

Policy

TENURE

Tenure Acquisition

Employees including teachers, principals, other than administrative principals, assistant principal, vice principal, assistant superintendent, all school nurses, school athletic trainer and such other employees hired by the Camden City Board of Education after August 2012 shall accrue tenure according to law (N.J.S.A. 18A:28-5) following an employment period for:

- A. Four consecutive calendar years; or
- B. Four consecutive academic years, together with employment at the beginning of the next succeeding academic year; or
- C. The equivalent of more than four academic years within a period of any five consecutive academic years.

Service in the following positions shall be performed only under contract renewable at the discretion of the board and tenure shall not be accrued:

- A. Substitute teacher acting in the absence of another employee;
- B. Summer school teacher;
- C. Extracurricular advisor; and
- D. Athletic coach.

Tenure Charges

The board will challenge the continued employment of any tenured teaching staff member who demonstrates inefficiency in the performance of his/her duties as determined by the outcome of the teaching staff member evaluation (see board policy 4116 Evaluation of Teaching Staff members) process as follows:

<u>Year A Rating</u>	<u>Year B (Consecutive) Rating</u>	<u>Action</u>
Ineffective	Ineffective	The superintendent shall file a charge of inefficiency
Partially Effective	Ineffective	
Ineffective	Partially Effective	The superintendent may file a charge of inefficiency or may defer the filing until the next year; in the following year (i.e., the third consecutive year), the superintendent shall file a charge of inefficiency if the annual rating is ineffective or partially effective
Partially Effective	Partially Effective	

Continued employment shall also be challenged and tenure charges may be filed when the employee is incapable of performing those duties, violates by unbecoming conduct, or by other means demonstrates unfitness for district employment. When charges are filed against a tenured teaching staff member by any person the board shall determine the gravity of the charges and the probity of supporting evidence in accordance with law.

Charges may be instituted against a tenured teaching staff member of the district by filing with the board secretary a written statement, signed by the charging person, that sets forth the specific charges and the

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statutory grounds on which each is based. The statement of charges must be accompanied by a written statement of evidence made under oath in support of the charges. The board secretary shall promptly notify the superintendent and the president that such charges have been filed.

Charges for Reasons Other Than Inefficiency

Where the tenure charges allege incapacity, unbecoming conduct, or good cause other than inefficiency the following procedures and timelines shall be observed:

- A. Charges shall be stated with specificity as to the action or behavior underlying the charges and shall be filed in writing with the board secretary, accompanied by a supporting statement of evidence, both of which shall be executed under oath by the person(s) instituting such charges;
- B. Along with the required sworn statement of evidence, charges shall be transmitted to the affected tenured employee and the employee's representative, if known, within three (3) working days of the date they were filed with the board secretary. Proof of mailing or hand delivery shall constitute proof of transmittal;
- C. The affected tenured employee shall have an opportunity to submit to the board a written statement of position and a written statement of evidence both of which shall be executed under oath within 15 days of receipt of the tenure charges;
- D. Upon receipt of the tenured employee's written statements of position and evidence under oath, or upon expiration of the allotted 15-day time period, the board shall determine by a majority vote of its full membership within 45 days whether there is probable cause to credit the evidence in support of the charges and whether such charges, if credited, are sufficient to warrant a dismissal or reduction of salary;
- E. The board shall provide, within three (3) working days, written notification of the determination to the employee against whom the charge has been made, in person or by certified mail to the last known address of the employee and the employee's representative, if known;
- F. If the board finds probable cause exists and the charges, if credited, are sufficient to warrant a dismissal or reduction of salary, then the board shall file, within 15 days, written charges with the Commissioner. The charges shall be stated with specificity as to the action or behavior underlying the charges and shall be accompanied by:
 1. The required certificate of determination;
 2. The name of the attorney who it is anticipated for administrative purposes will be representing the board; and
 3. Proof of service such as a certified mail receipt, upon the employee and the employee's representative, if known. Such proof of service shall be at the same time and in the same manner as the filing of charges with the Commissioner;
- G. All deliberations and actions of the board with respect to such charges shall take place at a closed meeting.

Charges for Inefficiency

Where the charge alleges inefficiency, the following actions will be taken:

- A. When the conditions described in N.J.S.A. 18A:6-17.3.a(1) or (2) and detailed in the table above have been satisfied, the superintendent shall promptly file with the board secretary a charge of inefficiency;
- B. The charges of inefficiency shall be transmitted to the affected tenured employee and the employee's representative, if known, within three (3) working days of the date they were filed with the board secretary. A statement of evidence and the evaluation results pertinent to the charge of inefficiency shall be included in the transmission. Proof of mailing or hand delivery shall constitute proof of transmittal;

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- C. The affected tenured employee shall have an opportunity within 10 days of receipt to submit to the board a written statement of position under oath demonstrating how the school district failed to comply with the evaluation procedures;
- D. Within 30 days of the filing, the board shall forward a written charge to the Commissioner unless the board determines the evaluation process has not been followed. Such determination shall be made by a majority vote of the district board of education's full membership;
- E. Upon receipt of the charge, the Commissioner or his or her designee shall examine the charge. The charge shall again be served upon the employee at the same time it is forwarded to the Commissioner and proof of service shall be included with the filed charges. The individual against whom the charge is filed shall have 10 days to submit to the Commissioner a written response to the charge;
- F. Within five (5) days of the individual's deadline to submit a written response to the charge, the Commissioner shall appoint an arbitrator to hear the case and refer the case to the arbitrator, unless he or she determines the evaluation process has not been followed;
- G. All deliberations and actions of the board with respect to such charges shall take place at a closed meeting.

Suspension Upon Certification of Tenure Charges

Upon certification of any tenure charge to the New Jersey Commissioner of Education, the Camden City Board of Education may suspend the person against whom the charge is made, with or without pay. However, if the determination of the tenure charge by the arbitrator is not made within 120 calendar days after certification of the tenure charges, excluding all delays which are granted at the request of the person against whom the charge was made, then the full salary (except for said 120 days) shall be paid beginning on the 121st day of the suspension until such determination is made.

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

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

Tenure Upon Transfer or Promotion

Any teaching staff member who has tenure or is eligible to obtain tenure, who is transferred or promoted with his/her consent to another position on or after July 1, 1962 shall not obtain tenure in the new position until after:

- A. The expiration of a period of employment of two consecutive calendar years in the new position unless a shorter period is fixed by the board for such purpose; or
- B. Employment for two academic years in the new position together with employment in the new position at the beginning of the next succeeding academic year; or
- C. Employment in the new position within a period of any three consecutive academic years, for the equivalent of more than two academic years;

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The period of employment in the new position shall be included in determining the tenure and seniority rights in the former position held by such teaching staff member. When the teaching staff member had tenure in the position he/she held prior to the transfer or promotion he/she shall be permitted to return to his former position in the event the employment in the new position is terminated before tenure is obtained. When the teaching staff member is returned to the former position, it shall be at the salary which he/she would have received had the transfer or promotion not occurred together with any increase to which he would have been entitled during the period of such transfer or promotion.

Any teaching staff member who has tenure or is eligible to obtain tenure, who is transferred or promoted with his consent to another position on or after August 6, 2012, shall not obtain tenure in the new position until after:

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

The period of employment in the new position shall be included in determining the tenure and seniority rights in the former position held by such teaching staff member. When the teaching staff member had tenure in the position he/she held prior to the transfer or promotion he/she shall be permitted to return to his former position in the event the employment in the new position is terminated before tenure is obtained. When the teaching staff member is returned to the former position, it shall be at the salary which he/she would have received had the transfer or promotion not occurred together with any increase to which he would have been entitled during the period of such transfer or promotion.

In order to receive tenure a teacher, principal, assistant principal, and vice-principal shall be evaluated as effective or highly effective in two annual summative evaluations within the first three years of employment in the new position.

For the purpose of law and this policy "effective" or "highly effective" means the employee has received an annual summative evaluation rating of "effective" or "highly effective" based on the performance standards for his position established through the evaluation rubric adopted by the board of education and approved by the commissioner.

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Readopted:

(SE file codes: 3144, 3144.12, 3144.3, 3370, 3372, 3373, 3374)

Key Words

Tenure Charges, Suspension

Legal References:	<u>N.J.S.A.</u> 18A:4-15	General rule-making power
	<u>N.J.S.A.</u> 18A:4-16	Incidental powers conferred
	<u>N.J.S.A.</u> 18A:6-10 <u>et seq.</u>	Dismissal and reduction in compensation of persons under tenure in public school system
	<u>N.J.S.A.</u> 18A:6-11	Written charges, statement of evidence, filing, statement of position
	<u>N.J.S.A.</u> 18A:6-13	Dismissal of charge for failure of determination by the board
	<u>N.J.S.A.</u> 18A:6-14	Suspension upon certification of charge; compensation;

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	reinstatement
<u>N.J.S.A. 18A:6-16</u>	Proceedings before the commissioner
<u>N.J.S.A. 18A:6-17 et seq.</u>	Board of education a party; conduct if hearing
<u>N.J.S.A. 18A:6-117 et seq.</u>	Teacher effectiveness and accountability for the children
<u>N.J.S.A. 18A:28-6</u>	Tenure upon transfer or promotion.
<u>N.J.A.C. 6A:3-5.1 et seq.</u>	Filing of written charges and certification of determination
<u>N.J.A.C. 6A:10-1.1 et seq.</u>	Educator effectiveness

Possible

Cross References:

*2130	Principal evaluation
*2131	Superintendent
*4112.6/4212.6	Personnel records
*4115	Supervision
*4116	Evaluation of teaching staff members
*4215	Supervision
*4216	Evaluation

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

Policy

RECRUITMENT, SELECTION AND HIRING

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

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

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

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

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

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

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

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

The superintendent shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to race, creed, color, national origin, nationality, ancestry, age, sex,

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affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

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

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

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

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

Residency Requirements

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

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

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

Exemptions

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

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forth in this policy shall be in effect.

Employment History - Definitions

For the purpose of this policy:

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

Required Disclosure of Employment History

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

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

Review of the Employment History

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

- A. Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not

RECRUITMENT, SELECTION AND HIRING (continued)

required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;

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

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

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

Review of Out-of-State Employment History

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

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

Nondisclosure Agreements

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

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

Records

Records related to the district's recruitment, hiring, or promotion processes will be maintained and stored in an easily accessible manner for a period of at least three (3) years from the date a hiring or promotion decision is made, and maintained for more than three (3) years if so required under the applicable New Jersey Department of Treasury Records Retention Schedule.

RECRUITMENT, SELECTION AND HIRING (continued)

Implementation

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

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

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

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

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

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 Readopted:

(SE file codes: 3125, 1631)

Key Words

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

<u>Legal References:</u>	<u>N.J.S.A. 10:5-1 et seq.</u> <u>See particularly:</u> <u>N.J.S.A. 10:5-3</u> <u>N.J.S.A. 18A:3-15. 1 et seq.</u> <u>N.J.S.A. 18A:6-5</u> <u>N.J.S.A. 18A:6-6</u> <u>N.J.S.A. 18A:6-7.1, -7.5</u> <u>N.J.S.A. 18A:6-7.6</u> through <u>N.J.S.A. 18A:6-7.13</u> <u>N.J.S.A. 18A:6-76.1</u> <u>N.J.S.A. 18A:11-1</u>	Law Against Discrimination Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation Inquiry as to religion and religious tests prohibited No sex discrimination Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception Employees; qualifications; discrimination, prohibitions Deadline for notification to students of requirements of provisional certificate and induction program General mandatory powers and duties
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RECRUITMENT, SELECTION AND HIRING (continued)

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

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

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

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

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

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

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

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

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

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

The Comprehensive Equity Plan, New Jersey Department of Education

Possible

<u>Cross References:</u>	2130	Administrative staff
	*2131	Superintendent
	4000	Concepts and roles in personnel
	*4111.1/4211.1	Nondiscrimination/affirmative action

RECRUITMENT, SELECTION AND HIRING (continued)

*4112.2	Certification
*4112.4/4212.4	Employee health
4112.5/4212.5	Criminal history check
*4112.6/4212.6	Personnel records
*4112.8/4212.8	Nepotism
*4121	Substitute teachers
*4222	Noninstructional aides
*5120	Assessment of individual needs
*6010	Goals and objectives

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

Policy

NONDISCRIMINATION/AFFIRMATIVE ACTION

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

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

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

Affirmative Action Officer and Team

The board designated affirmative action officer shall:

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

Harassment and Favoritism

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

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

Sexual Harassment

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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

term or condition of employment of an employee. Sexually harassing conduct committed by nonsupervisory personnel is also prohibited.

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

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

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

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

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

Pregnancy

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

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

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

Employment and Contract Practices

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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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

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

- A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the district's affirmative action policies in their contacts with district staff and students (see board policy 3327 Relations with Vendors);
- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion, personnel-management practices and collective bargaining agreements are structured and administered in a manner that furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding inservice programs on affirmative action for all staff in accordance with law.

Whistleblower Protection

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

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

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

Appeals

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

Report on Implementation

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

Adopted:	June 24, 1985
Revised:	September 25, 1989
Revised:	February 28, 1994

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

Revised: August 23, 1995
 Revised: May 31, 1996
 Readopted: August 14, 2007
 NJSBA Review/Update: March 2009, August 2019
 Revised: March 30, 2015
 Readopted:

(SE file codes: 3362, 3381)

Key Words

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

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
See particularly:
N.J.S.A. 10:5-3, -3.1, -4.1, -12, -27
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited
N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:18A-17 Facilities for handicapped persons
N.J.S.A. 18A:26-1 Citizenship of teachers, etc.
N.J.S.A. 18A:26-1.1 Residence requirements prohibited
N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers
N.J.S.A. 18A:36-20 Discrimination Prohibition
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act
N.J.S.A. 34:19-1 et seq. Conscientious Employee Protection Act
See particularly:
N.J.S.A. 34:19-3
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.8
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Executive Order 11246 as amended

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

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

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

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

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

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

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

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

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

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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*3320	Purchasing procedures
	*4111	Recruitment, selection and hiring
	*4112.8/4212.8	Nepotism
	*4147/4247	Employee safety
	*4211	Recruitment, selection and hiring
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action

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

Policy

DOMESTIC VIOLENCE

The Camden City Board of Education is committed to ensuring that all staff are supported in the event that they experience domestic violence as defined by law (N.J.S.A. 2C:25-19). Victims of domestic violence can suffer devastating physical, emotional and psychological effects and economic disruption. The board encourages employees who are victims of domestic violence to contact the human resources officer.

Employees disclosing their experiences with domestic violence shall be supported in the work environment to an extent that is feasible and practical for the employee to maintain and perform their job and for the effective operation of the educational program.

Reporting Domestic Violence

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

- A. Employees are encouraged to meet with the Senior Director, Talent and Labor Relations in person. Requests to meet may be made by cell phone or telephone. Email may not be confidential and should not be used when private information is being discussed or disclosed unless this is the only safe method of communication available;
- B. The Senior Director, Talent and Labor Relations shall ensure that an employee's disclosure of domestic violence be kept confidential unless there exists an emergent danger to the employee or other staff;
- C. The Senior Director, Talent and Labor Relations shall ensure that such conversations are held in a room or office that can be closed off from the hearing range of other staff members to the extent possible;
- D. The human resource officer shall ensure that any sharing of confidential information is only done with the written authorization of the employee. This excludes reported incidents of violence or abuse against children;
- E. The Senior Director, Talent and Labor Relations shall ensure that any records pertaining to domestic violence be kept separate from the personnel record and in strict confidentiality. Only the employee, the Senior Director, Talent and Labor Relations and the superintendent shall have access to an employee's confidential file; and
- F. The Senior Director, Talent and Labor Relations will assemble a list of resources available to victims of domestic violence. These resources shall include but may not be limited to information on domestic violence (books, web resources, etc.), legal resources available such as advocacy and law enforcement options, medical and psychological treatment and counseling referral sources, food and housing options and local support groups.

Work Support

In order to help prevent occupational disruption, loss of employment and financial hardship that may occur when an employee experiences domestic violence the Senior Director, Talent and Labor Relations may investigate the following options to support the employee's continued performance of their job responsibilities, including but not limited to:

DOMESTIC VIOLENCE (continued)

- A. Adjusting work assignments;
- B. Temporary or permanent job restructuring;
- C. Temporary adjustment to the employee's work schedule;
- D. Work from home options;
- E. Flexible approval of paid sick leave, personal time and vacation time;
- F. Other reasonable options.

The employee shall work with the Senior Director, Talent and Labor Relations and the supervisor when requesting employment changes that affect the normal schedule. The superintendent or, as necessary and required by law, the board shall approve such support measures. Notice to the appropriate collective bargaining unit covering the employee may be necessary where required by the contract or State law. Approval may be granted when reasonable and practical. Approval shall not be granted when such request places a hardship on the board and/or the educational program. Approval of requested employment modifications shall include the following considerations:

- A. The overall size of the school district's program with respect to the number of employees, number and type of facilities and the size of the budget;
- B. The type of employment responsibilities and the effect on the educational program; and
- C. The nature and expected duration of the request and cost to the district.

Teaching staff members shall not be granted schedule changes that frequently interfere with their assigned class schedule. All changes in employment responsibilities and schedule shall be consistent with the appropriate collective bargaining agreement.

Leave

In accordance with the New Jersey Security and Financial Empowerment Act (SAFE Act) an employee of this district shall be entitled to up to 20 days of unpaid leave in a 12-month period when the employee or his or her child, parent, spouse, domestic or civil union partner has been the victim of a domestic violence incident or a sexually violent offense. This entitlement applies to any employee that has been employed by the district for at least 12 months and has worked 1,000 hours during the 12 month period immediately preceding the leave.

Leave may be taken under the SAFE Act to:

- A. Seek medical attention or recover from physical or psychological injuries resulting from a domestic violence or a sexually violent offense for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- B. Obtain services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- C. Obtain psychological or other counseling for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;

DOMESTIC VIOLENCE (continued)

- D. Participate in safety planning, relocating or other actions to increase the safety of the employee or to ensure economic security of the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- E. Seek legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- F. Attend, participate in or prepare for a civil or criminal court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave. The employee must provide the district written notice as far in advance as reasonable and practicable under the circumstances.

The district may require the employee to provide documentation of the domestic violence or sexually violent offense that is the basis for the leave. Documentation may include a restraining order, a letter from the prosecutor's office, documentation regarding the conviction of the abuser, medical documentation, a certification from a domestic violence specialist or rape crisis center, or documentation from a religious or social services professional who has assisted the employee or the employee's family member.

Any documentation required by the district and provided by the employee shall be maintained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is authorized by a federal or State law, rule or regulation.

The SAFE Act prohibits the district from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave that the employee was entitled to under the NJ SAFE Act, or on the basis that the employee refused to authorize the release of information deemed confidential under the NJ SAFE Act.

Employees may take leave under the SAFE Act for each incident of domestic violence or sexually violent offense, so long as the employee has not exhausted the maximum permissible leave time of 20 days within the 12-month period. Leave may be taken in blocks of time or intermittently in minimum intervals of one day.

If the employee requests leave for a reason covered by both the NJ SAFE Act and the Family Leave Act, N.J.S.A. 34:11B-1 et seq., or the federal Family and Medical Leave Act, 20 U.S.C. 2601 et seq., the leave shall count simultaneously against the employee's entitlement under each respective law.

Violations of the SAFE Act

Any employee alleging a violation of the NJ SAFE Act must file a private cause of action in the Superior Court within one year of the date of the alleged violation (N.J.S.A. 34:11C-1 et seq.).

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Readopted:

(SE file code: 1581)

Key Words

DOMESTIC VIOLENCE (continued)

Domestic Violence, Abuse, Leave

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

Resources:

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

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

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

https://uhr.rutgers.edu/sites/default/files/userfiles/New%20Jersey%20SAFE%20Act%20Poster_10-1-13.pdf

Possible

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

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

Policy

EMPLOYMENT CONTRACTS

In accordance with law and for the mutual protection of the district and the employee, every certificated staff member who has not achieved tenure shall be required annually to sign an employment contract if offered employment. Additionally, every nontenured employee and/or noncertified staff member shall annually sign an employment contract for a term of not more than one year.

Each employment contract shall include:

- A. The term for which employment is contracted, including beginning and ending dates;
- B. The kind and grade of certificate held by the employee and the date upon which the certificate will expire, if any;
- C. The salary at which the person is employed;
- D. The intervals at which salary shall be paid;
- E. A provision for termination of contract on notice duly given by its parties of 60 days (or less if employment is temporary);
- F. Such other matters as may be necessary to a full and complete understanding of the contract.

All employee contracts, and letters of invitation to those under tenure, shall be submitted for approval at the regular board of education meeting in accordance with law and are to be issued immediately after that meeting. The superintendent shall determine a return date for all contracts and letters.

The contract will include provision for a probationary period in accordance with board policy 4211 Recruitment, Hiring and Selection (for noncertified staff only) and the termination of the contract by either party following the completion of the probationary period on thirty (30) day notice.

Should an employee be offered, in error a contract for a salary which differs from that approved by the board, the salary approved by the board shall be the salary paid. If the salary approved by the board is in error, then the board at the next meeting shall approve the corrected salary after the error is discovered. The board will pay any amount owed and/or will seek to recover overpayments, if any.

All terms and conditions of the contract shall conform to requirements of state law and the State Board of Education and be submitted to the Executive Country Superintendent upon board approval.

Part-Time Teachers

Part-time teaching staff members will be compensated on the salary schedule negotiated for fulltime teaching staff members, prorated to their part-time service.

An employee working less than twenty hours per week (subject to negotiations) in his or her job category shall not be entitled to any benefits afforded such full time employees, except:

- A. If regularly employed, is entitled to appropriate sick leave as determined by the superintendent.
- B. If employed in each calendar quarter and earning in total at least \$1,500 per year, is entitled to pension fund participation.

EMPLOYMENT CONTRACTS (continued)

Nothing in this policy shall prevent a part-time employee from voluntarily participating in a benefit program of this district at no cost to the district, except as enumerated above or prohibited by law.

The board recognizes that part-time teaching staff members who serve the statutory probationary period will earn the protections of tenure and seniority.

Noncertified Staff

Adopted: March 30, 2015
NJSBA Review/Update: August 2019
Readopted:

(SE file code: 3124)

Key Words

Employment Contract, Certificate, Contract

Possible

<u>Cross References:</u>	*3100	Budget planning, preparation and adoption
	*3326	Payment for goods and services
	*3570	District records and reports
	*3571.4	Audit
	*4111/4211	Recruitment, hiring and selection
	*4111.1/4211.1	Nondiscrimination, affirmative action

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

CERTIFICATION

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

Validity of certification must be verified with the county office.

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

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

Reporting of Arrests, Charges and Indictments

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

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

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

District Reporting Requirements

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

- A. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
- B. Nontenured teaching staff members who are accused of criminal offenses or unbecoming conduct, resign, retire or are removed from their positions;
- C. A certificate holder fails to maintain any license, certificate or authorization that is mandated in order for the holder to serve in a position;

CERTIFICATION (continued)

- D. He or she becomes aware that a certificate holder has been convicted of a crime while in the district's employ; or
- E. The superintendent has received a report from the Division of Child Protection and Permanency (DCP&P) substantiating allegations of abuse or neglect or establishing "concerns" regarding a certificated teaching staff member.

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

Mentoring Novice Provisional Teachers

In order to enhance student achievement of the New Jersey Student Learning Standards the district shall develop a mentoring program for nontenured teachers, including novice provisional teachers who hold a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS). The mentoring program shall provide an induction to the teaching profession and to the school district community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.

For the purposes of this policy:

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

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

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

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

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

First Teaching Year's Supports

- A. During a nontenured teacher's first year of employment, the district shall provide an induction program that shall include introduction to and training on:
 - 1. Board policies and procedures;
 - 2. The school district curricula;
 - 3. Board policies and procedures on student assessment; and
 - 4. The district's evaluation rubric, including assessing student learning through student growth objectives.

CERTIFICATION (continued)

B. The district shall provide individualized supports and activities aligned with the Professional Standards for Teachers (N.J.A.C. 6A:9-3.3), the standards for professional learning (N.J.A.C. 6A:9C-3.3), and the school district's Commissioner-approved teaching practice instrument. The individualized supports and activities shall be guided by the following:

1. The nontenured teacher's degree of preparation;
2. The nontenured teacher's individual professional development plan (see board policy 4131/4131.1 Staff Development). The professional development plan shall be developed within 30 instructional days of the beginning of the teaching assignment;
3. Areas of focus within the district mentoring plan;
4. The goals of the school and district plans for professional development; and

C. One-to-one mentoring for novice provisional teachers that includes:

1. The assignment of an individual mentor at the beginning of the contracted teaching assignment;
2. Observation and feedback from the mentor, confidential guidance and support, and the opportunity for the novice provisional teacher to observe effective teaching practices;
3. In-person contact time between the mentor teacher and the novice provisional teacher;
4. Meetings with the mentor at least once per week for the first four weeks of the teaching assignment.

All contact time between the mentor teacher and the novice provisional teacher shall be recorded in a log, developed as part of the district mentoring plan, submitted to the superintendent or designee, and maintained within the school district.

Mentor Selection

The superintendent shall oversee the mentor selection process and ensure the individual mentor of a novice provisional teacher meets the following minimum requirements:

- A. Holds an instructional certificate and, when possible, is certified in the subject area in which the novice provisional teacher is working;
- B. Has at least three years of experience and has taught full-time for at least two years within the last five years;
- C. Does not serve as the mentee's direct supervisor nor conduct evaluations of teachers;
- D. Demonstrates a record of success in the classroom.

District Mentoring Plan

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

- A. The superintendent shall submit the district mentoring plan to the board for review of its fiscal impact;
- B. The superintendent or designee shall share the district mentoring plan with each school improvement panel, which shall oversee the school-level implementation of the district mentoring plan and shall communicate the plan to all nontenured teachers and their mentors;
- C. The superintendent or designee shall review the plan annually and revise it, as necessary, based on feedback from mentor logs, each school improvement panel, and data on teacher and student

CERTIFICATION (continued)

performance.

Special Education

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

Adult High School

The superintendent shall ensure that the adult high school has an adequate number of professional staff, properly certified for their respective assignments; and shall ensure that persons involved in adult advisement shall be certified as either a principal, supervisor, counselor, or teacher.

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Key Words

Certificates, Certification

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

<u>N.J.A.C.</u> 6A:9B-4.3	School district and candidate reporting responsibility
<u>N.J.A.C.</u> 6A:9B-5.1	Certificate required
<u>N.J.A.C.</u> 6A:9B-5.2	Types of certificates or credentials
<u>N.J.A.C.</u> 6A:9B-5.4	Certification responsibilities of the district board of education
<u>N.J.A.C.</u> 6A:9B-5.6	Fees
<u>N.J.A.C.</u> 6A:9B-5.9	Examination in physiology, hygiene, and substance abuse issues requirement
<u>N.J.A.C.</u> 6A:9C-5.1 <u>et seq.</u>	District mentoring program
<u>N.J.A.C.</u> 6A:20-2.8	Staffing for adult education
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-4.1(d)	Employment of teaching staff

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

Possible

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

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

Policy

EMPLOYEE HEALTH

Examinations

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

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

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

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

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

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

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

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

Occupational Containment of Bloodborne Pathogens

EMPLOYEE HEALTH (continued)

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

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

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

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

Implementation and Dissemination

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

Adopted: June 24, 1985
 Revised: July 27, 1992
 Revised: November 25, 1996
 Revised: January 27, 1997
 Revised: March 30, 1998
 Readopted: August 14, 2007
 NJSBA Review/Update: March 2009, October 2019
 Revised: March 30, 2015
 Readopted:

(SE file codes: 3160, 3161)

Key Words

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

<p>Legal References: <u>N.J.S.A. 2C:35-1 et seq.</u> <u>N.J.S.A. 18A:16-2</u> <u>N.J.S.A. 18A:16-3</u> <u>N.J.S.A. 18A:16-4</u> <u>N.J.S.A. 18A:16-5</u> <u>N.J.S.A. 18A:40-10</u> <u>N.J.S.A. 18A:66-39</u> <u>N.J.S.A. 26:4-1</u></p>	<p><u>Comprehensive Drug Reform Act of 1987</u> Physical examinations; requirement Character of examinations Sick leave; dismissal Records of examinations Exclusion of teachers and students exposed to disease Disability retirement "Communicable disease" defined</p>
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EMPLOYEE HEALTH (continued)

<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or students
<u>N.J.S.A.</u> 26:4-15	Reporting of communicable diseases by physicians
<u>N.J.S.A.</u> 26:5c-1 <u>et seq.</u>	<u>AIDS Assistance Act</u>
<u>N.J.A.C.</u> 6A:16-2.1 <u>et seq.</u>	Health services policy and procedure requirements
<u>N.J.A.C.</u> 6A:32-6.2	School Employee Physical Examinations
<u>N.J.A.C.</u> 8:61-1.1 <u>et seq.</u>	Participation and Attendance at School by Individuals with HIV Infection
<u>N.J.A.C.</u> 12:100-4.2	Safety and Health Standards for Public Employees (Adoption by reference)

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

29 CFR 1910.1030 - Bloodborne Pathogens Standard

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

Elizabeth v. Elizabeth Fire Officers Association, 10 NJPER 15022

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

Possible

Cross References:

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

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

Regulation

EXPOSURE CONTROL PLAN

GENERAL STATEMENT

The Camden City School District is committed to providing a safe and healthful work environment for our entire staff. In pursuit of this goal, the following exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA standard 29 CFR 19 10.1030, "Occupational Exposure to Bloodborne Pathogens."

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

- A. Determination of employee exposure;
- B. Implementation of various methods of exposure control, including:
 - 1. Universal/standard precautions;
 - 2. Engineering and work practice controls;
 - 3. Personal protective equipment;
 - 4. Housekeeping;
- C. Hepatitis B vaccination;
- D. Post-exposure evaluation and follow-up;
- E. Communication of hazards to employees and training;
- F. Recordkeeping;
- G. Procedures for evaluating circumstances surrounding exposure incidents.

Implementation methods for these elements of the standard are discussed in the subsequent pages of this ECP.

STAFF RESPONSIBLE

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

Position	Summary of Main Responsibilities
Board of Education	<ul style="list-style-type: none"> • Annual approval of the district's ECP • Ensure that the ECP is accessible to all employees
Superintendent	<ul style="list-style-type: none"> • General policy and procedure oversight within the district • Annual policy and procedure review in consultation with the facilities director and school nurses, athletic director, and other titles as set forth in the board-approved ECP
Building principal	<ul style="list-style-type: none"> • General procedure oversight within the school • Notification of the superintendent of incidents • Primary contact for reported incidents • Reporting incidents of exposure to parents/guardians

EXPOSURE CONTROL PLAN (regulation continued)

	<ul style="list-style-type: none"> • Request for release of information from parents/guardians • Incident documentation and government forms • Annual policy and procedure review
Facilities Director/Manager Exposure Control Coordinator for the district	<ul style="list-style-type: none"> • Coordinate purchasing disinfecting products and safety equipment and stocking facilities • Train and supervise maintenance staff in exposure control procedures related to facilities maintenance and cleaning • Annual policy and procedure review
School Nurse Exposure Control Officer in the School	<ul style="list-style-type: none"> • Primary contact for reported incidents • Oversight of the student's physical wellbeing • Training staff on exposure control procedures • Oversight of procedures for reported incidents • Oversight of hazardous waste • Documenting incidents • Maintains all documentation related to incidents • Post-Exposure management • Documentation of annual consideration of new technology designed to eliminate or minimize occupational exposure
Teaching and support staff	<ul style="list-style-type: none"> • Incident reporting • Incident documentation • Student supervision
Maintenance staff	<ul style="list-style-type: none"> • Facility cleaning consistent with exposure control procedures for handling, disinfecting and waste disposal
Athletic Director and athletic staff (volunteers if applicable)	<ul style="list-style-type: none"> • Incident reporting • Incident documentation • Student supervision

DEFINITIONS

“Standard” or “universal precautions” as defined by the Centers for Disease Control (CDC) are a set of precautions designed to prevent transmission of HIV, Hepatitis B virus (HBV), and other bloodborne pathogens when providing first aid or health care. Under standard precautions, blood and certain body fluids of all patients are considered potentially infectious for HIV, HBV and other bloodborne pathogens.

Standard precautions include:

- A. Every person should be treated as though they have an infectious disease;
- B. Protective barriers;
- C. Proper hand washing;
- D. Appropriate disposal of hazardous waste;
- E. Proper cleaning of contaminated areas.

“Bloodborne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

- A. Body fluids that carry bloodborne pathogens:
 - 1. Blood
 - 2. Semen and vaginal secretions
 - 3. Cerebrospinal fluid
 - 4. Pleural fluid

EXPOSURE CONTROL PLAN (regulation continued)

5. Peritoneal fluid
 6. Pericardial fluid
 7. Amniotic fluid
- B. Body fluids that do not **NORMALLY** carry bloodborne pathogens (Note – blood may sporadically appear in such fluids, in which case precautions should be taken):
1. Feces
 2. Nasal secretions
 3. Sputum
 4. Sweat
 5. Tears
 6. Urine
 7. Vomitus

“Exposure Incident” means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

“Parenteral” means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

PROCEDURESPolicy and Procedure Oversight

The superintendent in consultation with titles and positions listed in the ECP, shall annually review and revise as necessary the district and school exposure control policies and procedures and transmit to the board of education for approval (see primary resource 1 Model Exposure Control Plan and Employer Guide).

Program Administration

- A. The facilities director shall have primary responsibility for implementation of the ECP. and will maintain, review, and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures.
- B. Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.
- C. The facilities director or his or her designee will provide and maintain all necessary personal protective equipment (PPE), engineering controls (e.g., sharps containers), labels, and red bags as required by the standard and will ensure that adequate supplies of the aforementioned equipment are available in the appropriate sizes.
- D. The school nurse will be responsible for ensuring that all medical actions required by the standard are performed and that appropriate employee health and OSHA records are maintained.
- E. The facilities director or his or her designee will be responsible for training, documentation of training, and making the written ECP available to employees, OSHA, and NIOSH representatives.

Employee Exposure Determination

The following is a list of all job titles in the district that potentially have occupational exposure:

EXPOSURE CONTROL PLAN (regulation continued)

Job Title
Maintenance staff
School nurses
Science teachers
Cafeteria staff

NOTE: Part-time, temporary, contract and per diem employees are covered by the bloodborne pathogens standard.

Methods of Implementation and Control

All employees will utilize universal precautions for all contact with blood and bodily fluids as defined above.

Universal Procedures

The basic universal precautions include the following procedures:

A. Protective barriers

1. Single use disposable gloves should be worn when it is likely that an employee shall come in contact with blood or body fluids. Situations that may involve contact with blood or bodily fluids include:
 - a. Assisting with personal care;
 - b. When visible blood is present;
 - c. When caregiver has broken areas of skin;
 - d. When cleaning up blood spills or body fluids.
2. Guidelines for the use of latex or nitrile gloves:
 - a. Take one glove from the box;
 - b. Touch only the wrist surface of the glove;
 - c. Don the glove;
 - d. Take second glove from the box;
 - e. When donning the glove avoid touching the skin with the gloved hand;
 - f. To remove one glove pinch it at the wrist without touching the skin and peel it away allowing it to turn inside out;
 - g. For the second glove, hold the removed glove in the gloved hand and slide the ungloved hand inside the gloved hand. Remove the glove by rolling it down the hand and folding it into the first glove (see primary resource 2 Glove Use Information);
 - h. Do not reuse gloves;
 - i. Remove gloves prior to touching non-contaminated objects;
 - j. Remove gloves promptly after use and wash hands thoroughly

B. Hand Washing

1. Wet hands with warm, running water;
2. Apply liquid soap and water;
3. Wash hands thoroughly:
 - a. Use a circular motion;

EXPOSURE CONTROL PLAN (regulation continued)

- b. Wash between fingers, palmer, and dorsal (back of) surfaces and wrists;
- c. Rinse and dry hands well;
- d. Use a paper towel to turn off water.

C. Cleanup and Disposal

1. Wear gloves;
2. Mop up spills with paper towels or other absorbent material;
3. Use a solution of 1 part household bleach and 10 parts water or EPA-registered disinfectants (i.e. Maxima 256 made by Brulin or Quat Disinfectant Cleaner made by 3M) and wash area well;
4. Dispose of gloves, soiled towels and other waste in a sealed double plastic bag;
5. Soiled clothing and other personal items shall be placed in a sealed double plastic bag and the parent/guardian shall be notified to collect the clothing or items.

Infection Control

- A. All body fluids, including those in which differentiation between body fluid types is difficult or impossible, shall be handled as potentially infectious agents:
 1. Body fluids include: blood, semen, drainage from scrapes and cuts, vaginal secretions, saliva, amniotic fluid and any other body fluid visibly contaminated with blood.
 2. Feces, nasal secretions, sputum, sweat, tears, urine and vomitus have not been documented in HIV, HBV or HCV transmission unless visibly contaminated with blood.
- B. No student shall be allowed to handle blood, urine, stool or vomitus.
- C. Hands and other skin surfaces shall be washed immediately and thoroughly if contaminated with blood or other body fluid.
 1. Splashes to the nose, mouth or other skin areas shall be flushed with water.
 2. Splashes to eyes shall be treated by irrigating the eyes with clean water, saline or sterile fluid approved for use in the eyes.
- D. Any articles of clothing, including bibs, smocks and aprons, which have been penetrated by blood or other potentially infectious materials shall be removed as soon as possible and placed into a leak-proof bag or container and be disposed of in accordance with the procedures obtained from the nurse;
- E. Careful hand washing remains the single most important personal hygiene practice to prevent the spread of disease and includes the following steps:
 1. Use of an antiseptic soap;
 2. Vigorous washing under running water for at least 10 to 15 seconds;
 3. Rinsing under running water; and
 4. Drying with paper towels.
- F. Gloves shall be worn for touching blood and body fluids, mucous membranes or non-intact skin, for handling items contaminated with blood and body fluids and/or when contact with blood and body fluids is anticipated.
 1. Any person with open skin areas, chapped or abraded skin or weeping lesions on their hands shall wear gloves during any contact with students or equipment;
 2. The gloves shall be made of vinyl or nitrile;
 3. Prior to putting on gloves, a person shall wash his/her hands for at least 15 seconds with soap which is delivered from a dispenser;
 4. Gloves are intended for single use only and shall be changed after contact with each student/infant/toddler or with any contaminated material;
 5. Gloves shall immediately be discarded if they become torn, punctured or have lost their ability to

EXPOSURE CONTROL PLAN (regulation continued)

- function as a barrier;
- 6. Hands shall be washed immediately and thoroughly when gloves are removed;
- 7. There is no need for double gloving;
- 8. Gloves shall be discarded in a covered, plastic-lined trash receptacle.

G. During extreme circumstances/major events the school nurse shall be summoned and shall use additional barrier precautions to prevent skin and mucous membrane exposure when contact with blood or other body fluids is anticipated.

H. The following table identifies activities and contacts which require gloves and/or hand washing. At the discretion of the staff member, gloves may also be used when not required; however, wearing gloves when clearly not indicated is disrespectful to the dignity of the students and is strongly discouraged.

BODY FLUID OR CIRCUMSTANCE	GLOVES REQUIRED	HANDWASHING REQUIRED
Blood	X	X
Fluid Containing Blood	X	X
Urine	X	X
Stool with Obvious Blood	X	X
Stool	X	X
Vomitus	X	X
Tears		X
Nasal Secretions		X
Oral Secretions	X	X
Diaper Changing	X	X
Environmental Surface Cleaning	X	X
Equipment Cleaning	X	X
Laundry Sorting	X	X
Mucous Membrane Contact	X	X

- I. The use of syringes, needles or other sharps shall be in accordance with board policy 5141.21 Administration of medication and professional nursing standards. Bending, recapping, shearing or breaking a syringe or needle is prohibited.
- J. In any school which has a student(s) requiring the actual or potential use of a needle or syringe, the school nurse shall implement the process to register as a Medical Waste Generator with the New Jersey Department of Environmental Protection.
- K. The school nurse shall dispose of syringes and needles or any other sharps by placing them in a commercially-made “sharps container” that is rigid, leak-resistant, impervious to moisture, sufficiently strong to prevent tearing or bursting under normal conditions of use and handling, sealable to prevent leakage during transport and puncture-resistant:
 - 1. The container shall be labeled with the word “Biohazard” and the biohazard symbol.
 - 2. The container shall be easily accessible and shall be located in the immediate area where injections are being administered.
 - 3. The container shall be replaced at least annually and shall not be allowed to overfill.
 - 4. The container shall be securely closed, sealed, and labeled prior to its removal from the building.
 - 5. The school nurse shall arrange for the proper disposal of the sharps container.
- L. During school hours, a staff member who utilizes an injection needle/syringe for his/her own medical needs as directed by a physician is responsible for the proper disposal of any used sharps in his/her own personal portable sharps container, which shall be taken home daily by the staff member.
- M. Staff shall use the appropriate mechanical methods such as a dustpan and brush, tongs, a broom, etc. when cleaning up any broken, contaminated glassware. Staff shall never pick up any contaminated

EXPOSURE CONTROL PLAN (regulation continued)

broken glass with their hands.

Disinfecting

- A. Gloves shall be worn for all of the disinfecting procedures in this section.
- B. The disinfecting procedure involves a three-step process:
 1. Visible debris/dirt/soil is first cleaned from a surface area with a disposable towel/cloth/wipe.
 2. A disinfectant is applied to the surface.
 3. The surface is then allowed to air-dry.
- C. Disposable cleaning materials shall be placed in a plastic bag and then discarded in a covered, plastic-lined receptacle.
- D. Any non-disposable cleaning equipment (i.e. mops, brushes, etc.) shall be cleaned, rinsed in disinfectant and allowed to air dry.
- E. Only those disinfecting solutions and/or products specified in this policy shall be used, unless approval is obtained from the facilities director to purchase and utilize a different solution/product.
- F. A disinfecting solution of household bleach and water in a ratio of 2 liquid ounces (one-quarter cup) per gallon shall be used for routine disinfecting on hard surface areas such as table tops and walls.
 1. The bleach/water solution shall be prepared each day, because it is unstable.
 2. Any unused solution shall be discarded at the end of each day, and the container shall be allowed to air dry.
- G. A disinfecting solution of household bleach and water in a ratio of 12.8 liquid ounces (One and one-quarter cups) per gallon shall be used to decontaminate hard surfaces which have been subject to organic spill materials such as blood, body fluids, stool, vomitus, etc.
 1. The organic material shall first be removed as thoroughly as possible with disposable towels before the disinfectant is applied.
 2. The towels shall be placed in a plastic bag which shall be sealed and discarded.
 3. The disinfecting process shall be continued as specified in 2. above.
 4. Any unused solution shall be discarded at the end of each day, and the container shall be allowed to air dry.
- H. Disinfecting wipes that do not contain bleach are preferred for sanitizing changing tables, swings, toys and softer surfaces which may quickly break down/be compromised by a bleach/water solution.
 1. When a disinfecting wipe is used, the surface area being cleaned must be visibly wet; and
 2. The surface must be allowed to air dry for a minimum of four minutes or longer, if specified in the manufacturer's directions.
- I. Several commercially available, EPA-registered disinfectants (i.e. Maxima 256 made by Brulin or Quat Disinfectant Cleaner made by 3M) may also be used.
 1. These disinfectant cleaners may be more compatible with some equipment that might be damaged by repeated exposure to bleach solution and may be less irritating to students/staff.
 2. Care should be taken to follow the manufacturer's directions.

Environmental Surfaces

- A. Environmental surfaces and equipment contaminated with blood or body fluids, including vomitus, feces, urine or saliva, shall be promptly cleaned as thoroughly as possible with disposable towels and shall then

EXPOSURE CONTROL PLAN (regulation continued)

be disinfected by using the 12.8 liquid ounces per gallon bleach/water solution, as noted above or an EPA-registered disinfectant;

- B. Counter tops, tables, standers, mats and other non-porous equipment shall be cleaned of visible debris and be disinfected between uses. Each day, this equipment shall be washed with detergent and disinfected with the 2 liquid ounces per gallon bleach/water solution or other appropriate EPA-registered disinfectant cleaner;
- C. An EPA-registered disinfectant cleaner shall be used for disinfecting doorknobs, walls, floors and bathroom facilities on a routine basis. The effect of scrubbing to remove debris from these surfaces is as important as the antimicrobial effect of the cleaning agent used:
 - 1. Floors and bathrooms shall be cleaned and disinfected daily;
 - 2. Walls, doorknobs and other common surfaces shall be cleaned and disinfected on a weekly basis at a minimum;
- D. Multiple-use areas (i.e. sinks, counters, cabinets, shelving located within classrooms) shall be maintained in a clean and organized manner:
 - 1. All food and related equipment, serving ware, and utensils shall be stored separately from other items;
 - 2. Counter and sink areas shall be cleaned and disinfected prior to and after food preparation and/or serving;
 - 3. Activities such as eating, drinking, applying cosmetics or lip balm, and handling contact lenses are prohibited in areas of the school where there is potential exposure to bloodborne pathogens (e.g. classroom for students with severe disabilities; nursery; etc.);
- E. Classrooms which have the availability of two sinks shall designate one sink for the purpose of hand-washing following all student personal care (i.e. diaper changes, feeding);
- F. Any surfaces on a school bus which are believed to be contaminated with a body fluid shall be cleaned and disinfected with the appropriate solution as soon as possible after the run is completed.

Equipment

A. Care of Small Equipment:

After each use by a student, staff shall clean small equipment such as toys, adaptive devices and other items by doing the following steps:

- 1. Wear gloves;
- 2. Remove visible debris;
- 3. Wash item with soap and water;
- 4. Soak in disinfecting solution for 15 minutes; and
- 5. Air dry.

B. Care of large equipment, including changing tables:

Staff members shall use a barrier protection (e.g. disposable Chux) to prevent contamination of equipment with saliva, urine, feces, blood or other body fluid. Staff members shall disinfect equipment after each student's or infant's/ toddler's use.

- C. Mats shall be washed with soap and water and rinsed with disinfecting solution at the end of each day or more often, as needed, when they become soiled. Staff members using equipment are responsible for assuring the equipment is ready for the next student's or infant's/ toddler's use;
- D. Reusable receptacles, such as trash pails, bins and cans, that may become contaminated with blood or

EXPOSURE CONTROL PLAN (regulation continued)

other potentially infectious materials, shall be cleaned and decontaminated as soon as feasible upon detection of the same and, at a minimum, on a weekly basis for basic sanitary purposes;

- E. Suctioning machines shall be cleaned and disinfected after each use, according to the manufacturer's directions;
- F. Suctioning machines and other similar equipment/apparatus shall be protected from contamination by using a protective covering (e.g. plastic wrap or other impervious materials such as Chux), which shall be removed and replaced when they become overly contaminated;
- G. Equipment which is damaged (e.g. broken, cracked) may harbor potentially infectious materials. Staff shall report broken equipment to their supervisor. The supervisor shall determine the disposition of such equipment (i.e. repair, discard).

Diapering

- A. At all times, a sense of privacy shall be maintained;
- B. With each change, a non-porous protective barrier shall be placed between the student or infant/toddler and the changing surface;
- C. Staff members shall wash their hands before changing a diaper;
- D. Staff members shall wear gloves when diapering students;
- E. A student or infant/toddler shall be appropriately cleaned with disposable cleansing pads and re-diapered;
- F. Solid stool shall be flushed down the toilet;
- G. Soiled diapers shall be disposed of in a closed container with a plastic liner;
- H. Diapers contaminated with blood, blood in or on stool or menstrual blood shall be placed in a plastic bag and then discarded in a covered, plastic-lined receptacle. Alert the school nurse when unexplained/unusual blood is observed;
- I. Staff members shall wash their hands immediately and thoroughly before and after changing or toileting each student or infant/toddler;
- J. Students shall have their hands washed immediately and thoroughly after changing or toileting;
- K. Potty chairs shall be emptied of urine and feces (flush down toilet), washed and sanitized with either a commercial disinfectant spray or a prepared bleach solution, and then air-dried. The sink and faucet utilized when cleaning and disinfecting a potty chair shall also be immediately washed and disinfected.

Feeding

- A. For safety reasons, as well as hygiene, students who are totally dependent for feeding shall be fed individually but should remain in a group setting;
- B. Whenever possible, staff members shall avoid feeding students on carpeted areas;
- C. Staff members shall wash their hands prior to food handling;
 - 1. Students shall wash their hands or have their hands washed prior to eating;
 - 2. Student teachers shall wash their hands and their child's hands prior to feeding their students;

EXPOSURE CONTROL PLAN (regulation continued)

- D. Surface areas, such as table tops, work/feeding areas and counter tops, shall be disinfected prior to meal service;
- E. Staff members shall wash their hands between feeding individual students;
- F. Gloves shall be worn by staff members for feeding and brushing teeth when students have loose teeth, gums that bleed easily, or mouth lesions;
 - 1. Each student shall have a separate toothbrush labeled with his/her name;
 - 2. Toothbrushes shall be rinsed thoroughly and allowed to air dry;
 - 3. Toothbrushes shall be stored individually to prevent them from touching each other;
- G. When there is an outbreak of contagious gastrointestinal disease, dishes and utensils shall be soaked in a disinfecting solution prior to returning them to the kitchen;
- H. The faces and hands of students shall be washed after meals;
 - 1. A separate cloth shall be used for each student or infant/toddler;
 - 2. The use of disposable cloths is encouraged;
- I. Surface areas, chairs, work/feeding areas and counter tops shall be cleaned and disinfected after meals;
- J. Uneaten food shall be scraped into plastic bags which shall be sealed and placed in a closed container;
- K. Plastic bibs shall be soaked in disinfecting solution for 15 minutes and allowed to air dry, or, when appropriate, sent home. Cloth bibs shall be placed in a closed laundry hamper for laundering or be sent home.

Transportation

- A. Universal precautions and infection control shall be observed on the school bus during the transportation of students;
- B. All school buses shall carry a supply of disposable gloves and aerosol or spray hand sanitizers/disinfectants which shall be used as needed during transport. Disposable gloves shall be included in each first aid kit;
- C. Any environmental surfaces which are believed to have been contaminated with body fluid during transport shall be sanitized as soon as possible after the run has been completed.

Assurances

- A. The school nurse at each district school shall be designated as the exposure control officer and shall provide an annual inservice training to school staff about the principles of infection control and prevention and the proper handling of blood and body fluids which emphasizes the prevention of the spread of HIV, HBV and HCV through the consistent implementation of universal precautions and post-exposure management. Such training shall include the elements contained in the PEOSHA Model Exposure Control Plan, (<http://www.state.nj.us/health/peosh/documents/bbp.pdf>):
 - 1. Newly hired staff shall receive the in-service training at the time of initial assignment.
 - 2. All in-service trainings conducted by the school nurse shall be documented;
 - a. The record of each training shall include the names of the staff who attended the training, the date of the training, the name and qualification of the trainer(s), and the contents of the training session;
 - b. The training rosters shall be reviewed by the OOE Nurse Consultant and shall be maintained for a minimum of three years;

EXPOSURE CONTROL PLAN (regulation continued)

- c. The hepatitis B vaccination series will be made available at no cost within 10 days of initial assignment of employees who have occupational exposure to blood or other potentially infectious materials. Documentation of administration or refusal shall be maintained pursuant to the PEOSHA Model Exposure Control Plan;
- B. These procedures shall be provided, upon request, to employees, parents and students;
- C. Classrooms shall be supplied with adequate gloves, Chux and disinfecting products;
- D. Staff and students who have open skin or weeping lesions, which cannot be adequately covered with a barrier protection, shall be required to remain at home until the lesion is closed;
- E. Any exclusion of a student from any school of the district shall be based on objective criteria, including, but not limited to, medical or behavioral considerations which may result in an increased risk of transmission of a bloodborne pathogen to others:
 - 1. In instances where the temporary exclusion of a student from school is indicated based upon potential communicable disease, the principal shall ensure the provision of appropriate educational services to the student;
 - 2. Students with chronic infectious diseases whose behavior or physical condition preclude school attendance shall be routinely evaluated to assess the possibility of their return to the classroom;
 - 3. A student who has been excluded from school for medical reasons shall receive home instruction according to board policy (6173 Home Instruction);
 - 4. If a student has been excluded from school due to medical or behavioral considerations which have not been successfully ameliorated, the principal shall convene a meeting of the child study team to try to resolve the issues and attempt to continue the student in the current program;
 - 5. When the continuation of a student in a district school is not feasible, an alternative educational program may be considered according to board policy (6172 Alternative Educational Program);
 - 6. When the temporary or permanent exclusion of an infant/toddler is being considered, the school nurse shall discuss the matter with the appropriate participants to try to resolve the issues and possibly review the options for child care services.

Post-Exposure Management

- A. Whenever a student or staff member is believed to have been exposed to blood or other potentially infectious materials, the school nurse shall provide interventions/first aid as appropriate, assuring that the universal precautions procedures for cleansing exposed areas have been implemented;
- B. If a staff person has been exposed to blood or other potentially infectious materials:
 - 1. The Worker's Compensation procedures shall be followed which includes immediately completing and processing an Employer's First Report of Accidental Injury or Occupational Disease form and referring the employee to a State-authorized physician for treatment;
 - 2. The staff person shall be advised that he/she is not precluded from consulting with his/her personal health-care provider to determine the appropriate management of the exposure;
 - 3. The principal or designee shall complete the OSHA 300 form, Log of Work-Related Injuries and Illnesses, within seven calendar days of the occurrence of the event;
- C. If a student has been exposed to blood or other potentially infectious materials, the student's parent/guardian shall be advised to immediately consult the student's personal health-care provider to determine the appropriate management of the exposure;
- D. If the health-care provider of an employee or student who was exposed to blood or other potentially infectious material at school asks the school for information about the student who was the source of the exposure (source person), school staff shall adhere to the following procedures:
 - 1. Since the information is confidential and since the school may not possess comprehensive medical

EXPOSURE CONTROL PLAN (regulation continued)

information for the source person, the health-care provider shall be informed that:

- a. The school will request the written consent of the parent/legal guardian to permit the school to release to the health-care provider the name of the student who is the source person and the contact information for the student's parent/legal guardian; and
 - b. Upon consent, the health-care provider can then directly contact the source person's parent/legal guardian to request all needed information;
 - c. In the event that consent to disclose is not granted, the health-care provider shall be advised and advised to take all reasonable precautions;
2. The principal or designee shall contact the parent/legal guardian of the student who was the source of the exposure and explain that:
 - a. A staff person or student was exposed to their child's blood or other body fluid at school;
 - b. The school has received a request for information from that person's health-care provider; and
 - c. The written consent of the student's parent/legal guardian is needed for the school to release their child's name and their contact information to the health-care provider who can then communicate directly with them to obtain the necessary information;
 3. The principal or designee shall send the Release of Information for Post-Exposure Management form to the parent/legal guardian of the student who is the source person;
 4. When the school receives the completed Release of Information for Post-Exposure Management form signed and dated by the parent /legal guardian, the school nurse or designee shall disclose only the student's name and the name, address and telephone number of the student's parent/legal guardian to the health-care provider;
 5. The completed Release of Information for Post-Exposure Management form shall be maintained in the individual student record;
 6. If an employee or the parent/guardian of a student, who was exposed to blood or other potentially infectious materials, asks the school for information about the source person:
 - a. The principal or designee shall not release any information to the employee or the parent/guardian;
 - b. The principal or designee shall request that individual to have the appropriate health-care provider call the school; and
 - c. If the health-care provider submits a request to the school for information, the principal or designee shall proceed in accordance with the above-outlined procedures;
- E. The Exposure Incident Form, as required by OSHA, shall be completed by the school nurse:
1. The exposure incident form shall include:
 - a. The route(s) of exposure and circumstances under which an exposure incident occurred;
 - b. An evaluation of the policies and "failures to control" at the time of the exposure incident;
 - c. The engineering controls in place at the time of the exposure incident;
 - d. The work practices and protective equipment or clothing used at the time of the exposure incident;
 2. The Exposure Incident Form shall be provided to the principal and the school nurse and when appropriate the school physician for review and the recommendation of necessary actions;
 3. A copy of the Exposure Incident Form and any resulting action report shall be maintained by the school nurse.

REGULATION HISTORY

Adopted:	June 24, 1985
Revised:	July 27, 1992
Revised:	November 25, 1996

EXPOSURE CONTROL PLAN (regulation continued)

Revised: January 27, 1997
 Revised: March 30, 1998
 Readopted: August 14, 2007
 NJSBA Review/Update: March 2009, October 2019
 Revised: March 30, 2015
 Readopted:

CROSS REFERENCES

3516 Safety
 4147/4247 Staff Safety
 5142 Student Safety
 5141 Health
 5141.1 Accidents
 5141.2 Illness
 5142 Student Safety

PRIMARY RESOURCES

1 Model Exposure Control Plan and Employer Guide
 2 OSHA Glove Use Pamphlet

References:

New Jersey Department of Children and Families Policy Manual: Universal Precautions, Infection Control, Bloodborne Pathogens and Post-Exposure Management in Department of Children and Families (DCF) Regional Schools. http://www.state.nj.us/dcf/policy_manuals/OOE-I-A-1-31_issuance.shtml

Occupational Safety and Health Administration (OSHA). Model Plans and Programs for the OSHA, Bloodborne Pathogen and Hazard Communication Standards (2003). <https://www.osha.gov/Publications/osh3186.pdf>

Southern Worcester County Educational Collaborative: OSHA/Standards Precautions (presentation/PowerPoint). <http://www.swcec.org/modules/groups/homepagefiles/cms/2286232/File/OSHA%20and%20Standard%20Precautions%20%202012.pdf>

Policy

PERSONNEL RECORDS

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

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

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

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

Records related to the district's recruitment, hiring, or promotion processes will be maintained and stored in an easily accessible manner for a period of at least three (3) years from the date a hiring or promotion decision is made, and maintained for more than three (3) years if so required under the applicable New Jersey Department of Treasury Records Retention Schedule.

Public Record

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

Personnel File

The confidential file, which shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. shall consist of an individual personnel folder for each current employee.

- A. The information in this file shall include all records mandated by state and federal law including:
1. Evaluation of performance;
 2. Written performance reports and supporting data for tenured staff, including but not limited to written observation reports and additional components of the summative evaluation rating or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed (N.J.A.C. 6A:10-2.4,g);
 3. Record of attendance;
 4. Original application filed by the employee;
 5. Original salary and increments;
 6. Date of tenure;

PERSONNEL RECORDS (continued)

7. Notations of commendation and disciplinary actions consistent with law.

B. The personnel file is available for examination:

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

Health Record

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

Emergency Contact Information

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

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 Revised: August 23, 1995
 Revised: May 31, 1996
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 NJSBA Review/Update: March 2009
 Revised: March 30, 2015, June 2, 2015
 Readopted:

(SE file code: 8320)

Key Words

Records, Personnel Records, Employee Records

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

(Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogens Standard

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Possible

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

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

Policy

NEPOTISM

Definitions

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

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

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

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

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

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

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

Employment and Supervision of a Relative

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

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

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

Exceptions Regarding Employment

Persons who are employees of the board on the date that this policy initially becomes effective or the date a

NEPOTISM (continued)

relative becomes a board member or superintendent shall not be prohibited from continuing to be employed in the district. This includes employees who must be renewed annually by the board. The superintendent may recommend those employees for reemployment, transfer, promotion or removal.

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

Participation in Employment Related Matters

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

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

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

Board Member/Superintendent Participation in Negotiations

A. In-District Bargaining Units

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

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

B. Out-of-District Similar Statewide Bargaining Units

1. When a board member is a member of an out-of-district similar statewide union or when a board member or school administrator is in a conflicted relationship involving an immediate family member who is a member of an out-of-district similar statewide union with which the board is negotiating, that board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to:
 - a. Developing negotiation parameters;
 - b. Being a member of the negotiating team;
 - c. Receiving confidential negotiations information updates;

NEPOTISM (continued)

- d. Voting on the contract; and
- e. Grievance participation.

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

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

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

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

Doctrine of Necessity

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

Implementation

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

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Readopted:	

(SE file code: 0142.1)

Key Words

NEPOTISM (continued)

Nepotism, Hiring Relatives, Relatives, Doctrine of Necessity

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

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

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

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

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

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

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

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

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A03-98

School Ethics Commission, Advisory Opinion, A14-00

School Ethics Commission, Advisory Opinion, A03-13

School Ethics Commission, Advisory Opinion, A15-13

School Ethics Commission, Advisory Opinion, A22-13

NEPOTISM (continued)

- School Ethics Commission, Advisory Opinion, A09-14
- School Ethics Commission, Advisory Opinion, A10-14
- School Ethics Commission, Advisory Opinion, A11-14
- School Ethics Commission, Advisory Opinion, A43-14
- School Ethics Commission, Advisory Opinion, A03-15
- School Ethics Commission, Advisory Opinion, A05-15
- N.J. Department of Education 05-13-09 Broadcast # 1 "Nepotism Policy Clarification"

Possible

- Cross References:**
- *4111 Recruitment, selection and hiring
 - *4119.21/4212.21 Conflict of interest
 - *4211 Recruitment, selection and hiring
 - *9270 Conflict of interest

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

ASSIGNMENT; TRANSFER

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

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

The superintendent or his or her designee shall monitor district promotion, assignment and transfer practices to ensure nondiscrimination. All actions of the board involving the promotion of certificated personnel shall be taken upon recommendation of the superintendent and in accordance with the current negotiated agreement.

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Key Words

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

Legal References: N.J.S.A. 18A:25-1 Transfer of teaching staff members
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
N.J.S.A. 18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act
See particularly:
N.J.S.A. 34:13A-23, -25, -27, -29
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964

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

ASSIGNMENT; TRANSFER (continued)

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

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

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

34 CFR 200.1 to 200.89 - Part 200

34 CFR Part 204

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

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

Possible

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

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

Policy

ASSIGNMENT AND HOURS AND DAYS OF EMPLOYMENT

Assignment to Extra Duties

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

A teaching staff member who requests appointment to an extra duty position may be given preference over other candidates for the position.

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

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

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

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

Hours and Days of Work

The Camden City Board of Education establishes the school day work hours annually.

Within the confines of negotiated agreements, the superintendent in consultation with the principals/supervisor develops a daily time schedule for each school. All staff must adhere to this time schedule unless specifically permitted to make some alterations by the principal/supervisor.

Staff may leave the premises during the officially designated lunch period with the approval of the immediate supervisor providing such leave does not interfere with any assignment or duty. Staff must sign/clock in and out whenever entering or leaving a building.

In general, meetings and consultations shall be scheduled so as not to interfere with the educational program.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015
Readopted:

(SE file codes: 3134, 3250)

ASSIGNMENT OF EXTRA DUTIES/DAYS AND HOURS OF EMPLOYMENT (continued)Key Words

Schedule, Scheduling, Load, Hours of Employment

Legal References: N.J.S.A. 18A:25-1 Transfer of teaching staff members
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing
employment of teacher

Possible

Cross References: *2224 Nondiscrimination/affirmative action
*3220/3230 State funds; federal funds
*4111 Recruitment, selection and hiring
*4111.1 Nondiscrimination/affirmative action
*4113/4213 Assignment, Transfer
*4131/4131.1 Staff development; inservice education/visitations/conferences
*5145.4 Equal educational opportunity
*6121 Nondiscrimination/affirmative action
*6141 Curriculum design/development
*6145 Extracurricular activities
*6160 Instructional services and resources
*6171.3 At-risk and Title 1
*6171.4 Special education

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

Policy

SUPERVISION

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

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

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

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

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009, October 2019
Readopted:

Key Words

Continuing Education, Professional Development Plans, Personnel Supervision, Supervision

Legal References: N.J.S.A. 18A:4-15 General rule-making power
N.J.S.A. 18A:4-16 Incidental powers conferred
N.J.S.A. 18A:6-10 et seq. Dismissal and reduction in compensation of persons under tenure in public school system...
N.J.S.A. 18A:6-117 et seq. Teacher Effectiveness and Accountability for the Children
See particularly:
N.J.S.A. 18A:6-128 Ongoing professional development; corrective action plan\
N.J.S.A. 18A:11-1 General mandatory powers and duties

SUPERVISION (continued)

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

Possible

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

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

EVALUATION OF TEACHING STAFF MEMBERS

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

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

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

Definitions

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

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

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

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

- A. An instructional certificate (holders of this certificate are referred to in this chapter as "teachers");
- B. Administrative certificate; and
- C. Educational services certificate (N.J.A.C.6A:9B-14.1 et seq.).

EVALUATION (continued)

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

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

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

Board Responsibilities

The board shall:

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

EVALUATION (continued)

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

Responsibilities of the Superintendent

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

- A. The superintendent shall direct the development of and oversee the development, revision, and implementation of district evaluation policies and procedures requiring the annual evaluation of all teaching staff members. The superintendent may consult with the District Advisory Evaluation Committee or representatives from School Improvement Panels. The superintendent shall ensure:
 1. The assignment of roles and responsibilities for implementation of evaluation policies and procedures;
 2. The development of job descriptions and evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10-1.1 et seq.;
 3. The application of methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, principals, assistant principals, and vice principals for calculating the median and schoolwide student growth percentile;
 4. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
 5. Process for developing and scoring student growth objectives;
 6. The process for preparation of individual professional development plans (see board policy 4131/4131.1 Staff Development); and
 7. The process for the preparation of an annual written performance report by the teaching staff member's designated supervisor and an annual summary conference between the teaching staff member and his or her designated supervisor.
- B. The superintendent shall notify all teaching staff members annually of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, he/she shall be notified of the policies at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy within 10 working days of adoption;
- C. The principal of each school within the school district has established a School Improvement Panel. The panel shall be established annually by August 31;
- D. Data elements shall be collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation; and
- E. The superintendent or his or her designee in the district shall certify to the New Jersey Department of Education that any observer who conducts an observation of a teaching staff member meets the statutory observation requirements (N.J.S.A. 18A:6-119, 18A:6-123.b(8), and 18A:27-3.1) and shall further certify that the teacher member of the School Improvement Panel meets the requirements detailed below and according to law (N.J.A.C. 6A:10-3.2); and

EVALUATION (continued)

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

Training for Teaching Staff Members and Supervisors

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

A. Teaching Staff Members

Annual training shall be provided on and descriptions provided of each component of the evaluation rubric for all teaching staff members who are being evaluated. More thorough training shall be provided for any teaching staff member who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components, including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;

B. Supervisors of Classroom Teachers

"Supervisor" means an appropriately certified teaching staff member, employed in the school district in a supervisory role and capacity, and possessing a school administrator, principal, or supervisor, endorsement as defined in N.J.A.C. 6A:9B-12.1 et seq.:

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

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

****Note - the following section on the District Evaluation Advisory Committee is optional beginning in the 2018-19 school year.***

District Evaluation Advisory Committee

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

EVALUATION (continued)

- A. Teachers from each school level represented in the school district;
- B. Central office administrators overseeing the teacher evaluation process;
- C. Supervisors involved in teacher evaluation, when available or appropriate; and
- D. Administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel.

Members also shall include the superintendent, a special education administrator, a parent, and a member of the district board of education. The superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups (N.J.A.C. 6A:10-2.3). *(Note: the District Evaluation Advisory Committee is not required after the beginning of the 2017-2018 school year but may be continued at the discretion of the district.)*

School Improvement Panel

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

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

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

The teacher member shall serve a full academic year, except in case of illness or authorized leave, but may not be appointed more than three consecutive years. All members of the School Improvement Panel shall be chosen by August 31 of each year.

Duties of the School Improvement Panel

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

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

EVALUATION (continued)

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

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

Components of Teacher Evaluation

The components of teacher evaluation shall include the following:

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

If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

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

EVALUATION (continued)

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

The board shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part the teaching staff member's personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

Teacher Evaluation Rubric

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

- A. Measures of student achievement:
1. Median student growth percentile for teachers who:
 - a. Teach at least one course or group within a course that falls within a standardized-tested grade or subject;
 - b. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and
 - c. Have at least 20 individual student growth percentile scores attributed to his or her name during the academic year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given academic year, the student growth percentile scores attributed to a teacher during the two academic years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the academic year of the evaluation.
 2. Student growth objectives which are academic goals that teachers and designated supervisors set for groups of students. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1;
- B. Measures of the teacher practice component rating which shall be based on the measurement of the teacher's performance according to the district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement;
- C. Teacher observation.

Teacher Practice Instrument

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

- A. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers (N.J.A.C. 6A:9-3);
- B. Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:

EVALUATION (continued)

1. Clearly define the expectations for each rating category;
 2. Provide a conversion to the four rating categories: highly effective, effective, partially effective, and ineffective;
 3. Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and
 4. Use clear and precise language that facilitates common understanding among teachers and administrators;
- C. Rely, to the extent possible, on specific, discrete, observable, and/or measurable behaviors of students and teachers in the classroom with direct evidence of student engagement and learning; and
- D. Include descriptions of specific training and implementation details required for the instrument to be effective.

Observation: Tenured and Nontenured Classroom Teachers

For all teachers, at least one of the required observations shall be announced and preceded by a pre-conference, and at least one of the required observations shall be unannounced. The superintendent shall decide whether additional required observations are announced or unannounced, if applicable. The following additional requirements shall apply:

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

EVALUATION (continued)

- G. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed;
- H. The teacher shall submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report. The district may consider and address the objections in the teacher's corrective action plan.

Observation Conferences for Teachers

The following procedures shall apply to teacher observation conferences:

- A. A supervisor who is present at the observation shall conduct a post-observation conference with the teacher being observed. A post-observation conference shall occur no more than 15 teaching staff member working days following each observation;
- B. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness;
- C. If agreed to by the teacher, one required post-observation conference and any pre-conference(s) for observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic;
- D. One post-observation conference may be combined with a teacher's annual summary conference, as long as it occurs within the required 15 teaching staff member working days following the observation for the purpose of evaluation; and
- E. A pre-conference, when required, shall occur at least one but not more than seven teaching staff member working days prior to the observation.

Annual Written Performance Report for Teachers

The annual written performance report shall be prepared by the designated supervisor. In the case of a teacher, the annual written performance report shall be prepared by the teacher's principal, or his or her designee, and shall include, but not be limited to:

- A. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4.2 including the median student growth percentile, student growth objectives, the teacher practice component, and teacher observation. The four summative performance ratings are:
 1. Highly effective;
 2. Effective;
 3. Partially effective;
 4. Ineffective.
- B. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff member's evaluation rubric; and
- C. The teaching staff member's individual professional development plan or corrective action plan from the

EVALUATION (continued)

evaluation year being reviewed in the report.

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

Annual Summary Conference for Teachers

The annual summary conference between designated supervisors and teaching staff members shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each year and include, but not be limited to, a review of the following:

- A. The performance of the teaching staff member based upon the job description and the scores or evidence compiled using the teaching staff member's evaluation rubric, including the educator's practice instrument and available indicators or student achievement measures such as student growth objective scores and student growth percentile scores;
- B. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan;
- C. The preliminary annual written performance report.

If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

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

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

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

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

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

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

EVALUATION (continued)Personnel Records of Teaching Staff Members

The board shall include all written performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teaching staff member's personnel file or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying according to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) and board policy 4112.6/4212.6 Personnel Records.

Teacher Professional Development Plans

Each teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.

The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3. The individual PDP shall be effective for one year and shall specify, at a minimum:

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

Progress on the individual PDP shall be discussed at the annual summary conference as detailed in board policy 4116 Evaluation of Teaching Staff Members and law (N.J.A.C. 6A:10-2.4). Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her supervisor, and shall be reviewed as part of each annual summary conference.

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

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

Corrective Action Plans for Teaching Staff Members

When a teaching staff member is rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the superintendent or the teaching staff member's supervisor.

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

EVALUATION (continued)

The corrective action plan shall be developed and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation. However, if the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan within 25 teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.

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

The content of the corrective action plan shall:

- A. Address areas in need of improvement identified in the educator evaluation rubric;
- B. Include specific, demonstrable goals for improvement;
- C. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
- D. Include timelines for meeting the goal(s).

The teaching staff member's designated supervisor and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each post-observation conference. The teaching staff member and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.

Progress toward the teaching staff member's goals outlined in the corrective action plan shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference or the mid-year evaluation. Both the teaching staff member on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals.

Progress toward the teaching staff member's goals outlined in the corrective action plan may be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

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

Mid-Year Evaluation of the Corrective Action Plan

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

The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation conference, in addition to the observations required as part of the teaching staff member evaluation process.

EVALUATION (continued)

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

Implementation

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

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

Adopted: June 24, 1985
 Revised: August 23, 1995
 Revised: May 31, 1996
 Readopted: August 14, 2007
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 Readopted:

(SE file codes: 3221, 3222, 3223)

Key Words

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

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

<u>N.J.A.C.</u> 6A:10-2.2	Duties of the district board of education
<u>N.J.A.C.</u> 6A:10-2.3	District evaluation advisory committee
<u>N.J.A.C.</u> 6A:10-2.4	Evaluation procedures for all teaching staff members
<u>N.J.A.C.</u> 6A:10-3.1	School improvement panel
<u>N.J.A.C.</u> 6A:10-4.1	Components of Teacher evaluation
<u>N.J.A.C.</u> 6A:10-4.2	Student achievement components
<u>N.J.A.C.</u> 6A:10-4.3	Teacher practice components
<u>N.J.A.C.</u> 6A:10-4.4	Teacher observations
<u>N.J.A.C.</u> 6A:10-6.1	Evaluation of teaching staff members other than teachers, principals, vice principals and assistant principals
<u>N.J.A.C.</u> 6A:32-4.1(e) (f)	Employment of teaching staff
<u>N.J.A.C.</u> 6A:32-5.1 <u>et seq.</u>	Standards for determining seniority

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

Possible

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

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

Regulation

EVALUATION OF TEACHING STAFF MEMBERS

GENERAL STATEMENT

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

STAFF RESPONSIBLE

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

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

TEACHER EVALUATION (regulation continued)

noninstructional certified staff)	<ul style="list-style-type: none"> • In consultation with the principal, designated supervisor, develop student growth objectives
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PROCEDURES

- A. The superintendent, and as appropriate in consultation with the district advisory committee and/or the school improvement panel(s), shall oversee the implementation all aspects of the district process for the evaluation of teaching staff members as detailed in board policy;
- B. The superintendent shall notify all teaching staff members annually of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, he/she shall be notified of the policies at the beginning of his or her employment.
- C. The superintendent or his or her designee shall notify all teaching staff members of amendments to the policy within 10 working days of adoption;
- D. The superintendent shall recommend annually to the board for adoption teacher and principal evaluation rubrics that meet the following minimum standards (N.J.S.A. 18A:6-123):
1. Four defined annual ratings: ineffective, partially effective, effective, and highly effective;
 2. The evaluation rubric must be partially based on multiple objective measures of student learning that assess student growth from one year's measure to the next year's measure;
 3. The district may determine the methods for measuring student growth, in grades in which a state test is not required;
 4. Multiple measures of practice and student learning are used in conjunction with professional standards of practice using a comprehensive evaluation process in rating effectiveness with specific measures and implementation processes;
 5. Standardized assessments shall be used as a measure of student progress but shall not be the predominant factor in the overall evaluation of a teacher;
 6. The rubric is based on the professional standards for that employee;
 7. The performance measures used in the rubric are linked to student achievement;
 8. The employee receives multiple observations during the school year which shall be used in evaluating the employee;
 9. At each observation of a teacher, either the principal, his or her designee who is employed by the district in a supervisory role and capacity, and who possesses a school administrator certificate, principal certificate, or supervisor certificate, the vice-principal, or the assistant principal shall be present;
 10. The staff member who will be observing shall receive training on the use of the teaching practice instrument. This training shall be completed before the observer conducts his or her first observation for the purpose of evaluation;
 11. An opportunity for the employee to improve his effectiveness from evaluation feedback;
 12. Guidelines regarding training and the demonstration of competence on the evaluation system to support its implementation;
 13. A process for ongoing monitoring and calibration of the observers to ensure that the observation protocols are being implemented correctly and consistently;
 14. A performance framework, associated evaluation tools, and observation protocols, including training and observer calibration resources;
 15. A process for a school district to obtain the approval of the commissioner to utilize other evaluation tools; and
 16. A process for ensuring that the results of the evaluation help to inform instructional development.
- E. The superintendent shall ensure that all teaching staff members including teachers, noninstructional certified staff, principals, vice principals, assistant principals and supervisors receive the required training detailed in board policy 4116 Evaluation of Teaching Staff Members;
- F. The superintendent or his or her designee shall certify to the Department of Education that any observer who conducts an observation of a teaching staff member meets the statutory observation requirements (N.J.S.A. 18A:6-119, N.J.S.A. 18A:6-123.b(8), and N.J.S.A. 18A:27-3.1) and certify that the teacher

TEACHER EVALUATION (regulation continued)

member of the School Improvement Panel meets the requirements detailed in board policy 4116 Evaluation of Teaching Staff Members and according to law (N.J.A.C. 6A:10-3.2);

- G. The board shall annually adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubrics for teachers, principals, vice principals, and assistant principals shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 and described above. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

Measurements of the Teacher Evaluation Rubric

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

A. Measures of student achievement:

1. Median student growth percentile for teachers who:

- a. Teach at least one course or group within a course that falls within a standardized-tested grade or subject;
- b. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and
- c. Have at least 20 individual student growth percentile scores attributed to his or her name during the academic year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given academic year, the student growth percentile scores attributed to a teacher during the two academic years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the academic year of the evaluation.

2. Student growth objectives (SGO) for all teachers developed in consultation with their designated supervisor or the principal's designee.

- A. Measures of teacher practice component rating which shall be based on the measurement of the teacher's performance according to the district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement;

B. Teacher observation.

Student Growth Percentile

A. Median student growth percentile shall be included in the annual summative rating for teachers who:

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

- B. The New Jersey Department of Education shall calculate the median student growth percentile for teachers using students assigned to the teacher by the school district. For teachers who have a student growth percentile score:

1. The board shall submit to the Department final ratings for all components, other than the student growth percentile, for the annual summative rating; and

TEACHER EVALUATION (regulation continued)

2. The Department then shall report to the board the annual summative rating, including the median student growth percentile for each teacher who receives a median student growth percentile.

Student Growth Objectives

Student growth objectives for teachers are academic goals that teachers and designated supervisors set for groups of students. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1. Student growth objectives shall be developed and measured according to the following procedures:

- A. The superintendent shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile. A teacher with a student growth percentile shall have at least one and not more than four student growth objectives. A teacher without a student growth percentile shall have at least two and a maximum of four student growth objectives. The minimum and maximum number of required student growth objectives within this range shall be posted on the New Jersey Department of Education website by August 31, prior to the school year;
- B. A teacher with a student growth percentile shall not use the standardized assessment used in determining the student growth percentile to measure progress toward a student growth objective;
- C. Each teacher shall develop, in consultation with his or her supervisor or a principal's designee, each student growth objective. If the teacher does not agree with the student growth objectives, the principal shall make the final determination;
- D. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each academic year, or within 20 work days of the teacher's start date if the teacher begins work after October 1;
- E. Adjustments to student growth objectives may be made by the teacher in consultation with his or her supervisor only when approved by the superintendent or designee. Adjustments shall be recorded in the teacher's personnel file on or before February 15. If the SGO covers only the second semester of the school year, or if a teacher begins work after October 1, adjustments shall be recorded before the mid-point of the second semester.
- F. The teacher's designated supervisor shall calculate each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be discussed at the teacher's annual summary conference and recorded in the teacher's personnel file.

Observation and Post Observation Conference

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

Corrective Action

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

Staff Development

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

REGULATION HISTORY

TEACHER EVALUATION (regulation continued)

Adopted: June 24, 1985
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Readopted:

(SE file codes: 3221, 3222, 3223)

CROSS REFERENCES

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

Policy

RESIGNATION

Teaching staff members under tenure must give 60 days' notice in writing of intention to resign. For all teaching staff members with employment contracts approved by the Camden County Department of Education, the notice required is determined by the terms of the employment contract. Unless the board approves of the teacher's release on shorter notice, the Commissioner of Education, in cases where proper notice is not given, may be asked to suspend the teacher's certificate for one year.

The superintendent shall ensure that the accurate and appropriate written documentation is retained for those cases in which persons have left the district without meeting contractual responsibilities.

Resignations on shorter notice shall be accepted only in emergency situations, and all resignations during the school year shall be discouraged.

The district reserves the right to seek reimbursement and compensatory damages for the costs and fees related to hiring or utilizing substitutes or other services necessitated by a teaching staff member's violation of this policy.

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Readopted:

(SE file code: 3141)

Key Words

Resign, Resignation

Legal Reference: N.J.S.A. 18A:28-8 Notice of intention to resign required

Cross References:

*4111	Recruitment, selection and hiring of professional staff
*4112.4	Health examinations
4117.52/4217.52	Dismissal, suspension
*4151/4251	Staff attendance
*4151.1	Illness and personal injury

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

Policy

CREATING POSITIONS AND REDUCTION IN FORCE/ABOLISHING A POSITION

Creating Positions

The Camden City Board of Education shall establish positions as needed, under the recommendation of the superintendent, which when filled by competent, qualified staff will assist the district in achieving the educational goals set by the board. In the exercise of its authority to create new positions, the board shall give primary consideration to the number of students enrolled.

The board reserves the right to:

- A. Create new positions and provide each with a job description clearly descriptive of the duties for which the position was created and provide each with a title that conforms with the appropriate certificate insofar as possible;
- B. Specify the number of persons within each job category.

Reduction in Force, Abolishing a Position

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

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

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

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

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

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(SE file codes: 3111, 3112, 3146)

REDUCTION IN FORCE/ABOLISHING A POSITION

Key Words

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

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

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

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

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

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

Possible

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

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

NONRENEWAL

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

The superintendent shall notify each nontenured teaching staff member to whom reemployment will not be offered of such nonrenewal in writing on or before May 15. Any teaching staff member receiving notice that a teaching contract for the succeeding school year will not be offered may, within 15 days request in writing a statement of the reasons for such non-employment. The statement of reasons shall be given to the teaching staff member in writing within 30 days after the receipt of the request.

An employee whose employment contract is not renewed shall have the right to an informal appearance before the board. The purpose of the appearance shall be to permit the staff member to convince the members of the board to offer reemployment. When an employee requests an informal appearance before the board the request shall be submitted in writing. The written request shall be submitted to the board within 10 calendar days of teaching staff member's receipt of the statement of reasons. The informal appearance shall be scheduled within 30 calendar days from the teaching staff member's receipt of the statement of reasons.

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

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

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

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Key Words

Nonrenewal, Nontenured Teachers

Legal References: N.J.S.A. 18A:27-3.1
N.J.S.A. 18A:27-3.2

Non-tenured teaching staff; observation and evaluation;
conference; purpose
Teaching staff member; notice of termination; statement

NONRENEWAL (continued)

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

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

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

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

Possible

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

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

Policy

WITHHOLDING INCREMENT

Advancements on the salary guide, including annual employment and adjustment increments, are not automatically granted and must be earned by satisfactory performance. Advancements require favorable evaluations of the employee's performance of assigned duties, a satisfactory attendance record, and adherence to the rules of this district and high standards of professional conduct. The board may withhold, for inefficiency or other good cause, the employment increment, or the adjustment increment, or both.

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

The board shall, within ten days of its formal action to withhold an increment, give written notice to the affected employee of both the action and the reason or reasons for which it was taken. The member may appeal from such action to the commissioner who shall either affirm the action of the board or allow the increment or increments be paid.

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

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

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Readopted:

(SE file code: 3152)

Key Words

Increment, Withholding Increment, Salary, Performance Evaluation, Attendance

Legal References: N.J.S.A. 18A:29-14 Withholding of increments; causes; notice of appeals

Possible

Cross References: *4115 Supervision
*4116 Evaluation
*4215 Supervision
*4216 Evaluation

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

Policy

CONFLICT OF INTEREST

An employee of the board shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which is in conflict with the proper discharge of his/her duties.

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

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

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

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

Political Activities of Staff

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

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

Disciplinary Action

Violations of this policy may result in disciplinary action.

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(SE file code: 3214)

Key Words

Royalties, Conflict of Interest, Political Activity of Staff

Legal References: N.J.S.A. 2C:27-1 et seq.
See particularly:
N.J.S.A. 2C:27-5, -10,-11
N.J.S.A. 18A:6-8

Bribery and Corrupt Influence

Interest of school officers, etc., in sale of textbooks or supplies; royalties

CONFLICT OF INTEREST (continued)

<u>N.J.S.A.</u> 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	<u>School Ethics Act</u>
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:12-24	
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 19:34-15	Electioneering within or about polling place; misdemeanor
<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appeals
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

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

Possible

Cross References:

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

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

Policy

CONDUCT AND DRESS

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

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

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

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

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

Unbecoming Conduct

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

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

Corporal Punishment

No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his/her employment, use and apply such amounts of force as is reasonable and necessary:

- A. To quell a disturbance, threatening physical injury to others;
- B. To obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil;
- C. For the purpose of self-defense; and
- D. For the protection of persons or property.

Such acts, or any of them, shall not be construed to constitute corporal punishment within the meaning and intent of this section. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or

CONDUCT AND DRESS (continued)

authorizing corporal punishment to be inflicted upon a pupil attending a school or educational institution shall be void.

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(SE file codes: 3211, 3216, 3217, 3233, 3280, 3351)

Key Words

Employee Conduct, Employee Dress

Legal References: N.J.S.A. 18A:6-1 Corporal punishment of students
N.J.S.A. 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher.
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Hicks v. Pemberton Bd. of Ed., 1975 S.L.D. 332

Quiroli v. Linwood Bd. of Ed., 1974 S.L.D. 1035

Carlstadt Teachers Ass'n v. Carlstadt Bd. of Ed., App. Div., unreported decision (docket no. A-1469-80-T4, decided March 26, 1982), 1982 S.L.D. 1448

Possible

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

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

Regulation

CONDUCT AND DRESS

Staff Dress Code Guidelines:

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

- A. The female staff members may wear dresses, suits, skirts, with blouses or sweaters, slack ensembles or slack suits.
- B. The male staff members may wear suits or slacks (shirts with or without ties); a turtleneck shirt or turtleneck sweater with or without a jacket is acceptable. (Shirts and ties are preferred).
- C. The clothing and appearance of all staff members must be clean and neat. Example: Dress shirts must be tucked in.
- D. Physical education, home economics, science, and industrial art teachers may wear clothing deemed appropriate for their instructional assignments and in their classrooms. Shorts, sweatpants and similar attire cannot be worn in other parts of the building. All staff may wear appropriate attire for special occasions such as, but not limited to, the following:
 1. Picnics
 2. Field trips
 3. Track meets
 4. Nature walks
 5. Halloween parties
- E. All staff members are role models for students and, therefore, hats and caps must be removed when entering our school buildings and offices. No clothing shall be worn by staff members that constitutes a danger to the health and/or safety to himself/herself or others, and no clothing may be worn that distracts and/or disrupts the instructional program (example: mini-skirts, see-through clothing).
- F. The Principal and/or the staff members' supervisor shall determine whether a violation of this dress code has occurred and shall discuss, in private, the violation with the staff member. Where a single violation so warrants or violations reoccur, the Principal or supervisor may enter a reprimand in the staff member's file. The employee shall be directed by the supervisor to change into appropriate attire. Should this change require leaving the worksite, the employee shall sign/clock out/in and shall be docked accordingly. Upon the third letter of reprimand, the Principal or immediate supervisor may recommend more stringent disciplinary action such as, but not limited to, the following:
 1. Withholding of increment
 2. Insubordination charges
- G. A staff member may appeal the denial of a waiver of this dress code or the entry of a reprimand through the grievance procedure.
- H. These guidelines shall be reviewed with various union and/or staff members at intervals of not less than three years.
- I. Examples of unacceptable attire during school hours:
 1. Torn and/or dirty clothing

CONDUCT AND DRESS (regulation continued)

2. Sneakers (except for medical reasons)
3. See-through clothing
4. Excessively tight/form-fitting clothing
5. Shirt or blouse buttons opened beyond the mid-point of the chest
6. Midriff, halter or tube tops
7. Painters' pants or overalls
8. Shorts or scooter-shorts - not to exceed two (2) inches above the knee
9. T-shirts or undershirts as outerwear, polo shirts, shirts without collars
10. Clothing with obscene language/gestures
11. Sweatshirts, sweatpants and sweat suits (exceptions - physical education)
12. Caps or hats in the building
13. Dark eyeglasses (except for medical reasons)
14. Distracting attire: mini-skirts - exceeding two (2) inches above the knee.
15. Dungarees, jeans

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Policy

EMPLOYEE SUBSTANCE ABUSE

General - All Employees

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

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

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

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

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

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

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

Work Performance in Connection with a Federal Grant

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

The superintendent shall notify all employees whose work performance is done in connection with a federal grant that they are to notify their respective supervisors of convictions of any criminal drug statute violation occurring in the workplace. Employees must notify their supervisors no later than five days after such conviction. To be in compliance, the district must notify the federal grant program of such conviction within 10 days of receipt of said conviction.

Adopted: June 24, 1985
Revised: August 23, 1995

EMPLOYEE SUBSTANCE ABUSE (continued)

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 Revised: October 28, 1996
 Revised: February 23, 1998
 Revised: August 14, 2007
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 Revised: March 30, 2015
 Readopted:

Key Words

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

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

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

Anti-Drug Abuse Act of 1988

Drug-Free Workplace Act of 1988

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

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

Possible

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

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

ELECTRONIC COMMUNICATION BY SCHOOL STAFF

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

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

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

The superintendent or designees may periodically conduct internet searches to see if staff members have posted inappropriate materials online. When inappropriate use of computers and internet websites is discovered, the school principals and superintendent will seek to preserve the problematic or offensive material and will seek to maintain storage and chain of custody of the evidence. The superintendent/principal shall promptly bring that alleged misconduct to the attention of the board president.

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)Cell Phones

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

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

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

Text Messages

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

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

Electronic Communication

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

- A. All messages shall pertain to legitimate school business;
- B. Personnel shall not reveal district issued passwords to others. If a staff member believes that a password has been lost or stolen, or that email has been accessed by someone without authorization, he/she must contact the supervisor for technology or the principal;
- C. District administrators shall have access to the employee's password or passwords for all district owned or issued devices and the use of the district network;
- D. Electronic messages on school owned or issued electronic devices and the district network shall be retained for the period of time specified by the Destruction of Public Records Law and board policy 3570 Records (retained three (3) years for external correspondence and one (1) year for internal correspondence);

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

- E. Federal copyright laws shall be observed;
- F. Staff shall not send messages that contain material that:
1. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
 2. Violates the district's affirmative action policies (2224, 4111.1, 4211.1, 6121);
 3. Is personal in nature and not related to the business of the district;
 4. Can be interpreted as provocative, flirtatious or sexual in nature;
 5. Is confidential and not authorized for distribution;
 6. Violates board policy 5131.1 Harassment, Intimidation and Bullying.
- G. Personnel shall become familiar with the district's policies and regulation on staff and student access to networked information resources and acceptable use of technology (6142.10 Internet Safety and Technology) before initiating email use;
- H. Employees learning of any misuse of the email systems shall notify the supervisor for technology, principal or superintendent immediately.

Online Education

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

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

Implementation

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

Adopted: March 30, 2015
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 Readopted:

Key Words

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

<u>Legal References:</u>	<u>N.J.S.A.</u> 2A:38A-1 <u>et seq.</u> <u>N.J.S.A.</u> 18A:6-10 <u>N.J.S.A.</u> 18A:11-1 <u>N.J.S.A.</u> 18A:27-4 <u>N.J.S.A.</u> 18A:36-35 <u>N.J.S.A.</u> 18A:36-40 <u>N.J.S.A.</u> 18A:37-13 <u>et seq.</u> <u>N.J.S.A.</u> 18A:54-20 <u>N.J.S.A.</u> 47:3-15 <u>et seq.</u> <u>N.J.A.C.</u> 6A:9-3.3 <u>N.J.A.C.</u> 6A:9B-4.7	Computer System Dismissal and reduction in compensation of persons under tenure in public school system General mandatory powers and duties Power of boards of education to make rules governing employment of teacher, etc. Disclosure of certain student information on Internet prohibited without parental consent Written policy concerning electronic communications between school employees and students Anti-Bullying Bill of Rights Act Powers of board (county vocational schools) Destruction of Public Records Law Professional standards for teachers Grounds for revocation and suspension of certification
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ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

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

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

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

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

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

In Re Cluggish, Exam 2011, Dec 16.

Possible

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

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

Policy

SUBSTITUTE TEACHERS

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

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

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

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

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

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

Vacant Positions and Use of Substitutes

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

Definitions

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

Limits on Filling Vacant Teaching Positions with Substitutes

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

- A. Holding a substitute credential issued by the State Board of Education for a total amount of time exceeding 20 school days (N.J.S.A. 18A:16-1.1a);

SUBSTITUTE TEACHERS (continued)

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

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

Adopted: June 24, 1985
 Revised: February 24, 1992
 Revised: August 23, 1995
 Readopted: August 14, 2007
 NJSBA Review/Update: March 2009
 Revised: March 30, 2015
 Readopted:

(SE file code: 3125.2)

Key Words

Substitute Teachers, Vacant Position, Vacancy, Long Term Substitute

Legal References: N.J.S.A. 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception ...

N.J.S.A. 18A:16-1.1
See Particularly:
N.J.S.A. 18A:16-1.1a through -1.1d May appoint temporary officers and employees

N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.

N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions

N.J.S.A. 18A:29-16 Emergency certificates; day-by-day basis substitute

N.J.A.C. 6A:9A-1.1 et seq. Educator preparation programs

N.J.A.C. 6A:9B-7.1 et seq. Substitute credential

N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

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

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

SUBSTITUTE TEACHERS (continued)

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

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

Possible

<u>Cross References:</u>	*4111	Recruitment, selection and hiring
	*4112.2	Certification
	*4112.4/4212.4	Employee health

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

Policy

STUDENT TEACHERS/INTERNS

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

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

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

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

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

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

Adopted: June 24 1985
Reconfirmed: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009
Revised: March 30, 2015
Readopted:

(SE file code: 9541)

Key Words

Student Teachers, Administrative Interns

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

STUDENT TEACHERS/INTERNS (continued)

See particularly:
N.J.A.C. 6A:32-4.1(d), -4.1(e)
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

Possible

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

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

Policy

CLASSROOM AIDES (PARAPROFESSIONALS)

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

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

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

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

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

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

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

Qualification of Classroom Aides (Paraprofessionals) In Title I Schools

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

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

Adopted: June 24 1985
Reconfirmed: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015

CLASSROOM AIDE (PARAPROFESSIONALS (continued)

Readopted:

(SE file code: 3125)

Key Words

Aides; Classroom Aides; Teacher Aides; Background Check; Paraprofessionals; Personnel Background Check

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-7.1 through -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:16-2 through -5	Physical examinations; requirement ...
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:32-4.2	Approval of paraprofessional staff
	<u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u>	School employee physical examinations

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

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

Possible

<u>Cross References:</u>	*3541.1	Transportation routes and services
	*3542	Food service
	*4112.4/4212.4	Employee health
	*4215	Supervision
	*4216	Evaluation
	4221	Noninstructional substitutes
	*5131	Conduct/discipline
	*6162.4	Community resources

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

STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

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

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

District-Level Professional Development Plans

The superintendent or his or her designee shall oversee the development and implementation of a plan to address districts' professional development needs. The school district professional development plan shall be reviewed on an annual basis to assess its effectiveness and revised it, as necessary, to meet the school district's learning goals for students, teachers, and school leaders. When overseeing and annually reviewing the school district plan, the superintendent or designee shall:

- A. Review school-level professional development plans;
- B. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plans, and data from school- and district-level performances;
- C. Plan, support, and implement professional learning that addresses the New Jersey Student Learning Standards, and that align with the standards for professional learning in N.J.A.C. 6A:9C-3.3 and the Professional Standards for Teachers and the Professional Standards for School Leaders in N.J.A.C. 6A:9-3;
- D. Develop and update, as necessary, the district mentoring plan for nontenured teachers, including novice provisional teachers who hold a certificate of eligibility (CE) or a certificate of eligibility with advanced standing (CEAS);
- E. Present the plan to the district board of education to review for fiscal impact; and
- F. Certify annually to the New Jersey Department of Education, through a statement of assurance, that the school district is meeting the requirements for the school district plan and that it includes requirements of the district mentoring plan.

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

School-Level Professional Development Plans

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

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

- A. The school level plan includes:
 - 1. A description of school-level and team-based professional learning aligned with identified school goals; and
 - 2. Teacher and student learning needs; and
- B. All teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements of N.J.A.C. 6A:9C-4.4(a) that at least 20 hours per year of qualifying professional development experiences are provided. The 20-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.

Professional Development for School Leaders

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

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

A. School Leaders

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

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

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

B. Professional Development for the Superintendent

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

- 1. The board shall review the superintendent's individual PDP, including the individual training needs and shall ensure the individual PDP aligns to school district goals and to the school district's plan for professional development;
- 2. The superintendent shall submit annually to the board evidence of progress toward completion of the individual PDP. The superintendent also shall submit every three to five years, depending on the

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

length of his or her contract with the board, summative evidence of plan completion;

3. The superintendent may appeal to the executive county superintendent if he or she disagrees with the board regarding PDP contents or progress toward completion. The executive county superintendent shall have final decision-making authority on all such matters.

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

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

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

D. Evidence of Progress and Maintaining Records

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

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

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

Professional Development for Teachers

Each teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.

The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3. The individual PDP shall be effective for one year and shall specify, at a minimum:

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;

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

- B. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

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

Progress on the individual PDP shall be discussed at the annual summary conference as detailed in board policy 4116 Evaluation of Teaching Staff Members and law (N.J.A.C. 6A:10-2.4) but may occur more frequently throughout the year. Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her supervisor, and shall be reviewed as part of each annual summary conference.

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

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

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

The teacher's designated supervisor shall:

- A. Use the teacher performance evaluation process and the professional development planning process to monitor each teacher's progress in meeting the professional development requirements. The designated supervisor shall take appropriate steps to assure such progress. If a teacher's progress is found to be inadequate, the teacher's designated supervisor shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
- B. Maintain accurate records of each teacher's progress in meeting the individual professional development requirements. Such records shall include a copy of each teacher's current PDP and timeline, as well as any documentation and evidence showing the teacher's progress toward meeting the plan's requirements.

If a teacher leaves the employ of one New Jersey school district and is hired by another, the former district of employment shall share the teacher's individual PDP and all supporting documentation with the new employing school district. If the current individual PDP is found to be unsuitable to the teacher's new assignment, the new employing school district shall ensure a revised individual PDP and timeline is created within 30 days of hire by the employee's new supervisor in collaboration with the new teacher.

Achievement Gap and Inequity

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

Mandated Inservice Programs

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

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

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 Readopted:

(SE file codes: 3240, 3244)

Key Words

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

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

<u>N.J.A.C.</u> 6A:7-1.4	certification of instructors
<u>N.J.A.C.</u> 6A:7-1.6	Responsibilities of the district board of education
<u>N.J.A.C.</u> 6A:9C-1.1 <u>et seq.</u>	Professional development
<u>See particularly:</u>	Required professional development for teachers and school leaders
<u>N.J.A.C.</u> 6A:9C-4.1 through -4.4	
<u>N.J.A.C.</u> 6A:10-2.4	Evaluation procedures for all teaching staff
<u>N.J.A.C.</u> 6A:10-2.5	Corrective action plans for all teaching staff
<u>N.J.A.C.</u> 6A:10-4.1 <u>et seq.</u>	Components of teacher evaluation
<u>N.J.A.C.</u> 6A:14-1.2(b)14	District eligibility for assistance under IDEA Part B (regarding highly qualified teachers)
<u>N.J.A.C.</u> 6A:15-1.8	Inservice training (Bilingual Education)
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-3.1(a)4, -5.1(d), -6.2(b)12	Inservice training, alcohol, tobacco, drug prevention: safety and security, cooperation with law Enforcement
<u>N.J.A.C.</u> 6A:16-7.7	Harassment, Intimidation and Bullying
<u>N.J.A.C.</u> 6A:16-11.1	Reporting potentially missing, abused or neglected children or attempted or completed suicide
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-4.1	Employment of teaching staff

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

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible**Cross References:**

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

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

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

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

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

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

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

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

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

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

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

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

Standard Six: Assessment. The teacher understands and uses multiple methods of assessment to engage

STAFF DEVELOPMENT; INSERVICE EDUCATION (exhibit continued)

learners in examining their own growth, to monitor learner progress, and to guide the teacher's and learner's decision-making.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF DEVELOPMENT; INSERVICE EDUCATION (exhibit continued)

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

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

http://npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders_2015.pdf

Policy

TUITION REIMBURSEMENT

The Camden City Board of Education believes that ongoing education and skill development by staff members promotes and advances student achievement in the New Jersey Student Learning Standards. Therefore staff members are encouraged to enroll in programs of advanced education that are related to assigned classroom duties and responsibilities. The board shall reimburse staff members for college and graduate course tuition according to the maximum annual refund and the maximum cumulative benefit specified in the current negotiated agreement.

In accordance with the provisions of N.J.S.A. 18A:6-8.5, tuition assistance or additional compensation shall be provided only for a course or degree related to the employee's current or future job responsibilities.

Teaching staff members shall be reimbursed for tuition upon the successful completion of advanced studies and graduate work with a passing grade in the course, of courses for educational improvement. Tuition reimbursement shall be made according to the following conditions:

- A. The superintendent shall approve the course, or courses, prior to registration;
- B. Courses must have been offered by an accredited institution of higher education;
- C. Additional compensation in salary shall only be granted for graduate level credit;
- D. The course directly relates to the teacher's classroom duties and responsibilities;
- E. Courses required as part of a graduate program which has been approved by the board of education shall be exempt from the requirements that courses directly relates to the teacher's classroom duties and responsibilities;
- F. Reimbursement shall be made provided that proof of registration and official verification of grade is presented to the superintendent.

Reimbursement shall be contingent upon continued employment with the district or no less than one year beyond eligibility for reimbursement. The failure to meet these criteria will require reimbursement of all money reimbursed to the employee.

Adopted: March 30, 2015
NJSBA Review/Update: October 2019
Readopted:

(SE file code: 6472)

Key Words

Certified-Staff, College Course, Workshops, Seminars

Legal Reference: N.J.S.A. 18A:6-8.5 Requirements for receipt of employee tuition assistance, additional compensation
N.J.S.A. 18A:6-8.6 Construction of act

Possible

Cross References: *2131 Superintendent
*4111/4211 Recruitment, selection and hiring
*4111.1/4211.1 Nondiscrimination/affirmative action

TUITION REIMBURSEMENT (continued)

*4112.2	Certification
*4112.6/4212.6	Personnel records
*6010	Goals and objectives

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

Policy

PUBLICATION OF MATERIALS, COPYRIGHT AND INTELLECTUAL PROPERTY

The Camden City Board of Education encourages the teaching staff to participate in research, educational projects and other professional opportunities that enhance and support their interests and skills and professional reputation. The staff may seek funding to conduct research, educational projects and other professional opportunities. All research, educational projects and other professional opportunities that involve students or the district name or resources of staff time and facilities shall be approved by the superintendent. Student involvement in research projects shall be allowed only with the permission of parents/guardians and according to law and board policy 6162.5 Research.

Staff members are encouraged to contribute professional articles and news items to local, state and national agencies. As a matter of professional ethics, all professional articles shall be cleared through the office of the superintendent prior to publication or any public advertisement to ensure that the publication presents no conflict of interest. Any mention of the school district and its students, personnel, community or any of its separate departments and programs shall be in compliance with board policies 1110 Media, 1111 District Publications, 1140 Distribution of Material by Pupils and Staff.

The school district reserves the right to assert legal claim on all products created by its employees while on the job and with the assistance of school district funds.

Copyright

The staff of the Camden City Board of Education shall adhere to the provisions of the current copyright laws and Congressional guidelines.

The board recognizes that unlawful copying and use of copyright materials contributes to higher costs for materials, lessens the incentives for development of quality educational materials, and fosters an attitude of disrespect for law which is in conflict with the goals of this school system.

The board directs employees adhere to all provisions of Title 17 of the United States Code of Federal Regulations entitled "Copyrights", and other federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials.

The board further directs that:

- A. Unlawful copies of copyrighted material may not be used with district-owned equipment, within district-owned facilities, or at district-sponsored functions;
- B. Unlawful copies of copyrighted material may not be produced on district owned equipment;
- C. The legal and/or insurance protection of the district will not be extended to employees who unlawfully copy and use copyrighted materials.

Copyright and the Internet

The board recognizes that staff and students can benefit from the wealth of information and materials published by scholars and other experts available on the Internet. Staff and students are encouraged to use the internet as a source of educational materials for research and educational projects. Staff and students shall use the internet and all other materials that are subject to copyright law or the intellectual property of another person according to law and board policy. Students and staff shall:

- A. Clarify ownership and proper usage of intellectual property rights; and

PUBLICATION, COPYRIGHT AND INTELLECTUAL PROPERTY (continued)

B. Provide for the equitable distribution of monetary and other benefits derived from intellectual property.

All district staff, students and any other persons employed by the district and to all persons receiving funding administered by the district or receiving other compensation from the district, shall comply with law and board policy concerning copyright and intellectual property for all forms of written, internet published or other media materials.

District Ownership

Subject to the exceptions identified below, the district shall be the sole owner of all intellectual property created through the use of district resources or facilities, supported directly or indirectly by funds administered by the district, developed within the scope of employment by employees, agreed in writing to be a specially commissioned work, or assigned in writing to the district.

A. The district shall have no ownership rights in the following intellectual property, which shall be owned by its creator:

1. Regular academic work products, provided that the regular academic work product was not assigned in writing to the district or specifically ordered or commissioned and designated in writing by the creator and district as a specially commissioned work;
2. Intellectual property created by a student solely for the purpose of satisfying course requirements, unless the student assigns ownership rights in the intellectual property to the district in writing or assignment of such ownership rights to the district is made a condition for participation in a course.

If the intellectual property referred to in (1) or (2) above is a derivative of or otherwise uses pre-existing district-owned intellectual property, this provision shall not prevent the district from asserting its pre-existing rights.

B. For intellectual property created in the course of or pursuant to external sales, industrial affiliates programs or other contractual arrangements with external (non-district) parties, ownership will be determined in accordance with the terms of the district's agreement with the external party and applicable law.

Software Development

Computer software programs developed by those in the employ of the board, including faculty, staff, and students, become the property of the board if the programs were developed during the hours of employment and/or with the use of district-owned equipment or supplies.

To encourage employees and students to develop educational computer software materials for public use within and outside the school district, agreements can be initiated between the creators of material and the board, through the superintendent.

The copyright and royalties of computer software materials developed solely at an individual's expense and on his or her own time are the property of the individual.

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Readopted:

(SE file code: 2531)

Key Words

Copyright, Intellectual Property, Publication

PUBLICATION, COPYRIGHT AND INTELLECTUAL PROPERTY (continued)

Legal Reference: N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students

20 U.S.C.A. 1232g – Family Educational Rights and Privacy Act

20 U.S.C.A. 1232h – Protection of Student Rights Amendment

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

United States Code of Federal Regulations, Title 17, Federal Copyright Laws – 1976

Possible

<u>Cross References:</u>	*1312	Community complaints and inquiries
	*2224	Nondiscrimination/affirmative action
	*4119.22/4219.22	Staff conduct and discipline
	*5145.4	Equal educational opportunity
	6000	Concepts and roles in instruction
	*6010	Goals and objectives
	*6121	Nondiscrimination/affirmative action
	*6140	Curriculum adoption
	*6141	Curriculum design/development
	*6161.1	Evaluation and selection of materials
	*6161.2	Complaints regarding instructional materials
	*6162.5	Research
	*6163.1	Media center/library

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

Policy

GRIEVANCES

The Camden City School District shall develop and practice reasonable and effective means of resolving difficulties which may arise among employees. The superintendent shall oversee the implementation of a grievance procedure that:

- A. Ensures prompt response to staff grievances;
- B. Is fair and in compliance with law and board policy 4111.1/4211.1 Affirmative Action/Nondiscrimination;
- C. Establishes and maintains recognized channels of communication between staff and administration; and
- D. Reduces potential areas of grievances.

With the ultimate goal of serving the educational welfare of children, the informal grievance procedure following provides for the prompt and equitable adjustment of differences. It is essential that full cooperation be given by all employees to achieve these goals.

Each employee shall be assured the opportunity for an orderly presentation and review of concerns and grievances.

No employee shall suffer reprisals or reduction in status as a result of having presented a grievance or having represented an employee in a grievance.

It shall be the general practice to process grievance procedures during time which does not interfere with assigned duties.

An individual employee or his/her representative during the course of the processing of a grievance shall continue to follow administrative directives and board policy.

The board shall comply with grievance procedures set forth in any applicable collectively negotiated bargaining agreements.

Procedures

A. Level One

Within three working days of the occurrence of the act or omission giving rise to the grievance, the grievant must present his/her grievance in writing to their immediate supervisor. The written document will be a clear, concise statement of the grievance and will include the law, rule, policy, or regulation that the grievant alleges to have been violated; the factual circumstances on which the grievance is based; the person or persons involved; the decision, if any, rendered at the private conference; and the remedy sought.

Within seven working days the supervisor shall present a decision to the grievant in writing. If the supervisor does not respond during the time permitted, the grievant may appeal to the next level.

B. Level Two

A grievant not satisfied with a decision at Level One may appeal that decision in writing to the superintendent within three working days after receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal will include a copy of the original grievance; the

STAFF GRIEVANCE (continued)

decision rendered, if any; the name of the grievant's representative, if any; and a clear, concise statement of the reasons for the appeal of the decision.

The superintendent shall present a decision to the grievant within seven working days. The decision of the superintendent shall be final.

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Readopted:

(SE file code: 3340)

Key Words

Grievance, Staff Grievance, Grievance Procedure, Negotiated, Bargaining Agreement

Legal References: N.J.S.A. 18A: 11-1 General Powers
N.J.S.A. 18A:27-4 Power of the board to make rules governing the employment of teachers, etc.

Possible

Cross References: *1120 Board of education meetings
 *1312 Community complaints
 *3570 District records and reports
 *4112.6/4212.6 Personnel records
 *4116 Evaluation
 *4116 Evaluation
 *5145.6 Student grievance procedure
 *6144 Controversial issues
 *6161.1 Guidelines for evaluation and selection of instructional materials
 *6161.2 Complaints regarding instructional materials
 *6163.1 Media center/library
 *9010 Role of the member
 *9020 Public statements
 9123 Appointment of board secretary

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

NONSCHOOL EMPLOYMENT

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

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

All teaching staff members are advised to be governed in the conduct of personal activities by the following guidelines:

- A. Teaching staff members shall not devote time during their work day to an outside private enterprise, business, or business organization. They shall not solicit or accept customers for a private enterprise, business, and/or business organization on school grounds during their work day without the express permission of the superintendent;
- B. The board does not endorse, support, or assume liability in any way for any staff member of this district who takes students on trips not approved by the board or superintendent, and shall not be liable for the welfare of students who travel on such trips. Any staff member who takes students of this district on a trip not approved by the board or superintendent shall clearly and concisely inform the parents/guardians of any student solicited and/or attending such a trip that the trip is not endorsed, supported, approved, or authorized by the board of education. A staff member shall not solicit students on school grounds for trips not approved by the board or superintendent;
- C. The board does not endorse, support, or assume liability in any way for any teaching staff member of this district who conducts a private activity in which students or employees of this district participate;
- D. Teaching staff members shall not send campaign literature home with students, or request, direct, or have students distribute campaign literature on behalf of any candidate for local, State, or national office or for any bond issue, proposal, or any public question submitted at any general, municipal, or school election. No student shall be requested or directed by any teaching staff member to engage in any activity which tends to promote, favor, or oppose any such candidacy, bond issue, proposal, or public question;
- E. Teaching staff members shall not privately tutor students for compensation that are currently enrolled in their classes; and
- F. Copyrights and patents to materials or equipment developed, written, prepared, processed, or tested by teaching staff members in the performance of their professional duties reside with and may be claimed by the board.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2009
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015
Readopted:

(SE file codes: 3211.3, 3230, 3231)

Key Words

Nonschool Employment; Employee Outside Activities

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

Possible

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

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

Policy

PRIVATE TUTORING

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

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

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

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

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

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2009
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015
Readopted:

(SE file code: 3232)

Key Words

Tutoring, Conflict of Interest

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

Possible

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

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

Policy

BENEFITS

The Camden City Board of Education shall be obligated to pay for the health benefits of all full-time employees as defined by the board or employees who are on approved leave of absence with pay, pursuant to negotiated contracts.

Subject to change by State or Federal regulations, employees who are on approved leave of absence without pay for illness shall be provided continued health benefits coverage equivalent to the coverage of the employee prior to the approval for the first six biweekly pay periods. After the first six biweekly pay periods, coverage may be obtained for an additional twenty biweekly pay periods provided the employee pays the full premium cost of the coverage, in advance, through the board.

It shall be the employee's responsibility to fulfill the re-enrollment requirements, upon returning from approved leave, in order to be reinstated in the health benefits plan covered by the board.

Subject to change by State or Federal regulations, employees who are on approved leave of absence without pay for other than illness may purchase health coverage for up to nine months provided the employee pays the full premium cost of the coverage, in advance, through the board.

Any employee who has been absent without approved leave, has abandoned his/her position or has been terminated shall no longer be provided with health care benefits through the board of education.

Since it is the policy of the board that every employee who is unable to report his/her post of duty, shall inform his/her immediate supervisor at each occurrence, the board shall notify in writing, any employee whose pattern of attendance in the board's opinion, exhibits abandonment of the position. Furthermore, the employee shall be removed from the health benefit plan until such time as the employee returns or is placed on approved leave.

Definitions

An illness shall be defined as an individual's absence from his/her post of duty because of personal disability due to illness or injury, or because he/she has been excluded from work by the school district's medical authorities on account of contagious diseases or of being quarantined for such a disease in his or her immediate household.

Adopted: March 30, 2015
NJSBA Review/Update: October 2019
Readopted

(SE file code: 3420)

Key Words

Benefits

Legal Reference: N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:16-12 et seq. Definitions relative to group insurance
N.J.S.A. 18A:27-4 Power of the board of education to make rules governing employment of teachers

Possible

Cross References: *4151 Attendance
*4151.1 Personal illness and injury

Policy

PAYROLL AUTHORIZATION/SALARY CHECKS AND DEDUCTIONS: DIRECT DEPOSIT

Payroll Authorization

Employment of all district personnel whether by the year, term, month, week, day or hour in contract, temporary, or substitute form must be approved by the board. Authorization to pay follows there from.

Each motion of the board to employ or re-employ on a contractual basis (i.e., for a fixed period of time) shall include the name of the individual, the position title, the salary to be paid over the term of the contract and the period of employment. Each motion of the board to employ on a temporary basis (i.e., by the hour or day) shall include the name of the individual, the position title and the rate of pay. Motions regarding personnel actions noted in the board minutes, to include, but not be limited to, the appointment, promotion, resignation, retirement, death, discharge, compensation, or leave of absence for each employee. The minutes will also include effective dates for personnel action.

Approval for payment in the performance of special activities is required as follows: bedside instructors, as certified by the superintendent; coaches, as certified by the principal and superintendent; extracurricular advisors, as certified by the principal and superintendent.

Authorization is hereby given to withhold salary or wages for unapproved time off by action of the board secretary/business administrator.

The payroll journal shall be certified by the board secretary/business administrator and the president of the board, monthly. One warrant for the net amount of the payroll and a second warrant for all payroll deductions, together with district matching funds and administrative charges, shall be deposited to special accounts for disbursement by the treasurer upon receipt of the certified payroll.

Staff members shall be paid in accordance with the provisions in their collective bargaining agreement and/or in accordance with a schedule provided to all employees prior to the beginning of the contract or school year.

At least once every three years, between the months of September through May, the superintendent shall require each district employee to report to a central location(s) and produce picture identification and sign for release of his or her paycheck or direct deposit voucher (N.J.A.C. 6A:23A-5.7). The accepted picture identification shall be in the form of a district-issued identification card, valid drivers' license, official passport, or other picture identification issued by a State, county, or other local government agency.

The superintendent shall designate an appropriately qualified staff member to match the picture identification to the position control roster maintained by the office of personnel or human resources prior to release of the pay check or direct deposit voucher. If the district elects to conduct this payroll verification prior to the district's required implementation of the position control, the district may use similar and suitable office of personnel or human resources generated listing of employees (N.J.A.C. 6A:23A-6.8). Where no appropriate identification can be produced, the business administrator/board secretary shall withhold paychecks or stop direct deposits until such time the payee/district employee can produce appropriate identification or until an investigation and corrective action is concluded, as appropriate to the circumstances.

Upon completion of the payroll check distribution verification procedures, the superintendent shall submit a certification of compliance, in a form prescribed by the Department of Education, to the Executive County Superintendent. Verification of the district's compliance with the verification procedures will be required as part of the annual audit.

The payroll journal will be certified by the board secretary, the president of the board, and approved by the superintendent.

PAYROLL AUTHORIZATION
CHECKS AND DEDUCTIONS; DIRECT DEPOSIT (continued)

Payroll Deductions

The board may in its discretion act on behalf of individual employees to deduct a certain amount from the employees' paycheck and remit an equal amount to an agent designated by the employee. It is the purpose of this policy to designate those purposes not otherwise mandated by law for which the board is willing to act on behalf of an employee.

No deduction may be made from the wages of an employee except for federal income tax, social security, New Jersey Income Tax and New Jersey Unemployment Assistance without proper authorization. Pension deductions are authorized by the New Jersey Division of Pensions; all other deductions are authorized only by the employee.

The board has authorized in accordance with the below cited legislation that deductions may be made from an employee's paycheck upon proper authorization on the appropriate form, as prepared by the district, for the following purposes:

- A. The payment of premiums for group life, accidental death or dismemberment, hospitalization, medical, surgical, major medical, health and accident, and legal insurance plans (N.J.S.A. 18A:16-13).
- B. The purchase of United States Government bonds (N.J.S.A. 18A:16-8);
- C. The employee's participation in a summer payment plan for repayment to the employee in one payment in June or by payment upon the death or termination of the employee, if earlier (N.J.S.A. 18A:29-3);
- D. Tax sheltered annuities or custodial accounts (N.J.S.A. 18A:66-127);
- E. Payments to a credit union (N.J.S.A. 40A:9-17);
- F. An approved charitable fund raising campaign (N.J.S.A. 52:14-15.9c); and
- G. Bona fide organizational dues (N.J.S.A. 52:14-15.9e).

Contributions shall be made as soon as is reasonably possible after the funds have been deducted from an employee's salary. No contribution shall be made on behalf of an employee until the amount contributed has been deducted from the employee's salary.

The board will permit the remittance of funds for annuities and mutual funds only to those insurers and custodial accounts authorized by law and expressly approved by this board. The board will consider the approval of only those insurers and custodial accounts to which 25 or more employees of this district subscribe.

If the number of subscribers falls below that number, no new subscribers will be allowed and the account will be terminated when all remaining subscribers have closed their accounts.

No more than 3 accounts will be approved for remittance at any one time.

An employee who wishes to pay into a tax sheltered annuity or mutual fund offered by a firm not approved by this board for payroll deductions must make his or her payment individually.

The board wishes to provide members of the Teachers' Pension and Annuity Fund and the Public Employees' Retirement System the opportunity to make tax deferred contributions under the United States Internal Revenue Code. On the written approval of an employee, contributions deducted from the employee's wages and remitted directly to TPAF or PERS, as appropriate, will be designated as employer contributions, paid by the board on behalf of the employee. No employee may receive the contributed amount directly.

PAYROLL AUTHORIZATION
CHECKS AND DEDUCTIONS; DIRECT DEPOSIT (continued)

No board employee shall withhold or pay to another or purchase or have assigned, other than by court order, any compensation for services of any district employee.

Direct Deposit

The district will require the mandatory direct deposit of net pay for all regular school employees. The board authorizes the following exemptions from the requirement for direct deposit:

- A. Demonstrated hardship for the employee;
- B. Seasonal workers;
- C. Substitute teachers;
- D. Temporary employees;
- E. Coaches;
- F. Before and after care staff.

Employees shall be required to provide the business administrator with the name of the banking institution to receive the deposits.

Each employee shall receive any information concerning net pay, any accompanying information approved for distribution with net pay, and W-2 forms in accordance with applicable federal law, only on the Internet with restricted access and policies and procedures to protect the integrity and confidentiality of the information.

All exemptions authorized by the business administrator or superintendent shall be approved by the board.

Adopted: June 24, 1985
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 Revised: May 31, 1996
 Readopted: August 14, 2009
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 Revised: October 2019
 Adopted:

(SE file code: 6510, 6511, 6520)

Key Words

Payroll Authorization, Salary Checks, Deductions, Direct Deposit

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:16-8 <u>N.J.S.A.</u> 18A:16-9 <u>N.J.S.A.</u> 18A:16-13 <u>N.J.S.A.</u> 18A:29-3 <u>N.J.S.A.</u> 18A:66-30 <u>N.J.S.A.</u> 18A:66-32 <u>N.J.S.A.</u> 18A:66-78 <u>N.J.S.A.</u> 18A:66-127 <u>N.J.S.A.</u> 40A:9-17 <u>N.J.S.A.</u> 52:14-15.9 et seq. <u>N.J.A.C.</u> 6A:23A-1 et seq.	Salary deduction for government bonds Responsibility of board Entering into group life, hospitalization, health and accident insurance contracts Summer payment plans; continuance of plan to raise funds Employee's consent to deductions Employer's duties Teacher's pension and annuity fund: additional death benefits; contributions; adjustment Tax sheltered annuities Payment to credit unions Public Employee Charitable Fund-raising Ac Accountability regulations
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PAYROLL AUTHORIZATION
CHECKS AND DEDUCTIONS; DIRECT DEPOSIT (continued)

See Particularly:
N.J.A.C. 6A:23A-5.7
N.J.A.C. 6A:23A-6.8

PL 2013, c, 28, Direct Deposit

Possible

Cross References: *3100 Budget planning, preparation and adoption
*3326 Payment for goods and services
*3570 District records and reports
3571 Financial reports
*3571.4 Audit

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

Policy

EMPLOYEE SAFETY

Through its overall safety program, the board of education shall seek to ensure the safety of employees during working hours.

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

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

Employees shall report all accidents to their supervisor immediately.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2009
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015
Readopted:

(SE file code: 7432)

Key Words

Insurance Management, Accidents, Employee Safety

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

29 CFR 1910.1030 - Bloodborne Pathogens Standard

Possible

Cross References: *3510 Operation and maintenance of plant
*3516 Safety
*4111.1/4211.1 Nondiscrimination/affirmative action
*4112.4/4212.4 Employee health

*5142

Student safety

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

Policy

FAMILY LEAVE AND MEDICAL LEAVE

Statement of Purpose

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

Scope and Effective Date

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

Non-waiver of Rights

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

Eligibility and Qualifying Events

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

A. Federal Family and Medical Leave Act (FMLA)

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

Employees qualify for FMLA benefits for:

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

B. New Jersey Family Leave Act (NJFLA)

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

Employees qualify for NJFLA benefits for:

1. The birth of your child;
2. The placement of a child with you for adoption;

FAMILY MEDICAL LEAVE (continued)

3. Your need to care for your spouse, one partner in a civil union couple, parent (including a parent-in-law) or dependent child who has a serious health condition;
4. Leave authorized pursuant to the New Jersey Safe Act for domestic violence.

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

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

Duration of Leave

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

A. Federal Family and Medical Leave Act (FMLA)

The 12 month period is measured forward from the first date that FMLA leave is taken; the next 12 month period begins the first time FMLA leave is taken after completion of any previous 12 month period. For example, if a leave begins on February 1, 2015, then up to 4 more workweeks of leave shall be available through January 31, 2016.

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

B. New Jersey Family Leave Act (NJFLA)

An employee's NJFLA unpaid leave entitlement is limited to a total of 12 weeks in any 24 month period upon advanced notice to the board. The 24 month period is any 24 months measured from the first date any leave is taken. For example, if four workweeks of leave are taken beginning on February 1, 2015, then up to eight more workweeks of leave may be taken through January 31, 2017.

Definition of Serious Health Condition

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

Advance Notice

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

FAMILY MEDICAL LEAVE (continued)

How Leave May Be Taken

Under certain circumstances, leave may be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying event. A reduced leave schedule is a leave schedule that reduces your usual number of working hours per workweek or per workday. If a leave of absence is taken due to the birth or adoption of a child, intermittent or reduced leave can only be taken with the approval of the superintendent or his/her designee. A reduced leave schedule will be approved for leaves due to the serious health condition of the employee only if medically necessary. If the leave of absence is needed for a planned medical treatment, the employee must schedule the treatment so as to create minimum disruption to the school district.

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

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on care of or planned medical treatment for a family member, or if an employee is given approval to take intermittent or reduced schedule leave for the birth of a child or placement of a child for adoption, the employee may be required to temporarily transfer to an available alternative position with equivalent pay and benefits during the period of leave. Additionally, those employees who are employed mainly in an instructional capacity (instructional employees) who request leave that is foreseeable based on a planned medical treatment may be required to take leave for periods of a particular duration or transfer temporarily to an alternative position with equivalent pay and benefits when the employee would be gone for more than 20 percent of the working days during the period of leave. Instructional employees who fail to give 30 days notice of foreseeable leave to be taken intermittently may also be required to take leave of a particular duration, to transfer temporarily to an alternative position, or to delay the taking of leave until the required notice is given.

Continuity of Instruction

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

Medical Certification

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

Exhaustion of Paid Leave

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

FAMILY MEDICAL LEAVE (continued)

seq., (NJFLA).

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

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

Continuation of Benefits

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

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

Spouses Employed by the Board

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

Return from Leave

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

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

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

Restoration to Position

When an employee returns from leave, the employee will be restored to the same or to an equivalent position, with equivalent pay and benefits to the extent required by law. However, in no event shall the board be obligated to extend a non-tenured employee's unpaid leave of absence beyond the contract year for which

FAMILY MEDICAL LEAVE (continued)

the employee is employed. Additionally, an employee is not entitled to restoration to a position or an equivalent position where that employee would not otherwise be employed at the time reinstatement is requested (e.g., expiration of contract, layoff). The board can also deny restoration where an employee is unable to work at the conclusion of the 12-week leave period or where an employee gives an unequivocal notice of his or her intent not to return to work after FMLA/NJFLA leave.

Coordination of FMLA and NJFLA Leaves

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

No Retaliation

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

Employee Acknowledgement

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

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Adopted:

(SE file codes: 3431.1, 3431.3)

Key Words

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

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

29 U.S.C. 2601 et seq.

29 C.F.R. 825.200 et seq.

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

Possible

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

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

Regulation

FAMILY LEAVE AND MEDICAL LEAVE
PROCEDURES FOR MILITARY FAMILY LEAVE

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

Qualifying Exigency Leave

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

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

Deployment to a foreign country includes deployment to international waters.

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

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

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

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

MILITARY FAMILY LEAVE (regulation continued)

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

Military Caregiver Leave

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

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

A. Single 12-Month Period

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

B. A covered service member is either:

1. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness. For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform his or her military duties; or
2. A veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his

MILITARY FAMILY LEAVE (regulation continued)

or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty;

Military Caregiver Leave: Specific Criteria for Veterans

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

For a veteran who was discharged prior to March 8, 2013, the effective date of the FMLA Final Rule, the period between October 28, 2009 and March 8, 2013 will not count towards the determination of the five-year period. For example, if a service member retired on October 28, 2007, he or she would have had three years remaining of the five-year period on October 28, 2009. The family member requesting FMLA leave will have three years to begin military caregiver leave starting on March 8, 2013. Likewise, if a service member was discharged on December 1, 2010, the five-year period will begin on March 8, 2013 and extend until March 8, 2018.

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

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

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Adopted:

(SE file codes: 3431.1, 3431.3)

Policy

ATTENDANCE PATTERNS

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

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

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

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

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

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: November 25, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009
Readopted: March 30, 2015

(SE file code: 3212)

Key Words

Employee Attendance, Attendance Patterns, Attendance

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

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

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

Scotch Plains-Fanwood Board of Education v. Scotch Plains-Fanwood Education

ATTENDANCE PATTERNS (continued)

Association, 270 NJ Super 444 (App. Div. 1994); rev'd. 139 NJ 141 (1995)

Possible

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

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

Policy

PERSONAL ILLNESS AND INJURY/HEALTH AND HARDSHIP

The Camden City Board of Education shall grant sick leave, in accordance with law, to teaching staff members absent from work because of illness, personal disability or quarantine. Each steadily employed employee eligible for sick leave will be entitled annually to the number of paid sick leave days required by law, negotiated with the employee's majority representative or provided in this policy or in an individual contract with the board.

The board reserves the right to require of any employee who claims sick leave, sufficient proof, including a physician's certification, of the employee's illness or disability. As a minimum, no day will be considered to be a sick leave day on which the employee has engaged in or prepared for other gainful employment, has participated in a work stoppage, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.

The board will consider requests for extension of sick leave benefits on a case-by-case basis.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015
Readopted:

(SE file code: 3432)

Key Words

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

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

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

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

Possible

Cross References: *4151/4151 Attendance patterns

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

Policy

JURY DUTY

The Camden City Board of Education will indemnify all employees against loss of pay occasioned by a call to jury duty. No employee serving on a panel of grand or petit jurors shall be penalized in any way for an absence due to jury service, will not be required to use personal time, and time served on the jury will count as school district service. Employees called for jury duty shall be permitted to serve and will not be penalized in any way for doing so. They will receive full pay, less pay received from the court.

Employees shall be required to promptly notify the principal or his or her designee when they receive a call to serve jury duty. The chief school administrator may attempt to have an employee excused from jury duty if the employee is required for the continuing operations of the district. The chief school administrator shall provide the employee with a letter indicating the lack of availability of a substitute in such incidents and the employee may seek an excuse or deferment of service from the assignment judge.

While on jury duty, employees are required to report daily their schedule for the following day and must report to work when excused or on reserve for a day or more or suffer loss of pay. The time spent on jury duty will not be charged against personal leave and will count as time on the job.

At the completion of each day's appearance the employee shall secure written verification from the jury clerk of the employee's attendance.

Adopted: March 30, 2015
NJSBA Review/Update: October 2019
Readopted:

(SE file code: 3439)

Key Word

Jury Duty, Court

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

Possible

Cross References:

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

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

Policy

MILITARY LEAVE

The Camden City Board of Education recognizes that military service in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is an essential community service. The military service of district employees shall not operate to deprive any district employee of benefits that would have been received had the period of military service been spent in district employment.

The board will approve requests for military leave of absence without pay for active duty in the armed forces. Leave will not be granted for volunteer peacetime service beyond the period of training. Any employee granted military leave will be reemployed by this district upon honorable discharge from military service. The employee shall be required to give the chief school administrator adequate notice before the end of the military leave of their intention to return to district employment. Nontenured employees reemployed after military service leave shall be permitted to perform the unexpired portion of his or her contract.

The board will approve the request for a leave of absence with pay for duty in training or at the order of the Governor, for any employee who is a member of a United States Reserve Force or a member of the Organized Militia (New Jersey National Guard, New Jersey Naval Militia Joint Command). The Board may verify the necessity for any military leave requested by an employee and to request a schedule that least interferes with the employee's duties.

Adopted: March 30, 2015
NJSBA Review/Update: October 2019
Readopted:

(SE file code: 3437)

Key Words

Military, Military Leave, Leave of Absence

Legal References: N.J.S.A. 18A:6-33 Tenure, pension and other employment rights in military and naval service saved
 N.J.S.A. 18A:29-11 Credit for military service
 N.J.S.A. 38:23-1 et seq. Leave of absence for public officers, employees
 N.J.S.A. 38A:4-4 Leave of absence without loss of pay, exceptions

Possible

Cross References: *2131 Chief school administrator
 *4111 Recruitment, selection and hiring
 *4115 Supervision
 *4116 Evaluation
 *4111.1/4211.1 Nondiscrimination/affirmative action
 *4112.6/4212.6 Personnel records
 *4211 Recruitment, selection and hiring
 *4215 Supervision
 *4216 Evaluation

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

Policy

RECRUITMENT, SELECTION AND HIRING

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

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

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

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

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

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

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

Residency Requirements

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

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and

RECRUITMENT, SELECTION AND HIRING (continued)

C. The employee's designated legal address and legal residence for voting.

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

Exemptions

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

Reporting of Arrests, Charges and Indictments

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

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

Employment History - Definitions

For the purpose of this policy:

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

Required Disclosure of Employment History

RECRUITMENT, SELECTION AND HIRING (continued)

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

- A. A list, including name, address, telephone number and other relevant contact information of the applicant's:
 - 1. Current employer;
 - 2. All former employers within the last 20 years that were schools; and
 - 3. All former employers within the last 20 years where the applicant was in a position that involved direct contact with children;

- B. A written authorization that consents to and authorizes disclosure of the information requested for the district to review the employment history and the release of related records by the applicant's list of employers as detailed in "A" of this section, and that releases those employers from liability that may arise from the disclosure or release of records;

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

Review of the Employment History

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

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

- B. Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or

- C. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

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

Any applicant who willfully provides false information or willfully fails to disclose information required shall be subject to discipline and including termination or denial of employment; may be deemed in violation of law

RECRUITMENT, SELECTION AND HIRING (continued)

(N.J.S.A. 2C:28-3); and may be subject to a civil penalty of not more than \$500. Notification of these penalties shall be on all applications for employment for positions which involve regular contact with students.

Review of Out-of-State Employment History

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

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

Nondisclosure Agreements

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

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

Records

Records related to the district's recruitment, hiring, or promotion processes will be maintained and stored in an easily accessible manner for a period of at least three (3) years from the date a hiring or promotion decision is made, and maintained for more than three (3) years if so required under the applicable New Jersey Department of Treasury Records Retention Schedule.

Implementation

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

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

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

RECRUITMENT, SELECTION AND HIRING (continued)

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

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

Adopted: June 24, 1985
 Revised: September 24, 1990
 Revised: August 23, 1995
 Revised: May 31, 1996
 Readopted: August 14, 2007
 NJSBA Review/Update: March 2009, August 2019
 Revised: March 30, 2015
 Readopted:

(SE file codes: 1613, 4125)

Key Words

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

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited
N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:6-7.1, -7.5 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
N.J.S.A. 18A:6-7.6 Employees; qualifications; discrimination, prohibitions
 through N.J.S.A. 18A:6-7.13
N.J.S.A. 18A:6-76.1 Deadline for notification to students of requirements of provisional certificate and induction program
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:13-40 General powers and duties of board of newly created regional districts
N.J.S.A. 18A:16-1 Officers and employees in general
N.J.S.A. 18A:26-1, -1.1, -2 Citizenship of teachers, etc.
N.J.S.A. 18A:27-1 et seq. Employment and Contracts
 See particularly:
N.J.S.A. 18A:27-4.1
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act
N.J.S.A. 52:14-7 Residency Requirements
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
 See particularly:
N.J.A.C. 6A:7-1.4,-1.8
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-4.1 Employment of teaching staff
N.J.A.C. 6A:32-5.1 Standards for determining seniority

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

RECRUITMENT, SELECTION AND HIRING (continued)

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

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

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

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

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

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

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

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

The Comprehensive Equity Plan, New Jersey Department of Education

Possible

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

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

Policy

NONDISCRIMINATION/AFFIRMATIVE ACTION

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

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

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

Affirmative Action Officer and Team

The board designated affirmative action officer shall:

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

Harassment and Favoritism

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

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

Sexual Harassment

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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

term or condition of employment of an employee. Sexually harassing conduct committed by nonsupervisory personnel is also prohibited.

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

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

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

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

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

Pregnancy

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

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

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

Employment and Contract Practices

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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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

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

- A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the district's affirmative action policies in their contacts with district staff and students (see board policy 3327 Relations with Vendors);
- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion, personnel-management practices and collective bargaining agreements are structured and administered in a manner that furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding inservice programs on affirmative action for all staff in accordance with law.

Whistleblower Protection

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

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

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

Appeals

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

Report on Implementation

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

Adopted:	June 24, 1985
Revised:	September 25, 1989
Revised:	February 28, 1994

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

Revised: August 23, 1995
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 Readopted:

(SE file codes: 3362, 3381)

Key Words

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

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
See particularly:
N.J.S.A. 10:5-3, -3.1, -4.1, -12, -27
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited
N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:18A-17 Facilities for handicapped persons
N.J.S.A. 18A:26-1 Citizenship of teachers, etc.
N.J.S.A. 18A:26-1.1 Residence requirements prohibited
N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers
N.J.S.A. 18A:36-20 Discrimination Prohibition
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act
N.J.S.A. 34:19-1 et seq. Conscientious Employee Protection Act
See particularly:
N.J.S.A. 34:19-3
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.8
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Executive Order 11246 as amended

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

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

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

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

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

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

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

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

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

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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*3320	Purchasing procedures
	*4111	Recruitment, selection and hiring
	*4112.8/4212.8	Nepotism
	*4147/4247	Employee safety
	*4211	Recruitment, selection and hiring
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action

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

Policy

DOMESTIC VIOLENCE

The Camden City Board of Education is committed to ensuring that all staff are supported in the event that they experience domestic violence as defined by law (N.J.S.A. 2C:25-19). Victims of domestic violence can suffer devastating physical, emotional and psychological effects and economic disruption. The board encourages employees who are victims of domestic violence to contact the human resources officer.

Employees disclosing their experiences with domestic violence shall be supported in the work environment to an extent that is feasible and practical for the employee to maintain and perform their job and for the effective operation of the educational program.

Reporting Domestic Violence

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

- A. Employees are encouraged to meet with the Senior Director, Talent and Labor Relations in person. Requests to meet may be made by cell phone or telephone. Email may not be confidential and should not be used when private information is being discussed or disclosed unless this is the only safe method of communication available;
- B. The Senior Director, Talent and Labor Relations shall ensure that an employee's disclosure of domestic violence be kept confidential unless there exists an emergent danger to the employee or other staff;
- C. The Senior Director, Talent and Labor Relations shall ensure that such conversations are held in a room or office that can be closed off from the hearing range of other staff members to the extent possible;
- D. The human resource officer shall ensure that any sharing of confidential information is only done with the written authorization of the employee. This excludes reported incidents of violence or abuse against children;
- E. The Senior Director, Talent and Labor Relations shall ensure that any records pertaining to domestic violence be kept separate from the personnel record and in strict confidentiality. Only the employee, the Senior Director, Talent and Labor Relations and the superintendent shall have access to an employee's confidential file; and
- F. The Senior Director, Talent and Labor Relations will assemble a list of resources available to victims of domestic violence. These resources shall include but may not be limited to information on domestic violence (books, web resources, etc.), legal resources available such as advocacy and law enforcement options, medical and psychological treatment and counseling referral sources, food and housing options and local support groups.

Work Support

In order to help prevent occupational disruption, loss of employment and financial hardship that may occur when an employee experiences domestic violence the Senior Director, Talent and Labor Relations may investigate the following options to support the employee's continued performance of their job responsibilities, including but not limited to:

DOMESTIC VIOLENCE (continued)

- A. Adjusting work assignments;
- B. Temporary or permanent job restructuring;
- C. Temporary adjustment to the employee's work schedule;
- D. Work from home options;
- E. Flexible approval of paid sick leave, personal time and vacation time;
- F. Other reasonable options.

The employee shall work with the Senior Director, Talent and Labor Relations and the supervisor when requesting employment changes that affect the normal schedule. The superintendent or, as necessary and required by law, the board shall approve such support measures. Notice to the appropriate collective bargaining unit covering the employee may be necessary where required by the contract or State law. Approval may be granted when reasonable and practical. Approval shall not be granted when such request places a hardship on the board and/or the educational program. Approval of requested employment modifications shall include the following considerations:

- A. The overall size of the school district's program with respect to the number of employees, number and type of facilities and the size of the budget;
- B. The type of employment responsibilities and the effect on the educational program; and
- C. The nature and expected duration of the request and cost to the district.

Teaching staff members shall not be granted schedule changes that frequently interfere with their assigned class schedule. All changes in employment responsibilities and schedule shall be consistent with the appropriate collective bargaining agreement.

Leave

In accordance with the New Jersey Security and Financial Empowerment Act (SAFE Act) an employee of this district shall be entitled to up to 20 days of unpaid leave in a 12-month period when the employee or his or her child, parent, spouse, domestic or civil union partner has been the victim of a domestic violence incident or a sexually violent offense. This entitlement applies to any employee that has been employed by the district for at least 12 months and has worked 1,000 hours during the 12 month period immediately preceding the leave.

Leave may be taken under the SAFE Act to:

- A. Seek medical attention or recover from physical or psychological injuries resulting from a domestic violence or a sexually violent offense for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- B. Obtain services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- C. Obtain psychological or other counseling for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;

DOMESTIC VIOLENCE (continued)

- D. Participate in safety planning, relocating or other actions to increase the safety of the employee or to ensure economic security of the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- E. Seek legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- F. Attend, participate in or prepare for a civil or criminal court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave. The employee must provide the district written notice as far in advance as reasonable and practicable under the circumstances.

The district may require the employee to provide documentation of the domestic violence or sexually violent offense that is the basis for the leave. Documentation may include a restraining order, a letter from the prosecutor's office, documentation regarding the conviction of the abuser, medical documentation, a certification from a domestic violence specialist or rape crisis center, or documentation from a religious or social services professional who has assisted the employee or the employee's family member.

Any documentation required by the district and provided by the employee shall be maintained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is authorized by a federal or State law, rule or regulation.

The SAFE Act prohibits the district from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave that the employee was entitled to under the NJ SAFE Act, or on the basis that the employee refused to authorize the release of information deemed confidential under the NJ SAFE Act.

Employees may take leave under the SAFE Act for each incident of domestic violence or sexually violent offense, so long as the employee has not exhausted the maximum permissible leave time of 20 days within the 12-month period. Leave may be taken in blocks of time or intermittently in minimum intervals of one day.

If the employee requests leave for a reason covered by both the NJ SAFE Act and the Family Leave Act, N.J.S.A. 34:11B-1 et seq., or the federal Family and Medical Leave Act, 20 U.S.C. 2601 et seq., the leave shall count simultaneously against the employee's entitlement under each respective law.

Violations of the SAFE Act

Any employee alleging a violation of the NJ SAFE Act must file a private cause of action in the Superior Court within one year of the date of the alleged violation (N.J.S.A. 34:11C-1 et seq.).

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Readopted:

(SE file code: 1581)

Key Words

DOMESTIC VIOLENCE (continued)

Domestic Violence, Abuse, Leave

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

Resources:

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

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

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

https://uhr.rutgers.edu/sites/default/files/userfiles/New%20Jersey%20SAFE%20Act%20Poster_10-1-13.pdf

Possible

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

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

Policy

EMPLOYEE HEALTH

Examinations

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

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

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

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

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

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

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

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

Occupational Containment of Bloodborne Pathogens

EMPLOYEE HEALTH (continued)

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

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

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

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

Implementation and Dissemination

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

Adopted: June 24, 1985
 Revised: July 27, 1992
 Revised: November 25, 1996
 Revised: January 27, 1997
 Revised: March 30, 1998
 Readopted: August 14, 2007
 NJSBA Review/Update: March 2009, October 2019
 Revised: March 30, 2015
 Readopted:

(SE file codes: 4160, 4161)

Key Words

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

<p><u>Legal References:</u> <u>N.J.S.A.</u> 2C:35-1 <u>et seq.</u> <u>N.J.S.A.</u> 18A:16-2 <u>N.J.S.A.</u> 18A:16-3 <u>N.J.S.A.</u> 18A:16-4 <u>N.J.S.A.</u> 18A:16-5 <u>N.J.S.A.</u> 18A:40-10 <u>N.J.S.A.</u> 18A:66-39 <u>N.J.S.A.</u> 26:4-1</p>	<p><u>Comprehensive Drug Reform Act of 1987</u> Physical examinations; requirement Character of examinations Sick leave; dismissal Records of examinations Exclusion of teachers and students exposed to disease Disability retirement "Communicable disease" defined</p>
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EMPLOYEE HEALTH (continued)

<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or students
<u>N.J.S.A.</u> 26:4-15	Reporting of communicable diseases by physicians
<u>N.J.S.A.</u> 26:5c-1 <u>et seq.</u>	<u>AIDS Assistance Act</u>
<u>N.J.A.C.</u> 6A:16-2.1 <u>et seq.</u>	Health services policy and procedure requirements
<u>N.J.A.C.</u> 6A:32-6.2	School Employee Physical Examinations
<u>N.J.A.C.</u> 8:61-1.1 <u>et seq.</u>	Participation and Attendance at School by Individuals with HIV Infection
<u>N.J.A.C.</u> 12:100-4.2	Safety and Health Standards for Public Employees (Adoption by reference)

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

29 CFR 1910.1030 - Bloodborne Pathogens Standard

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

Elizabeth v. Elizabeth Fire Officers Association, 10 NJPER 15022

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

Possible

Cross References:

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

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

Regulation

EXPOSURE CONTROL PLAN

GENERAL STATEMENT

The Camden City School District is committed to providing a safe and healthful work environment for our entire staff. In pursuit of this goal, the following exposure control plan (ECP) is provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with OSHA standard 29 CFR 19 10.1030, "Occupational Exposure to Bloodborne Pathogens."

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

- A. Determination of employee exposure;
- B. Implementation of various methods of exposure control, including:
 - 1. Universal/standard precautions;
 - 2. Engineering and work practice controls;
 - 3. Personal protective equipment;
 - 4. Housekeeping;
- C. Hepatitis B vaccination;
- D. Post-exposure evaluation and follow-up;
- E. Communication of hazards to employees and training;
- F. Recordkeeping;
- G. Procedures for evaluating circumstances surrounding exposure incidents.

Implementation methods for these elements of the standard are discussed in the subsequent pages of this ECP.

STAFF RESPONSIBLE

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

Position	Summary of Main Responsibilities
Board of Education	<ul style="list-style-type: none"> • Annual approval of the district's ECP • Ensure that the ECP is accessible to all employees
Superintendent	<ul style="list-style-type: none"> • General policy and procedure oversight within the district • Annual policy and procedure review in consultation with the facilities director and school nurses, athletic director, and other titles as set forth in the board-approved ECP
Building principal	<ul style="list-style-type: none"> • General procedure oversight within the school • Notification of the superintendent of incidents • Primary contact for reported incidents • Reporting incidents of exposure to parents/guardians

EXPOSURE CONTROL PLAN (regulation continued)

	<ul style="list-style-type: none"> • Request for release of information from parents/guardians • Incident documentation and government forms • Annual policy and procedure review
Facilities Director/Manager Exposure Control Coordinator for the district	<ul style="list-style-type: none"> • Coordinate purchasing disinfecting products and safety equipment and stocking facilities • Train and supervise maintenance staff in exposure control procedures related to facilities maintenance and cleaning • Annual policy and procedure review
School Nurse Exposure Control Officer in the School	<ul style="list-style-type: none"> • Primary contact for reported incidents • Oversight of the student's physical wellbeing • Training staff on exposure control procedures • Oversight of procedures for reported incidents • Oversight of hazardous waste • Documenting incidents • Maintains all documentation related to incidents • Post-Exposure management • Documentation of annual consideration of new technology designed to eliminate or minimize occupational exposure
Teaching and support staff	<ul style="list-style-type: none"> • Incident reporting • Incident documentation • Student supervision
Maintenance staff	<ul style="list-style-type: none"> • Facility cleaning consistent with exposure control procedures for handling, disinfecting and waste disposal
Athletic Director and athletic staff (volunteers if applicable)	<ul style="list-style-type: none"> • Incident reporting • Incident documentation • Student supervision

DEFINITIONS

“Standard” or “universal precautions” as defined by the Centers for Disease Control (CDC) are a set of precautions designed to prevent transmission of HIV, Hepatitis B virus (HBV), and other bloodborne pathogens when providing first aid or health care. Under standard precautions, blood and certain body fluids of all patients are considered potentially infectious for HIV, HBV and other bloodborne pathogens.

Standard precautions include:

- A. Every person should be treated as though they have an infectious disease;
- B. Protective barriers;
- C. Proper hand washing;
- D. Appropriate disposal of hazardous waste;
- E. Proper cleaning of contaminated areas.

“Bloodborne pathogens” means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

- A. Body fluids that carry bloodborne pathogens:
 1. Blood

EXPOSURE CONTROL PLAN (regulation continued)

2. Semen and vaginal secretions
 3. Cerebrospinal fluid
 4. Pleural fluid
 5. Peritoneal fluid
 6. Pericardial fluid
 7. Amniotic fluid
- B. Body fluids that do not **NORMALLY** carry bloodborne pathogens (Note – blood may sporadically appear in such fluids, in which case precautions should be taken):
1. Feces
 2. Nasal secretions
 3. Sputum
 4. Sweat
 5. Tears
 6. Urine
 7. Vomitus

“Exposure Incident” means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

“Parenteral” means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

PROCEDURESPolicy and Procedure Oversight

The superintendent in consultation with titles and positions listed in the ECP, shall annually review and revise as necessary the district and school exposure control policies and procedures and transmit to the board of education for approval (see primary resource 1 Model Exposure Control Plan and Employer Guide).

Program Administration

- A. The facilities director shall have primary responsibility for implementation of the ECP. and will maintain, review, and update the ECP at least annually, and whenever necessary to include new or modified tasks and procedures.
- B. Those employees who are determined to have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.
- C. The facilities director or his or her designee will provide and maintain all necessary personal protective equipment (PPE), engineering controls (e.g., sharps containers), labels, and red bags as required by the standard and will ensure that adequate supplies of the aforementioned equipment are available in the appropriate sizes.
- D. The school nurse will be responsible for ensuring that all medical actions required by the standard are performed and that appropriate employee health and OSHA records are maintained.
- E. The facilities director or his or her designee will be responsible for training, documentation of training, and making the written ECP available to employees, OSHA, and NIOSH representatives.

Employee Exposure Determination

The following is a list of all job titles in the district that potentially have occupational exposure:

EXPOSURE CONTROL PLAN (regulation continued)

Job Title
Maintenance staff
School nurses
Science teachers
Cafeteria staff

NOTE: Part-time, temporary, contract and per diem employees are covered by the bloodborne pathogens standard.

Methods of Implementation and Control

All employees will utilize universal precautions for all contact with blood and bodily fluids as defined above.

Universal Procedures

The basic universal precautions include the following procedures:

A. Protective barriers

1. Single use disposable gloves should be worn when it is likely that an employee shall come in contact with blood or body fluids. Situations that may involve contact with blood or bodily fluids include:
 - a. Assisting with personal care;
 - b. When visible blood is present;
 - c. When caregiver has broken areas of skin;
 - d. When cleaning up blood spills or body fluids.
2. Guidelines for the use of latex or nitrile gloves:
 - a. Take one glove from the box;
 - b. Touch only the wrist surface of the glove;
 - c. Don the glove;
 - d. Take second glove from the box;
 - e. When donning the glove avoid touching the skin with the gloved hand;
 - f. To remove one glove pinch it at the wrist without touching the skin and peel it away allowing it to turn inside out;
 - g. For the second glove, hold the removed glove in the gloved hand and slide the ungloved hand inside the gloved hand. Remove the glove by rolling it down the hand and folding it into the first glove (see primary resource 2 Glove Use Information);
 - h. Do not reuse gloves;
 - i. Remove gloves prior to touching non-contaminated objects;
 - j. Remove gloves promptly after use and wash hands thoroughly

B. Hand Washing

1. Wet hands with warm, running water;
2. Apply liquid soap and water;
3. Wash hands thoroughly:
 - a. Use a circular motion;

EXPOSURE CONTROL PLAN (regulation continued)

- b. Wash between fingers, palmer, and dorsal (back of) surfaces and wrists;
- c. Rinse and dry hands well;
- d. Use a paper towel to turn off water.

C. Cleanup and Disposal

1. Wear gloves;
2. Mop up spills with paper towels or other absorbent material;
3. Use a solution of 1 part household bleach and 10 parts water or EPA-registered disinfectants (i.e. Maxima 256 made by Brulin or Quat Disinfectant Cleaner made by 3M) and wash area well;
4. Dispose of gloves, soiled towels and other waste in a sealed double plastic bag;
5. Soiled clothing and other personal items shall be placed in a sealed double plastic bag and the parent/guardian shall be notified to collect the clothing or items.

Infection Control

- A. All body fluids, including those in which differentiation between body fluid types is difficult or impossible, shall be handled as potentially infectious agents:
 1. Body fluids include: blood, semen, drainage from scrapes and cuts, vaginal secretions, saliva, amniotic fluid and any other body fluid visibly contaminated with blood.
 2. Feces, nasal secretions, sputum, sweat, tears, urine and vomitus have not been documented in HIV, HBV or HCV transmission unless visibly contaminated with blood.
- B. No student shall be allowed to handle blood, urine, stool or vomitus.
- C. Hands and other skin surfaces shall be washed immediately and thoroughly if contaminated with blood or other body fluid.
 1. Splashes to the nose, mouth or other skin areas shall be flushed with water.
 2. Splashes to eyes shall be treated by irrigating the eyes with clean water, saline or sterile fluid approved for use in the eyes.
- D. Any articles of clothing, including bibs, smocks and aprons, which have been penetrated by blood or other potentially infectious materials shall be removed as soon as possible and placed into a leak-proof bag or container and be disposed of in accordance with the procedures obtained from the nurse;
- E. Careful hand washing remains the single most important personal hygiene practice to prevent the spread of disease and includes the following steps:
 1. Use of an antiseptic soap;
 2. Vigorous washing under running water for at least 10 to 15 seconds;
 3. Rinsing under running water; and
 4. Drying with paper towels.
- F. Gloves shall be worn for touching blood and body fluids, mucous membranes or non-intact skin, for handling items contaminated with blood and body fluids and/or when contact with blood and body fluids is anticipated.
 1. Any person with open skin areas, chapped or abraded skin or weeping lesions on their hands shall wear gloves during any contact with students or equipment;
 2. The gloves shall be made of vinyl or nitrile;
 3. Prior to putting on gloves, a person shall wash his/her hands for at least 15 seconds with soap which is delivered from a dispenser;
 4. Gloves are intended for single use only and shall be changed after contact with each student/infant/toddler or with any contaminated material;
 5. Gloves shall immediately be discarded if they become torn, punctured or have lost their ability to

EXPOSURE CONTROL PLAN (regulation continued)

- function as a barrier;
- 6. Hands shall be washed immediately and thoroughly when gloves are removed;
- 7. There is no need for double gloving;
- 8. Gloves shall be discarded in a covered, plastic-lined trash receptacle.

G. During extreme circumstances/major events the school nurse shall be summoned and shall use additional barrier precautions to prevent skin and mucous membrane exposure when contact with blood or other body fluids is anticipated.

H. The following table identifies activities and contacts which require gloves and/or hand washing. At the discretion of the staff member, gloves may also be used when not required; however, wearing gloves when clearly not indicated is disrespectful to the dignity of the students and is strongly discouraged.

BODY FLUID OR CIRCUMSTANCE	GLOVES REQUIRED	HANDWASHING REQUIRED
Blood	X	X
Fluid Containing Blood	X	X
Urine	X	X
Stool with Obvious Blood	X	X
Stool	X	X
Vomitus	X	X
Tears		X
Nasal Secretions		X
Oral Secretions	X	X
Diaper Changing	X	X
Environmental Surface Cleaning	X	X
Equipment Cleaning	X	X
Laundry Sorting	X	X
Mucous Membrane Contact	X	X

- I. The use of syringes, needles or other sharps shall be in accordance with board policy 5141.21 Administration of medication and professional nursing standards. Bending, recapping, shearing or breaking a syringe or needle is prohibited.
- J. In any school which has a student(s) requiring the actual or potential use of a needle or syringe, the school nurse shall implement the process to register as a Medical Waste Generator with the New Jersey Department of Environmental Protection.
- K. The school nurse shall dispose of syringes and needles or any other sharps by placing them in a commercially-made “sharps container” that is rigid, leak-resistant, impervious to moisture, sufficiently strong to prevent tearing or bursting under normal conditions of use and handling, sealable to prevent leakage during transport and puncture-resistant:
 - 1. The container shall be labeled with the word “Biohazard” and the biohazard symbol.
 - 2. The container shall be easily accessible and shall be located in the immediate area where injections are being administered.
 - 3. The container shall be replaced at least annually and shall not be allowed to overfill.
 - 4. The container shall be securely closed, sealed, and labeled prior to its removal from the building.
 - 5. The school nurse shall arrange for the proper disposal of the sharps container.
- L. During school hours, a staff member who utilizes an injection needle/syringe for his/her own medical needs as directed by a physician is responsible for the proper disposal of any used sharps in his/her own personal portable sharps container, which shall be taken home daily by the staff member.
- M. Staff shall use the appropriate mechanical methods such as a dustpan and brush, tongs, a broom, etc. when cleaning up any broken, contaminated glassware. Staff shall never pick up any contaminated

EXPOSURE CONTROL PLAN (regulation continued)

broken glass with their hands.

Disinfecting

- A. Gloves shall be worn for all of the disinfecting procedures in this section.
- B. The disinfecting procedure involves a three-step process:
 1. Visible debris/dirt/soil is first cleaned from a surface area with a disposable towel/cloth/wipe.
 2. A disinfectant is applied to the surface.
 3. The surface is then allowed to air-dry.
- C. Disposable cleaning materials shall be placed in a plastic bag and then discarded in a covered, plastic-lined receptacle.
- D. Any non-disposable cleaning equipment (i.e. mops, brushes, etc.) shall be cleaned, rinsed in disinfectant and allowed to air dry.
- E. Only those disinfecting solutions and/or products specified in this policy shall be used, unless approval is obtained from the facilities director to purchase and utilize a different solution/product.
- F. A disinfecting solution of household bleach and water in a ratio of 2 liquid ounces (one-quarter cup) per gallon shall be used for routine disinfecting on hard surface areas such as table tops and walls.
 1. The bleach/water solution shall be prepared each day, because it is unstable.
 2. Any unused solution shall be discarded at the end of each day, and the container shall be allowed to air dry.
- G. A disinfecting solution of household bleach and water in a ratio of 12.8 liquid ounces (One and one-quarter cups) per gallon shall be used to decontaminate hard surfaces which have been subject to organic spill materials such as blood, body fluids, stool, vomitus, etc.
 1. The organic material shall first be removed as thoroughly as possible with disposable towels before the disinfectant is applied.
 2. The towels shall be placed in a plastic bag which shall be sealed and discarded.
 3. The disinfecting process shall be continued as specified in 2. above.
 4. Any unused solution shall be discarded at the end of each day, and the container shall be allowed to air dry.
- H. Disinfecting wipes that do not contain bleach are preferred for sanitizing changing tables, swings, toys and softer surfaces which may quickly break down/be compromised by a bleach/water solution.
 1. When a disinfecting wipe is used, the surface area being cleaned must be visibly wet; and
 2. The surface must be allowed to air dry for a minimum of four minutes or longer, if specified in the manufacturer's directions.
- I. Several commercially available, EPA-registered disinfectants (i.e. Maxima 256 made by Brulin or Quat Disinfectant Cleaner made by 3M) may also be used.
 1. These disinfectant cleaners may be more compatible with some equipment that might be damaged by repeated exposure to bleach solution and may be less irritating to students/staff.
 2. Care should be taken to follow the manufacturer's directions.

Environmental Surfaces

- A. Environmental surfaces and equipment contaminated with blood or body fluids, including vomitus, feces, urine or saliva, shall be promptly cleaned as thoroughly as possible with disposable towels and shall then

EXPOSURE CONTROL PLAN (regulation continued)

be disinfected by using the 12.8 liquid ounces per gallon bleach/water solution, as noted above or an EPA-registered disinfectant;

- B. Counter tops, tables, standers, mats and other non-porous equipment shall be cleaned of visible debris and be disinfected between uses. Each day, this equipment shall be washed with detergent and disinfected with the 2 liquid ounces per gallon bleach/water solution or other appropriate EPA-registered disinfectant cleaner;
- C. An EPA-registered disinfectant cleaner shall be used for disinfecting doorknobs, walls, floors and bathroom facilities on a routine basis. The effect of scrubbing to remove debris from these surfaces is as important as the antimicrobial effect of the cleaning agent used:
 - 1. Floors and bathrooms shall be cleaned and disinfected daily;
 - 2. Walls, doorknobs and other common surfaces shall be cleaned and disinfected on a weekly basis at a minimum;
- D. Multiple-use areas (i.e. sinks, counters, cabinets, shelving located within classrooms) shall be maintained in a clean and organized manner:
 - 1. All food and related equipment, serving ware, and utensils shall be stored separately from other items;
 - 2. Counter and sink areas shall be cleaned and disinfected prior to and after food preparation and/or serving;
 - 3. Activities such as eating, drinking, applying cosmetics or lip balm, and handling contact lenses are prohibited in areas of the school where there is potential exposure to bloodborne pathogens (e.g. classroom for students with severe disabilities; nursery; etc.);
- E. Classrooms which have the availability of two sinks shall designate one sink for the purpose of hand-washing following all student personal care (i.e. diaper changes, feeding);
- F. Any surfaces on a school bus which are believed to be contaminated with a body fluid shall be cleaned and disinfected with the appropriate solution as soon as possible after the run is completed.

Equipment

A. Care of Small Equipment:

After each use by a student, staff shall clean small equipment such as toys, adaptive devices and other items by doing the following steps:

- 1. Wear gloves;
- 2. Remove visible debris;
- 3. Wash item with soap and water;
- 4. Soak in disinfecting solution for 15 minutes; and
- 5. Air dry.

B. Care of large equipment, including changing tables:

Staff members shall use a barrier protection (e.g. disposable Chux) to prevent contamination of equipment with saliva, urine, feces, blood or other body fluid. Staff members shall disinfect equipment after each student's or infant's/ toddler's use.

- C. Mats shall be washed with soap and water and rinsed with disinfecting solution at the end of each day or more often, as needed, when they become soiled. Staff members using equipment are responsible for assuring the equipment is ready for the next student's or infant's/ toddler's use;
- D. Reusable receptacles, such as trash pails, bins and cans, that may become contaminated with blood or

EXPOSURE CONTROL PLAN (regulation continued)

other potentially infectious materials, shall be cleaned and decontaminated as soon as feasible upon detection of the same and, at a minimum, on a weekly basis for basic sanitary purposes;

- E. Suctioning machines shall be cleaned and disinfected after each use, according to the manufacturer's directions;
- F. Suctioning machines and other similar equipment/apparatus shall be protected from contamination by using a protective covering (e.g. plastic wrap or other impervious materials such as Chux), which shall be removed and replaced when they become overly contaminated;
- G. Equipment which is damaged (e.g. broken, cracked) may harbor potentially infectious materials. Staff shall report broken equipment to their supervisor. The supervisor shall determine the disposition of such equipment (i.e. repair, discard).

Diapering

- A. At all times, a sense of privacy shall be maintained;
- B. With each change, a non-porous protective barrier shall be placed between the student or infant/toddler and the changing surface;
- C. Staff members shall wash their hands before changing a diaper;
- D. Staff members shall wear gloves when diapering students;
- E. A student or infant/toddler shall be appropriately cleaned with disposable cleansing pads and re-diapered;
- F. Solid stool shall be flushed down the toilet;
- G. Soiled diapers shall be disposed of in a closed container with a plastic liner;
- H. Diapers contaminated with blood, blood in or on stool or menstrual blood shall be placed in a plastic bag and then discarded in a covered, plastic-lined receptacle. Alert the school nurse when unexplained/unusual blood is observed;
- I. Staff members shall wash their hands immediately and thoroughly before and after changing or toileting each student or infant/toddler;
- J. Students shall have their hands washed immediately and thoroughly after changing or toileting;
- K. Potty chairs shall be emptied of urine and feces (flush down toilet), washed and sanitized with either a commercial disinfectant spray or a prepared bleach solution, and then air-dried. The sink and faucet utilized when cleaning and disinfecting a potty chair shall also be immediately washed and disinfected.

Feeding

- A. For safety reasons, as well as hygiene, students who are totally dependent for feeding shall be fed individually but should remain in a group setting;
- B. Whenever possible, staff members shall avoid feeding students on carpeted areas;
- C. Staff members shall wash their hands prior to food handling;
 - 1. Students shall wash their hands or have their hands washed prior to eating;
 - 2. Student teachers shall wash their hands and their child's hands prior to feeding their students;

EXPOSURE CONTROL PLAN (regulation continued)

- D. Surface areas, such as table tops, work/feeding areas and counter tops, shall be disinfected prior to meal service;
- E. Staff members shall wash their hands between feeding individual students;
- F. Gloves shall be worn by staff members for feeding and brushing teeth when students have loose teeth, gums that bleed easily, or mouth lesions;
 - 1. Each student shall have a separate toothbrush labeled with his/her name;
 - 2. Toothbrushes shall be rinsed thoroughly and allowed to air dry;
 - 3. Toothbrushes shall be stored individually to prevent them from touching each other;
- G. When there is an outbreak of contagious gastrointestinal disease, dishes and utensils shall be soaked in a disinfecting solution prior to returning them to the kitchen;
- H. The faces and hands of students shall be washed after meals;
 - 1. A separate cloth shall be used for each student or infant/toddler;
 - 2. The use of disposable cloths is encouraged;
- I. Surface areas, chairs, work/feeding areas and counter tops shall be cleaned and disinfected after meals;
- J. Uneaten food shall be scraped into plastic bags which shall be sealed and placed in a closed container;
- K. Plastic bibs shall be soaked in disinfecting solution for 15 minutes and allowed to air dry, or, when appropriate, sent home. Cloth bibs shall be placed in a closed laundry hamper for laundering or be sent home.

Transportation

- A. Universal precautions and infection control shall be observed on the school bus during the transportation of students;
- B. All school buses shall carry a supply of disposable gloves and aerosol or spray hand sanitizers/disinfectants which shall be used as needed during transport. Disposable gloves shall be included in each first aid kit;
- C. Any environmental surfaces which are believed to have been contaminated with body fluid during transport shall be sanitized as soon as possible after the run has been completed.

Assurances

- A. The school nurse at each district school shall be designated as the exposure control officer and shall provide an annual inservice training to school staff about the principles of infection control and prevention and the proper handling of blood and body fluids which emphasizes the prevention of the spread of HIV, HBV and HCV through the consistent implementation of universal precautions and post-exposure management. Such training shall include the elements contained in the PEOSHA Model Exposure Control Plan, (<http://www.state.nj.us/health/peosh/documents/bbp.pdf>):
 - 1. Newly hired staff shall receive the in-service training at the time of initial assignment.
 - 2. All in-service trainings conducted by the school nurse shall be documented;
 - a. The record of each training shall include the names of the staff who attended the training, the date of the training, the name and qualification of the trainer(s), and the contents of the training session;
 - b. The training rosters shall be reviewed by the OOE Nurse Consultant and shall be maintained for a minimum of three years;

EXPOSURE CONTROL PLAN (regulation continued)

- c. The hepatitis B vaccination series will be made available at no cost within 10 days of initial assignment of employees who have occupational exposure to blood or other potentially infectious materials. Documentation of administration or refusal shall be maintained pursuant to the PEOSHA Model Exposure Control Plan;
- B. These procedures shall be provided, upon request, to employees, parents and students;
- C. Classrooms shall be supplied with adequate gloves, Chux and disinfecting products;
- D. Staff and students who have open skin or weeping lesions, which cannot be adequately covered with a barrier protection, shall be required to remain at home until the lesion is closed;
- E. Any exclusion of a student from any school of the district shall be based on objective criteria, including, but not limited to, medical or behavioral considerations which may result in an increased risk of transmission of a bloodborne pathogen to others:
 - 1. In instances where the temporary exclusion of a student from school is indicated based upon potential communicable disease, the principal shall ensure the provision of appropriate educational services to the student;
 - 2. Students with chronic infectious diseases whose behavior or physical condition preclude school attendance shall be routinely evaluated to assess the possibility of their return to the classroom;
 - 3. A student who has been excluded from school for medical reasons shall receive home instruction according to board policy (6173 Home Instruction);
 - 4. If a student has been excluded from school due to medical or behavioral considerations which have not been successfully ameliorated, the principal shall convene a meeting of the child study team to try to resolve the issues and attempt to continue the student in the current program;
 - 5. When the continuation of a student in a district school is not feasible, an alternative educational program may be considered according to board policy (6172 Alternative Educational Program);
 - 6. When the temporary or permanent exclusion of an infant/toddler is being considered, the school nurse shall discuss the matter with the appropriate participants to try to resolve the issues and possibly review the options for child care services.

Post-Exposure Management

- A. Whenever a student or staff member is believed to have been exposed to blood or other potentially infectious materials, the school nurse shall provide interventions/first aid as appropriate, assuring that the universal precautions procedures for cleansing exposed areas have been implemented;
- B. If a staff person has been exposed to blood or other potentially infectious materials:
 - 1. The Worker's Compensation procedures shall be followed which includes immediately completing and processing an Employer's First Report of Accidental Injury or Occupational Disease form and referring the employee to a State-authorized physician for treatment;
 - 2. The staff person shall be advised that he/she is not precluded from consulting with his/her personal health-care provider to determine the appropriate management of the exposure;
 - 3. The principal or designee shall complete the OSHA 300 form, Log of Work-Related Injuries and Illnesses, within seven calendar days of the occurrence of the event;
- C. If a student has been exposed to blood or other potentially infectious materials, the student's parent/guardian shall be advised to immediately consult the student's personal health-care provider to determine the appropriate management of the exposure;
- D. If the health-care provider of an employee or student who was exposed to blood or other potentially infectious material at school asks the school for information about the student who was the source of the exposure (source person), school staff shall adhere to the following procedures:
 - 1. Since the information is confidential and since the school may not possess comprehensive medical

EXPOSURE CONTROL PLAN (regulation continued)

information for the source person, the health-care provider shall be informed that:

- a. The school will request the written consent of the parent/legal guardian to permit the school to release to the health-care provider the name of the student who is the source person and the contact information for the student's parent/legal guardian; and
 - b. Upon consent, the health-care provider can then directly contact the source person's parent/legal guardian to request all needed information;
 - c. In the event that consent to disclose is not granted, the health-care provider shall be advised and advised to take all reasonable precautions;
2. The principal or designee shall contact the parent/legal guardian of the student who was the source of the exposure and explain that:
 - a. A staff person or student was exposed to their child's blood or other body fluid at school;
 - b. The school has received a request for information from that person's health-care provider; and
 - c. The written consent of the student's parent/legal guardian is needed for the school to release their child's name and their contact information to the health-care provider who can then communicate directly with them to obtain the necessary information;
 3. The principal or designee shall send the Release of Information for Post-Exposure Management form to the parent/legal guardian of the student who is the source person;
 4. When the school receives the completed Release of Information for Post-Exposure Management form signed and dated by the parent /legal guardian, the school nurse or designee shall disclose only the student's name and the name, address and telephone number of the student's parent/legal guardian to the health-care provider;
 5. The completed Release of Information for Post-Exposure Management form shall be maintained in the individual student record;
 6. If an employee or the parent/guardian of a student, who was exposed to blood or other potentially infectious materials, asks the school for information about the source person:
 - a. The principal or designee shall not release any information to the employee or the parent/guardian;
 - b. The principal or designee shall request that individual to have the appropriate health-care provider call the school; and
 - c. If the health-care provider submits a request to the school for information, the principal or designee shall proceed in accordance with the above-outlined procedures;
- E. The Exposure Incident Form, as required by OSHA, shall be completed by the school nurse:
1. The exposure incident form shall include:
 - a. The route(s) of exposure and circumstances under which an exposure incident occurred;
 - b. An evaluation of the policies and "failures to control" at the time of the exposure incident;
 - c. The engineering controls in place at the time of the exposure incident;
 - d. The work practices and protective equipment or clothing used at the time of the exposure incident;
 2. The Exposure Incident Form shall be provided to the principal and the school nurse and when appropriate the school physician for review and the recommendation of necessary actions;
 3. A copy of the Exposure Incident Form and any resulting action report shall be maintained by the school nurse.

REGULATION HISTORY

Adopted:	June 24, 1985
Revised:	July 27, 1992
Revised:	November 25, 1996

EXPOSURE CONTROL PLAN (regulation continued)

Revised: January 27, 1997
 Revised: March 30, 1998
 Readopted: August 14, 2007
 NJSBA Review/Update: March 2009, October 2019
 Revised: March 30, 2015
 Readopted:

CROSS REFERENCES

3516 Safety
 4147/4247 Staff Safety
 5142 Student Safety
 5141 Health
 5141.1 Accidents
 5141.2 Illness
 5142 Student Safety

PRIMARY RESOURCES

1 Model Exposure Control Plan and Employer Guide
 2 OSHA Glove Use Pamphlet

References:

New Jersey Department of Children and Families Policy Manual: Universal Precautions, Infection Control, Bloodborne Pathogens and Post-Exposure Management in Department of Children and Families (DCF) Regional Schools. http://www.state.nj.us/dcf/policy_manuals/OOE-I-A-1-31_issuance.shtml

Occupational Safety and Health Administration (OSHA). Model Plans and Programs for the OSHA, Bloodborne Pathogen and Hazard Communication Standards (2003). <https://www.osha.gov/Publications/osh3186.pdf>

Southern Worcester County Educational Collaborative: OSHA/Standards Precautions (presentation/PowerPoint). <http://www.swcec.org/modules/groups/homepagefiles/cms/2286232/File/OSHA%20and%20Standard%20Precautions%20%202012.pdf>

Policy

PERSONNEL RECORDS

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

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

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

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

Records related to the district's recruitment, hiring, or promotion processes will be maintained and stored in an easily accessible manner for a period of at least three (3) years from the date a hiring or promotion decision is made, and maintained for more than three (3) years if so required under the applicable New Jersey Department of Treasury Records Retention Schedule.

Public Record

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

Personnel File

The confidential file, which shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., shall consist of an individual personnel folder for each current employee.

A. The information in this file shall include all records mandated by state and federal law including:

1. Evaluation of performance;
2. Written performance reports;
3. Record of attendance;
4. Original application filed by the employee;
5. Original salary and increments;
6. Date of tenure, if applicable;
7. Notations of commendation and disciplinary actions consistent with law.

B. The personnel file is available for examination:

PERSONNEL RECORDS (continued)

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

Health Record

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

Emergency Contact Information

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

Adopted: June 24, 1985
 Revised: August 23, 1995
 Revised: May 31, 1996
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 NJSBA Review/Update: March 2009
 Revised: March 30, 2015, June 2, 2015
 Readopted:

(SE file code: 8320)

Key Words

Records, Personnel Records, Employee Records

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-7 <u>N.J.S.A.</u> 18A:6-7a <u>N.J.S.A.</u> 18A:6-11 <u>N.J.S.A.</u> 18A:11-1 <u>N.J.S.A.</u> 18A:54-20 <u>N.J.S.A.</u> 47:1A <u>et seq.</u> <u>N.J.S.A.</u> 47:3-15 <u>et seq.</u> <u>N.J.A.C.</u> 6A:10-2.4 <u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u> <u>N.J.A.C.</u> 12:100-4.2	Oaths of persons employed in teaching capacities Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice General mandatory powers and duties Powers of board (county vocational schools) Examination and copies of public records (<u>Open Public Records Act</u>) Destruction of Public Records Law Evaluation procedures for all teaching staff School Employee Physical Examinations Safety and health standards for public employees occupational exposure to bloodborne pathogens (Adoption by reference)
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29 CFR 1910.1030 - Bloodborne Pathogens Standard

PERSONNEL RECORDS (continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Possible

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

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

Policy

NEPOTISM

Definitions

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

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

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

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

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

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

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

Employment and Supervision of a Relative

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

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

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

Exceptions Regarding Employment

Persons who are employees of the board on the date that this policy initially becomes effective or the date a

NEPOTISM (continued)

relative becomes a board member or superintendent shall not be prohibited from continuing to be employed in the district. This includes employees who must be renewed annually by the board. The superintendent may recommend those employees for reemployment, transfer, promotion or removal.

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

Participation in Employment Related Matters

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

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

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

Board Member/Superintendent Participation in Negotiations

A. In-District Bargaining Units

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

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

B. Out-of-District Similar Statewide Bargaining Units

1. When a board member is a member of an out-of-district similar statewide union or when a board member or school administrator is in a conflicted relationship involving an immediate family member who is a member of an out-of-district similar statewide union with which the board is negotiating, that board member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to:
 - a. Developing negotiation parameters;
 - b. Being a member of the negotiating team;
 - c. Receiving confidential negotiations information updates;

NEPOTISM (continued)

- d. Voting on the contract; and
- e. Grievance participation.

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

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

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

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

Doctrine of Necessity

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

Implementation

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

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Revised:	July 16, 1997
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Key Words

NEPOTISM (continued)

Nepotism, Hiring Relatives, Relatives, Doctrine of Necessity

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

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

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

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

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

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

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

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

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A03-98

School Ethics Commission, Advisory Opinion, A14-00

School Ethics Commission, Advisory Opinion, A03-13

School Ethics Commission, Advisory Opinion, A15-13

School Ethics Commission, Advisory Opinion, A22-13

NEPOTISM (continued)

- School Ethics Commission, Advisory Opinion, A09-14
- School Ethics Commission, Advisory Opinion, A10-14
- School Ethics Commission, Advisory Opinion, A11-14
- School Ethics Commission, Advisory Opinion, A43-14
- School Ethics Commission, Advisory Opinion, A03-15
- School Ethics Commission, Advisory Opinion, A05-15
- N.J. Department of Education 05-13-09 Broadcast # 1 "Nepotism Policy Clarification"

Possible

Cross References:

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

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

ASSIGNMENT; TRANSFER

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

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

The superintendent or his or her designee shall monitor district promotion, assignment and transfer practices to ensure nondiscrimination. All actions of the board involving the promotion of certificated personnel shall be taken upon recommendation of the superintendent and in accordance with the current negotiated agreement.

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Key Words

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

Legal References: N.J.S.A. 18A:25-1 Transfer of teaching staff members
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
N.J.S.A. 18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act
See particularly:
N.J.S.A. 34:13A-23, -25, -27, -29
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964

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

ASSIGNMENT; TRANSFER (continued)

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

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

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

34 CFR 200.1 to 200.89 - Part 200

34 CFR Part 204

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

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

Possible

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

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

Policy

SUPERVISION

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

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

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

Adopted: June 24, 1985
Revised August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009, October 2019
Readopted:

Key Words

Support Staff Supervision, Supervision

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

Possible

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

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

Policy

EVALUATION

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

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

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

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015
Readopted:

(SE file code: 4220)

Key Words

Evaluation, Personnel Evaluation

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

Possible

Cross References: *3510 Operation and maintenance of plant
*3541.33 Transportation safety
*4112.6/4212.6 Personnel records
4117.51/4217.51 Withholding increment
4117.52/4217.52 Dismissal/suspension

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

Policy

RESIGNATION

All support staff members must give forty-five day notice in writing of intention to resign.

The superintendent shall ensure that those cases in which persons have left the district without meeting contractual responsibilities are documented.

Resignations on shorter notice may be accepted only in emergency situations, and all resignations during the school year shall be discouraged.

The district reserves the right to seek reimbursement and compensatory damages for the costs and fees related to hiring or utilizing substitutes or other services necessitated by a support staff member's violation of this policy.

Adopted: August 23, 2016
NJSBA Review/Update: October 2019
Revised: August 31, 2016
Readopted:

(SE file code: 4141)

Key Words

Resign, Resignation

Legal Reference: N.J.S.A. 18A:28-8 Notice of intention to resign required

Cross References:

*4211	Recruitment, selection and hiring of professional staff
*4212.4	Health examinations
*4251	Staff attendance
*4251.1	Illness and personal injury

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

CREATING POSITIONS AND REDUCTION IN FORCE/ABOLISHING A POSITION

Creating Positions

The Camden City Board of Education shall establish positions as needed, under the recommendation of the superintendent, which when filled by competent, qualified staff will assist the district in achieving the educational goals set by the board. In the exercise of its authority to create new positions, the board shall give primary consideration to the number of students enrolled.

The board reserves the right to:

- A. Create new positions and provide each with a job description clearly descriptive of the duties for which the position was created and provide each with a title that conforms with the appropriate certificate insofar as possible;
- B. Specify the number of persons within each job category.

Reduction in Force, Abolishing a Position

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

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

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

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

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

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009
Revised: March 30, 2015
Readopted:

(SE file codes: 4111, 4145)

REDUCTION IN FORCE/ABOLISHING A POSITION

Key Words

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

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

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

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

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

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

Possible

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

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

Policy

NONRENEWAL

NONRENEWAL

The Camden City Board of Education is not required to offer reemployment or vote on reemployment after an informal appearance with a nontenured support staff member who was not recommended for reemployment by the superintendent; absent board action, employment shall terminate pursuant to such nonrenewal. Such nonrenewal notwithstanding, following a nontenured employee's informal appearance before the board, the board may, with a recorded roll call majority vote of its full membership in public session, offer the nontenured support staff member reemployment. The support staff member will be notified of the board's final determination within three days following the informal appearance before the board.

The provisions as outlined in this board policy may be revised or adjusted by the superintendent to be in accordance with the terms and timelines of any applicable collective negotiations agreement, or individual employment contract provided the terms are not contrary to any statute, administrative code, or any management rights of the board.

This policy does not apply to the contract renewal of the treasurer of school moneys, board auditor, board attorney or board secretary, except a board secretary who performs business administration functions.

Adopted: March 30, 2015
NJSBA Review/Update: October 2019
Readopted:

(SE file code: 4146)

Key Words

Nonrenewal, Nontenured Teachers

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

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

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

Velasquez v. Brielle Board of Education, 97 N.J.A.R. 2d (EDU) (August 6), aff'g on

NONRENEWAL (continued)

different grounds Comm'r 96 N.J.A.R. 2d (EDU) (April 4)

Possible

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

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

Policy

WITHHOLDING INCREMENT

The Camden City Board of Education recognizes that any advancement on a salary schedule, including annual increments and raises, is not automatic but rests within the discretion of the board.

Advancement on any salary schedule shall require favorable reports covering the employee's competence and thoroughness in the performance of assigned duties as well as the employee's record of attendance and compliance with district regulations.

The superintendent shall base a recommendation for withholding an increment on evaluations of the employee's performance and conduct. The superintendent must also show to the satisfaction of the board that the standards by which an employee has been evaluated are not exceptional or unusual and are expected of all employees in a similar classification.

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Revised:	August 23, 1995
Revised:	May 31, 1996
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Revised:	March 30, 2015
Readopted:	

(SE file code: 4152)

Key Words

Increment, Withholding Increment, Salary, Performance Evaluation, Attendance

Legal References: N.J.S.A. 18A:29-14 Withholding of increments; causes; notice of appeals

Possible

<u>Cross References:</u>	*4115	Supervision
	*4116	Evaluation
	*4215	Supervision
	*4216	Evaluation

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

Policy

CONFLICT OF INTEREST

An employee of the board shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity which is in conflict with the proper discharge of his/her duties.

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

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

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

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

Political Activities of Staff

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

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

Disciplinary Action

Violations of this policy may result in disciplinary action.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: August 14, 2007
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015
Readopted:

(SE file code: 3214)

Key Words

Royalties, Conflict of Interest, Political Activity of Staff

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

CONFLICT OF INTEREST (continued)

<u>N.J.S.A.</u> 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	<u>School Ethics Act</u>
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:12-24	
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 19:34-15	Electioneering within or about polling place; misdemeanor
<u>N.J.A.C.</u> 6A:4-1.1 <u>et seq.</u>	Appeals
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
 <u>Green Township Education Association v. Rowe, et al.</u> , 328 N.J. Super 525 (App. Div. 2000)	

Possible

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

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

CONDUCT AND DRESS

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

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

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

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

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

Unbecoming Conduct

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

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

Corporal Punishment

No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his/her employment, use and apply such amounts of force as is reasonable and necessary:

- A. To quell a disturbance, threatening physical injury to others;
- B. To obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil;
- C. For the purpose of self-defense; and
- D. For the protection of persons or property.

Such acts, or any of them, shall not be construed to constitute corporal punishment within the meaning and intent of this section. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or

CONDUCT AND DRESS (continued)

authorizing corporal punishment to be inflicted upon a pupil attending a school or educational institution shall be void.

Adopted: June 24, 1985
 Revised: August 23, 1995
 Revised: May 31, 1996
 Revised: August 14, 2007
 NJSBA Review/Update: March 2009, October 2019
 Revised: March 30, 2015
 Readopted:

(SE file codes: 4215, 4233, 4351)

Key Words

Employee Conduct, Employee Dress

Legal References: N.J.S.A. 18A:6-1 Corporal punishment of students
N.J.S.A. 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher.
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Hicks v. Pemberton Bd. of Ed., 1975 S.L.D. 332

Quiroli v. Linwood Bd. of Ed., 1974 S.L.D. 1035

Carlstadt Teachers Ass'n v. Carlstadt Bd. of Ed., App. Div., unreported decision (docket no. A-1469-80-T4, decided March 26, 1982), 1982 S.L.D. 1448

Possible

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

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

Policy

EMPLOYEE SUBSTANCE ABUSE

There shall be no smoking in district buildings or on school grounds. For purposes of this policy, "smoking" means inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco. Chewing tobacco is also specifically prohibited by this policy.

Employee use of alcoholic beverages on school property or when in official charge of students off school premises is prohibited.

Illegal possession, use, or sale of controlled dangerous substances on or in school property, or when in official charge of students off school premises, is prohibited. Any violation may subject an employee to disciplinary action including dismissal and prosecution.

Illegal gambling is not permitted in or on school property.

These rules also apply during working hours for employees whose assignments require them to work outside school work locations.

Drug and Alcohol Testing

The Camden City School District is committed to the establishment of a drug and alcohol misuse prevention program among school bus drivers that meets all applicable requirements of the Omnibus Transportation Employee Testing Act of 1991. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by employees performing safety-sensitive functions.

In addition to all prohibitions in the first sections of this policy, all employees with commercial drivers' licenses shall be prohibited from:

- A. The use of any controlled substance on or off duty, unless a written prescription from a licensed doctor or osteopath is provided along with a written statement from the doctor or osteopath that the substance does not adversely affect the employee's ability to safely operate a motor vehicle or perform other safety-sensitive functions;
- B. The misuse of alcohol that could affect performance on the job including use on the job, use during the four hours before performing a safety-sensitive function, having prohibited concentrations of alcohol in their systems while performing a safety-sensitive function and use during eight hours following an accident.

"Controlled substance" in this policy refers to those covered by the Omnibus Act, including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

All covered applicants and employees shall be subjected to pre-employment or pre-duty, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services shall be required.

Pre-employment testing shall be administered to an applicant offered a position in the district prior to the first

EMPLOYEE SUBSTANCE ABUSE (continued)

time the employee performs any safety-sensitive function for the district. An applicant who tests positive will not be hired for any safety-sensitive position.

Random alcohol testing shall be limited to the time period surrounding the performance of safety-related functions which includes just before or just after the employee performs the safety-related function. Controlled substances testing may be performed at anytime while the employee is at work.

An employee covered by the federal regulations may not refuse to take a required test. Consequences for an employee's refusal shall be the same as for a positive result of the test.

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with the federal regulations. Before an employee is reinstated, if at all, the employee shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

The board retains the authority consistent with federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the employee's qualifications for and performance of the job.

The district is not required under federal law requiring drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate the employee. All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable state law, board policies and negotiated agreements.

The district shall maintain records in compliance with the federal regulations in a secure location with controlled access. With the employee's consent, the district may obtain any of the information concerning drug and alcohol testing from the employee's previous employer. An employee shall be entitled upon written request to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Statistical records and reports shall be maintained and made available to the Federal Highway Administration for inspection or audit in accordance with federal regulations.

Records shall be made available to a subsequent employer upon receipt of a written request from an employee, and only on the expressly authorized terms of the employee.

The superintendent shall ensure that supervisors receive proper training to administer the drug and alcohol testing program and those employees receive the notifications required by federal regulations.

Transportation contracts approved by the board shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements.

Adopted:	June 24, 1985
Revised	August 23, 1995
Revised:	September 30, 1996
Revised:	October 28, 1996
Revised:	February 23, 1998
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009, October 2019
Revised:	March 30, 2015
Readopted:	

EMPLOYEE SUBSTANCE ABUSE (continued)

(SE file codes: 4218, 4219)

Key Words

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

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

Owner-Operator Indep. Drivers Assoc., Inc. v. Pena, 996 F. 2d 338 (D.C. Cir. 1993)New Jersey Constitution, Article. IV, Section VII, Paragraph 2Anti-Drug Abuse Act of 1988Drug-Free Workplace Act of 198834 CFR Part 85.100, Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)42 U.S.C.A. § 31306 et seq. - Alcohol and Controlled Substances Testing49 C.F.R. Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs49 C.F.R. Part 382 - Controlled Substance and Alcohol Use and Testing49 C.F.R. Part 391 - Qualification of driversA Uniform State Memorandum of Agreement Between Education and Law Enforcement OfficialsEvery Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.**Possible**

Cross References: *1330 Use of school facilities
*1410 Local units

EMPLOYEE SUBSTANCE ABUSE (continued)

*3220/3230	State funds; federal funds
*3515	Smoking prohibition
*3541.33	Transportation safety
*4119.23	Employee substance abuse
*4112.4/4212.4	Employee health
*4112.6/4212.6	Personnel records
4217.50	Standards for staff discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)

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

ELECTRONIC COMMUNICATION BY SCHOOL STAFF

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

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

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

The superintendent or designees may periodically conduct internet searches to see if staff members have posted inappropriate materials online. When inappropriate use of computers and internet websites is discovered, the school principals and superintendent will seek to preserve the problematic or offensive material and will seek to maintain storage and chain of custody of the evidence. The superintendent/principal shall promptly bring that alleged misconduct to the attention of the board president.

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)Cell Phones

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

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

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

Text Messages

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

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

Electronic Communication

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

- A. All messages shall pertain to legitimate school business;
- B. Personnel shall not reveal district issued passwords to others. If a staff member believes that a password has been lost or stolen, or that email has been accessed by someone without authorization, he/she must contact the supervisor for technology or the principal;
- C. District administrators shall have access to the employee's password or passwords for all district owned or issued devices and the use of the district network;
- D. Electronic messages on school owned or issued electronic devices and the district network shall be retained for the period of time specified by the Destruction of Public Records Law and board policy 3570 Records (retained three (3) years for external correspondence and one (1) year for internal correspondence);

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

- E. Federal copyright laws shall be observed;
- F. Staff shall not send messages that contain material that:
 - 1. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
 - 2. Violates the district’s affirmative action policies (2224, 4111.1, 4211.1, 6121);
 - 3. Is personal in nature and not related to the business of the district;
 - 4. Can be interpreted as provocative, flirtatious or sexual in nature;
 - 5. Is confidential and not authorized for distribution;
 - 6. Violates board policy 5131.1 Harassment, Intimidation and Bullying.
- G. Personnel shall become familiar with the district’s policies and regulation on staff and student access to networked information resources and acceptable use of technology (6142.10 Internet Safety and Technology) before initiating email use;
- H. Employees learning of any misuse of the email systems shall notify the supervisor for technology, principal or superintendent immediately.

Online Education

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

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

Implementation

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

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Readopted:

Key Words

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

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 2A:38A-1 <u>et seq.</u> <u>N.J.S.A.</u> 18A:6-10 <u>N.J.S.A.</u> 18A:11-1 <u>N.J.S.A.</u> 18A:27-4 <u>N.J.S.A.</u> 18A:36-35 <u>N.J.S.A.</u> 18A:36-40 <u>N.J.S.A.</u> 18A:37-13 <u>et seq.</u> <u>N.J.S.A.</u> 18A:54-20 <u>N.J.S.A.</u> 47:3-15 <u>et seq.</u> <u>N.J.A.C.</u> 6A:9-3.3 <u>N.J.A.C.</u> 6A:9B-4.7</p>	<p>Computer System Dismissal and reduction in compensation of persons under tenure in public school system General mandatory powers and duties Power of boards of education to make rules governing employment of teacher, etc. Disclosure of certain student information on Internet prohibited without parental consent Written policy concerning electronic communications between school employees and students Anti-Bullying Bill of Rights Act Powers of board (county vocational schools) Destruction of Public Records Law Professional standards for teachers Grounds for revocation and suspension of certification</p>
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ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

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

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

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

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

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

In Re Cluggish, Exam 2011, Dec 16.

Possible

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

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

Policy

NONINSTRUCTIONAL AIDES

The Camden City Board of Education, within its financial means, may hire aides as recommended by the superintendent.

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

Lunchroom and playground aides shall be under the supervision of appropriate certified personnel.

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

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

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

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015
Readopted:

(SE file code: 4415)

Key Words

Aides, Noninstructional Aides, Background Check, Personnel Background Check

Legal References: N.J.S.A. 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception ...
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:16-2 through -5 Physical examinations; requirement
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:32-4.2 Approval of paraprofessional staff

NONINSTRUCTIONAL AIDES (continued)

N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

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

Possible

<u>Cross References:</u>	*3541.1	Transportation routes and services
	*3542	Food service
	*4112.4/4212.4	Employee health
	*4215	Supervision
	*4216	Evaluation
	4221	Noninstructional substitutes
	*6162.4	Community resources

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

Policy

STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Camden City Board of Education recognizes that the skills required of support staff members change with changing technology. In order to ensure both optimum efficiency in district operations, and the continued growth in expertise of the staff, the superintendent shall ensure that appropriate programs of inservice training shall be developed for support staff as necessary.

The superintendent may recommend to the board the granting of leave for attendance of personnel at state, regional, and national job-related meetings without pay deduction and with expenses paid by the school system according to established allowances.

Achievement Gap and Inequity

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

Mandated Inservice Programs

The superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, drug/alcohol abuse awareness, harassment, intimidation and bullying, handling blood and body fluids, possible hazardous substances in the workplace, crisis response, school violence and other topics specifically required by federal or New Jersey law.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009, August 2019
Revised: March 2015
Readopted:

(SE file Code: 4240)

Key Words

Staff Development; Inservice; Visitations; Conferences

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report
	<u>N.J.S.A.</u> 18A:30-7	Power of boards of education to pay salaries
	<u>N.J.S.A.</u> 18A:31-2	Attendance at conventions of New Jersey Education Association
	<u>N.J.S.A.</u> 18A:40A-3	Initial inservice training programs; curriculum; availability
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:40A-3a, -18c	
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)

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

<u>N.J.S.A.</u> 34:5A-10	Retention or workplace surveys
<u>N.J.S.A.</u> 34:5A-13	Employee education and training program; certification of instructors
<u>N.J.A.C.</u> 6A:7-1.6	Professional development
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-3.1(a)4, -5.1(d), -6.2(b)12	
<u>N.J.A.C.</u> 6A:16-11.1 <u>et seq.</u>	Reporting Allegations of Child Abuse and Neglect
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References:

*2224	Nondiscrimination/affirmative action
*4215	Supervision
*4216	Evaluation
4233	Travel/reimbursement
*5131	Conduct and discipline
*5131.1	Harassment, intimidation and bullying
*5141	Health
*5141.4	Child abuse and neglect

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

Policy

GRIEVANCES

The Camden City School District shall develop and practice reasonable and effective means of resolving difficulties which may arise among employees. The superintendent shall oversee the implementation of a grievance procedure that:

- A. Ensures prompt response to staff grievances;
- B. Is fair and in compliance with law and board policy 4111.1/4211.1 Affirmative Action/Nondiscrimination;
- C. Establishes and maintains recognized channels of communication between staff and administration; and
- D. Reduces potential areas of grievances.

With the ultimate goal of serving the educational welfare of children, the informal grievance procedure following provides for the prompt and equitable adjustment of differences. It is essential that full cooperation be given by all employees to achieve these goals.

Each employee shall be assured the opportunity for an orderly presentation and review of concerns and grievances.

No employee shall suffer reprisals or reduction in status as a result of having presented a grievance or having represented an employee in a grievance.

It shall be the general practice to process grievance procedures during time which does not interfere with assigned duties.

An individual employee or his/her representative during the course of the processing of a grievance shall continue to follow administrative directives and board policy.

The board shall comply with grievance procedures set forth in any applicable collectively negotiated bargaining agreements.

Procedures

A. Level One

Within three working days of the occurrence of the act or omission giving rise to the grievance, the grievant must present his/her grievance in writing to their immediate supervisor. The written document will be a clear, concise statement of the grievance and will include the law, rule, policy, or regulation that the grievant alleges to have been violated; the factual circumstances on which the grievance is based; the person or persons involved; the decision, if any, rendered at the private conference; and the remedy sought.

Within seven working days the supervisor shall present a decision to the grievant in writing. If the supervisor does not respond during the time permitted, the grievant may appeal to the next level.

B. Level Two

A grievant not satisfied with a decision at Level One may appeal that decision in writing to the superintendent within three working days after receipt of the decision or the expiration of the time during which the decision must be rendered. The written appeal will include a copy of the original grievance; the

STAFF GRIEVANCE (continued)

decision rendered, if any; the name of the grievant's representative, if any; and a clear, concise statement of the reasons for the appeal of the decision.

The superintendent shall present a decision to the grievant within seven working days. The decision of the superintendent shall be final.

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Readopted:

(SE file code: 4340)

Key Words

Grievance, Staff Grievance, Grievance Procedure, Negotiated, Bargaining Agreement

Legal References: N.J.S.A. 18A: 11-1 General Powers
N.J.S.A. 18A:27-4 Power of the board to make rules governing the employment of teachers, etc.
N.J.S.A. 34:13A-5.3 Employee organizations; right to form or join; collective negotiations; grievance procedures

Possible

Cross References: *1120 Board of education meetings
 *1312 Community complaints
 *3570 District records and reports
 *4112.6/4212.6 Personnel records
 *4116 Evaluation
 *4116 Evaluation
 *5145.6 Student grievance procedure
 *6144 Controversial issues
 *6161.1 Guidelines for evaluation and selection of instructional materials
 *6161.2 Complaints regarding instructional materials
 *6163.1 Media center/library
 *9010 Role of the member
 *9020 Public statements
 9123 Appointment of board secretary

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

Policy

NONSCHOOL EMPLOYMENT

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

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

All support staff members are advised to be governed in their activities outside the school by the following guidelines:

- A. Support staff members shall not devote time during their work day to an outside private enterprise, business, or business organization. They shall not solicit or accept customers for a private enterprise, business, and/or business organization on school grounds during their work day without the express permission of the superintendent;
- B. The board does not endorse, support, or assume liability in any way for any support staff member of this district who conducts a private activity in which students or employees of this district participate;
- C. Support staff members shall not send campaign literature home with students, or request, direct or have students distribute campaign literature on behalf of any candidate for local, State, or national office or for any bond issue, proposal, or any public question submitted at any general, municipal, or school election. No student shall be requested or directed by any support staff member to engage in any activity which tends to promote, favor, or oppose any such candidacy, bond issue, proposal, or public question; and
- D. Copyrights and patents to materials or equipment developed, written, prepared, processed, or tested by support staff members in the performance of their school district duties reside with and may be claimed by the board.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015
Readopted:

(SE file codes: 4211.3, 4230)

Key Words

Nonschool Employment; Employee Outside Activities

Legal References:	<u>N.J.S.A.</u> 18A:6-8.1	Leave of certain employees to serve in legislature
	<u>N.J.S.A.</u> 18A:6-8.2	Leave of certain employees to serve on board of chosen freeholders
	<u>N.J.S.A.</u> 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-24	School officials; prohibited conduct

<u>N.J.S.A.</u> 18A:17-18	Full time required of superintendents; when
<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 52:13D-12 <u>et seq.</u>	New Jersey Conflicts of Interest Law
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

Possible

Cross References:

*3514	Equipment
*4119.21/4219.21	Conflict of interest
*4138.2	Private tutoring

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

Policy

BENEFITS

The Camden City Board of Education shall be obligated to pay for the health benefits of all full-time employees as defined by the board or employees who are on approved leave of absence with pay, pursuant to negotiated contracts.

Subject to change by State or Federal regulations, employees who are on approved leave of absence without pay for illness shall be provided continued health benefits coverage equivalent to the coverage of the employee prior to the approval for the first six biweekly pay periods. After the first six biweekly pay periods, coverage may be obtained for an additional twenty biweekly pay periods provided the employee pays the full premium cost of the coverage, in advance, through the board.

It shall be the employee's responsibility to fulfill the re-enrollment requirements, upon returning from approved leave, in order to be reinstated in the health benefits plan covered by the board.

Subject to change by State or Federal regulations, employees who are on approved leave of absence without pay for other than illness may purchase health coverage for up to nine months provided the employee pays the full premium cost of the coverage, in advance, through the board.

Any employee who has been absent without approved leave, has abandoned his/her position or has been terminated shall no longer be provided with health care benefits through the board of education.

Since it is the policy of the board that every employee who is unable to report his/her post of duty, shall inform his/her immediate supervisor at each occurrence, the board shall notify in writing, any employee whose pattern of attendance in the board's opinion, exhibits abandonment of the position. Furthermore, the employee shall be removed from the health benefit plan until such time as the employee returns or is placed on approved leave.

Definitions

An illness shall be defined as an individual's absence from his/her post of duty because of personal disability due to illness or injury, or because he/she has been excluded from work by the school district's medical authorities on account of contagious diseases or of being quarantined for such a disease in his or her immediate household.

Adopted: March 30, 2015
NJSBA Review/Update: October 2019
Readopted

(SE file code: 4420)

Key Words

Benefits

Legal Reference: N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:16-12 et seq. Definitions relative to group insurance

Possible

Cross References: *4151 Attendance
*4151.1 Personal illness and injury

Policy

PAYROLL AUTHORIZATION/SALARY CHECKS AND DEDUCTIONS: DIRECT DEPOSIT

Payroll Authorization

Employment of all district personnel whether by the year, term, month, week, day or hour in contract, temporary, or substitute form must be approved by the board. Authorization to pay follows there from.

Each motion of the board to employ or re-employ on a contractual basis (i.e., for a fixed period of time) shall include the name of the individual, the position title, the salary to be paid over the term of the contract and the period of employment. Each motion of the board to employ on a temporary basis (i.e., by the hour or day) shall include the name of the individual, the position title and the rate of pay. Motions regarding personnel actions noted in the board minutes, to include, but not be limited to, the appointment, promotion, resignation, retirement, death, discharge, compensation, or leave of absence for each employee. The minutes will also include effective dates for personnel action.

Approval for payment in the performance of special activities is required as follows: bedside instructors, as certified by the superintendent; coaches, as certified by the principal and superintendent; extracurricular advisors, as certified by the principal and superintendent.

Authorization is hereby given to withhold salary or wages for unapproved time off by action of the board secretary/business administrator.

The payroll journal shall be certified by the board secretary/business administrator and the president of the board, monthly. One warrant for the net amount of the payroll and a second warrant for all payroll deductions, together with district matching funds and administrative charges, shall be deposited to special accounts for disbursement by the treasurer upon receipt of the certified payroll.

Staff members shall be paid in accordance with the provisions in their collective bargaining agreement and/or in accordance with a schedule provided to all employees prior to the beginning of the contract or school year.

At least once every three years, between the months of September through May, the superintendent shall require each district employee to report to a central location(s) and produce picture identification and sign for release of his or her paycheck or direct deposit voucher (N.J.A.C. 6A:23A-5.7). The accepted picture identification shall be in the form of a district-issued identification card, valid drivers' license, official passport, or other picture identification issued by a State, county, or other local government agency.

The superintendent shall designate an appropriately qualified staff member to match the picture identification to the position control roster maintained by the office of personnel or human resources prior to release of the pay check or direct deposit voucher. If the district elects to conduct this payroll verification prior to the district's required implementation of the position control, the district may use similar and suitable office of personnel or human resources generated listing of employees (N.J.A.C. 6A:23A-6.8). Where no appropriate identification can be produced, the business administrator/board secretary shall withhold paychecks or stop direct deposits until such time the payee/district employee can produce appropriate identification or until an investigation and corrective action is concluded, as appropriate to the circumstances.

Upon completion of the payroll check distribution verification procedures, the superintendent shall submit a certification of compliance, in a form prescribed by the Department of Education, to the Executive County Superintendent. Verification of the district's compliance with the verification procedures will be required as part of the annual audit.

The payroll journal will be certified by the board secretary, the president of the board, and approved by the superintendent.

PAYROLL AUTHORIZATION
CHECKS AND DEDUCTIONS; DIRECT DEPOSIT (continued)

Payroll Deductions

The board may in its discretion act on behalf of individual employees to deduct a certain amount from the employees' paycheck and remit an equal amount to an agent designated by the employee. It is the purpose of this policy to designate those purposes not otherwise mandated by law for which the board is willing to act on behalf of an employee.

No deduction may be made from the wages of an employee except for federal income tax, social security, New Jersey Income Tax and New Jersey Unemployment Assistance without proper authorization. Pension deductions are authorized by the New Jersey Division of Pensions; all other deductions are authorized only by the employee.

The board has authorized in accordance with the below cited legislation that deductions may be made from an employee's paycheck upon proper authorization on the appropriate form, as prepared by the district, for the following purposes:

- A. The payment of premiums for group life, accidental death or dismemberment, hospitalization, medical, surgical, major medical, health and accident, and legal insurance plans (N.J.S.A. 18A:16-13).
- B. The purchase of United States Government bonds (N.J.S.A. 18A:16-8);
- C. The employee's participation in a summer payment plan for repayment to the employee in one payment in June or by payment upon the death or termination of the employee, if earlier (N.J.S.A. 18A:29-3);
- D. Tax sheltered annuities or custodial accounts (N.J.S.A. 18A:66-127);
- E. Payments to a credit union (N.J.S.A. 40A:9-17);
- F. An approved charitable fund raising campaign (N.J.S.A. 52:14-15.9c); and
- G. Bona fide organizational dues (N.J.S.A. 52:14-15.9e).

Contributions shall be made as soon as is reasonably possible after the funds have been deducted from an employee's salary. No contribution shall be made on behalf of an employee until the amount contributed has been deducted from the employee's salary.

The board will permit the remittance of funds for annuities and mutual funds only to those insurers and custodial accounts authorized by law and expressly approved by this board. The board will consider the approval of only those insurers and custodial accounts to which 25 or more employees of this district subscribe.

If the number of subscribers falls below that number, no new subscribers will be allowed and the account will be terminated when all remaining subscribers have closed their accounts.

No more than 3 accounts will be approved for remittance at any one time.

An employee who wishes to pay into a tax sheltered annuity or mutual fund offered by a firm not approved by this board for payroll deductions must make his or her payment individually.

The board wishes to provide members of the Teachers' Pension and Annuity Fund and the Public Employees' Retirement System the opportunity to make tax deferred contributions under the United States Internal Revenue Code. On the written approval of an employee, contributions deducted from the employee's wages and remitted directly to TPAF or PERS, as appropriate, will be designated as employer contributions, paid by the board on behalf of the employee. No employee may receive the contributed amount directly.

PAYROLL AUTHORIZATION
CHECKS AND DEDUCTIONS; DIRECT DEPOSIT (continued)

No board employee shall withhold or pay to another or purchase or have assigned, other than by court order, any compensation for services of any district employee.

Direct Deposit

The district will require the mandatory direct deposit of net pay for all regular school employees. The board authorizes the following exemptions from the requirement for direct deposit:

- A. Demonstrated hardship for the employee;
- B. Seasonal workers;
- C. Substitute teachers;
- D. Temporary employees;
- E. Coaches;
- F. Before and after care staff.

Employees shall be required to provide the business administrator with the name of the banking institution to receive the deposits.

Each employee shall receive any information concerning net pay, any accompanying information approved for distribution with net pay, and W-2 forms in accordance with applicable federal law, only on the Internet with restricted access and policies and procedures to protect the integrity and confidentiality of the information.

All exemptions authorized by the business administrator or superintendent shall be approved by the board.

Adopted: June 24, 1985
 Revised: August 23, 1995
 Revised: May 31, 1996
 Readopted: August 14, 2009
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 Revised: October 2019
 Adopted:

(SE file code: 6510, 6511, 6520)

Key Words

Payroll Authorization, Salary Checks, Deductions, Direct Deposit

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:16-8 <u>N.J.S.A.</u> 18A:16-9 <u>N.J.S.A.</u> 18A:16-13 <u>N.J.S.A.</u> 18A:29-3 <u>N.J.S.A.</u> 18A:66-30 <u>N.J.S.A.</u> 18A:66-32 <u>N.J.S.A.</u> 18A:66-78 <u>N.J.S.A.</u> 18A:66-127 <u>N.J.S.A.</u> 40A:9-17 <u>N.J.S.A.</u> 52:14-15.9 et seq. <u>N.J.A.C.</u> 6A:23A-1 et seq.	Salary deduction for government bonds Responsibility of board Entering into group life, hospitalization, health and accident insurance contracts Summer payment plans; continuance of plan to raise funds Employee's consent to deductions Employer's duties Teacher's pension and annuity fund: additional death benefits; contributions; adjustment Tax sheltered annuities Payment to credit unions Public Employee Charitable Fund-raising Ac Accountability regulations
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PAYROLL AUTHORIZATION
CHECKS AND DEDUCTIONS; DIRECT DEPOSIT (continued)

See Particularly:
N.J.A.C. 6A:23A-5.7
N.J.A.C. 6A:23A-6.8

PL 2013, c, 28, Direct Deposit

Possible

Cross References: *3100 Budget planning, preparation and adoption
*3326 Payment for goods and services
*3570 District records and reports
3571 Financial reports
*3571.4 Audit

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

Policy

OVERTIME COMPENSATION

The Camden City Board of Education will compensate overtime work in accordance with law. Overtime is defined as any time worked over 40 hours per week.

No overtime shall be worked without the express advance approval of the superintendent or designee.

Employees who work overtime and for whom no contrary provision has been collectively bargained shall earn compensatory time at the rate of one and one-half hours for every hour of overtime worked, in lieu of overtime compensation. Such employees who accrue compensatory time beyond two hundred forty hours shall be compensated at the rate earned by the employee at the time compensation is paid.

An employee who has unused accrued compensatory time when his/her employment is terminated shall be paid, upon termination, for the unused time at a rate of pay not less than:

- A. The average rate received by the employee during the last three years of employment; or
- B. The final rate received by the employee, whichever is the higher rate.

A request for the use of compensatory time shall be submitted to the employee's supervisor and must be approved by the Superintendent or designee. An employee will be permitted the use of accrued compensatory time within a reasonable time of his/her request for time off, provided the requested time off does not unduly disrupt the operations of the school district.

The department of talent and labor relations is directed to make and maintain such records regarding employees' hours and wages as may be required by law.

Adopted: March 30, 2015
NJSBA Review: October 2019
Readopted:

(SE file code: 4413)

Key Words

Extra Pay, Extra Work, Overtime, Compensation Time, Comp Time

Legal References: Fair Labor Standards Act, 29 U.S.C.A. - Section 201 et seq.
29 CFR, Section 516.1 et seq., Forms of Records; Scope of Regulations

Possible

Cross References: *2224 Nondiscrimination/affirmative action
*3220/3230 State funds; federal funds
*4113/4213 Assignment and transfer
*4131/4131.1 Staff development; inservice education/visitations/conferences
*4111.1/4211.1 Nondiscrimination/affirmative action
*4211 Recruitment, selection and hiring
*4231/4231.1 Staff development; inservice education/visitations/conferences

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

Policy

EMPLOYEE SAFETY

Through its overall safety program, the board of education shall seek to ensure the safety of employees during working hours.

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

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

Employees shall report all accidents to their supervisor immediately.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2009
NJSBA Review/Update: March 2009, October 2019
Revised: March 30, 2015
Readopted:

(SE file code: 7432)

Key Words

Insurance Management, Accidents, Employee Safety

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

29 CFR 1910.1030 - Bloodborne Pathogens Standard

Possible

Cross References: *3510 Operation and maintenance of plant
*3516 Safety
*4111.1/4211.1 Nondiscrimination/affirmative action
*4112.4/4212.4 Employee health

*5142

Student safety

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

Policy

FAMILY LEAVE AND MEDICAL LEAVE

Statement of Purpose

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

Scope and Effective Date

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

Non-waiver of Rights

The interaction between the FMLA, the NJFLA, and other applicable laws is complicated and may need to be reviewed on a case-by-case basis. Employees will receive that to which they are entitled by law. This policy will not serve to grant any greater rights or waive any right that the board may have under the FMLA or the NJFLA.

Eligibility and Qualifying Events

An employee must be an eligible employee and choose to take a leave of absence because of one or more of the qualifying events described below:

A. Federal Family and Medical Leave Act (FMLA)

Employees are eligible for FMLA leave when employed by the board for at least 12 months and have worked at least 1,250 hours during the 12 months prior to the date your leave commences.

Employees qualify for FMLA benefits for:

1. The birth of your child;
2. The placement of a child with you for adoption or foster care;
3. Your need to care for a spouse, parent or dependent child who has a serious health condition;
4. A serious health condition that prevents you from performing the essential functions of your job;
5. Military family qualifying exigency and care giver.

B. New Jersey Family Leave Act (NJFLA)

Employees are eligible for NJFLA when employed by the board for at least 12 months and have worked at least 1,000 base hours during the immediately preceding 12 month period.

Employees qualify for NJFLA benefits for:

1. The birth of your child;
2. The placement of a child with you for adoption;

FAMILY MEDICAL LEAVE (continued)

3. Your need to care for your spouse, one partner in a civil union couple, parent (including a parent-in-law) or dependent child who has a serious health condition;
4. Leave authorized pursuant to the New Jersey Safe Act for domestic violence.

Note: Paid leave and unpaid leave are not included for purposes of calculating the number of hours worked under the FMLA and the NJFLA.

Note: Leave taken for the birth, adoption or placement of a child in foster care must begin within one year of the birth, adoption or placement.

Duration of Leave

The amount of leave that may be taken by an eligible employee because of a qualifying event and how the amount of leave is measured depends upon whether the leave is taken pursuant to the FMLA, the NJFLA, or both. The amount of leave available to an employee will be calculated on a "rolling forward" basis. If a leave of absence qualifies pursuant to both statutes, an employee is eligible to take the maximum amount of leave provided by either statute as follows:

A. Federal Family and Medical Leave Act (FMLA)

The 12 month period is measured forward from the first date that FMLA leave is taken; the next 12 month period begins the first time FMLA leave is taken after completion of any previous 12 month period. For example, if a leave begins on February 1, 2015, then up to 4 more workweeks of leave shall be available through January 31, 2016.

An eligible employee may receive up to a total of 26 workweeks of unpaid, job-protected military care giver leave during a single 12-month period to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member. A service member is either a current member of the Armed Forces or a veteran of the Armed Forces who requires care due to a qualifying condition incurred or aggravated by their service (see: regulation for special criteria applying to military service members).

B. New Jersey Family Leave Act (NJFLA)

An employee's NJFLA unpaid leave entitlement is limited to a total of 12 weeks in any 24 month period upon advanced notice to the board. The 24 month period is any 24 months measured from the first date any leave is taken. For example, if four workweeks of leave are taken beginning on February 1, 2015, then up to eight more workweeks of leave may be taken through January 31, 2017.

Definition of Serious Health Condition

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition which requires inpatient care in a hospital, hospice or residential medical care facility or continuing medical treatment or continuing supervision by a healthcare provider as described by the FMLA and NJFLA. Serious health condition does include routine physical, eye or dental examinations.

Advance Notice

In all cases, an employee requesting leave must complete an application for a leave of absence form. If the employee intends to take a leave of absence to care for a family member with a serious medical condition, he or she is required to provide the board with 30 days notice. If the need for the leave of absence is unforeseeable, the employee must notify the board as soon as possible. If the employee does not complete the required forms, or if he or she fails to give the required notice, the board may deny the leave request or delay the commencement of the leave.

FAMILY MEDICAL LEAVE (continued)

How Leave May Be Taken

Under certain circumstances, leave may be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying event. A reduced leave schedule is a leave schedule that reduces your usual number of working hours per workweek or per workday. If a leave of absence is taken due to the birth or adoption of a child, intermittent or reduced leave can only be taken with the approval of the superintendent or his/her designee. A reduced leave schedule will be approved for leaves due to the serious health condition of the employee only if medically necessary. If the leave of absence is needed for a planned medical treatment, the employee must schedule the treatment so as to create minimum disruption to the school district.

Intermittent leave is non-consecutive leave comprised of intervals each of which is at least one but less than twelve weeks (12) weeks within a consecutive twelve month (12) period for each single serious health condition. The board shall approve all requests for medically necessary intermittent leave.

If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on care of or planned medical treatment for a family member, or if an employee is given approval to take intermittent or reduced schedule leave for the birth of a child or placement of a child for adoption, the employee may be required to temporarily transfer to an available alternative position with equivalent pay and benefits during the period of leave. Additionally, those employees who are employed mainly in an instructional capacity (instructional employees) who request leave that is foreseeable based on a planned medical treatment may be required to take leave for periods of a particular duration or transfer temporarily to an alternative position with equivalent pay and benefits when the employee would be gone for more than 20 percent of the working days during the period of leave. Instructional employees who fail to give 30 days notice of foreseeable leave to be taken intermittently may also be required to take leave of a particular duration, to transfer temporarily to an alternative position, or to delay the taking of leave until the required notice is given.

Continuity of Instruction

Where applicable, the board reserves the right to require that an instructional employee continue his or her leave until the end of a term if leave begins more than five weeks prior to the end of a term, lasts at least three weeks, and the employee would return during the three-week period prior to the end of the term. If an employee is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's leave entitlement. The board has the option not to require the employee to stay on leave until the end of the school term.

Medical Certification

If the application for a leave of absence is based on a serious health condition of an employee or the serious health condition of a spouse, one partner in a civil union couple, parent or child, the employee must submit an approved medical certification completed and signed by a health care provider. If the medical certification is not timely submitted, the board may deny the leave. The board has the right to require periodic re-certifications from the health care provider. The board also may require, at its expense that the employee submit to a medical examination by a health care provider designated by the board concerning the information stated in the medical certification. If the second opinion differs from the first opinion, the board may require that the employee obtain a third opinion from a health care provider chosen jointly by the employee and the board at the board's expense. The third opinion shall be final and binding.

Exhaustion of Paid Leave

An approved leave of absence under the FMLA and the NJFLA is unpaid leave. Where applicable, all leaves shall be counted and run concurrently with leave granted in accordance with the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., (FMLA) and the New Jersey Family Leave Act, N.J.S.A. 34:11B-1 et

FAMILY MEDICAL LEAVE (continued)

seq., (NJFLA).

Paid leave time does not accrue during unpaid FMLA and NJFLA leave. Similarly, holidays occurring during an FMLA or NJFLA leave of absence will not be paid.

Time taken off by an employee due to an on-the-job injury which is covered by workers' compensation will be charged as FMLA leave. This means that an employee's FMLA 12 workweek entitlement runs concurrently with every absence covered by disability.

Continuation of Benefits

During FMLA and NJFLA leave, the board will continue group health care benefits at the level and under the conditions that coverage was provided prior to the commencement of leave. If an employee out on FMLA and/or NJFLA leave normally pays a portion of the premiums for health insurance coverage, these payments will continue during the period of leave. Health insurance coverage will terminate if the employee's premium payment is more than thirty (30) days late. The board will advise employees at least fifteen (15) days prior to termination of coverage. The board retains the right to recover health insurance premiums that it has paid for an employee on leave if the employee fails to return to work, unless the employee does not return because of (a) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave, or (b) other circumstances beyond the employee's control.

An employee on an unpaid leave of absence is entitled to retain those employment benefits accrued at the time leave was taken. However, additional employment benefits, such as seniority, will not accrue during leave as provided by law.

Spouses Employed by the Board

If a husband and wife are both employed by the board, the aggregate number of workweeks of FMLA leave to which both employees are entitled may be limited to 12 workweeks during any 12 month period if the leave is due to the birth or adoption of a child or to care for a parent who has a serious health condition.

Return from Leave

The board may require an employee on leave to periodically report on whether he or she plans to return to work. If the employee wishes to return to work prior to the expiration of the approved leave, the employee must give notice to the superintendent or his/her designee at least five working days prior to the planned return. Additionally, if the employee wishes to return to work later than the expiration of the approved leave, the employee must give notice to the superintendent or his/her designee at least five working days prior to the date the approved leave was scheduled to conclude. The employee may be permitted to return to work prior to the expiration of the leave if the superintendent or his/her designee determines that it will not cause an undue hardship to the board.

If FMLA leave was taken because of an employee's own serious health condition, the board may require that the employee provide a certificate from his or her treating health care provider which states that the employee is able to resume working.

If the employee does not return to work at the expiration of an approved leave, the employee will be considered to have voluntarily resigned his or her employment with the board.

Restoration to Position

When an employee returns from leave, the employee will be restored to the same or to an equivalent position, with equivalent pay and benefits to the extent required by law. However, in no event shall the board be obligated to extend a non-tenured employee's unpaid leave of absence beyond the contract year for which

FAMILY MEDICAL LEAVE (continued)

the employee is employed. Additionally, an employee is not entitled to restoration to a position or an equivalent position where that employee would not otherwise be employed at the time reinstatement is requested (e.g., expiration of contract, layoff). The board can also deny restoration where an employee is unable to work at the conclusion of the 12-week leave period or where an employee gives an unequivocal notice of his or her intent not to return to work after FMLA/NJFLA leave.

Coordination of FMLA and NJFLA Leaves

If an employee's leave qualifies under both the FMLA and the NJFLA, the leave used will be counted against the employee's entitlement under both laws. For example, if an employee takes 12 workweeks of leave because of the birth of a child, the 12 workweeks will be counted against both the employee's FMLA and NJFLA entitlement. It shall be the responsibility of the employee to keep track of days used, it shall not be the responsibility of the district.

No Retaliation

No employee shall be retaliated against for having exercised his or her rights under the FMLA and/or the NJFLA nor shall they be discouraged from the use of family and medical leave.

Employee Acknowledgement

Each employee or prospective employee shall be given a copy of this policy. He/she must acknowledge receipt and understanding of the policy as a condition of employment by signing an acknowledgement form.

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Adopted:

(SE file codes: 4431.1, 4431.3)

Key Words

Family Leave, Disability, Birth, Adoption, Family Illness, Consecutive Leave, Intermittent Leave

Legal References: N.J.S.A. 34:11B-1 et seq. Family Leave Act

29 U.S.C. 2601 et seq.

29 C.F.R. 825.200 et seq.

P.L. 2008, c. 17, Family Temporary Disability Leave

Possible

Cross References: *4151/4251 Attendance patterns
 *4151.1/4251.1 Personal illness and injury/health and hardship

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

FAMILY LEAVE AND MEDICAL LEAVE
PROCEDURES FOR MILITARY FAMILY LEAVE

The military family leave provisions of the Family and Medical Leave Act (FMLA) entitle eligible employees of covered employers to take FMLA leave for any "qualifying exigency" arising from the foreign deployment of the employee's spouse, son, daughter, or parent with the Armed Forces, or to care for a service member with a serious injury or illness if the employee is the service member's spouse, son, daughter, parent or next of kin.

Qualifying Exigency Leave

A. A covered employer must grant an eligible employee up to 12 workweeks of unpaid, job-protected leave during any 12-month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty. Covered active duty means:

1. For members of the Regular Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or
2. For members of the Reserve components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Deployment to a foreign country includes deployment to international waters.

B. Qualifying exigencies for which an employee may take FMLA leave include:

1. Making alternative child care arrangements for a child of the deployed military member;
2. Attending certain military ceremonies and briefings; or
3. Making financial or legal arrangements to address the military member's absence.

C. If the military member is on covered active duty, the employee may take FMLA leave for the following qualifying exigencies:

1. Issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member receives notice of deployment, an employee may take qualifying exigency leave to address any issue that arises from the short-notice deployment;
2. Attending military events and related activities, such as official ceremonies, programs, events and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment;
3. Certain childcare and related activities arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility;
4. Certain activities arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice or social service providers;
5. Making or updating financial and legal arrangements to address a military member's absence while on covered active duty;
6. Attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is

MILITARY FAMILY LEAVE (regulation continued)

- provided by someone other than a health care provider;
7. Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave;
 8. Certain post-deployment activities within 90 days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military, and addressing issues arising from the death of a military member, including attending the funeral;
 9. Any other event that the employee and employer agree is a qualifying exigency.

Military Caregiver Leave

An eligible employee may receive up to a total of 26 workweeks of unpaid, job-protected leave during a single 12-month period to care for a covered service member with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered service member.

When a service member designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to be the service member's only FMLA next of kin. When a current service member has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the service member, all such family members are considered the service member's next of kin and may take FMLA leave to provide care to the service member.

A. Single 12-Month Period

1. The single 12-month period for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the employer for other FMLA leave reasons;
2. An eligible employee is limited to a *combined* total of 26 workweeks of leave for any FMLA-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for an FMLA-qualifying reason other than military caregiver leave. For example, if an employee uses 10 weeks of FMLA leave for his or her own serious health condition during the single 12-month period, the employee has up to 16 weeks of FMLA leave left for military caregiver leave;
3. Military caregiver leave is available to an eligible employee once per service member, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same service member if he or she has another serious injury or illness. For example, if an eligible employee takes military caregiver leave to care for a current service member who sustained severe burns, the employee would be entitled to an additional 26 weeks of caregiver leave in a different 12-month period if the same service member is later diagnosed with a traumatic brain injury that was incurred in the same incident as the burns;
4. An eligible employee may also take military caregiver leave to care for more than one current service member or covered veteran with a serious injury or illness at the same time, but the employee is limited to a total of 26 weeks of military caregiver leave in any single 12-month period. Additionally, an eligible employee may be able to take military caregiver leave for the same family member with the same serious injury or illness both when the family member is a current service member and when the family member is a veteran.

B. A covered service member is either:

1. A current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness. For a current service member, a serious injury or illness is one that may render the service member medically unfit to perform his or her military duties; or
2. A veteran of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his

MILITARY FAMILY LEAVE (regulation continued)

or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty;

Military Caregiver Leave: Specific Criteria for Veterans

- A. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness is a covered veteran if he or she:
1. Was a member of the Armed Forces (including a member of the National Guard or Reserves);
 2. Was discharged or released under conditions other than dishonorable; and
 3. Was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for him or her.

For a veteran who was discharged prior to March 8, 2013, the effective date of the FMLA Final Rule, the period between October 28, 2009 and March 8, 2013 will not count towards the determination of the five-year period. For example, if a service member retired on October 28, 2007, he or she would have had three years remaining of the five-year period on October 28, 2009. The family member requesting FMLA leave will have three years to begin military caregiver leave starting on March 8, 2013. Likewise, if a service member was discharged on December 1, 2010, the five-year period will begin on March 8, 2013 and extend until March 8, 2018.

- B. A serious injury or illness means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:
1. A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; *or*
 2. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*
 3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*
 4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any *one* of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Adopted: March 30, 2015
 NJSBA Review/Update: October 2019
 Adopted:

(SE file codes: 4431.1, 4431.3)

Policy

ATTENDANCE PATTERNS

The Camden City Board of Education believes that the regular presence of assigned personnel is vital to the success of the district's educational program. Consistent absenteeism or tardiness is unacceptable and subject to disciplinary action.

The superintendent shall develop and the board shall adopt a plan to encourage all staff to strive for excellent attendance and punctuality records. These procedures should include a requirement that the staff member personally report all illnesses and request all leave at the earliest possible time. Procedures shall be in accordance with New Jersey statutes and district negotiated contracts.

A support staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with Board policy, falsifies the reason for an absence, is absent without authorization, is repeatedly tardy, or accumulates an excessive number of absences may be subject to appropriate consequences, which may include the withholding of a salary increment, dismissal, and/or certification of tenure charges.

The superintendent shall report on staff attendance and punctuality at every regular monthly board meeting.

Provisions shall be made for public acknowledgment of outstanding staff attendance records.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: November 25, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009
Readopted: March 30, 2015

(SE file code: 4212)

Key Words

Employee Attendance, Attendance Patterns, Attendance

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.
N.J.S.A. 18A:29-14 Withholding increments; causes; notice of appeals
N.J.S.A. 18A:30-1 et seq. Sick Leave
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Montville Education Ass'n v. Montville Bd. of Ed., 1984 S.L.D. 550, rev'd St. Bd. 1984 S.L.D. 559, rev'd App. Div., unreported decision (docket no. A-1178-84T7, decided December 6, 1985) 1985 S.L.D. 1972, decision on remand, St. Bd., 1986 S.L.D. 3113

Burlington Educational Ass'n v. Burlington Bd. of Ed., 1985 S.L.D. 889, aff'd St. Bd. 1985 S.L.D. 912

Scotch Plains-Fanwood Board of Education v. Scotch Plains-Fanwood Education

ATTENDANCE PATTERNS (continued)

Association, 270 NJ Super 444 (App. Div. 1994); rev'd. 139 NJ 141 (1995)

Possible

<u>Cross References:</u>	4150	Leaves
	*4151.1/4251.1	Personal illness and injury/health and hardship
	4151.6	Religious observance
	4151.7	Emergency/personal
	*4251	Attendance patterns

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PERSONAL ILLNESS AND INJURY/HEALTH AND HARDSHIP

The Camden City Board of Education shall grant sick leave, in accordance with law, to support staff members absent from work because of illness, personal disability or quarantine. Each steadily employed employee eligible for sick leave will be entitled annually to the number of paid sick leave days required by law, negotiated with the employee's majority representative or provided in this policy or in an individual contract with the board.

The board reserves the right to require of any employee who claims sick leave, sufficient proof, including a physician's certification, of the employee's illness or disability. As a minimum, no day will be considered to be a sick leave day on which the employee has engaged in or prepared for other gainful employment, has participated in a work stoppage, or has engaged in any activity that would raise doubts regarding the validity of the sick leave request.

The board will consider requests for extension of sick leave benefits on a case-by-case basis.

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Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
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Readopted:

(SE file code: 4432)

Key Words

Leaves, Sick Leave, Attendance, Attendance Patterns, Employee Attendance

Legal References: N.J.S.A. 18A:6-6 No sex discrimination
N.J.S.A. 18A:6-66 Rights and benefits of personnel (educational services commission)
N.J.S.A. 18A:16-2 through -5 Physical examinations; requirement ...
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.
N.J.S.A. 18A:30-1 Definition of sick leave
N.J.S.A. 18A:30-2 Sick leave allowable
N.J.S.A. 18A:30-6 Prolonged absence beyond sick leave period
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

Ramsey Teachers Ass'n v. Ramsey Bd. of Ed., 1979 S.L.D. 862, St. Bd. rev'g 1978 S.L.D. 518, aff'd App. Div., 1980 S.L.D. 1528

Cole v. Essex County Vocational School District Bd. of Ed., 1986 S.L.D. 1855

Possible

Cross References: *4151/4151 Attendance patterns

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

JURY DUTY

The Camden City Board of Education will indemnify all employees against loss of pay occasioned by a call to jury duty. No employee serving on a panel of grand or petit jurors shall be penalized in any way for an absence due to jury service, will not be required to use personal time, and time served on the jury will count as school district service. Employees called for jury duty shall be permitted to serve and will not be penalized in any way for doing so. They will receive full pay, less pay received from the court.

Employees shall be required to promptly notify the principal or his or her designee when they receive a call to serve jury duty. The chief school administrator may attempt to have an employee excused from jury duty if the employee is required for the continuing operations of the district. The chief school administrator shall provide the employee with a letter indicating the lack of availability of a substitute in such incidents and the employee may seek an excuse or deferment of service from the assignment judge.

While on jury duty, employees are required to report daily their schedule for the following day and must report to work when excused or on reserve for a day or more or suffer loss of pay. The time spent on jury duty will not be charged against personal leave and will count as time on the job.

At the completion of each day's appearance the employee shall secure written verification from the jury clerk of the employee's attendance.

Adopted: March 30, 2015
NJSBA Review/Update: October 2019
Readopted:

(SE file code: 4438)

Key Word

Jury Duty, Court

Legal Reference: N.J.S.A. 2B:20-16 Excuse from employment for jury duty; compensation
N.J.S.A. 2B:20-17 Employment protection

Possible

Cross References:

2130	Administrative staff
*2131	Superintendent
4000	Concepts and roles in personnel
*411	Supervision
*4111.1/4211.1	Nondiscrimination/affirmative action
*4112.6/4212.6	Personnel records
*4151/4251	Attendance patterns
*4215	Supervision

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

MILITARY LEAVE

The Camden City Board of Education recognizes that military service in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is an essential community service. The military service of district employees shall not operate to deprive any district employee of benefits that would have been received had the period of military service been spent in district employment.

The board will approve requests for military leave of absence without pay for active duty in the armed forces. Leave will not be granted for volunteer peacetime service beyond the period of training. Any employee granted military leave will be reemployed by this district upon honorable discharge from military service. The employee shall be required to give the chief school administrator adequate notice before the end of the military leave of their intention to return to district employment. Nontenured employees reemployed after military service leave shall be permitted to perform the unexpired portion of his or her contract.

The board will approve the request for a leave of absence with pay for duty in training or at the order of the Governor, for any employee who is a member of a United States Reserve Force or a member of the Organized Militia (New Jersey National Guard, New Jersey Naval Militia Joint Command). The Board may verify the necessity for any military leave requested by an employee and to request a schedule that least interferes with the employee's duties.

Adopted: March 30, 2015
NJSBA Review/Update: October 2019
Readopted:

(SE file code: 4437)

Key Words

Military, Military Leave, Leave of Absence

Legal References: N.J.S.A. 18A:6-33 Tenure, pension and other employment rights in military and naval service saved
N.J.S.A. 18A:29-11 Credit for military service
N.J.S.A. 38:23-1 et seq. Leave of absence for public officers, employees
N.J.S.A. 38A:4-4 Leave of absence without loss of pay, exceptions

Possible

Cross References: *2131 Chief school administrator
*4111 Recruitment, selection and hiring
*4115 Supervision
*4116 Evaluation
*4111.1/4211.1 Nondiscrimination/affirmative action
*4112.6/4212.6 Personnel records
*4211 Recruitment, selection and hiring
*4215 Supervision
*4216 Evaluation

*Indicates policy is included in the Critical Policy Reference Manual.