1986 S.L.D. 3113

Burlington Educational Ass'n v. Burlington Bd. of Ed., 1985 S.L.D. 889, aff'd St. Bd. 1985 S.L.D. 912

Scotch Plains-Fanwood Board of Education v. Scotch Plains-Fanwood Education Association, 270 NJ Super 444 (App. Div. 1994); rev'd. 139 NJ 141 (1995)

**Possible**

**Cross References:** 4150 Leaves  
\*4151.1/4251.1 Personal illness and injury/health and hardship  
4151.6 Religious observance  
4151.7 Emergency/personal  
\*4251 Attendance patterns

ATTENDANCE PATTERNS (continued)

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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PERSONAL ILLNESS AND INJURY/HEALTH AND HARDSHIP

The Estell Manor Board of Education will consider requests for extension of sick leave benefits on a case-by-case basis in accordance with law.

An employee who is absent for three consecutive sick days shall be required to submit a doctor's note.

Adopted: August 23, 2000  
Revised: November 22, 2010, July 24, 2013  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Leaves, Sick Leave, Attendance, Attendance Patterns, Employee Attendance

**Legal References:** N.J.S.A. 18A:6-6 No sex discrimination  
N.J.S.A. 18A:6-66 Rights and benefits of personnel (educational services commission)  
N.J.S.A. 18A:16-2 through -5 Physical examinations; requirement ...  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.  
N.J.S.A. 18A:30-1 Definition of sick leave  
N.J.S.A. 18A:30-2 Sick leave allowable  
N.J.S.A. 18A:30-6 Prolonged absence beyond sick leave period  
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

Ramsey Teachers Ass'n v. Ramsey Bd. of Ed., 1979 S.L.D. 862, St. Bd. rev'g 1978 S.L.D. 518, aff'd App. Div., 1980 S.L.D. 1528

Cole v. Essex County Vocational School District Bd. of Ed., 1986 S.L.D. 1855

**Possible**

**Cross References:** 4150/4150 Leaves  
\*4151/4151 Attendance patterns

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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BEREAVEMENT

Unless otherwise negotiated and embodied in a contract with the Estell Manor Board of Education:

- A. All employees are entitled to an absence not to exceed 5 consecutive days, without loss of pay in the case of death in the immediate family. "Immediate family" shall be husband, wife, child, stepchild, grandparent, grandchild, father or mother, father-in-law, mother-in-law, brother, brother-in-law, sister, sister-in-law or any member of employee's immediate household.
- B. All absences for such purposes shall be approved by the superintendent.

Adopted: July 24, 2013  
NJSBA Review/Update: August, 2021  
Readopted: October 27, 2021

Key Words

Bereavement, Death in Family

**Legal References:**     N.J.S.A. 18A:30-7     Power of the board of education to pay salary

**Possible**

**Cross References:**   \*2224            Nondiscrimination/affirmative action  
                          \*4111.1/4211.1   Nondiscrimination/affirmative action  
                          \*4151.1/4251.1   Sick leave, personal illness and injury  
                          4150/4250        Leaves  
                          \*4151/4251       Attendance patterns

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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JURY DUTY

The Estell Manor 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.

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 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 reimburse the school district the amount of any jury duty compensation paid to the staff member.

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.

Adopted: July 24, 2013  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Word

Jury Duty, Court

**Legal Reference:** N.J.S.A. 2B:20-16 Excuse from employment for jury duty; compensation  
N.J.S.A. 2B:20-17 Employment protection

**Possible**

**Cross References:** 2130 Administrative staff  
\*2131 Superintendent  
4000 Concepts and roles in personnel  
\*411 Supervision  
\*4111.1/4211.1 Nondiscrimination/affirmative action  
\*4112.6/4212.6 Personnel records  
\*4151/4251 Attendance patterns  
\*4215 Supervision

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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VACATIONS

The Estell Manor Board of Education believes that it is beneficial to the school district that persons employed to work twelve months a year be given periodic relief from the responsibilities of their position without loss of compensation.

Unless otherwise negotiated and embodied in a contract with the board of education:

Vacation time will be granted as follows:

Years	Days Awarded
0-2	5 days
3-9	10 days
10 or more	15 days

Up to 5 vacation days earned and not taken in a given year may be carried over into the next succeeding school year and must be used no later than August 15th or be forfeited.

This policy shall apply to individuals hired after September 1, 2013

Adopted: July 24, 2013  
NJSBA Review/Update: August, 2021  
Readopted: October 27, 2021

Key Words

Vacation, Vacation Time,

**Legal Reference:** N.J.S.A. 18A:30-7 Power of boards of education to pay salaries

**Possible**

**Cross References:** \*4115 Supervision  
\*4116 Evaluation  
\*4151/4251 Attendance  
\*4151.1/4251.1 Personal illness and injury/health and hardship  
\*4115 Supervision  
\*4116 Evaluation

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

RECRUITMENT, SELECTION AND HIRING

The Estell Manor Board of Education guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The superintendent shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of the district. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

The superintendent or his or her designee shall ensure that the district's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law Against Discrimination.

The board of education shall appoint all staff members only from nominations made by the superintendent. All appointments shall be by recorded roll call majority vote of the full membership of the board. The superintendent shall adhere to the following in recruiting and interviewing candidates:

- A. There will be no discrimination in the employment process in regard to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, nationality, disability, or because of genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job;
- B. All candidates must have training and/or actual work experience in the vacant position, and an acceptable level of proficiency; and
- C. It shall be the duty of the superintendent to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the completion of a criminal history check and proof of citizenship or eligible alien status.

The superintendent is responsible for the preparation and maintenance of job descriptions that define the duties, responsibilities and qualifications required for each support position. The board shall adopt those job descriptions required by law or code and others as appropriate.

The employment of any candidate is not official until the contract is approved by the board of education and signed by the candidate. It shall be the responsibility of the superintendent to communicate this fact to all candidates.

Residency Requirements

Every employee hired by the board shall have their principal residence within the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined

RECRUITMENT, SELECTION AND HIRING (continued)

as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy. However if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy. However, if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence caused by accepting a new appointment within the district shall not be considered a break in public service;
- E. An employee may request an exemption to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Reporting of Arrests, Charges and Indictments

All staff members who are charged, arrested or indicted for a crime or offense must submit a report to the superintendent of the charge, arrest or indictment, including (but not limited to) disorderly persons offenses and drunk driving arrests. This reporting requirement pertains to both in-state and out-of-state offenses and crimes. The employee will make the report within fourteen (14) days. The staff member shall also report the disposition of any charges within seven (7) days of the disposition. Failure to report arrests, charges and indictment may result in disciplinary action up to and including termination of employment.

The superintendent will make these requirements known to all new employees and to all employees on an annual basis.

Employment History - Definitions

For the purpose of this policy:

RECRUITMENT, SELECTION AND HIRING (continued)

- A. "Child abuse" means any conduct that falls under the purview and reporting requirements of law (P.L. 1971, c.437; N.J.S.A. 9:6-8.8 et seq.) and is directed toward or against a child or student, regardless of the age of the child or student (see also board policy 5141.4 Missing, Abused and Neglected Children);
- B. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent or erotic contact with a student.

Required Disclosure of Employment History

The board shall require all applicants for employment and applicants to provide contracted services for positions and services that involve regular contact with students to provide the following information:

- A. A list, including name, address, telephone number and other relevant contact information of the applicant's:
  - 1. Current employer;
  - 2. All former employers within the last 20 years that were schools; and
  - 3. All former employers within the last 20 years where the applicant was in a position that involved direct contact with children;
- B. A written authorization that consents to and authorizes disclosure of the information requested for the district to review the employment history and the release of related records by the applicant's list of employers as detailed in "A" of this section, and that releases those employers from liability that may arise from the disclosure or release of records;
- C. A written statement as to whether the applicant:
  - 1. Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
  - 2. Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct;
  - 3. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

Review of the Employment History

A review of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The dates of employment shall be requested and a statement as to whether the applicant:

- A. Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;

RECRUITMENT, SELECTION AND HIRING (continued)

- B. Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
- C. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The review of the employment history may be conducted through telephone or cellphone, electronic communication or written communications. If the review is conducted by telephone or cellphone the results of the review shall be documented in writing by the district employee assigned to conduct the review.

Any applicant who willfully provides false information or willfully fails to disclose information required shall be subject to discipline and including termination or denial of employment; may be deemed in violation of law (N.J.S.A. 2C:28-3); and may be subject to a civil penalty of not more than \$500. Notification of these penalties shall be on all applications for employment for positions which involve regular contact with students.

Review of Out-of-State Employment History

A review of out-of-State employers that are part of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The superintendent or his or her designee shall ensure that the employment history review conducted with an out-of-State employer is documented with specificity as to the diligent efforts made to:

- A. Verify the information provided by the applicant; and
- B. Obtain the information requested from any out-of-State employers listed by the applicant.

Nondisclosure Agreements

The district shall not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

- A. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
- B. Affects the ability of the district to report suspected child abuse or sexual misconduct to the appropriate authorities;
- C. Requires the district to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the district. This excludes allegations that are found to be false or alleged incidents of child abuse or sexual misconduct that have not been substantiated.

Implementation

The district may employ or contract with an applicant on a provisional basis for a period not to exceed 90 days pending the employment history review by the district provided that all of the following conditions are satisfied:

- A. The applicant has complied and provided the information requested;

RECRUITMENT, SELECTION AND HIRING (continued)

- B. The district has no knowledge or information pertaining to the applicant that the applicant is required to disclose as part of the employment history review; and
- C. That special or emergent circumstances exist that justify the temporary employment of the applicant.

When the review of an applicant's employment history reveals that the applicant has a history of sexual misconduct or child abuse, the applicant shall be disqualified from employment with the district without grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule or regulation.

The district shall respond to requests for employment history information pertaining to former or current district employees in compliance with law, within 20 days of the receipt of the request and former employee's consent to release the information.

Information received about an applicant's employment history shall not be a public record.

Adopted: August 24, 2016  
 NJSBA Review/Update: July 2021  
 Readopted: October 27, 2021

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check, Domestic Partnership Act, Residency Requirements

<b>Legal References:</b>	<u>N.J.S.A.</u> 10:5-1 <i>et seq.</i>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:3-15.2	Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
	<u>N.J.S.A.</u> 18A:6-5	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
	<u>N.J.S.A.</u> 18A:6-7.1, -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
	<u>N.J.S.A.</u> 18A:6-7.6	Employees; qualifications; discrimination, prohibitions
	through <u>N.J.S.A.</u> 18A:6-7.13	
	<u>N.J.S.A.</u> 18A:6-76.1	Deadline for notification to students of requirements of provisional certificate and induction program
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:13-40	General powers and duties of board of newly created regional districts
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:26-1, -1.1, -2	Citizenship of teachers, etc.
	<u>N.J.S.A.</u> 18A:27-1 <i>et seq.</i>	Employment and Contracts
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:27-4.1	
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 26:8A-1 <i>et seq.</i>	<u>Domestic Partnership Act</u>
	<u>N.J.S.A.</u> 52:14-7	Residency Requirements
	<u>N.J.A.C.</u> 6A:7-1.1 <i>et seq.</i>	Managing for Equality and Equity in Education
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:7-1.4,-1.8	

RECRUITMENT, SELECTION AND HIRING (continued)

<u>N.J.A.C. 6A:30-1.1</u>	<u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-4.1</u>		Employment of teaching staff
<u>N.J.A.C. 6A:32-5.1</u>		Standards for determining seniority

P.L. 2018, c.5 – regarding requirements for employment history review for child abuse and sexual misconduct.

P.L. 2018, c.9 – regarding unlawful employment practices with respect to discrimination in compensation or in the financial terms and conditions of employment

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

The Comprehensive Equity Plan, New Jersey Department of Education

**Possible**

<b><u>Cross References:</u></b>	2130	Administrative staff
	*2131	Superintendent
	4000	Concepts and roles in personnel
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4112.2	Certification
	*4112.4/4212.4	Employee health
	4112.5/4212.5	Criminal history check
	*4112.6/4212.6	Personnel records
	*4112.8/4212.8	Nepotism
	*4121	Substitute teachers
	*4222	Noninstructional aides
	*5120	Assessment of individual needs
	*6010	Goals and objectives

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

SUPERVISION

The Estell Manor School District superintendent shall ensure development of procedures for observation and supervision of all employees so that optimum support is provided for the educational program.

Such observation and supervision shall not be limited to that which is required for effective performance evaluation.

This policy shall be distributed to each support staff member at the beginning of his/her employment.

NJSBA Review/Update: July 2021  
Adopted: October 27, 2021

Key Words

Support Staff Supervision, Supervision

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

**Possible**

**Cross References:** \*4216 Evaluation  
\*4231/4231.1 Staff development; inservice education/visitations/conferences

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

EVALUATION

The Estell Manor School District superintendent shall maintain factual personnel records on all support employees and shall direct evaluation procedures.

Before increments for support staff members are approved for succeeding years, administrative and supervisory personnel in the schools shall submit to the superintendent a report on the work and attitude of each employee under their jurisdiction.

The employee's supervisor has the responsibility for seeing that each employee knows the basis upon which he/she is to be evaluated in advance of the evaluation.

NJSBA Review/Update: July 2021  
Adopted: October 27, 2021

Key Words

Evaluation, Personnel Evaluation

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:17-2 Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees  
N.J.S.A. 18A:17-3 Tenure of janitorial employees  
N.J.S.A. 18A:38-33 Tenure of attendance officers in city districts

**Possible**

**Cross References:** \*3510 Operation and maintenance of plant  
\*3541.33 Transportation safety  
\*4112.6/4212.6 Personnel records  
4117.51/4217.51 Withholding increment  
4117.52/4217.52 Dismissal/suspension

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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EMPLOYEE SUBSTANCE ABUSE

There shall be no smoking in Estell Manor School District buildings or on school grounds. For purposes of this policy, "smoking" means inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco. Chewing tobacco is also specifically prohibited by this policy.

Employee use of alcoholic beverages on school property or when in official charge of students off school premises is prohibited.

Illegal possession, use, or sale of controlled dangerous substances on or in school property, or when in official charge of students off school premises, is prohibited. Any violation may subject an employee to disciplinary action including dismissal and prosecution.

Illegal gambling is not permitted in or on school property.

These rules also apply during working hours for employees whose assignments require them to work outside school work locations.

Drug and Alcohol Testing

The Estell Manor School District is committed to the establishment of a drug and alcohol misuse prevention program among school bus drivers that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by employees performing safety-sensitive functions.

In addition to all prohibitions in the first sections of this policy, all employees with commercial drivers' licenses shall be prohibited from:

- A. The use of any controlled substance on or off duty, unless a written prescription from a licensed doctor or osteopath is provided along with a written statement from the doctor or osteopath that the substance does not adversely affect the employee's ability to safely operate a motor vehicle or perform other safety-sensitive functions;
- B. The misuse of alcohol that could affect performance on the job including use on the job, use during the four hours before performing a safety-sensitive function, having prohibited concentrations of alcohol in their systems while performing a safety-sensitive function and use during eight hours following an accident.

"Controlled substance" in this policy refers to those covered by the Omnibus Act, including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered applicants and employees shall be subjected to pre-employment or pre-duty, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory

EMPLOYEE SUBSTANCE ABUSE (continued)

certified by the U.S. Department of Health and Human Services shall be required.

Pre-employment testing shall be administered to an applicant offered a position in the district prior to the first time the employee performs any safety-sensitive function for the district. An applicant who tests positive will not be hired for any safety-sensitive position.

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions which includes just before or just after the employee performs the safety-related function. Controlled substances testing may be performed at anytime while the employee is at work.

An employee covered by the federal regulations may not refuse to take a required test. Consequences for an employee's refusal shall be the same as for a positive result of the test.

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with the federal regulations. Before an employee is reinstated, if at all, the employee shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

The board retains the authority consistent with federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the employee's qualifications for and performance of the job.

The district is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable state law, board policies and negotiated agreements.

The district shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the employee's consent, the district may obtain any of the information concerning drug and alcohol testing from the employee's previous employer. An employee shall be entitled upon written request to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.

Records shall be made available to a subsequent employer upon receipt of a written request from an employee, and only on the expressly authorized terms of the employee.

The superintendent shall ensure that supervisors receive proper training to administer the drug and alcohol testing program and those employees receive the notifications required by federal regulations.

Transportation contracts approved by the board shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

Adopted:	August 24, 2005
NJSBA Review/Update:	July 2021
Readopted:	October 27, 2021

Key Words

Smoking; Drinking; Drugs; Smoking Prohibition; Employee Smoking, Use of Drugs on School Premises;

EMPLOYEE SUBSTANCE ABUSE (continued)

## Drug Testing; Alcohol Testing

**Legal References:**

<u>N.J.S.A.</u> 2C:33-16	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
<u>N.J.S.A.</u> 2C:35-1 <u>et seq.</u>	<u>Comprehensive Drug Reform Act 1987</u>
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:16-2	Physical examinations; requirement
<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.
<u>N.J.S.A.</u> 18A:36-32	Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 26:3D-55 <u>et seq.</u>	<u>New Jersey Smoke-Free Air Act</u>
<u>N.J.A.C.</u> 6A:16-6.3	Reporting students or staff members to law enforcement authorities
<u>N.J.A.C.</u> 6A:16-6.5	Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
<u>N.J.A.C.</u> 6A:26-12.2(a)4	Policies and procedures for school facility operation

Owner-Operator Indep. Drivers Assoc., Inc. v. Pena, 996 F. 2d 338 (D.C. Cir. 1993)

New Jersey Constitution, Article. IV, Section VII, Paragraph 2

Anti-Drug Abuse Act of 1988

Drug-Free Workplace Act of 1988

34 CFR Part 85.100, Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)

42 U.S.C.A. § 31306 et seq. - Alcohol and Controlled Substances Testing

49 C.F.R. Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs

49 C.F.R. Part 382 - Controlled Substance and Alcohol Use and Testing

49 C.F.R. Part 391 - Qualification of drivers

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:**

*1330	Use of school facilities
*1410	Local units
*3220/3230	State funds; federal funds
*3515	Smoking prohibition
*3541.33	Transportation safety
*4119.23	Employee substance abuse
*4112.4/4212.4	Employee health

EMPLOYEE SUBSTANCE ABUSE (continued)

- \*4112.6/4212.6 Personnel records
- 4217.50 Standards for staff discipline
- \*5131.6 Drugs, alcohol, tobacco (substance abuse)

\*Indicates policy is included in the Critical Policy Reference Manual.

NONINSTRUCTIONAL AIDES

The Estell Manor Board of Education, within its financial means, may hire aides as recommended by the superintendent.

It is the responsibility of the classroom teacher to plan for any teacher aide's constructive involvement with the class. The primary benefit must be to the students.

Lunchroom and playground aides shall be under the supervision of appropriate certified personnel.

The superintendent shall submit statements of assurance affirming that all paraprofessional staff hired were employed as instructional or health and safety personnel or in accordance with the requirements of individualized education programs. The statements of assurance shall be submitted biannually to the executive county superintendent no later than September 30 and January 31. All noninstructional aides shall be required to comply with the provisions of the law regarding health examinations and criminal history checks.

On or before May 15 in each year, a paraprofessional continuously employed since the preceding September 30 in a school district that receives funding under Title I of the federal Elementary and Secondary Education Act of 1965 shall receive either:

- A. A written offer of a contract for employment for the next succeeding year providing for at least the same terms and conditions of employment but with such increases in salary as may be required by law or policies of the board of education; or
- B. A written notice that such employment will not be offered.

Adopted: September 23, 2015  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Aides, Noninstructional Aides, Background Check, Personnel Background Check

<b>Legal References:</b>	<u>N.J.S.A.</u> 18A:6-7.1 through -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception ...
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:16-2 through -5	Physical examinations; requirement
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exceptions
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:32-4.2	Approval of paraprofessional staff
	<u>N.J.A.C.</u> 6A:32-6.1 <i>et seq.</i>	School Employee Physical Examinations

NONINSTRUCTIONAL AIDES (continued)

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

**Possible**

<b><u>Cross References:</u></b>	*3541.1	Transportation routes and services
	*3542	Food service
	*4112.4/4212.4	Employee health
	*4215	Supervision
	*4216	Evaluation
	4221	Noninstructional substitutes
	*6162.4	Community resources

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Estell Manor Board of Education recognizes that the skills required of support staff members change with changing technology. In order to ensure both optimum efficiency in district operations, and the continued growth in expertise of the staff, the superintendent shall ensure that appropriate programs of inservice training shall be developed for support staff as necessary.

The superintendent may recommend to the board the granting of leave for attendance of personnel at state, regional, and national job-related meetings without pay deduction and with expenses paid by the school system according to established allowances.

Achievement Gap and Inequity

The board shall on a continuing basis, provide professional development training for all school personnel (certified and noncertified) to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice. Parents/guardians and other community members shall be invited to participate in the professional development training. Newly hired certified and noncertified staff shall be provided professional development training on educational equity issues within the first year of employment.

Mandated Inservice Programs

The superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, drug/alcohol abuse awareness, harassment, intimidation and bullying, handling blood and body fluids, possible hazardous substances in the workplace, crisis response, school violence and other topics specifically required by federal or New Jersey law.

Adopted: August 24, 2016  
NJSBA Review/Update: July 2021  
Readopted: October 27, 2021

Key Words

Staff Development; Inservice; Visitations; Conferences

<b>Legal References:</b>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report
	<u>N.J.S.A.</u> 18A:30-7	Power of boards of education to pay salaries
	<u>N.J.S.A.</u> 18A:31-2	Attendance at conventions of New Jersey Education Association
	<u>N.J.S.A.</u> 18A:40A-3	Initial inservice training programs; curriculum; availability
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:40A-3a, -18c	
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 34:5A-10	Retention or workplace surveys
	<u>N.J.S.A.</u> 34:5A-13	Employee education and training program; certification

STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)

<u>N.J.A.C.</u> 6A:7-1.6	of instructors
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Professional development
<u>See particularly:</u>	Programs to Support Student Development
<u>N.J.A.C.</u> 6A:16-3.1(a)4, -5.1(d), -6.2(b)12	
<u>N.J.A.C.</u> 6A:16-11.1 <u>et seq.</u>	Reporting Allegations of Child Abuse and Neglect
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*4215	Supervision
	*4216	Evaluation
	4233	Travel/reimbursement
	*5131	Conduct and discipline
	*5131.1	Harassment, intimidation and bullying
	*5141	Health
	*5141.4	Child abuse and neglect

\*Indicates policy is included in the Critical Policy Reference Manual.