POLICY GUIDE

0162 NOTICE OF BOARD MEETINGS

The Board of Education will give notice of all meetings in accordance with law.

Adequate Notice

The Board Secretary shall provide adequate notice, which means written advance notice of at least forty-eight hours, giving the time, date, location and, to the extent known, the agenda of any regular, special, or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be prominently posted in at least one public place reserved for such or similar announcements and filed with the clerk of the municipality when the public body's geographic boundaries are coextensive with that of a single municipality, with the clerk of the county when the public body's geographic boundaries are coextensive with that of a single county, and with the Secretary of State if the public body has Statewide jurisdiction. Where annual notice or revisions thereof in compliance with N.J.S.A. 10:4-1 et seq., the Open Public Meetings Act, set forth the location of any meeting, no further notice shall be required for such meeting. The Board Secretary shall publish or advertise the legal notice of the meeting on the Board's official internet website conspicuously placed on the website's homepage in accordance with the provisions of N.J.S.A. 35:3-1 et seq. and Bylaw 0162.01.

In accordance with N.J.S.A. 10:4-9., upon the affirmative vote of three-quarters of the members present, the Board may hold a meeting notwithstanding the failure to provide adequate notice if:

1. Such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and

2. The meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and

3. Notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in N.J.S.A. 10:4-8.d., and also by notifying the two newspapers described in N.J.S.A. 10:4-8.d. by telephone, telegram, or by delivering a written notice of same to such newspapers; and

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4. Either the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided or although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.

Personal Notice of Meeting

In accordance with the provisions of N.J.S.A. 10:4-12.b.(8), the Board may exclude the public from that portion of a meeting at which the Board discusses any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the Board, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

The Board will provide notice to the affected person that will include the date and time of the closed session meeting, the subject or subjects scheduled for discussion at the closed session meeting, and the right of the affected person to request that the discussions be conducted at a public meeting. Such notice will be given no less than forty-eight hours in advance of the closed session meeting.

A written request for public discussion must be submitted to the Board Secretary prior to the commencement of the meeting. Any such properly submitted request will be granted. In the event that one or more, but fewer than all, of a group of persons whose employment will be discussed request a public meeting, the discussion regarding the person or persons who have submitted the request will be severed from the rest and will be conducted publicly.

A discussion held in public by reason of the written request of an individual will be conducted at a regularly scheduled meeting for which annual notice has been given or at a meeting for which adequate public notice has been given in accordance with law.

Nothing in this Bylaw will permit an employee to request or the Board to grant the public discussion of tenure charges or permit the public disclosure of information regarding a student.

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POLICY GUIDE

N.J.S.A. 10:4-1 et seq
N.J.S.A. 18A:6-11.; 18A:10-6.
N.J.S.A. 35:3-1 et seq.
N.J.A.C. 6A:32-3.1

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Revised: March 16, 2023
Revised:

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POLICY GUIDE

0162.01 LEGAL NOTICES

Whenever the Board of Education is required by law or by order or rule of any court to publish or advertise a legal notice, the Board shall publish or advertise the legal notice on the Board's official internet website in accordance with the provisions of N.J.S.A. 35:3-1 et seq.

For the purpose of this Policy, "legal notice" means any resolution, official proclamation, notice, or advertisement of any sort, kind, or character, including proposals for bids on public work and otherwise, required by law or by the order or rule of any court to be published by the Board.

For the purpose of this Policy, "online news publication" means a news publication in electronic format that contains news on matters of public concern and has published news predominantly in the English language at least once per week for at least one year continuously.

The Board's official internet website shall be accessible and available to the public free of charge. A direct hyperlink to legal notices published on the Board's official internet website shall be conspicuously placed on the Board's website's homepage. The Board shall submit the hyperlink to the New Jersey Secretary of State and provide any updates thereto prior to effectuation in accordance with the provisions of N.J.S.A. 35:3-2.b.

The Board shall maintain an internet archive of legal notices that are no longer displayed, which shall be kept for at least one year. The archive shall not be subject to any records retention schedule adopted by the State Records Committee nor to the "Destruction of Public Records Law (1953)," N.J.S.A. 47:3-15 et seq. The Board shall display a legal notice on its legal notices internet webpage for at least one week from the date of initial posting, or other time period as required by law, before transferring the publication to the Board's internet archive. The Board shall initially publish an internet archive no later than July 1, 2026 and shall maintain the archive thereafter in accordance with N.J.S.A. 35:3-2.c.

The Board may, in addition to the publication on its official internet website, publish or advertise a legal notice separately on an eligible online news publication that meets the criteria of N.J.S.A. 35:3-3.b. The Board shall provide a notice in a prominent location on its official internet website if it publishes or advertises its legal notices in an online news publication and shall publish a hyperlink to the online news publication in accordance with the provisions of N.J.S.A. 35:3-2.d.

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The Board, whenever required by law or by the order or rule of any court to publish or advertise a legal notice shall publish or advertise the notice in accordance with the applicable law or court order or rule. The Board shall be deemed to satisfy their legal obligations to provide a legal notice upon publication of the notice as required pursuant to N.J.S.A. 35:3-1 et seq.

Legal notices published on the Board's internet website or the internet website of an online news publication in accordance with N.J.S.A. 35:3-1 et seq. shall not be deemed defective if at least one of the following circumstances exist:

1. There is an error in the content or form of the legal notice published or advertised on the Board's internet website or online news publication due to a clerical, administrative, or any other error outside of the control of the Board whenever required by law or court order or rule to publish the legal notice;

2. There is a temporary outage, technical malfunction, disruption, or service interruption preventing the publishing, posting, or display of a legal notice on the Board's internet website or online news publication;

3. The operator of the Board's internet website or the online news publication imposes standard restrictions that prevent access to the website or online news publication;

4. The Board's internet website or the online news publication is subject to a cyberattack or cybersecurity incident, including, but not limited to, ransomware or a data breach, causing the failure to timely or accurately publish the legal notice; or

5. Any other circumstances preventing the publishing, posting, or display of a legal notice on the Board's internet website or online news publication that are outside of the control of the Board whenever required by law or court order or rule to publish the legal notice.

Starting on January 1, 2026 and at least twice per month through December 31, 2026, the Board whenever required by law or court order to rule to publish the legal notice shall provide an advertisement in an online news publication meeting the eligibility criteria at N.J.S.A. 35:3-3. that:



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1. States that the complete text of each legal notice may be obtained or viewed by the public on the official internet website of the Board; and

2. Provides the hyperlink to the Secretary of State's legal notices hyperlink internet webpage established pursuant to N.J.S.A. 35:3-2.b.

N.J.S.A. 35:3-1 et seq.

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POLICY GUIDE

1230 SUPERINTENDENT'S DUTIES

Function

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

Authority

The Superintendent shall be the Chief School Administrator of the school district and principal advisor to the Board. The Superintendent may delegate to an appropriate school official any duty not reserved to the Superintendent by law.

Work Relationships

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

Duties and Responsibilities

A. In the discharge of their responsibility as principal advisor to the Board, the Superintendent shall:

   1. Ensure all aspects of school district operations comply with Board policy and regulation, Federal and State law, and school district contracts;

   2. Report to the Board on the needs of the school district;

   3. Advise the Board of any revisions or additions that should be made to its policies and regulations;

   4. Provide the Board with information as may be needed to ensure informed decisions are made by the Board; and

   5. Perform other duties as may be assigned by the Board.

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B. In the discharge of their responsibility for the implementation of the operational action plan of the school district, the Superintendent shall:

1. Prepare, promulgate, and maintain a manual of Board policies and regulations;

2. Evaluate the future needs of the school district and recommend a school district action plan including goals, objectives, and priorities to the Board; and

3. Report to the United States Department of Education and the New Jersey Department of Education, the New Jersey Commissioner of Education, and the Executive County Superintendent as required.

C. In the discharge of their responsibility as the administrator of the instructional program, the Superintendent shall:

1. Establish and maintain a written instructional plan for the schools of the school district consistent with the educational goals adopted by the Board;

2. Coordinate the proper implementation of the instructional plan as it applies to each school in the school district;

3. Evaluate at least annually the effectiveness of the program of studies and recommend changes and additions to improve its effectiveness;

4. Evaluate the performance of students in relation to other public school districts, as well as in relation to State and national standards;

5. Report periodically to the Board, as directed by the Board, on the condition of the educational program and facilities in the school district; and



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6. Keep informed regarding current research in the field of education and inform the Board as appropriate.

D. In the discharge of their responsibility for the direction and welfare of students, the Superintendent shall:

1. Strive to motivate students to achieve their individual best;

2. Create a climate of respect for authority and discipline in each of the schools of the school district; and

3. Recommend any changes in the program of student management and support to respond to school district needs.

E. In the discharge of their responsibility for the supervision of school district employees, the Superintendent shall:

1. Recommend to the Board all properly certified candidates for employment, assignment, or transfer;

2. Assign staff to achieve maximum effectiveness in the attainment of educational goals;

3. Train staff to implement approved changes in the curriculum or instructional methods of the school district;

4. Evaluate the effectiveness of staff in the performance of their assigned tasks;

5. Recommend changes in staffing patterns based on the evaluation of staff and program effectiveness; and

6. Discipline staff and report to the Board any suspension of a staff member.

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F. In the discharge of their responsibility for the maintenance of the school buildings and grounds, the Superintendent shall:

1. Strive to make efficient use of school district resources in the daily operations of the schools;

2. Assign support staff to achieve maximum effectiveness from the school buildings and grounds of the school district;

3. Train support staff to maintain the school buildings and grounds and to avoid safety and environmental hazards; and

4. Evaluate the effectiveness of the school district's school buildings and grounds in housing the instructional program and recommend to the Board changes and improvements.

G. In the discharge of their responsibility for the management of the school district business affairs, the Superintendent shall:

1. Supervise the preparation of the annual budget and recommend its adoption to the Board;

2. Implement the budget adopted by the Board;

3. Establish sufficient fiscal controls to ensure that school district funds are expended wisely and efficiently; and

4. Report to the Board at its next meeting any expenditure in excess of a budgeted line item.

H. In the discharge of their responsibility as liaison officer to the public, the Superintendent shall:

1. Strive to interpret the needs of the school district to the public and the concerns of the public to the Board;

2. As appropriate, involve members of the public in the review of school district needs, community needs, and the operation of the school district's programs;



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3. Keep the public informed about the accomplishments and challenges of the school district;

4. Cooperate with news media; and

5. Work effectively with municipal government officials and public agencies concerned with the welfare of students.

Evaluation Criteria

The Superintendent will be evaluated in accordance with Policy 1240 and the Board-approved job description.

N.J.S.A. 18A:7A-11.; 18A:17-17.; 18A:17-18.; 18A:17-20.; 18A:17-21.; 18A:22-8.1.; 18A:27-4.1.; 18A:37-4.
N.J.A.C. 6A:8-3.1; 6A:32-4.1

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POLICY GUIDE

1643 FAMILY LEAVE

The Board of Education will provide family leave to staff members in accordance with the New Jersey Family Leave Act (NJFLA) and the Federal Family and Medical Leave Act (FMLA). These laws have similar and different provisions that provide different rights and obligations for a staff member and the Board.

If a staff member is eligible for leave for reasons recognized under both the FMLA and NJFLA, then the time taken shall run concurrently and be applied to both laws. The NJFLA provides twelve weeks leave in a twenty-four month period and the FMLA provides twelve weeks leave in a twelve month period.

A. New Jersey Family Leave Act

1. Definitions Relative to New Jersey Family Leave Act

"Base Hours" means the hours of work for which a staff member receives compensation. Base hours shall include overtime hours for which a staff member is paid additional or overtime compensation, and hours for which a staff member receives workers' compensation benefits. Base hours shall also include hours a staff member would have worked except for having been in military service. Base hours do not include hours for when a staff member receives other types of compensation, such as administrative, personal leave, vacation, or sick leave.

"Child" means a biological, adopted, foster child, or resource family child, stepchild, legal ward, or child of a parent, including a child who becomes the child of a parent pursuant to a valid written agreement between the parent and a gestational carrier.

"Eligible employee" means any individual employed by the same employer for three months or more, who has worked 250 or more base hours during the preceding twelve month period.

"Employer" includes the State, any political subdivision thereof, and all public offices, agencies, boards, or bodies.

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"Family member" means 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 a staff member, and any other individual that a staff member shows to have a close association with a staff member which is the equivalent of a family relationship.

"Health care provider" means a duly licensed health care provider or other health care provider deemed appropriate by the Director of the Division on Civil Rights in the New Jersey Department of Law and Public Safety.

"Parent" means a person who is the biological parent, adoptive parent, foster parent, resource family parent, step-parent, parent-in-law, or legal guardian, having a "parent-child relationship" with a child as defined by law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child, or who became the parent of the child pursuant to a valid written agreement between the parent and a gestational carrier.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition which requires:

a. Inpatient care in a hospital, hospice, or residential medical care facility; or

b. Continuing medical treatment or continuing supervision by a health care provider.

As used in the definition of a serious health condition, "continuing medical treatment or continuing supervision by a health care provider" means:

a. A period of incapacity (that is, inability to work, attend school, or perform regular daily activities due to a serious health condition, treatment therefore, and recovery therefrom) of more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

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(1) Treatment two or more times by a health care provider; or

(2) Treatment by a health care provider on one occasion which results in a regimen of continuing treatment under the supervision of a health care provider;

b. Any period of incapacity due to pregnancy, or for prenatal care;

c. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;

d. A period of incapacity, which is permanent or long-term, due to a condition for which treatment may not be effective (such as Alzheimer's disease, a severe stroke, or the terminal stages of a disease) where the individual is under continuing supervision of, but need not be receiving active treatment by, a health care provider; or

e. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

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

"State of emergency" means a natural or man-made disaster or emergency for which a state of emergency has been declared by the President of the United States or the Governor, or for which a state of emergency has been declared by a municipal emergency management coordinator.



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2. Reasons for NJFLA Leave

a. A staff member may take NJFLA leave to provide care made necessary by reason of:

(1) The birth of a child of the staff member, including a child born pursuant to a valid written agreement between the staff member and the gestational carrier;

(2) The placement of a child into foster care with the staff member or in connection with adoption of such child by a staff member;

(3) The serious health condition of a family member of the staff member; or

(4) A state of emergency declared by the Governor of New Jersey, or when indicated to be needed by the Commissioner of Health – New Jersey Department of Health or other public health authority, an epidemic or communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease which:

(a) Requires in-home care or treatment of a child due to the closure of the school or place of care of the child of a staff member, by order of a public official due to the epidemic or other public health emergency;

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(b) Prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by a staff member would jeopardize the health of others; or

(c) Results in the recommendation of a health care provider or public health authority, that a family member in need of care by a staff member voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by a staff member, would jeopardize the health of others.

3. Staff Member Eligibility

a. NJFLA leave may be taken for up to twelve weeks within any twenty-four month period. The NJFLA leave shall be unpaid with benefits subject to contributions required to be made by the staff member.

b. A staff member is eligible for NJFLA leave if a staff member is employed by the same Board for three months or more, and has worked 250 or more base hours during the preceding twelve month period.

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



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d. This Policy shall serve as notice to all staff members of the method chosen in A.3.c. above. This method shall be applied consistently and uniformly to all staff members.

(1) If the Board transitions to another method, the Board is required to give at least sixty days' notice to all staff members and the transition must take place in such a way that staff members retain their full benefit of twelve weeks of NJFLA leave under whichever method affords the greatest benefit to a staff member.

e. The Board shall grant NJFLA leave to more than one staff member from the same family (for example, a husband and a wife, or a brother and a sister) at the same time, provided such staff members are otherwise eligible for NJFLA leave.

f. The fact that a holiday may occur within the week taken by a staff member as NJFLA leave has no effect and the week is counted as a week of NJFLA leave.

(1) However, if a staff member is out on NJFLA leave and the staff member is not regularly scheduled to work for one or more weeks, the weeks the staff member is not regularly scheduled to work do not count against their NJFLA leave entitlement.

4. Types of NJFLA Leave

a. Staff members are required to provide notice in writing for any NJFLA leave requested. In emergent circumstances, a staff member may provide the Board with oral notice when written notice is impracticable.

(1) Staff members must provide the Board written notice after submitting oral notice in emergent circumstances.



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b. Consecutive NJFLA leave is NJFLA leave that is taken without interruption based upon a staff member's regular work schedule and does not include breaks in employment in which a staff member is not regularly scheduled to work.

(1) A staff member must provide the Board with notice of consecutive NJFLA leave no later than thirty days prior to the commencement of consecutive NJFLA leave, except where emergent circumstances warrant shorter notice.

(2) A staff member shall provide the Board with certification pursuant to A.5. below.

c. Intermittent NJFLA leave is NJFLA leave due to a single qualifying reason, taken in separate periods of time, broken up by periods in which the staff member returns to work.

(1) A staff member is entitled to take NJFLA leave intermittently for the birth of a child of the staff member, including a child born pursuant to a valid written agreement between the staff member and a gestational carrier or the placement of a child into foster care with the staff member or in connection with adoption of such child by the staff member.

(a) The staff member shall provide the Board with prior notice of not less than fifteen calendar days before the first day on which NJFLI benefits are paid for the intermittent NJFLA leave, unless an emergency or other unforeseen circumstance precludes prior notice.

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(b) The staff member shall make a reasonable effort to schedule the intermittent NJFLA leave so as not to unduly disrupt the operations of the Board and, if possible, provide the Board, prior to the commencement of intermittent NJFLA leave, with a regular schedule of the days or days of the week on which the intermittent NJFLA leave will be taken.

(c) A staff member shall provide the Board with certification for intermittent NJFLA leave pursuant to A.5.b. below.

(2) The staff member is entitled to take intermittent NJFLA leave for the serious health condition of a family member of the staff member when medically necessary if:

(a) The total time which the intermittent NJFLA leave is taken does not exceed twelve months if taken in connection with a single serious health condition. If the intermittent NJFLA leave is taken in connection with more than one serious health condition, the intermittent NJFLA leave must be taken within a consecutive twenty-four month period or until such time the twelve week NJFLA leave is exhausted, whichever is shorter;

(b) The staff member provides the Board with prior notice of not less than fifteen calendar days before the first day on which benefits are paid for the intermittent NJFLA leave.



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(i) The staff member may provide notice less than fifteen days prior to the intermittent NJFLA leave if an emergency or other unforeseen circumstance precludes prior notice;

(c) The staff member makes a reasonable effort to schedule the intermittent NJFLA leave so as not to unduly disrupt the operations of the school district and, if possible, provide the school district, prior to the commencement of intermittent NJFLA leave, with a regular schedule of the days or days of the week on which the intermittent NJFLA leave will be taken; and

(d) The staff member provides the Board with a copy of the certification outlined in A.5.c. below.

(3) In the case of NJFLA leave taken due to an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of the communicable disease, the NJFLA leave may only be taken intermittently if:

(a) The staff member provides the Board with prior notice of the intermittent NJFLA leave as soon as practicable;

(b) The staff member makes a reasonable effort to schedule the NJFLA leave so as not to unduly disrupt the operations of the school district and, if possible, provide the school district prior to the commencement of the intermittent NJFLA leave, with a regular schedule of the day or days of the week on which the intermittent NJFLA leave will be taken; and



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(c) A staff member provides the Board with a copy of the certification outlined in A.5.d. below.

(4) Intermittent leave taken on a reduced leave schedule is NJFLA leave due to a single qualifying reason, that is scheduled for fewer than a staff member's usual number of hours worked per workweek, but not for fewer than a staff member's usual number of hours worked per workday and may only be taken to care for the serious health condition of a family member of a staff member when medically necessary, except that:

(a) A staff member shall not be entitled to intermittent NJFLA leave on a reduced leave schedule for a period exceeding twelve consecutive months for any one period of NJFLA leave;

(b) The staff member must provide the Board with prior notice of the intermittent NJFLA leave on a reduced leave schedule as soon as practicable;

(c) A staff member shall make a reasonable effort to schedule intermittent NJFLA leave on a reduced leave schedule so as not to disrupt unduly the operations of the school district. A staff member shall provide the school district with prior notice of the care, medical treatment, or continuing supervision by a health care provider necessary due to a serious health condition of a family member, in a manner which is reasonable and practicable; and

(d) A staff member must provide the Board with a copy of the certification outlined in A.5.c. below.

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d. NJFLA leave taken because of the birth or placement for adoption of a child of the staff member may commence at any time within a year after the date of the foster care placement, birth, or placement for adoption.

e. A staff member shall not, during any period of NJFLA leave, perform services on a full-time basis for any person for whom a staff member did not provide those services immediately prior to commencement of the NJFLA leave.

(1) A staff member on NJFLA leave may not engage in other full-time employment during the term of the NJFLA leave, unless such employment commenced prior to the NJFLA leave and is not otherwise prohibited by law.

(2) During the term of NJFLA leave a staff member may commence part-time employment which shall not exceed half the regularly scheduled hours worked for the Board from whom a staff member requested NJFLA leave. A staff member may continue part-time employment which commenced prior to a staff member's NJFLA leave, at the same number of hours that a staff member was regularly scheduled prior to such NJFLA leave.

(3) The Board may not maintain a policy or practice which prohibits part-time employment during the course of a NJFLA leave.

5. Certification

a. The Board shall require a staff member who requests NJFLA leave to sign a form of certification established by the Board attesting that such staff member is taking NJFLA leave in accordance with the law.

(1) The Board may not require a staff member to sign or otherwise submit a form of certification attesting to additional facts, including a staff member's eligibility for NJFLA leave.



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(2) The Board may subject a staff member to reasonable disciplinary measures, depending on the circumstances, when a staff member intentionally misrepresents the reason that such staff member is taking NJFLA leave.

(3) The form of certification established by the Board shall contain a statement warning a staff member of the consequences of refusing to sign the certification or falsely certifying. Any staff member who refuses to sign the certification established by the Board may be denied the requested NJFLA leave.

(4) The Board requires that any period of NJFLA leave be supported by certification issued by a health care provider.

b. Where the certification, issued by the health care provider, is for the birth of a child of a staff member, including a child born pursuant to a valid written agreement between the staff member and a gestational carrier or the placement of a child into foster care with the staff member or in connection with adoption of such child by the staff member, the certification need only state the date of birth or date of placement, whichever is appropriate.

c. Any period of NJFLA leave for the serious health condition of a family member of a staff member shall be supported by certification provided by a health care provider. The certification shall be sufficient if it states:

(1) The date, if known, on which the serious health condition commenced;

(2) The probable duration of the condition;

(3) The medical facts within the knowledge of the provider of the certification regarding the condition;

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(4) The serious health condition warrants the participation of the staff member in providing health care to the family member, as provided in the "Family Leave Act," P.L. 1989, c.261 (C.34:11B-1 et seq.) and regulations adopted pursuant to the NJFLA;

(5) An estimate of the amount of time the staff member is needed for participation in the care of the family member;

(6) If the NJFLA leave is intermittent, a statement of the medical necessity for the intermittent NJFLA leave and the expected duration of the intermittent NJFLA leave; and

(7) If NJFLA leave is intermittent and for planned medical treatment, the dates of the treatment.

d. In any case in which the Board has reason to doubt the validity of the certification provided pursuant to A.5.c. above, the Board may require, at its own expense, that a staff member obtain an opinion regarding the serious health condition from a second health care provider designated or approved, but not employed on a regular basis, by the Board. If the second opinion differs from the certification provided pursuant to A.5.c. above, the Board may require, at its own expense, that a staff member obtain the opinion of a third health care provider designated or approved jointly by the Board and a staff member concerning the serious health condition. The opinion of the third health care provider shall be considered to be final and shall be binding on the Board and a staff member.

e. Where the certification is for an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent the spread of the communicable disease, the certification shall be sufficient if it includes:



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(1) For NJFLA leave taken to provide in-home care or treatment of a child due to the closure of the school or place of care of the child of a staff member, by order of a public official due to the epidemic or other public health emergency, the date on which the closure of the school or place of care of the child of a staff member commenced and the reason for such closure;

(2) For NJFLA leave taken due to a public health authority's issuance of a determination requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by a staff member would jeopardize the health of others, the date of issuance of the determination, and the probable duration of the determination; or

(3) For NJFLA leave taken because a health care provider or public health authority recommends that a family member in need of care by a staff member voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by a staff member would jeopardize the health of others, the date of the recommendation, the probable duration of the condition, and the medical or other facts within the health care provider or public health authority's knowledge regarding the condition.

f. The Board shall not use the certification requirements as outlined in A.5. to intimidate, harass, or otherwise discourage a staff member from requesting or taking NJFLA leave or asserting any of a staff member's rights to NJFLA leave.



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6. Denial or Exemption of NJFLA Leave

a. Denial of NJFLA Leave

(1) The Board may deny NJFLA leave to a staff member if:

(a) A staff member is a salaried staff member who is among the highest paid 5% of the Board's staff members or the seven highest paid staff members of the Board, whichever is greater;

(b) The denial is necessary to prevent substantial and grievous economic injury to the Board's operations; and

(c) The Board notifies a staff member of its intent to deny the NJFLA leave at the time the Board determines that the denial is necessary.

(2) The provisions of A.6.a.(1) above shall not apply when, in the event of a state of emergency declared by the Governor of New Jersey or when indicated to be needed by the Commissioner of Health – New Jersey Department of Health or other public health authority, the NJFLA leave is for an epidemic of a communicable disease, a known or suspected exposure to a communicable disease, or efforts to prevent spread of a communicable disease.

(3) In any case in which NJFLA leave has already commenced at the time of the notification pursuant to A.6.a.(1)(c) above, a staff member shall return to work within ten working days of the date of notification.

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7. Reinstatement from NJFLA Leave

   a. Upon the expiration of a NJFLA leave, a staff member shall be restored to the position such staff member held immediately prior to the commencement of the NJFLA leave. If such position has been filled, the Board shall reinstate such staff member to an equivalent position of like seniority, status, employment benefits, pay, and other terms and conditions of employment.

   b. If, during NJFLA leave, the Board experiences a reduction in force or layoff and a staff member would have lost their position had a staff member not been on NJFLA leave, as a result of the reduction in force or pursuant to the good faith operation of a bona fide layoff and recall system including a system under a collective bargaining agreement where applicable, a staff member shall not be entitled to reinstatement to the former or an equivalent position. A staff member shall retain all rights under any applicable layoff and recall system, including a system under a collective bargaining agreement, as if a staff member had not taken the NJFLA leave.

8. Notice to Staff Members

   a. The Board shall display the official Family Leave Act poster of the Division on Civil Rights in the New Jersey Department of Law and Public Safety (Division) in accordance with N.J.A.C. 13:8-2.2. The poster is available for printing from the Division's website.

   b. Access to and/or distribution of this Policy shall serve as school district notice to staff members of their rights pursuant to N.J.A.C. 13:14-1.14.

9. Local Board of Education Practices

   a. Accrued Paid NJFLA Leave



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(1) Whether a staff member is required to use any other accrued leave time concurrent with NJFLA leave time will depend upon either the school district's practice or a provision in a collective bargaining agreement, if applicable.

(a) Sick leave may only be used concurrently with the NJFLA leave in accordance with the provisions of N.J.S.A. 18A:30-1 and N.J.S.A. 34:11B-3.

b. Multiple Leaves of Absence

(1) Where a Board maintains leaves of absence which provide benefits, other than health benefits, that differ depending upon the type of leave taken, the Board shall provide those benefits to a staff member on NJFLA leave in the same manner as it provides benefits to staff members who are granted other leaves of absence which most closely resemble NJFLA leave.

10. New Jersey Family Leave Insurance Program (NJFLI)

a. Board of Education staff members are eligible to apply for benefits under the NJFLI Program administered by the State of New Jersey Department of Labor and Workforce Development.

b. All applications for benefits under the NJFLI Program must be filed directly with the State of New Jersey Department of Labor and Workforce Development. The eligibility requirements, wage requirements, benefit duration and amounts, and benefit limitations shall be in accordance with the provisions of the NJFLI Program as administered by the State of New Jersey Department of Labor and Workforce Development. A formal appeal may be submitted to the State of New Jersey Department of Labor and Workforce Development if an employee or the Board disagrees with a determination on a claim.



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c. The NJFLI Program provides eligible individuals a monetary benefit and not a leave benefit. The school district administrative and related staff will comply with the State of New Jersey Department of Labor and Workforce Development requests for information in accordance with the provisions of N.J.A.C. 12:21-3.9.

d. A printed notification of staff members' rights relative to the receipt of benefits under the NJFLI Program will be posted in each of the school district worksites and in a place or places accessible to all employees at the worksite.

e. Each staff member shall receive a copy of this notification in writing at the time of the staff member's hiring, whenever the staff member provides written notice to the Superintendent of their intention to apply for benefits under the NJFLI Program, or at any time upon the first request of the staff member.

(1) The written notification may be transmitted to the staff member in electronic form.

(2) Access to and/or distribution of this Policy shall serve as school district notice to staff members of their rights under the NJFLI Program.

B. Federal Family and Medical Leave Act

1. Definitions Relative to Federal Family and Medical Leave Act

"Covered Employer" means any public or private elementary or secondary school(s) regardless of the number of employees employed.

"Employee" means a staff member eligible for family and medical leave in accordance with the Federal Family and Medical Leave Act (FMLA).



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"Hours of Service" means hours actually worked by the employee. It does not mean hours paid. Thus, non-working time – such as vacations, holidays, furloughs, sick leave, or other time-off (paid or otherwise) – does not count for purposes of calculating FMLA eligibility for the employee.

"Parent" means a biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to a staff member when a staff member has a son or daughter as defined below. This term does not include parents "in law."

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

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

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

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

2. Qualifying Reasons for FMLA Leave

   a. A staff member may take FMLA leave to provide care made necessary:



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(1) For the birth of a son or daughter of a staff member and in order to care for such son or daughter;

(2) For the placement of a son or daughter with a staff member for adoption or foster care;

(3) In order to care for the spouse, son, daughter, or parent of a staff member if such spouse, son, daughter, or parent has a serious health condition;

(4) For a serious health condition that makes a staff member unable to perform the functions of the position of such staff member.

b. FMLA leave taken in relation to military service shall be in accordance with 29 CFR §825.112.

c. Entitlement to FMLA leave taken for the birth of a son or daughter or placement of a son or daughter with a staff member for adoption or foster care shall expire at the end of the twelve month period beginning on the date of such birth or placement.

3. Staff Member Eligibility

a. A staff member is eligible for up to twelve weeks of FMLA leave in a twelve month period.

b. A staff member shall become eligible for FMLA leave after the staff member has been employed at least twelve months by the Board and employed for at least 1,250 hours of service during the twelve month period immediately preceding the commencement of the FMLA leave.

(1) The twelve months a staff member must have been employed need not be consecutive months pursuant to 29 CFR §825.110(b).

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(2) The minimum 1,250 hours of service shall be determined according to the principles established under the Fair Labor Standards Act (FLSA) for determining compensable hours of work pursuant to 29 CFR §785.

(3) The Board shall not provide pay for FMLA leave.

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

d. Pursuant to 29 CFR §825.201, a husband and wife both employed by the Board are limited to a combined total of twelve weeks of FMLA leave during the twelve month period if the FMLA leave is taken for the birth of a son or daughter of a staff member or to care for such son or daughter after birth; for placement of a son or daughter with a staff member for adoption or foster care or in order to care for the son or daughter after placement; or to care for a staff member's parent with a serious health condition.

4. Types of FMLA leave

a. Continuous FMLA leave is taken by staff members for a continuous period of time. Such FMLA leave is not broken up by a period of work and is continuous when a staff member is absent for three consecutive working days or more. Continuous FMLA leave may be taken for any qualifying reason.

b. Intermittent FMLA leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced FMLA leave schedule is a FMLA leave schedule that reduces a staff member's usual number of working hours per workweek, or hours per workday. A reduced FMLA leave schedule is a change in a staff member's schedule for a period of time, normally from full-time to part-time.

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(1) Intermittent or reduced FMLA leave may be taken for the following qualifying reasons:

(a) For the serious health condition of the staff member or to care for a parent, son, or daughter with a serious health condition.

(i) For intermittent FMLA leave or FMLA leave on a reduced FMLA leave schedule taken for the reason outlined in B.4.b.(1)(a) above there must be a medical need for FMLA leave and it must be that such medical need can be best accommodated through an intermittent or reduced FMLA leave schedule.

(ii) The treatment regimen and other information described in the certification of a serious health condition and in the certification of a serious injury or illness, shall address the medical necessity of intermittent FMLA leave or FMLA leave on a reduced FMLA leave schedule.

(iii) Intermittent FMLA leave may be taken for a serious health condition of a parent, son, or daughter, for a staff member's own serious health condition, which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include FMLA leave of periods from an hour or more to several weeks.

(b) For planned and/or unanticipated medical treatment of a serious health condition when medically necessary.

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(c) To provide care or psychological comfort to a covered family member with a serious health condition when medically necessary.

(d) For absences where a staff member or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition even if he or she does not receive treatment by a health care provider.

(e) For FMLA leave taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, only if the Board agrees.

(i) The Board's agreement is not required; however, for FMLA leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.

(2) If a staff member needs FMLA leave intermittently or on a reduced FMLA leave schedule for planned medical treatment, then a staff member must make a reasonable effort to schedule the treatment so as not to disrupt unduly the Board's operations.

(3) When a staff member takes FMLA leave on an intermittent or reduced FMLA leave schedule basis, the Board must account for the FMLA leave using an increment no greater than the shortest period of time that the Board uses to account for use of other forms of leave provided that it is not greater than one hour and provided further that a staff member's FMLA leave entitlement may not be reduced by more than the amount of FMLA leave actually taken.



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(a) If the Board accounts for use of leave in varying increments at different times of the day or shift, the Board may not account for FMLA leave in a larger increment than the shortest period used to account for other leave during the period in which the FMLA leave is taken.

(b) If the Board accounts for other forms of leave use in increments greater than one hour, the Board must account for FMLA leave use in increments no greater than one hour.

5. Staff Member Notice Requirements

a. A staff member eligible for FMLA leave must give at least a thirty day written advance notice to the Superintendent or designee if the need for the FMLA leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of a staff member or a family member.

(1) If thirty days is not practical, a staff member must provide notice "as soon as practicable" which means as soon as both possible and practical, taking into account all the facts and circumstances in the individual case.

(2) Where it is not possible to give as much as thirty days' notice, "as soon as practical" ordinarily would mean at least verbal notification to the Superintendent or designee within one or two business days or when the need for FMLA leave becomes known to a staff member.

(3) The written notice shall include the reasons for the FMLA leave, the anticipated duration of the FMLA leave, and the anticipated start of the FMLA leave.



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(4) When planning medical treatment, a staff member must consult with the Superintendent or designee and make a reasonable effort to schedule the FMLA leave so as not to unduly disrupt the educational program, subject to the approval of the health care provider.

(a) Staff members are ordinarily expected to consult with the Superintendent or designee prior to scheduling of treatment that would require FMLA leave for a schedule that best suits the needs of the Board and a staff member.

(5) Intermittent FMLA leave or FMLA leave on a reduced FMLA leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. A staff member shall advise the Board of the reasons why the intermittent/reduced FMLA leave schedule is necessary and of the schedule for treatment, if applicable.

(a) A staff member and the Board shall attempt to work out a schedule for such FMLA leave that meets a staff member's needs without unduly disrupting the Board's operations, subject to the approval of the health care provider.

(6) Where a staff member does not comply with the Board's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

b. When the approximate timing of the need for FMLA leave is not foreseeable, a staff member should give notice to the Superintendent or designee for FMLA leave as soon as practicable under the facts and circumstances of the particular case.



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(1) It is expected a staff member will give notice to the Superintendent or designee within no more than one or two business days of learning of the need for FMLA leave, except in extraordinary circumstances where such notice is not foreseeable.

(2) A staff member should provide notice to the Board either in person, by telephone, telegraph, fax machine, email, or other electronic means.

6. Outside Employment During FMLA Leave

a. A staff member during any period of FMLA leave is prohibited from performing any services on a full-time basis for any person for whom a staff member did not provide services immediately prior to commencement of the FMLA leave.

(1) A staff member using FMLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the Board.

(2) A staff member may continue the part-time employment that commenced prior to the FMLA leave at the same number of hours that a staff member was regularly scheduled prior to such FMLA leave.

7. "Instructional Employees" Exceptions for FMLA Leave

a. "Instructional Employees" are those staff members whose principal function is to teach and instruct students in class, a small group, or in an individual setting. This term includes teachers, athletic coaches, driving instructors, and special education assistants, such as signers for the hearing impaired.



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(1) Teacher assistants or aides who do not have as their principal job actual teaching or instructing, guidance counselors, child study team members, curriculum specialists, cafeteria workers, maintenance workers, and/or bus drivers are not considered instructional staff members for the purposes of this Policy.

(2) For purposes of this Policy "Instructional Employees" shall be referred to as "Instructional Staff Members".

b. "Semester" means the school semester that typically ends near the end of the calendar year and the end of the spring each school year. The Board can have no more than two semesters in a school year.

c. FMLA leave taken at the end of the school year and continues into the beginning of the next school year is considered consecutive FMLA leave.

d. Eligible instructional staff members that need intermittent or reduced FMLA leave to care for a family member or for a staff member's own serious health condition which is foreseeable based on planned medical treatment and would be on FMLA leave more than twenty percent of the total number of working days over the period the FMLA leave would extend, the Board may:

(1) Require a staff member to take the FMLA leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(2) Transfer a staff member temporarily to an available alternative position for which a staff member is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of FMLA leave than does a staff member's regular position.

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e. If the instructional staff member does not give the required notice for FMLA leave that is foreseeable and desires the FMLA leave to be taken intermittently or on a reduced FMLA leave schedule, the Board may require a staff member to take FMLA leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the Board may require a staff member to delay taking the FMLA leave until the notice provision is met.

f. If an instructional staff member begins FMLA leave more than five weeks before the end of the school year, the Board may require a staff member to continue taking FMLA leave until the end of the semester if:

(1) The FMLA leave will last three weeks; and

(2) A staff member would return to work during the three-week period before the end of the semester.

g. If an instructional staff member begins FMLA leave for a purpose other than a staff member's own serious health condition during the five week period before the end of the semester, the Board may require a staff member to continue taking FMLA leave until the end of the semester if:

(1) The FMLA leave will last more than two weeks; and

(2) The staff member would return to work during the two week period before the end of the semester.

h. If an instructional staff member begins FMLA leave for a purpose other than a staff member's own serious health condition during the three week period before the end of a semester, the Board may require a staff member to continue taking FMLA leave until the end of the semester if the FMLA leave will last more than five working days.

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i. An example of FMLA leave falling within the situations outlined in B.7.f., B.7.g., and B.7.h. above:

(1) If a staff member plans two weeks of FMLA leave to care for a family member which will begin three weeks before the end of the term, the Board could require a staff member to stay out on FMLA leave until the end of the term.

j. In the case of a staff member who is required to take FMLA leave until the end of an academic term, only the period of FMLA leave until a staff member is ready and able to return to work shall be charged against a staff member's FMLA leave entitlement.

k. The Board may require a staff member to stay on FMLA leave until the end of the school term. Any additional leave required by the Board to the end of the school term is not counted as FMLA leave; however:

(1) The Board shall be required to maintain a staff member's group health insurance; and

(2) The Board shall be required to restore a staff member to the same or equivalent job including other benefits at the conclusion of the leave.

8. FMLA Leave Related to Military Service

a. Definitions for FMLA related to military service shall be in accordance with 29 CFR §§825.122; .126; .127; and .310.

b. The foreign deployment of the staff member's spouse, child, or parent in accordance with 29 CFR §§825.122 and .126:

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(1) The district must grant an eligible staff member up to twelve work weeks of unpaid, job-protected FMLA leave during any twelve month period for qualifying exigencies that arise when the staff member's spouse, child, or parent is on covered active duty, or has been notified of an impending call or order to covered active duty.

c. Military caregiver FMLA leave provides care for a covered servicemember with a serious injury or illness in accordance with 29 CFR §§825.122 and .127:

(1) The district must grant up to a total of twenty-six workweeks of unpaid, job-protected FMLA leave during a "single twelve month period" to care for a covered servicemember with a serious injury or illness.

9. Verification

a. The Board shall require that a staff member's FMLA leave to care for a staff member's covered family member with a serious health condition, or due to a staff member's own serious health condition that makes a staff member unable to perform one or more of the essential functions of a staff member's position, be supported by a certification issued by the health care provider of a staff member or a staff member's family member.

(1) The Board must give written notice of a requirement for certification each time a certification is required. The Board's oral request to a staff member to furnish any subsequent certification is sufficient.

b. The Board shall require a staff member furnish certification at the time a staff member gives notice of the need for FMLA leave or within five business days thereafter, or, in the case of unforeseen FMLA leave, within five business days after the FMLA leave commences.



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(1) The Board may request certification at some later date if the Board later has reason to question the appropriateness of the FMLA leave or its duration.

(2) A staff member must provide the requested certification to the Board within fifteen calendar days after the Board's request, unless it is not practicable under the particular circumstances to do so despite a staff member's diligent, good faith efforts or the Board provides more than fifteen calendar days to return the requested certification.

c. When FMLA leave is taken because of a staff member's own serious health condition, or the serious health condition of a family member, the Board shall require a staff member to obtain a medical certification from a health care provider that sets forth the following information:

(1) The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization;

(2) The approximate date on which the serious health condition commenced, and its probable duration;

(3) A statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for FMLA leave.

(a) Such medical facts may include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), or any other regimen of continuing treatment;

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(4) If a staff member is the patient, information sufficient to establish that a staff member cannot perform the essential functions of a staff member's job as well as the nature of any other work restrictions, and the likely duration of such inability;

(5) If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of care, and an estimate of the frequency and duration of the FMLA leave required to care for the family member;

(6) If a staff member requests FMLA leave on an intermittent or reduced schedule basis for planned medical treatment of a staff member's or a covered family member's serious health condition, information sufficient to establish the medical necessity for such intermittent or reduced schedule FMLA leave and an estimate of the dates and duration of such treatments and any periods of recovery;

(7) If a staff member requests FMLA leave on an intermittent or reduced schedule basis for a staff member's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule FMLA leave and an estimate of the frequency and duration of the episodes of incapacity; and

(8) If a staff member requests FMLA leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such FMLA leave is medically necessary to care for the family member, which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required FMLA leave.



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d. A staff member may choose to comply with the certification requirement by providing the Board with an authorization, release, or waiver allowing the Board to communicate directly with the health care provider of a staff member or his or her covered family member.

(1) It is a staff member's responsibility to provide the Board with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

e. If the Board has reason to doubt the validity of a medical certification, the Board may require a staff member to obtain a second opinion at the Board's expense.

(1) The Board may designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the Board.

f. If the opinions of a staff member's and the Board's designated health care providers differ, the Board may require a staff member to obtain certification from a third health care provider, again at the Board's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the Board and the staff member.

10. Reinstatement Following FMLA Leave

a. On return from FMLA leave a staff member is entitled to be returned to the same position a staff member held when FMLA leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

(1) A staff member is entitled to such reinstatement even if a staff member has been replaced or his or her position has been restructured to accommodate for a staff member's absence.



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(2) The requirement that a staff member be restored to the same or equivalent job with the same or equivalent pay, benefits, and terms and conditions of employment does not extend to de minimis, intangible, or unmeasurable aspects of the job.

b. Denial of Reinstatement

(1) A staff member has no greater right to reinstatement or to other benefits and conditions of employment that if a staff member had been continuously employed during the FMLA leave period.

(a) The Board must be able to show that a staff member would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment.

(2) The Board may deny job restoration to "key employees", if such denial is necessary to prevent substantial and grievous economic injury to the operations of the Board.

(a) A "key employee" is a salaried FMLA-eligible staff member who is among the highest paid ten percent of all staff members employed by the Board within seventy-five miles of a staff member's worksite.

(3) If a staff member is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, a staff member has no right to restoration to another position under the FMLA.



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(a) The Board's obligation may; however, be governed by the Americans with Disabilities Act, State leave law, or workers' compensation laws.

(4) A staff member who fraudulently obtains FMLA leave from the Board is not protected by FMLA's job restoration or maintenance of health benefits provisions.

c. Intent to Return to Work

(1) The Board may require a staff member on FMLA leave to report periodically on a staff member's status and intent to return to work.

d. Fitness for Duty Certification

(1) As a condition of restoring a staff member whose FMLA leave was a result of a staff member's own serious health condition that made a staff member unable to perform a staff member's job, the Board shall require all similarly-situated staff members (i.e., same occupation, same serious health condition) who take FMLA leave for such conditions to obtain and present certification from a staff member's health care provider that a staff member is able to resume work.

(2) A staff member has the same obligations to participate and cooperate in the fitness-for-duty certification process as in the initial certification process.

11. The Board of Education Notice

a. Notice of Staff Member Rights Under FMLA

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(1) The Board shall post and keep posted on its premises, in conspicuous places where staff members are employed, a notice explaining the FMLA's provisions and providing information concerning the procedures for filing complaints of violations of the FMLA with the Wage and Hour Division.

(a) The notice will be posted prominently where it can be readily seen by staff members and applicants for employment.

(b) The poster and the text will be large enough to be easily read and contain fully legible text.

(c) Electronic posting is sufficient to meet this posting requirement as long as it otherwise meets the requirements of B.11.

(2) The Board shall also provide this general notice to each staff member by including the notice in staff members' handbooks or other written guidance to staff members concerning staff member benefits or FMLA leave rights, if such written materials exist, or by distributing a copy of the general notice to each new staff member upon hiring. In either case, distribution may be accomplished electronically.

(3) Access to and/or distribution of this Policy shall serve as school district notice to staff members of their rights pursuant to 29 CFR §825 et seq.



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b. Eligibility Notice

(1) When a staff member requests FMLA leave, or when the Board acquires knowledge that a staff member's FMLA leave may be for an FMLA-qualifying reason, the Board must notify the staff member of the staff member's eligibility to take FMLA leave within five business days, absent extenuating circumstances.

c. Designation Notice

(1) The Board is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to a staff member. The Board must notify a staff member whether the leave will be designated and will be counted as FMLA leave within five business days absent extenuating circumstances.

(2) If the Board requires paid leave to be substituted for unpaid FMLA leave, or that paid leave taken under an existing leave plan be counted as FMLA leave, the Board must inform a staff member of this designation at the time of designating the FMLA leave.

12. Local Board of Education Practices

a. Substitution of Paid Leave

(1) Whether a staff member is required to use sick time or any other accrued leave time concurrent with FMLA leave time will depend upon either the district's practice or a provision in the district's collective bargaining agreement, if applicable.

b. Maintenance of Staff Member Benefits



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(1) The Board must maintain a staff member's coverage under any group health plan on the same conditions as coverage would have been provided if a staff member had been continuously employed during the entire FMLA leave period.

C. Shared Provisions

1. Interference with Family Leave Rights

The NJFLA and the FMLA prohibit interference with a staff member's rights under the law, and with legal proceedings or inquiries relating to a staff member's rights. Unless permitted by the law, no staff member shall be required to take family leave or to extend family leave beyond the time requested. A staff member shall not be discriminated against for having exercised his/her rights under the NJFLA and the FMLA nor discouraged from the use of family leave.

2. Non-Tenured Teaching Staff

Family leave granted to a nontenured staff member cannot extend a staff member's employment beyond the expiration of his/her employment contract.

3. Record Keeping

The Superintendent or designee shall ensure the keeping of accurate attendance records that distinguish family leave from other kinds of leave so a staff member's entitlement to NJFLA leave and FMLA leave can be properly determined.

4. Processing of Complaints

a. New Jersey Family Leave Act

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(1) Any complaint alleging a violation of the NJFLA shall be processed in the same manner as a complaint filed under the terms of N.J.S.A. 10:5-1 et seq. and N.J.A.C. 13:4 through the New Jersey Department of Law and Public Safety, Division on Civil Rights.

b. Federal Family and Medical Leave Act (FMLA)

(1) If there is a dispute between the Board and a staff member as to whether leave qualifies as FMLA leave, it should be resolved through discussion between the staff member and the Superintendent or designee. Such discussions and the decision shall be documented by the Superintendent or designee.

(2) A staff member also may file, or have another person file on his/her behalf, a complaint with the United States Secretary of Labor. A complaint may be filed in person, by mail, or by telephone with the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, at any local office of the Wage and Hour Division.

(3) This Policy 1643 shall be posted on the school district website, in a manner accessible to all staff members and a hard copy shall be provided to all staff members annually prior to the beginning of the school year and upon initial employment in the school district during the school year.

29 CFR §825 et seq.
29 CFR §785
N.J.S.A. 10:5-1;
N.J.S.A. 34:11B et seq.
N.J.A.C. 13:14-1 et seq.

Adopted April 20, 2021
Revised:



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POLICY GUIDE

2200 CURRICULUM

In accordance with N.J.A.C. 6A:8-3.1, the Board of Education shall ensure curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the New Jersey Student Learning Standards (NJSLS). The Board also shall ensure that appropriate instructional adaptations are designed and delivered for students with disabilities, for multilingual learners (ML), for students enrolled in alternative education programs, and for students identified as gifted and talented.

The words and terms used in this Policy shall have the meanings as defined in N.J.A.C. 6A:8-1.3.

The Board shall encourage the active involvement of representatives from the community, including representatives from the local workforce and higher education, in the development of educational programs aligned with the NJSLS. The Board shall make all approved curriculum pacing guides and citations for core instructional materials publicly available pursuant to N.J.A.C. 6A:8-3.1(a)3.

The Board shall be responsible for the progress of all students in developing the knowledge and skills specified by the NJSLS, including all content areas not currently included in the Statewide assessment program.

The Board shall be responsible for the delivery of educational programs at all grade levels in the district using a coherent sequence of activities to prepare all students for college, careers, and civic life upon their graduation. Examples of such programs include, but are not limited to, academic programs; career and technical education programs; two-way bilingual immersion; heritage language education; and/or magnet programs. The Board shall implement educational programs that prepare all students for success in college, careers, and civic life, including, if applicable, the Kindergarten through grade eight development of academic skills integral to success in high school courses. When applicable, the Board shall provide students with access to advanced coursework. The Board shall develop, implement, and regularly evaluate strategies that identify, support, and encourage all student groups to enroll in and succeed in advanced coursework.

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In accordance with N.J.A.C. 6A:8-3.2, the Board shall provide all students enrolled in the district with the opportunity to attain the goals of an NJSLS-based curriculum in an educational environment that is designed to meet their needs. The Board shall create curriculum, customize instructional adaptations, allocate resources to provide equitable access to courses, programs, and experiences, and build student-centered learning environments that meet the NJSLS. The Board shall provide all students with disabilities an educational program aligned with the NJSLS, as well as the required individualized accommodations, instructional adaptations, and/or modifications as specified in a student's IEP or 504 plan. The Board shall be responsible for identifying students as gifted and talented and shall provide them with appropriate instructional adaptations and services as defined at N.J.S.A. 18A:35-35. The Board shall provide language instruction educational programs in accordance with N.J.A.C. 6A:15.

In accordance with N.J.A.C. 6A:8-3.3, the Board shall actively assist and support professional learning for teachers, educational services staff, and school leaders, including the district's plan and additional professional learning requirements at N.J.A.C. 6A:9C-3.

The Board shall provide to teachers, educational services staff, and school leaders professional learning on the following, when applicable:

1. The use of student and school performance data to provide insights into the strengths and areas for growth to improve the quality of instruction that students receive;

2. Evidence-based literacy instruction in accordance with N.J.S.A. 18A:6-142. through 18A:6-150.;

3. The content knowledge, instructional strategies, and collaborative skills needed to meet the needs of students with disabilities required at N.J.A.C. 6A:14;

4. The needs and educational development of students identified as gifted and talented; and

5. All additional statutory and regulatory requirements.

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In accordance with N.J.A.C. 6A:8-2, the Board shall be responsible for the review and continuous improvement of curriculum and instruction based upon changes in knowledge, technology, assessment results, and modifications to the NJSLS pursuant to N.J.A.C. 6A:8-3.4(a). The Board shall design curriculum that is comprehensive and meets the developmental needs of students at each grade level through complete alignment with the NJSLS. The curriculum shall be designed to prepare students for success in higher education, careers, and civic life by addressing essential academic subjects, fostering critical thinking, promoting social and emotional growth, and providing opportunities for creativity and contextual learning. The Board shall include interdisciplinary connections throughout the curriculum at every grade level in the district.

The Board shall annually approve a list of all programs and courses that comprise the district's curriculum and shall approve any subsequent changes in the curriculum in accordance with Policy 2220. The Superintendent or designee shall develop a procedure to address and eliminate any possible bias in the curriculum as programs, courses of study, and instructional materials that comprise the district's curriculum shall be designed to eliminate discrimination on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) and promote understanding and mutual respect between children.

In accordance with N.J.A.C. 6A:8-3.4(d), the Board shall provide educators with the time and resources to develop, review, and enhance contextual learning, supportive curricula, and instructional tools for helping students develop required knowledge and skills. The tools shall include, but are not limited to:

1. Curriculum designed and implemented to meet grade or grade-level expectations and graduation requirements;

2. List of core instructional and supplemental materials, including grade level-appropriate texts and decodable texts for emergent readers;

3. Integrated accommodations and modifications for students with disabilities; MLs; students identified as gifted and talented; students not at grade-level proficiency; and students with 504 plans;

4. Assessments, including, formative; summative; benchmark; and alternative assessments;

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5. Universal literacy screeners and related instructional materials, as appropriate and as defined at, and required pursuant to, N.J.S.A. 18A:6-142. through 18A:6-150.;

6. Pacing guides; and

7. Opportunities for interdisciplinary connections and contextual learning.

The Superintendent shall establish an in-district team to develop a corrective action plan if the district is found to be in noncompliance with N.J.A.C. 6A:8-3. The in-district team shall consist, at a minimum, of district administrators, curriculum supervisor(s), and educators certified in one or more of the identified areas of noncompliance.

The corrective action plan shall include, but not be limited to, the following:

1. The curricular, policy, or programmatic changes to be implemented, including, but not limited to, changes to curriculum frameworks and other required course revisions;

2. The individual(s) responsible for addressing each change identified at N.J.A.C. 6A:8-3.5(e)1. and 1. above;

3. Specific timelines for the completion of each change identified at N.J.A.C. 6A:8-3.5(e)1. and 1. above; and

4. Alignment with, and incorporation of or references to, the relevant provisions of all applicable State and Federal plans.

Within sixty days of the district's receipt of the Commissioner's written notification pursuant to N.J.A.C. 6A:8-3.5(c), the Superintendent shall present the corrective action plan to the Board for approval.

1. The Board shall review and approve the corrective action plan.

2. The Superintendent shall submit to the Commissioner, or the Commissioner's designee, the corrective action plan approved by the Board.



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The Commissioner, or the Commissioner's designee, shall review the corrective action plan and notify the Superintendent if the plan is acceptable. The Superintendent shall implement the corrective action plan within thirty days of the Commissioner's written notification pursuant to N.J.A.C. 6A:8-3.5(g). The Commissioner, or the Commissioner's designee, shall review and verify the district's implementation of the corrective action plan.

When a corrective action plan is not submitted, it is determined by the Commissioner, or the Commissioner's designee, to be unacceptable, or it is not implemented, the Commissioner shall notify the Superintendent of the action(s) that the Commissioner intends to take pursuant to State law, rules, and regulations.

N.J.S.A. 18A:6-142. through 18A:6-150.;
18A:35-35.
N.J.A.C. 6A:8-3.1; 6A:8-3.2; 6A:8-3.3; 6A:8-3.4; 6A:8-3.5

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POLICY GUIDE

2411 CAREER EDUCATION AND ACADEMIC COUNSELING

The Board of Education shall develop and implement a comprehensive system for the delivery, to all students, of guidance and academic counseling that facilitates career awareness, exploration, and preparation pursuant to N.J.A.C. 6A:8-6.1.

The words and terms used in this Policy shall have the meanings as defined in N.J.A.C. 6A:8-1.3.

A. Comprehensive System of Guidance and Academic Counseling

1. The system for the delivery, to all students, of guidance and academic counseling that facilitates career awareness, exploration, and preparation shall:

   a. Be consistent with the New Jersey Student Learning Standards (NJSLS);

   b. Take into consideration the 2019 American School Counselor Association's National Standards for School Counseling Programs, incorporated herein by reference, as amended and supplemented;

   c. Be infused throughout the curriculum as appropriate for all students;

   d. Be supported by professional learning programs;

   e. Provide developmental career guidance and academic counseling, aligned with the NJSLS, designed to:

      (1) Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;

      (2) Support students' academic attainment, career development, and personal/social development; and

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(3) Develop students' understanding of the relationships among academic attainment, career development, and personal/social development; and

f. Specify the delivery format, which may include:

(1) An integrated curriculum that is based on the NJSLS and provides students with the opportunity to engage in contextual learning, service learning, and/or work-based learning to acquire information about their career interests and/or take advanced coursework linked to their career interests; and/or

(2) Specialized programs that reflect the needs of students and the community.

B. Students With Disabilities

For students with disabilities beginning at age fourteen or younger, if determined appropriate by the IEP team, the Board shall ensure that career guidance and academic counseling are coordinated with transition services provided in accordance with N.J.A.C. 6A:14-3.7.

C. Fulfillment of the NJSLS

1. In fulfillment of the NJSLS, the Board shall develop and implement the following for all students:

a. Curriculum and instructional methods that:

(1) Include the integration of technological literacy, consistent with the NJSLS;

(2) Include the integration of information literacy, consistent with the NJSLS and delivered in partnership by school library media specialists and classroom educators, pursuant to N.J.S.A. 18A:7F-4.4. through 18A:7F-4.7.;



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(3) Provide an understanding of the career applications of knowledge and skills learned in the classroom; and

(4) Provide opportunities to apply knowledge and skills learned in the classroom to real or simulated career challenges.

b. A system of career development activities that:

(1) Offers the opportunity to more fully explore career interests that are linked to the NJSLS, pursuant to N.J.A.C. 6A:19 – Career and Technical Education Programs and Standards;

(2) Provides the appropriate format for offering career-development activities based on school district resources, community needs, and student interest;

(3) Identifies the delivery format, which may include:

(a) An integrated curriculum that is based on the NJSLS and provides students the opportunity to acquire information about their career interests and/or take advanced coursework linked to their career interests; or

(b) Specialized programs that reflect the needs of students and the community; and

(4) Instills the concept of the need for continuous learning throughout life.

D. Work-Based Learning Experiences

1. The Board shall offer high school students the opportunity to more actively explore career interests by participating in work-based learning experiences aligned to the NJSLS.

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a. Work-based learning experiences shall give students opportunities to demonstrate and apply academic knowledge in authentic settings and to develop career and personal/social goals.

b. Students may voluntarily select work-based learning experiences that:

(1) Are co-curricular or extra-curricular activities; and

(2) Take place within the district, at a work site, or in the community, in accordance with N.J.A.C. 6A:19-6.4.

c. The Board shall ensure students participating in school-sponsored external work-based learning experiences, either paid or unpaid:

(1) Are supervised by school personnel, in accordance with N.J.A.C. 6A:9B-14.19 and 14.20; and

(2) Are in approved programs compliant with Federal and State law.

E. Enrollment in College Courses

1. The Board shall develop, implement, and regularly evaluate strategies that identify, support, and encourage students from diverse backgrounds to enroll in and succeed in college courses pursuant to N.J.A.C. 6A:8-6.2.

2. The Board may enter into a dual enrollment agreement with one or more public institutions of higher education, in accordance with N.J.S.A. 18A:61C-10., to increase the availability of college-level instruction for high school students.

3. Credits earned by students shall be accepted at all New Jersey public higher education institutions, pursuant to N.J.S.A. 18A:61C-11.



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4. The Board may participate in the Twelfth Grade Postsecondary Transition Year Pilot Program, pursuant to P.L. 2023, c.272, through a competitive grant award contingent upon available funds held within the Innovation Dual Enrollment II Fund.]

F. Guidance and Academic Counseling

The Board's comprehensive system for the delivery, to all students, of guidance and academic counseling that facilitates career awareness, exploration, and preparation shall include the services of teaching staff members certified as school counselors and other designated teaching staff members.

G. Evaluation

1. The program of career education and academic counseling will be reviewed annually to determine its strengths and weaknesses. The following information to be reviewed may include, but is not limited to:

   a. An annual record of graduate placements in post-secondary situations;

   b. Assessments of past graduates as to the effectiveness of guidance services received in the high school;

   c. Results of surveys of parents and staff evaluations of guidance services;

   d. Analysis of the effectiveness of outside referrals;

   e. Assessments by persons not employed in the school district and experts in the field of career education and academic counseling;

   f. Personal evaluations of the career education and academic counseling staff members to identify weaknesses in the administration of the program; and



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g. Any additional information that assists in determining the strengths and weaknesses of the career education and academic counseling program in the district.

N.J.S.A. 18A:7F-4.4. through 18A:7F-4.7.;
18A:61C-10.; 18A:61C-11.
N.J.A.C. 6A:7-1.1; 6A:7-1.3; 6A:7-1.7; 6A:8-6.1; 6A:8-6.2;
6A:19-1.1 et seq.

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POLICY GUIDE

5460 HIGH SCHOOL GRADUATION

For a State-endorsed diploma, the Board of Education shall develop, adopt, and implement local graduation requirements that prepare students for success in postsecondary degree programs, careers, and civic life, that are delivered by educators who are appropriately certified within each of the New Jersey Student Learning Standards (NJSLS) content areas, and that include the requirements outlined in N.J.A.C. 6A:8-5.1.

The words and terms used in this Policy shall have the meanings as defined in N.J.A.C. 6A:8-1.3.

As defined in N.J.A.C. 6A:8-1.3, "credit" means the award for the equivalent of a class period of instruction, which meets for a minimum of forty minutes, one time per week during the school year or as approved through N.J.A.C. 6A:8-5.1(a)2. and A.2 below.

A. High School Graduation Requirements

1. Participation in a local program of study of not fewer than 120 credits in courses designed to meet all of the NJSLS, including, but not limited to, the following credits:

   a. 20 credits in English language arts (ELA), aligned to grade nine through twelve standards;

   b. 15 credits in mathematics, including algebra I or the content equivalent; geometry or the content equivalent; and a third year of mathematics that builds on the concepts and skills of algebra and geometry and that prepares students for college and careers;

   c. 15 credits in evidence-based science courses that develop proficiency with the full range of grades nine through twelve NJSLS for science, which shall include the disciplines of physical science; life science; earth and space sciences; and engineering, technology, and applications of science;

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d. 15 credits in social studies, including satisfaction of N.J.S.A. 18A:35-1. and 18A:35-2.; five credits in world history; and the integration of civics, economics, geography, and global content in all course offerings;

e 2.5 credits in financial, economic, business, and entrepreneurial literacy;

f. 5 credits in health, safety, and physical education during each year of enrollment, distributed as one hundred fifty minutes per week, pursuant to N.J.S.A. 18A:35-5., 18A:35-7., and 18A:35-8.;

g. 5 credits in visual and performing arts;

h. 5 credits in world languages or student demonstration of proficiency as set forth at N.J.A.C. 6A:8-5.1(a)2.v. (2) and A.2.e. below;

i. Technological literacy, consistent with the NJSLS, integrated throughout the curriculum;

j. 5 credits in career readiness or career and technical education; and

k. Electives as determined by the high school program sufficient to total a minimum of 120 credits.

2. The 120-credit requirement set forth in N.J.A.C. 6A:8-5.1(a)1. and in A.1. above may be met through program completion of a range of experiences that enable students to pursue a variety of individualized student learning opportunities, as follows:

a. The Board may establish general policies and procedures for the implementation of individualized student learning opportunities that meet the NJSLS, as well as any performance or competency assessment that will be used to determine student completion of programs.

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(1) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting the NJSLS and intended to supplant NJSLS-based courses shall:

(a) Be designed, approved, and delivered by appropriately certified educators, except as follows:

(i) For approved career and technical education programs and work-based learning experiences, individualized student learning opportunities shall be designed, approved, and supervised by appropriately certified educators in accordance with N.J.A.C. 6A:19-6.4, 6A:9B-14.19, and 6A:9B-14.20; or

(ii) For dual enrollment, individualized student learning opportunities shall be reviewed and approved by appropriately certified educators;

(b) Include demonstration of student competency approved by appropriately certified educators;

(c) Be certified for completion based on the Board process adopted in accordance with N.J.A.C. 6A:8-5.1(a)2.v. and A.2 below; and

(d) Be on file in the district and subject to review by the Commissioner of Education or the Commissioner's designee.

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b. A Board that establishes a process pursuant to N.J.A.C. 6A:8-5.1(a)2.i. and A.2.a. above shall:

(1) Provide programs and related assessments based on specific instructional objectives aimed at meeting the NJSLS and overseen by educators appropriately certified within each aligned content area;

(2) Approve group programs in the same manner as other courses;

(3) Provide equitable access pursuant to N.J.A.C. 6A:7 – Managing for Equity in Education;

(4) Develop policies that clearly address student safety, transportation, tuition, and fee requirements and comply with applicable laws and rules as set forth at N.J.A.C. 6A:19-14.2; and

(5) Consider the need for procedures that are consistent with the Board's employment practices, including criminal background checks in accordance with N.J.S.A. 18A:6-7.1.

c. Coursework and experiences may bear credit for core academic courses or elective coursework. The Board may establish policies that:

(1) Allow the granting of credits for summer courses that replace traditional courses;

(2) Allow the granting of credits for work-based learning experiences, including, but not limited to, internships, apprenticeships, and service-learning;

(3) Limit opportunities to only courses that are not offered to all students by the Board; and

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(4) Prioritize opportunities that are more experiential in nature and not designed to meet the course requirements at N.J.A.C. 6A:8-5.1(a)1. and A.1. above.

d. Boards that allow the granting of credit for experiences designed to supplant courses required for graduation as set forth at N.J.A.C. 6A:8-5.1(a)1. and A.1. above shall document the experiences' substantial equivalency with the identified NJSLS and locally adopted curriculum designed to meet the requirements at N.J.A.C. 6A:8-5.1(a)1. and A.1. above. The documentation shall be subject to review, in accordance with N.J.A.C. 6A:30, including the instruction and program indicators at 6A:30 Appendices A and B.

e. The Board shall establish a process for granting of credits through successful completion of assessments that verify student achievement in meeting the NJSLS at the high school level, including standards achieved by means of the individualized student learning opportunities set forth at N.J.A.C. 6A:8-5.1(a)2. and A.2. above. Such programs or assessments may occur all, or in part, prior to a student's high school enrollment; no such locally administered assessments shall preclude or exempt student participation in applicable Statewide assessments at grades three through twelve.

(1) The Board shall choose assessments that are aligned with the NJSLS and may include locally designed assessments.

(2) The Board shall determine if students have achieved the level of language proficiency designated as Novice-High as defined by the American Council on the Teaching of Foreign Languages (ACTFL) and recognized as fulfilling the world languages requirement of the NJSLS through either New Jersey Department of Education (NJDOE)-approved proficiency assessment or NJDOE-approved locally designed competency-based assessments;



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f. The Board shall establish a process to approve postsecondary learning opportunities that may consist of Advanced Placement (AP) courses, College-Level Examination Program (CLEP), International Baccalaureate (IB), or concurrent/dual enrollment at accredited higher education institutions.

(1) The Board shall award credit for successful completion of an approved, accredited college course that ensures achievement of knowledge and skills that meets the NJSLS.

3. Local student attendance requirements;

4. Any statutorily mandated requirements for earning a high school diploma;

5. For students in the graduating classes of 2026 and 2027, completion of a financial aid application in a form prescribed by the Higher Education Student Assistance Authority, including, but not limited to, the Free Application for Federal Student Aid (FAFSA) or the New Jersey Alternative Financial Aid Application, or be exempted from the requirement in accordance with procedures set forth at P.L. 2023, c.295 and P.L. 2025, c.95 pursuant to N.J.A.C. 6A:8-5.1(a)6.;

6. Pursuant to N.J.A.C. 6A:8-5.1(a)7., the requirement that all students demonstrate proficiency by achieving a passing score on the ELA and mathematics components of the State graduation proficiency test or through the alternative means at N.J.A.C. 6A:8-5.1, if applicable, or for students who take the State graduation proficiency test but do not achieve a passing score through the alternative means set forth at N.J.A.C. 6A:8-5.1(e and E. below and N.J.A.C. 6A:8-5.1(g) and G. below;

7. Pursuant to N.J.A.C. 6A:8-5.1(a)8., for students who have not demonstrated proficiency on the ELA and/or mathematics components of the State graduation proficiency test, the opportunity to demonstrate proficiency may be achieved by the following:



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a. Remediation, as appropriate, pursuant to N.J.S.A. 18A:7C-3.; and

b. One or more additional opportunities to demonstrate proficiency on the State graduation proficiency test, pursuant to N.J.S.A. 18A:7C-6.

8. The portfolio appeals process, pursuant to N.J.S.A. 18A:7C-3., for students who have not demonstrated proficiency on the ELA and/or mathematics components of the State graduation proficiency test and have been provided with the opportunities at A.8. above; and

9. Students graduating from an adult high school shall demonstrate proficiency in the ELA and mathematics components of the State graduation proficiency test, or through the alternative means set forth at N.J.A.C. 6A:8-5.1(e), (f), and (g) and E., F., and G. below.

B. Alternative Requirements for State-Endorsed Diploma

1. Through the IEP process set forth at N.J.A.C. 6A:14-3.7 and pursuant to N.J.A.C. 6A:14-4.11, the Board may specify alternate requirements for a State-endorsed diploma for individual students with disabilities as defined at N.J.A.C. 6A:14-1.3 pursuant to N.J.A.C. 6A:8-5.1(b).

a. The Board shall specifically address any alternate requirements for graduation in a student's IEP, in accordance with N.J.A.C. 6A:14-4.11.

b. The Board shall develop and implement procedures for assessing whether a student has met the specified alternate requirements for graduation individually determined in an IEP.

C. Graduation Requirements Provided to Executive County Superintendent

The Board shall provide to the Executive County Superintendent their graduation requirements each year they are evaluated through NJQSAC and update the filed copy each time their graduation policies are revised pursuant to N.J.A.C. 6A:8-5.1(c).

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D. Copy of Graduation Requirements to Students and Parents

The Board shall provide each student entering high school and the student's parents with a copy of the Board's requirements for a State-endorsed diploma and the programs available to assist students in attaining a State-endorsed diploma, in accordance with N.J.S.A. 18A:7C-5. pursuant to N.J.A.C. 6A:8-5.1(d).

E. Alternative Means

1. The alternative means referenced at N.J.A.C. 6A:8-5.1(a)7. and A.7above shall be as follows:

a. Achieve a passing score, as determined by the Commissioner of Education and approved by the State Board of Education, on a corresponding substitute competency test in ELA and/or mathematics, as applicable; and/or

b. Demonstrate proficiency through the portfolio appeals process, pursuant to N.J.S.A. 18A:7C-3.

F. Multilingual Learners (ML) Requirements for High School Graduation

MLs shall satisfy the requirements for high school graduation. However, MLs may demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, when available, and passage of a NJDOE approved English language proficiency assessment.

G. Alternate Assessment Based on Alternate Academic Achievement

Students, including students with disabilities as defined at N.J.A.C. 6A:14-1.3 or eligible pursuant to Section 504 of the Rehabilitation Act, who participate in the alternate assessment based on alternate academic achievement standards (AA-AAAS) for students with significant intellectual disabilities~~,~~ are not required to participate in repeated administrations of high school assessment components required at N.J.A.C. 6A:8-4.1(c).



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H. State Seal of Biliteracy

1. The Board will participate in the State Seal of Biliteracy Program and award a State Seal of Biliteracy to any student who has met all requirements for a high school diploma at N.J.A.C. 6A:8-5.2 and demonstrates proficiency in the following:

   a. One or more languages other than English through an assessment approved pursuant to N.J.A.C. 6A:8-5.3(f) and H~~I~~.6. below during the student's next to last or final year of high school.

      (1) Pursuant to N.J.S.A. 18A:7C-15.a., a language other than English shall include, but not be limited to, American Sign Language, Latin, and Native American languages.

   b. ELA as set forth at N.J.A.C. 6A:8-5.1(a)6. and A.6 above or through a NJDOE-approved English proficiency assessment as set forth at N.J.A.C. 6A:8-5.1(f) and F. above.

2. Pursuant to N.J.A.C. 6A:8-5.3(b), the Board shall incorporate the process for awarding the State Seal of Biliteracy into this Policy developed, adopted, and implemented pursuant to N.J.A.C. 6A:8-5.1(a) and A.1. above, denoting participation in the voluntary program. Participation in the State Seal of Biliteracy Program is optional for students. The shall submit to the Executive County Superintendent, in accordance with N.J.A.C. 6A:8-5.1(c) and C above, a copy of this Policy that reflects the option for students to participate in the State Seal of Biliteracy.

3. The Board will pay the costs for related assessments. If the Board does not pay the related costs, the Board will charge a fee.

4. The Board shall:

   a. Provide the NJDOE with information regarding students who qualify for the State Seal of Biliteracy pursuant to N.J.A.C. 6A:8-5.3(a) and H.1. above;



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b. Present each student who qualifies pursuant to N.J.A.C. 6A:8-5.3(a) and H.1. above with a NJDOE issued certificate;

c. Include the Commissioner developed insignia "New Jersey State Seal of Biliteracy" and the language(s) for which it was awarded on the student's transcript; and

d. Maintain appropriate records to identify students who have earned the State Seal of Biliteracy.

5. The Board shall not award a State Seal of Biliteracy to any student who does not meet the criteria for a State Seal of Biliteracy as required at N.J.A.C. 6A:8-5.3(a) and H.1. above and shall not include the Commissioner developed insignia on the student's transcript.

6. A list of NJDOE approved, nationally or internationally recognized assessments and the Statewide scores necessary for a student to satisfy requirements for the State Seal of Biliteracy shall be set by a resolution approved by the State Board of Education.

a. If an approved assessment, pursuant to N.J.A.C. 6A:8-5.3(f) and H.6. above, does not exist for a particular language, the Board may administer a NJDOE-approved, locally designed proficiency-based assessment.

N.J.S.A. 18A:6-7.1.; 18A:7C-3.; 18A:7C-6.;
N.J.A.C. 6A:8-4.1; 6A:8-5.1; 6A:8-5.3;
6A:9B-14.19; 6A:9B-14.20;
6A:14-1.1 et seq.; 6A:19-6.4

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POLICY GUIDE

5461 HIGH SCHOOL DIPLOMAS

The Board of Education shall award a State-endorsed high school diploma to prospective graduates who have met all of the requirements adopted in accordance with N.J.A.C. 6A:8-5.1(a), 6A:8-5.1(b), or 6A:8-5.2(d). The Board shall not issue a high school diploma to any student who does not meet the criteria specified in the requirements adopted in accordance with N.J.A.C. 6A:8-5.1(a), 6A:8-5.1(b), or 6A:8-5.2.(d).

The words and terms used in this Policy shall have the meanings as defined in N.J.A.C. 6A:8-1.3.

The Board shall provide students exiting grade twelve without a diploma the opportunity for continued high school enrollment to age twenty or until the requirements for a State-endorsed diploma have been met, whichever comes first.

The Board shall allow any out-of-school individual to age twenty who has otherwise met all State and local graduation requirements but has failed to pass the State proficiency test to demonstrate proficiency through alternative means as set forth at N.J.A.C. 6A:8-5.1(a)6. through 6A:8-5.1(f), as applicable, pursuant to the standards applicable to the student's graduating class. Upon certification of passing the test applicable to the student's class in accordance with N.J.A.C. 6A:8, a State-endorsed diploma shall be granted by the high school of record.

Pursuant to N.J.A.C. 6A:20-1.4, the Commissioner of Education shall award a State-issued high school diploma based on achieving the Statewide standard score on a New Jersey High School Equivalency Assessment (NJHSEA) to individuals age sixteen or older who are no longer enrolled in school and have not achieved a high school credential. The Board shall provide students awarded a State-issued high school diploma pursuant to N.J.A.C. 6A:8-5.2(c) or 6A:8-5.2(d) the opportunity for continued high school enrollment to age twenty-one if eligible pursuant to the IDEA.

Pursuant to N.J.A.C. 6A:8-5.2(d), the Commissioner shall award a State-issued high school diploma to individuals age sixteen or older and no longer enrolled in high school based on official transcripts showing at least thirty general education credits leading to a degree at an accredited institution of higher education.

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Included in the thirty general education credits must be a minimum of fifteen credits with at least three credits in each of the five general education categories as follows: English; mathematics; science; social science; and the humanities.

The Board shall award a State-endorsed high school diploma to any currently enrolled student, regardless of grade level, who:

1. Has demonstrated proficiency in the State graduation proficiency test, pursuant to N.J.A.C. 6A:8-5.1(a)7. or as set forth at N.J.A.C. 6A:8-5.1(e).

2. Has presented official transcripts showing at least thirty general education credits leading to a degree at an accredited institution of higher education; and

3. Has formally requested such early award of a State-endorsed high school diploma.

Pursuant to N.J.S.A. 18A:7C-7. and 18A:7E-3., the Superintendent shall report annually to the Board at a public meeting not later than September 30, and to the Commissioner:

1. The total number of students graduated;

2. The number of students graduated under the substitute competency test process;

3. The number of students graduated under the portfolio appeals process;

4. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their IEPs;

5. The total number of students denied graduation from the twelfth grade class; and



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6. The number of students denied graduation from the twelfth grade class solely due to failure to pass the State graduation proficiency test, substitute competency tests, or portfolio appeals process based on the provisions of N.J.A.C. 6A:8.

N.J.S.A. 18A:7C-7.; 18A:7E-3.
N.J.A.C. 6A:8-5.1; 6A:8-5.2; 6A:20-1.4

Adopted:

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