

# BYLAW GUIDE

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[See POLICY ALERT Nos. 182, 184, 188, and 236]

## 0142.1 NEPOTISM

The Board of Education adopts this Nepotism Policy as a condition of receiving State aid pursuant to N.J.A.C. 6A:23A-6.2(a).

For the purposes of this Policy, “relative” means an individual’s spouse, ~~by marriage or civil union partner as defined at pursuant to N.J.S.A. 37:1-2833 et seq.~~, domestic partner as defined ~~at in~~ N.J.S.A. 26:8A-3, or the ~~individual’s or spouse’s~~ parent, child, sibling, 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 **pursuant to N.J.A.C. 6A:23A-1.2.**

For the purposes of this Policy, “immediate family member” means the person’s spouse, partner in a civil union as defined ~~at in~~ N.J.S.A. 37:1-2833 **et seq.**, domestic partner as defined ~~at in~~ N.J.S.A. 26:8A-3, or dependent child, residing in the same household.

For the purposes of this Policy, “administrator” is defined as set forth in N.J.S.A. 18A:12-23.

No relative of a Board member or the Superintendent of Schools shall be employed in an office or position in this school district except: ~~that a person employed by the school district on the effective date of the Policy or the date a relative becomes a Board member or Superintendent shall not be prohibited from continuing to be employed or promoted in the district.~~

1. **A person employed by the district on or before October 1, 2008 or on or before the date an employee’s relative becomes a Board member or Superintendent shall not be prohibited from continuing to be employed or to be promoted in the district in accordance with the effective date as outlined in the initial version of N.J.A.C. 6A:32A-6.2 adopted on July 1, 2008.**



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However, this shall not pertain to extending an employment contract to allow for an increase in annual pay directly related to an extension of the work year; and

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2. The district may employ a relative of a Board member or the Superintendent provided the district has obtained approval from the Executive County Superintendent. Such approval shall be granted only upon demonstration by the district that it conducted a thorough search for candidates and the proposed candidate is the only qualified and available person for the position.

~~The Superintendent of Schools shall not recommend to the Board, of Education pursuant to N.J.S.A. 18A:27-4.1, the any relative of a Board member or the Superintendent or a Board member, unless the relative is subject to an exception as outlined at N.J.A.C. 6A:23A-6.2(a)2. and at 1. and 2. above.~~  
~~{Optional — However, in accordance with N.J.A.C. 6A:23A-6.2(a)2, the district may employ a relative of a Board member or Superintendent of Schools provided the district obtains 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.}~~

~~{Optional — In accordance with N.J.A.C. 6A:23A-6.2(a)6.(b), per diem substitutes and student employees who are relatives of a Board member or the Superintendent of Schools shall be excluded from the provisions of this Policy and N.J.A.C. 6A:23A-6.2.}~~

A school district administrator shall ~~not exercise be prohibited from exercising~~ direct or indirect authority, supervision, or control over ~~the administrator's a~~ relative of the administrator. ~~If Where~~ it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternative supervision and reporting mechanisms ~~shall must~~ be put in place.

A school district administrator or Board member ~~whose who has a~~ relative who is a member of the bargaining unit shall ~~not discuss or vote be prohibited from discussing or voting~~ on the proposed collective bargaining agreement with that unit or from participating in any way in negotiations, including, but not limited to, being a member of the negotiating team; nor should that school district



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administrator be present with the Board in closed session when negotiation strategies are being discussed; ~~provided however, that~~ the administrator may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the district can provide such information.

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A ~~school~~ district administrator or Board member who has an immediate family member who is a member of the same Statewide union in another school district shall **not participate** ~~be prohibited from participating~~ in any way in negotiations, including, but not limited to, being a member of the negotiating team or being present with the Board ~~of Education~~ in closed sessions when negotiation strategies are being discussed, prior to the Board ~~of Education~~ attaining a ~~t~~entative ~~m~~Memorandum of ~~a~~Agreement with the bargaining unit that includes a salary guide and total compensation package. Once the ~~t~~entative ~~m~~Memorandum of ~~a~~Agreement is established, a ~~school~~ district administrator with an immediate family member who is a member of the same Statewide union in another school district may fully participate in the process, absent other conflicts. **However** ~~Notwithstanding these provisions~~, a district administrator who has an immediate family member who is a member of the same Statewide union in another district may serve as a technical resource to the negotiating team and may provide technical information necessary to the collective bargaining process when no one else in the district can provide the information.

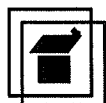
In accordance with N.J.A.C. 6A:23A-6.2(b), per diem substitutes and student employees who are relatives of a Board member or the Superintendent shall be excluded from the provisions of this Policy and N.J.A.C. 6A:23A-6.2.

N.J.A.C. 6A:23A-6.2



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Adopted:



## 0143 - BOARD MEMBER ELECTION AND APPOINTMENT

Section: Bylaws

Date Created: March 2005

Date Edited: May 2025

The election and appointment of Board of Education members will be conducted in strict compliance with law.

A vacancy in the membership of a regional Board of Education shall be filled in accordance with N.J.S.A. 18A:13-11.

A vacancy in the membership of a Board of Education shall be filled as follows:

1. By the Executive County Superintendent, if the vacancy is caused by:
  - a. The absence of candidates for election to the school Board; or
  - b. The removal of a member because of lack of qualifications; or
  - c. The failure of the Board to appoint a person to a vacancy within sixty-five days following its occurrence; or
  - d. Two or more candidates qualified by law for membership on the Board receiving an equal number of votes in a special runoff election.
2. By the Executive County Superintendent, to a number sufficient to make up a quorum of the Board if, by reason of vacancies, a quorum is lacking;
3. By special election within sixty days of the annual school election, if:
  - a. Two or more candidates qualified by law for membership on the school Board receive an equal number of votes in the annual school election; or
  - b. The annual election is disqualified due to improper election procedures.
4. By the Commissioner of Education if there is a failure to elect a member at the annual school election due to improper campaign practices; or
5. By a majority vote of those present members of the Board of Education after the vacancy occurs in all other cases.

The Board Secretary shall promptly notify the President of a vacancy to be filled by the Board. The President shall inform all other Board members. The Board will give public notice of the vacancy and invite any qualified person to submit a written request for consideration of his/her candidacy for the vacancy. The Board may also require candidates to submit a resume with their written request.

In considering candidates who have expressed an interest in a vacancy, the Board of Education may interview candidates in public or executive session. The Board must vote to appoint a candidate to a vacancy in public session and there shall be no decisions made in executive session. In the event interviews are conducted in executive session, Board members, in the public session nomination and voting process, shall summarize the Executive Session discussion, express their opinion in support of their vote so the public can witness any deliberations, policy formulation, and the decision making process of the Board. The vote to nominate and appoint the candidate shall only occur after the public is offered an opportunity to make comment.

A roll call vote will be conducted on candidates in the order the candidates were nominated with a second. If there are two or more vacancies, each vacancy will be filled by a separate election process. The first candidate who receives the votes of a majority of the remaining Board members will be elected to the vacancy. In the event no candidate receives a majority vote of the present Board members, another election process shall be conducted between the two candidates receiving the highest number of votes.

N.J.S.A. 18A:12-11; 18A:12-15

Adopted: 22 March 2005

Revised: May 13, 2025

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[See **POLICY ALERT** Nos. 184, 186, 209, and 236]

## 1220 EMPLOYMENT OF CHIEF SCHOOL ADMINISTRATOR

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

### ~~{Optional~~

~~The Superintendent shall devote **themselves** himself or herself exclusively to the duties of the office.]~~

### Recruitment Procedures

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

1. The preparation of a new or a review of an existing written job description;
2. **The p**Preparation of informative material describing the ~~school~~ district and its educational goals and objectives;
3. ~~Where feasible, T~~he opportunity for applicants to visit the district, **where feasible**;
4. ~~An Establish an~~ interview process that encourages the candidate and the Board members to have a meaningful discussion of the ~~school~~ district's needs and expectations. The Board members shall review and discuss the candidate's credentials, qualifications,



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educational philosophy, and other qualities and expertise the candidate he/she can offer to the district;

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5. Solicitation of applications from a wide geographical area; and
6. Strict compliance with law and Policy 1530 on equal employment opportunity.

## Qualifications

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

## [Optional]

The candidate shall meet criteria established by the Board.

**OR**

## **Choose one or more of the following:**

\_\_\_\_\_ have earned a doctoral degree from a duly accredited institution of higher education as defined in N.J.A.C. 6A:9-2.1.

\_\_\_\_\_ have \_\_\_\_\_ years of demonstrated success in public school administration of which at least \_\_\_\_\_ years have been in the capacity of

\_\_\_\_\_ school Principal.

\_\_\_\_\_ central office administrator.

\_\_\_\_\_ Assistant Superintendent.

\_\_\_\_\_.

(Insert other locally adopted requirements regarding background, experience, personal qualities, and individual achievements.)





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\_\_\_\_\_  
\_\_\_\_\_  
(Insert locally adopted requirements regarding verification of competency including: ~~resumes, records of past experience, college transcripts, certification test, evaluation reports, internship evaluations, etc.~~)

\_\_\_\_\_  
\_\_\_\_\_  
~~submit at least \_\_\_\_\_ letters of recommendation from persons who have supervised the candidate's his/her administrative performance.]~~

#### Employment Contract

A person appointed Superintendent must enter **into** an employment contract with the Board.

An employment contract for the Superintendent ~~of Schools~~ shall be reviewed and approved by the Executive County Superintendent in accordance with the provisions of N.J.A.C. 6A:23A-3.1 and Policy 1620. Any action(s) by the Executive County Superintendent undertaken pursuant to N.J.A.C. 6A:23A-3.1 may be appealed to the Commissioner pursuant to the procedures set forth in N.J.A.C. 6A:3 **pursuant to N.J.A.C. 6A:23A-3.1(f).**

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

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

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



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### Employment of Chief School Administrator

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

During the term of the contract, the Superintendent shall not be dismissed or reduced in compensation except for inefficiency, incapacity, **or** conduct unbecoming a Superintendent; or other just cause and **then only in the manner prescribed by N.J.S.A. 18A:6 Article 2 Subarticle B pursuant to N.J.S.A. 18A:17-20.2** ~~by the Commissioner of Education pursuant to the tenure hearing laws.~~

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

Pursuant to N.J.S.A. 18A:17-20.2a, the Board shall submit to the Commissioner of Education for prior approval an early termination of employment agreement



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that includes the payment of compensation as a condition of separation. **As used** ~~in accordance with~~ N.J.S.A. 18A:17-20.2a, “compensation” includes, but is not limited to, salary, allowances, bonuses and stipends, payments ~~for of~~ accumulated sick or vacation leave, contributions toward the costs of health, dental, life, and other types of insurance, medical reimbursement plans, retirement plans, and any in-kind or other form of remuneration.

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An early termination of an employment agreement **of the Superintendent** shall be limited in its terms and conditions as outlined in N.J.A.C. 6A:23A-3.2. The Commissioner shall evaluate ~~the such~~ agreements in accordance with the provisions of N.J.S.A. 18A:17-20.2a and N.J.A.C. 6A:23A-3.2 and **shall have** ~~has~~ the authority to disapprove the agreement **if the payment of compensation has a condition of separation from service is found to be excessive pursuant to N.J.S.A. 18A:17-20.2a.** The agreement shall be submitted to the Commissioner by the district by certified mail, return receipt requested. The determination shall be made within thirty days of the Commissioner’s receipt of the agreement from the ~~school~~ district.

### Disqualification

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

### Certificate Revocation

**All Superintendent contracts shall include, pursuant to N.J.S.A. 18A:17-15.1, the required provision that states that the contract is null and void in the event the Superintendent’s certificate is revoked in accordance with N.J.A.C. 6A:23A-3.1(e)13.**

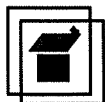
~~In accordance with N.J.A.C. 6A:23A-3.1(c)(12), in the event the Superintendent’s certificate is revoked, the Superintendent’s contract is null and void.~~



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N.J.S.A. 18A:16-1; 18A:17-15; 18A:17-20; 18A:17-20.1;  
18A:17-20.2; 18A:17-20.2a; 18A:17-20.3  
N.J.A.C. 6A:9B-12.3; 6A:9B-12.4; 6A:23A-3.1; 6A:23A-3.2

Adopted:



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[See **POLICY ALERT No. 236**]

## 2535 LIBRARY MATERIAL

The Board of Education believes the freedom to read is a human right, constitutionally protected by the First Amendment of the United States Constitution, and individuals have the right to free inquiry and the right to form their own opinions. The freedom to read does not require an individual to agree with topics or themes within a material, but instead allows a reader to explore and engage with differing perspectives to form and inform their own views pursuant to the “Freedom to Read Act” N.J.S.A. 18A:34A-1 through N.J.S.A. 18A:34A-7.

In accordance with N.J.S.A. 18A:34A-4, the purpose of Regulation 2535 and this Policy is to: provide standards for the curation of library material, establish criteria for the removal of existing school library material or library material selected for inclusion in the school library, and provide protection against attempts to censor library material.

### A. Definitions – N.J.S.A. 18A:34A-3

1. For the purpose of Regulation 2535 and this Policy:
  - a. “Board of Education” means a Board of Education as defined in N.J.S.A. 18A:18A-2, the Board of Directors of an educational services commission, a Board of Trustees of a charter school, a Board of Trustees of a renaissance school project, or any other local education agency.
  - b. “Censorship” means to block, suppress, or remove library material based on disagreement with a viewpoint, idea, or concept or solely because an individual finds certain content offensive, but does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain students.



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- c. “Diverse and inclusive material” means any material that reflects any protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; material

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produced by an author who is a member of a protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; and material that contains the author’s points of view concerning contemporary problems and issues, whether international, national, or local; but excludes content that is inappropriate for grades served by the school library.

- d. “Individual with a vested interest” means any teaching staff member employed by the Board of Education, any parent of a student enrolled in the school district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed, and any student enrolled in the district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed.
- e. “Library material” means any material including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and instructional material, and other material not required as part of classroom instruction belonging to, on loan to, or otherwise in the custody of a school library.
- f. “School library staff member” means a school library media specialist, school librarian, any certificated or non-certificated staff member assigned to duties in a school library, or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.

## B. Library Material Curation – N.J.S.A. 18A:34A-4



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1. The Board of Education shall have control over the content of this Policy, except this Policy shall at a minimum:
  - a. Recognize that library material should be provided for the interest, information, and enlightenment of all students and should present diverse points of view in the collection as a whole;
  - b. Acknowledge that library material shall not be removed from a school library because of the origin, background, or views of the library material or those contributing to its creation;
  - c. Recognize the importance of school libraries as centers for voluntary inquiry and the dissemination of information and ideas;
  - d. Promote the free expression and free access to ideas by students by prohibiting the censorship of library material;
  - e. Acknowledge that a school library media specialist is professionally trained to curate and develop the school library collection that provides students with access to the widest array of developmentally appropriate library material available to schools; and
  - f. Establish a procedure for a school library staff member to review library material within a school library on an ongoing basis, which shall include, but not be limited to:
    - (1) The library material's relevance;
    - (2) The condition of the library material;
    - (3) The availability of duplicates;
    - (4) The availability of more recent developmentally appropriate library material; and

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(5) The continued demand for the library material.

2. The Board of Education, in consultation with school library staff members, shall have discretion in selecting, purchasing, or acquiring library material for inclusion in the school library. Nothing in N.J.S.A. 18A:34A-4 or this Policy shall be construed to require the Board of Education to purchase, or otherwise acquire, library material for a school library. **To that end, the Board of Education will provide the school library staff member with the**

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**tools and professional development to ensure materials are developmentally appropriate for the PreK-8 students served. Materials with significant educational value that may also touch upon sensitive topics must prioritize the educational, literary, artistic, and scientific merit over any adverse content. All materials selected shall be consistent with student interests, the district curriculum and be developmentally appropriate for the grade levels served. This language is intended to guide future selections. Removal of any material is guided by regulation 2535.**

3. Nothing in N.J.S.A. 18A:34A-4 and this Policy shall be construed to restrict the Board of Education's authority to select textbooks and school supplies related to the curriculum.

## C. Library Material Recommendation and Selection Process

1. The school library staff member in each school building will accept the written requests of teaching staff members for new and revised library material. Each request should include:
  - a. The name and originator of the library material;
  - b. The publisher or distributor;
  - c. A brief description of the library material; and





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- d. The reason for the request, including the relevance of the library material to the instructional program.
2. The school library staff member shall review each recommendation against the standards for selection in B.1.f. above and the amount budgeted for library material in the current or succeeding school year, as appropriate.
3. The school library staff member shall present to the Superintendent or designee a list of recommended purchases of library material. The list will include multiple copies of library material when a high level of interest and need is anticipated.

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4. Standards to be applied in the selection of library material shall relate to, support, and enrich the courses of study adopted by the Board of Education.

## D. Censorship of School Library Material Prohibited, Right to Reserve, Check Out – N.J.S.A. 18A:34A-6

1. The Board of Education shall not remove library material from a school library in the district because of the origin, background, or views of the library material or those contributing to its creation, and shall not engage in censorship of library material.
2. The Board of Education shall allow a student to reserve or check out any developmentally appropriate library material, including diverse and inclusive material, regardless of the origin, background, or views of the library material or those contributing to its creation.

## E. Removal Request Procedure

Any request by an individual with a vested interest to have library material removed from a school library in the district shall follow the grievance



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procedure outlined in Regulation 2535 in accordance with N.J.S.A. 18A:34A-5.

F. Immunity, School Library Staff – N.J.S.A. 18A:34A-7

A school library staff member who engages in activities as required by N.J.S.A. 18A:34A-4 through 18A:34A-6 and B. through E. above shall be immune from civil and criminal liability arising from good faith actions performed pursuant to the provisions of N.J.S.A. 18A:34A-4 through 18A:34A-6 and B. through E. above.

N.J.S.A. 18A:34A-1 through N.J.S.A. 18A:34A-7

Adopted:



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[See **POLICY ALERT No. 236**]

## R 2535 LIBRARY MATERIAL

Any individual with a vested interest requesting to have library material removed from a school library in the district shall follow the grievance procedure outlined below in accordance with the provisions of N.J.S.A. 18A:34A-5.

### A. Definitions – N.J.S.A. 18A:34A-3

1. For the purpose of Policy 2535 and this Regulation:
  - a. “Board of Education” means a Board of Education as defined in N.J.S.A. 18A:18A-2, the Board of Directors of an educational services commission, a Board of Trustees of a charter school, a Board of Trustees of a renaissance school project, or any other local education agency.
  - b. “Censorship” means to block, suppress, or remove library material based on disagreement with a viewpoint, idea, or concept or solely because an individual finds certain content offensive, but does not include limiting or restricting access to any library material deemed developmentally inappropriate for certain students.
  - c. “Diverse and inclusive material” means any material that reflects any protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; material produced by an author who is a member of a protected class as enumerated in the “Law Against Discrimination,” N.J.S.A. 10:5-1 et seq.; and material that contains the author’s points of view concerning contemporary problems and issues, whether international, national, or local; but excludes content that is inappropriate for grades served by the school library.



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- d. "Individual with a vested interest" means any teaching staff member employed by the Board of Education, any parent of a student enrolled in the school district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed, and any student enrolled in the district at the time the removal form required pursuant to N.J.S.A. 18A:34A-5 is filed.
  - e. "Library material" means any material including, but not limited to, nonfiction and fiction books, magazines, reference books, supplementary titles, multimedia and digital material, software and instructional material, and other material not required as part of classroom instruction belonging to, on loan to, or otherwise in the custody of a school library.
  - f. "School library staff member" means a school library media specialist, school librarian, any certificated or non-certificated staff member assigned to duties in a school library, or any individual carrying out or assisting with the functions of a school library media specialist or school librarian.
- B. The following procedure shall be adhered to any time an individual with a vested interest submits a complaint requesting removal of library material from any of the district's school libraries.
- 1. Complaints about library material shall be made on a request for removal form and submitted to the Principal of the school building in which the library material is challenged to initiate a review of the material.



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2. The individual with a vested interest shall complete and sign a request for removal form available in the Principal's office. The request for removal form shall include:
  - a. The title, author, and publisher of the library material at issue;
  - b. Sections of the library material to which the individual with a vested interest objects; and
  - c. An explanation of the reasons for the objection.
3. Within five working days of the receipt of the request for removal form, the Principal or designee shall forward the request for removal to the Superintendent.
4. Upon receipt of the request for removal form, the Superintendent or designee shall appoint a review committee consisting of:
  - a. The Superintendent or designee;
  - b. The Principal or designee of the school in which the library material is challenged;
  - c. The school library media specialist or a school library staff member;
  - d. A representative selected by the Board of Education;
  - e. At least one grade-appropriate teacher familiar with the library material, provided the teacher selected is not the individual who submitted the request for removal form;
  - f. A parent of a student enrolled in the school district, provided the parent selected is not the individual who submitted the request for removal form;

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- g. If appropriate, and at the discretion of the Superintendent, in cases where a student enrolled in the district in grades nine through twelve filed the request for removal form, a student enrolled in the district in grades nine through twelve may volunteer to serve on the review committee if that student did not file the request for removal form. The Superintendent shall consult with the Principal of the school involved in the removal request in making this determination; and

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- h. Any additional members the Superintendent or designee deem necessary.
- 5. The challenged library material shall remain within the school library and available for a student to reserve, check out, or access until there is a final decision reached by the Board of Education pursuant to N.J.S.A. 18A:34A-5.b.(5) and B.7. below.
  - 6. The review committee members shall evaluate the request for removal form and review the challenged library material in its entirety. The review committee shall meet to discuss the library material and concerns raised and make a recommendation on whether the challenged library material should be removed from circulation, retained, or limited in use. The review committee shall submit its written report with recommendations to the Board of Education no later than sixty school days from the date of the next regularly scheduled Board of Education meeting after receipt of the request for removal form:
    - a. A copy of the review committee's report shall also be provided to the individual with a vested interest who filed the request for removal form and the Principal who received the request for removal form.



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7. The Board of Education shall review the review committee's report and make a final determination on whether the library material is to be removed from the school library or limited in use. The Board of Education shall provide a written statement of reasons for:
  - a. The removal, limitation, or non-removal of a library material; and
  - b. Any final determination that is contrary to the recommendations of the review committee.
8. The written statement of reasons shall be posted on the Board of Education's website in a prominent and easily accessible location within thirty days of the determination.

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9. All decisions on whether to remove from circulation, retain, or limit in use library material shall be based on the library material as a whole, not isolated passages.
10. All request for removal forms and outcomes shall be maintained in accordance with other similar records in the district.
11. Library material that has been challenged pursuant N.J.S.A. 18A:34A-5.b.(1) through 18A:34A-5.b.(5), Policy 2535, and this Regulation shall not be subject to challenge for at least one year in accordance with N.J.S.A. 18A:34A-5.b.(6).
12. The district may consolidate requests for removal of the same challenged library material in accordance with N.J.S.A. 18A:34A-5.b.(7).
13. The Board of Education's determination issued in accordance with N.J.S.A. 18A:34A-5, Policy 2535, and this Regulation which denies a request for removal shall not constitute a controversy or dispute pursuant to N.J.S.A. 18A:6-9. However, an individual with a vested interest, as defined in N.J.S.A. 18A:34A-3, may file a petition of appeal of the Board of Education's final determination to remove library material to the Commissioner of Education



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through the Office of Controversies and Disputes in accordance with N.J.S.A. 18A:6-9 and the procedures set forth in State Board of Education regulations.

14. Nothing in N.J.S.A. 18A:34A-1 through 18A:34A-7, Policy 2535, and this Regulation shall be construed as creating a separate legal cause of action regarding any determination issued pursuant to N.J.S.A. 18A:34A-1 through 18A:34A-7, Policy 2535, and this Regulation.
15. A school library staff member who engages in activities as required by N.J.S.A. 18A:34A-4 through 18A:34A-6 shall be immune from civil and criminal liability arising from good faith actions performed pursuant to the provisions of N.J.S.A. 18A:34A-4 through 18A:34A-6.

**C. The following procedure shall be implemented regarding selection of library materials that may contain sensitive content:**

**If a library staff member identifies the purchase of material that may contain sensitive content, prior to presenting the material to the Superintendent or designee as per section C(3) of policy 2535, the staff member shall present the material to a review panel consisting of the building principal, Supervisor of Humanities, and another librarian ("the Panel"). The Panel's review process may include presentation of the material to the Ed/Tech Committee of the Board of Education for further review.**

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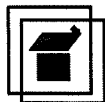
[See POLICY ALERT No. 236]

## 2530 RESOURCE MATERIALS

The Board of Education shall provide resource materials to implement **the school** district's ~~and school~~ educational goals and objectives **to meet as** student needs ~~dictate and as~~ district resources permit. **Resource** ~~Such~~ materials include, **but are not limited to**, reference materials ~~books~~; **fiction and nonfiction books**; **maps**; **audio and audio-visual materials**; **pamphlets**; **periodicals**; **pictures**; **online references**; other supplementary titles;; ~~maps, library print and non-print materials~~, and other sources of information for use by students that are not designated as textbooks. **Resource materials are not library material as defined in N.J.S.A. 18A:34A-3 and Policy and Regulation 2535.**

~~The Superintendent shall be responsible for the selection and maintenance of all resource materials, in accordance with the following standards:~~

- ~~1. Material will be suited to the varied interests, abilities, reading levels, and maturation levels of the students to be served;~~
- ~~2. Wherever possible, materials will provide major opposing views on controversial issues so that students may develop under guidance the practice of critical reading and thinking;~~
- ~~3. Wherever possible, materials will represent the many religious, ethnic, and cultural groups and their contribution to American heritage;~~
- ~~4. Materials will be factually accurate and of genuine literary or artistic value;~~
- ~~5. Materials will be of a quality and durability appropriate to their intended uses and longevity;~~
- ~~6. Materials will relate to, support, and enrich the courses of study adopted by the Board.~~



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The Superintendent will develop regulations for the selection of resource materials **pursuant to Regulation 2530** that provide for the effective consultation of teaching staff members at all appropriate levels,; ensure that the Board's budgetary allotment for resource materials is efficiently spent and **appropriately** ~~wisely~~ distributed throughout the instructional program and the district,; and ensure an inventory of resource materials that is well balanced ~~and well rounded~~ ~~in coverage of subject, types of materials, and variety of content.~~

The Superintendent will evaluate ~~the continuing effectiveness and utility of~~ resource materials and recommend to the Board the removal of ~~resource~~ ~~those~~ materials that no longer meet the standards set forth in ~~this~~ **Policy and Regulation 2530**. Any request **by an individual** for the removal of resource materials will be governed by Policy **and Regulation 9130** ~~on public complaints.~~



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## 9130 PUBLIC COMPLAINTS AND GRIEVANCES

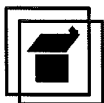
**The Board of Education shall establish procedures for the hearing and settlement of** ~~Any person or group having a legitimate interest in the schools of this district may present a request, suggestion, or complaints concerning district staff members personnel, the educational program, instructional or resource materials, or the operations of the district.~~ **Complaints regarding library material as defined in N.J.S.A. 18A:34A-3 shall be addressed in accordance with Policy and Regulation 2535.** ~~The Board directs the establishment of procedures for the hearing and settlement of requests and complaints shall that provide a means for resolving complaints them fairly and impartially; and permit appropriate resolution redress, and protect district personnel from unnecessary harassment.~~

**The grievance procedure outlined in Regulation 9130 shall not be utilized by a district staff member or Board member unless the district staff member or Board member is doing so in their capacity as a parent of a student currently enrolled in the district.**

**When a Board member is confronted with a complaint concerning district staff members, the educational program, instructional or resource materials, or the operations of the district an issue, the Board member he/she will withhold comment, commitment, and/or opinion and refer the complaint or inquiry to the Superintendent in accordance with N.J.S.A. 18A:12-24.1.j., who shall review the complaint in accordance with Regulation 9130 according to established procedures.**

~~Only in those cases where satisfactory adjustment cannot be made by the Superintendent and the staff shall communications and complaints be referred to the Board for resolution.~~

**Any misunderstandings or disputes between the public and school district staff members should, whenever possible, be settled by direct, informal discussions among the interested parties. It is only when such informal meetings fail to resolve differences that more formal procedures shall be employed. A complaint**



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~~about a school program or personnel should be addressed to the Building Principal; a complaint about instructional or resource materials should be addressed to the Superintendent.~~

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~~The Superintendent shall establish P~~rocedures for the **resolution hearing** of requests ~~and~~ complaints regarding district **staff members** ~~personnel~~, the educational program, instructional and resource materials, and the operations of the school district **shall**. ~~Procedures will be governed by Regulation 9130. the following guidelines:~~

- ~~1. The matter will be resolved initially, wherever possible, by informal discussions between or among the interested parties.~~
- ~~2. A matter that cannot be resolved informally may be appealed at successive levels of authority, up to and including the Board of Education.~~
- ~~3. The complaint and its immediate resolution be reduced to writing at the first and at each successive level of appeal.~~
- ~~4. A reasonable period of time, not to exceed \_\_\_\_\_ working days, will be permitted for the filing of an appeal in writing at each successive level. A decision at each level of appeal must be rendered no later than \_\_\_\_\_ working days after the appeal is filed, except that the Board shall have thirty calendar days to make its decision.~~
- ~~5. In the case of complaints about instructional or resource materials, the initial complaint must set forth in writing the author, title, and publisher of the materials as well as those specific portions of the material or the work to which objection is taken; the complainant's familiarity with the work; the reasons for the objection; and the use of the work in the schools. The Superintendent shall appoint a committee of professional staff members and community representatives to review the challenged material against the standards for the selection of resource materials established by Board policy. The committee will report its findings to the Board. No challenged material may be removed from the curriculum or~~



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~~from a collection of resource materials except by action of the Board of Education, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.~~

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6. ~~A complainant shall be notified that a decision of the Board may be appealed to the Commissioner of Education.~~



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