

CONCEPTS AND ROLES; GOALS AND OBJECTIVES IN PERSONNEL

The Elizabeth Board of Education shall maintain a sufficient number of positions to provide for the specific educational needs of the pupils in the district's programs. The board is committed to meeting the needs of a changing school population and the community, implementing newly designed courses and activities for the students of the district, and administering the district in a thorough and efficient manner. Only the board can:

- A. Create a new position or appoint a person to an existing position;
- B. Specify the number of employees in each category;
- C. Fix the initial salary for new positions and new employees; and
- D. Determine the duties of any such position.

Before any new position is established, the chief school administrators shall present for the board's approval a job description for the position which specifies qualifications, performance responsibilities, and the method by which the performance of these responsibilities will be evaluated.

The chief school administrators shall recommend candidates for appointment and reappointment by the board.

The board directs the chief school administrators to maintain comprehensive and timely collections of job descriptions for all staff positions.

The chief school administrators shall be responsible for supervision and evaluation of all professional and support staff.

It shall be the policy of the Elizabeth Board of Education to establish and maintain conditions that will attract and hold the most highly qualified personnel for all certified, paraprofessional, and noncertified positions.

The board shall:

- A. Seek out and develop strong leadership skills and abilities within staff;
- B. Ensure continuing competency of district employees through evaluation and inservice training programs.
- C. Provide inservice and self-development opportunities for staff.

CONCEPTS AND ROLES, GOALS AND OBJECTIVES (continued)

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**Legal References:** N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:17-20 Superintendent; general powers and duties  
N.J.S.A. 18A:16-1 .2 May appoint temporary officers and employees  
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:6-8 Interest of school officers, etc., in sale of textbook or supplies; royalties

Title VII, Civil Rights Act 1964 as amended by Title IX, Equal Employment Act 1972

U.S. Rehabilitation Act, Section 504 (1973)

**Possible**

**Cross References:** \*2131 Superintendent  
 \*4111/4211 Recruitment, hiring and selection  
 \*4111.1 Nondiscrimination/affirmative action  
 \*4112.2 Certification  
 \*4112.4/4212.4 Employee health  
 \*4112.6/4212.6 Personnel records  
 \*4112.8/4212.8 Nepotism  
 \*4115/4215 Supervision  
 \*4116/4216 Evaluation  
 \*4121 Substitute teachers  
 \*4222 Noninstructional aides  
 \*5120 Assessment of individual needs  
 \*6010 Goals and objectives

RECRUITMENT, SELECTION AND HIRING

The Elizabeth 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 chief school administrator 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 chief school administrator 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 □, 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 chief school administrator 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 chief school administrator 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 chief school administrator shall take steps to verify the academic credentials of any potential

RECRUITMENT, SELECTION AND HIRING (continued)

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

The chief school administrator 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 board shall not pay tuition reimbursement, salary increases, or approve promotions for any employee based on credits earned from a non-accredited institution. 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 chief school administrator 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 chief school administrator. Should a nominee be rejected, it shall be the duty of the chief school administrator 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;

RECRUITMENT, SELECTION AND HIRING (continued)

- 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 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.

RECRUITMENT, SELECTION AND HIRING (continued)Required Disclosure of Employment History

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

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

Review of the Employment History

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

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

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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 chief school administrator 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.

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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RECRUITMENT, SELECTION AND HIRING (continued)

<b><u>Legal References:</u></b>	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>See particularly:</u>	
	<u>N.J.S.A. 10:5-3</u>	
	<u>N.J.S.A. 18A:3-15. 1 et seq.</u>	Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
	<u>N.J.S.A. 18A:6-5</u>	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A. 18A:6-6</u>	No sex discrimination
	<u>N.J.S.A. 18A:6-7.1, -7.5</u>	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
	<u>N.J.S.A. 18A:6-7.6</u>	Employees; qualifications; discrimination, prohibitions
	through <u>N.J.S.A. 18A:6-7.13</u>	
	<u>N.J.S.A. 18A:6-76.1</u>	Deadline for notification to students of requirements of provisional certificate and induction program
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:13-40</u>	General powers and duties of board of newly created regional districts
	<u>N.J.S.A. 18A:16-1</u>	Officers and employees in general
	<u>N.J.S.A. 18A:26-1, -1.1, -2</u>	Citizenship of teachers, exceptions
	<u>N.J.S.A. 18A:27-1 et seq.</u>	Employment and Contracts
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:27-4.1</u>	
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.S.A. 26:8A-1 et seq.</u>	<u>Domestic Partnership Act</u>
	<u>N.J.S.A. 52:14-7</u>	Residency Requirements
	<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:7-1.4, -1.5, -1.6, -1.8</u>	
	<u>N.J.A.C. 6A:9B-5.7</u>	Citizenship requirement
	<u>N.J.A.C. 6A:9B-5.8</u>	Endorsement requirements
	<u>N.J.A.C. 6A:9B-6.1 et seq.</u>	College courses and certification
	<u>N.J.A.C. 6A:9B-8.1 et seq.</u>	Requirements for Instructional Certification
	<u>N.J.A.C. 6A:9B-10.1 et seq.</u>	Exceptions for the Requirements for the Instructional Certificate
	<u>N.J.A.C. 6A:9B-11.1 et seq.</u>	Additional requirements or exceptions to requirements for instructional certification with special endorsements
	<u>N.J.A.C. 6A:9B-12.1 et seq.</u>	Requirements for administrative certification
	<u>N.J.A.C. 6A:10-1.1 et seq.</u>	Educator effectiveness
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C. 6A:32-4.1</u>	Employment of teaching staff
	<u>N.J.A.C. 6A:32-5.1</u>	Standards for determining seniority

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

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

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

RECRUITMENT, SELECTION AND HIRING (continued)

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**

**Cross References:**

2130	Administrative staff
*2131	Chief school administrator
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

NONDISCRIMINATION/AFFIRMATIVE ACTION

The Elizabeth 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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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 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 chief school administrator 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 chief school administrator/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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

action.

Pregnancy

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

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

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

Lactation Provisions

Employees hired or returning to work following a pregnancy leave who choose to continue providing their milk for their infants shall receive the accommodations required by law that support their choice to breast feed. Accommodations shall include but shall not be limited to:

## A. Milk expression breaks for breastfeeding

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

## B. A place to express milk

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

## C. Staff Support

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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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

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

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

Employment and Contract Practices

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

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

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

The board directs the chief school administrator 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:

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

- 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 chief school administrator 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.

Date:	November 13, 1986
Revised:	July 14, 1988
Revised:	September 20, 2007
First Reading:	September 4, 2007
Second Reading:	September 20, 2007
Revised:	June 25, 2009
First Reading:	June 11, 2009
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NJSBA Review/Update:	December 2018

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

Readopted: June 13, 2019  
 Revised: **August 26, 2021**  
 First Reading: July 15, 2021  
 Second Reading: August 26, 2021

**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. 26:4B-4 Right to breastfeed in public  
N.J.S.A. 26:4C-1 through -3 Lactation rooms  
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

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

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

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

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

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

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

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

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

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

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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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

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

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

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

**Cross References:**

- |                |                                      |
|----------------|--------------------------------------|
| *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 |

**Regulation**

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AFFIRMATIVE ACTION/NONDISCRIMINATION

Educational Requirements

A. Guidelines:

An employer must be prepared to demonstrate why a job requires the employee to have a specified level of education.

B. Explanation:

In geographic areas where there are significant differences in the average educational levels of minorities and non-minorities, the employer who requires a specific level of educational attainment for certain positions automatically eliminates from consideration a disproportionate percentage of minorities.

Consequently, unless the employer can demonstrate why the educational requirement is needed, the EEOC is likely to find it unlawful. The EEOC and the courts will accept evidence from an employer that a specified level of education is necessary for satisfactory job performance or that there is a clear and close relationship between educational level and performance on the job.

Family Status: Pregnancy and Dependents

A. Guidelines:

Applicants should not be questioned by interviewing supervisors about their dependents, family plans or a condition of pregnancy.

B. Explanation:

The Supreme Court has held that women with pre-school children must be hired on the same basis as men with small children unless the employer can show that this practice would seriously affect the operation. Employers may not presume that child care is the responsibility of woman and that a working mother's reliability will be more affected by child care problems than a working father's. Regarding pregnancies, the EEOC has held that any written or unwritten employment policy or practice which discriminates against applicants because of pregnancy is in violation of Title VII. The EEOC also has held that a company policy of refusing to hire unwed parents/guardians discriminates against women as a class. Even if the illegitimacy standard were applied equally to males and females, the policy would have a disparate effect on women since it would be easier for an employer to know that a female applicant had a child out of wedlock than it would be to know that a male applicant has fathered an illegitimate child.

Arrest and Conviction Records

AFFIRMATIVE ACTION COMPLAINT PROCEDURE (regulation continued)

## A. Guidelines:

An employer may not automatically disqualify an applicant from employment consideration because the applicant has a police record.

## B. Explanation:

There is ample evidence that blacks as a class are arrested and convicted much more frequently than whites. Therefore, to use an applicant's police record as a rigid standard of employment eligibility would automatically disqualify a disproportionate percentage of blacks. For this reason, the EEOC, with court approval, considers such policies in violation of Title VII, unless an employer can demonstrate "business necessity" for retaining the policy. The EEOC suggests that employers handle the matter of an applicant's police record on a case-by-case basis, considering the type of charge, how long ago the incident occurred, the applicant's age at the time of the incident, whether the charge resulted in a conviction, and the applicant's subsequent behavior. In this school district, authority to make this kind of determination rests with the chief school administrator. Prospective employees should not be questioned about police records except by authorized personnel representatives.

Accommodation to Religious Beliefs

## A. Guideline:

Supervisors are expected to make some accommodation to the religious needs of applicants when this will not have a serious effect on operations.

## B. Explanation:

Under Title VII, employers are obligated to make "reasonable accommodations to the religious needs" of their employees, where such accommodations do not force a serious hardship on the employer. It is up to the employer to prove that such religious accommodations cause a serious hardship to his/her business. The "religious need" of employees could include a required mode of dress, time off for Sabbath observance or inability to work on certain prescribed days for religious reasons. Supervisors should not, however, make employment decisions based on applicant's religious needs without first consulting the chief school administrator.

Citizenship

## A. Guideline:

If the applicant is not a United States citizen, he/she must possess a permanent visa to be eligible for employment.

## B. Explanation:

The courts have held that it is not unlawful under Title VII for an employer to require U.S. citizenship as a condition of employment if the requirement is established for sufficient reason

AFFIRMATIVE ACTION COMPLAINT PROCEDURE (regulation continued)

(e.g., security) and is not intended to restrict the employment of minorities. However, this school district does, as a matter of employment policy, require U.S. citizenship or a permanent visa as a condition of employment. Supervisory personnel may, therefore, use an applicant's citizenship status as an eligibility standard. The chief school administrator may request, however, that as a condition of employment alien applicants provide proof of permanent residence in the United States.

Manner of Speaking

## A. Guideline:

It is unlawful to reject an applicant because of the applicant's foreign accent or lack of fluency in English unless either condition will unquestionably affect satisfactory job performance.

## B. Explanation:

The EEOC will find unlawful the rejection of an applicant because of his/her manner of speaking if the manner of speech is peculiar to the applicant's race or national origin. This guideline is applied most often when applicants speak with a foreign accent. However, it also applies to applicants who have difficulty with English and to jobs for which fluency in English is a factor in satisfactory performance. The final decision regarding an applicant whose manner of speaking has been questioned will be made by the chief school administrator.

Sexual Harassment

The board of education guarantees to all persons equal access to all categories and conditions of employment, retention and advancement regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, 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, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test.

An affirmative action program shall be a part of every aspect of employment, including, but not limited to: upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation including fringe benefits, employment selection or selection for training and apprenticeship, promotion or tenure.

The Board of Education shall maintain a working environment that is free from sexual harassment. Sexual harassment shall consist of unwelcome sexual advances, request for sexual favors and other inappropriate verbal or physical conduct of a sexual nature. Sexual harassment may include, but is not limited to, the following:

- A. Verbal harassment or abuse;
- B. Pressure for sexual activity;
- C. Repeated remarks to a person with sexual or demeaning implications;

AFFIRMATIVE ACTION COMPLAINT PROCEDURE (regulation continued)

- D. Unwelcome touching;
- E. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's job.

The chief school administrator will make it clear to all staff that sexual harassment is prohibited in the workplace or educational setting.

Staff may file a formal grievance related to sexual harassment. The affirmative action officer will receive all complaints and will carry out a thorough investigation. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the school district's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred. Filing of a grievance or otherwise reporting sexual harassment will not reflect upon the status of the complainant nor will it affect future employment or work assignments.

A substantiated charge against a staff member in the school district shall subject such staff member to disciplinary action, including discharge.

The chief school administrator shall submit an annual report to the board on the effectiveness of both policy and procedures.

Grievance Procedure

- A. A complainant who believes that he or she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall discuss the matter with his or her immediate supervisor in an attempt to resolve the matter informally;
- B. If the matter is not resolved to the satisfaction of the complainant within ten days, the complainant may submit a written complaint to the affirmative action officer. The complaint will include:
  1. The complainant's name and address;
  2. The specific act or practice that the complainant complains of;
  3. The school employee, if any, responsible for the allegedly discriminatory act;
  4. The results of discussions conducted with the immediate supervisor; and
  5. The reasons why those results are not satisfactory.
- C. The affirmative action officer will investigate the matter informally and will respond to the complaint in writing no later than ten days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the chief school administrator;
- D. The response of the affirmative action officer may be appealed to the chief school administrator in writing within ten days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily;

AFFIRMATIVE ACTION COMPLAINT PROCEDURE (regulation continued)

- E. On his or her timely request (that is, submitted before the expiration of the time within which the chief school administrator must render a decision), the complainant will be given an informal hearing before the chief school administrator, at a time and place convenient to the parties, but no later than ten days after the request for a hearing has been submitted. The chief school administrator may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of;
- F. The chief school administrator will render a written decision in the matter no later than ten days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties;
- G. The complainant may appeal the chief school administrator's decision to the board by filing a written appeal with the board secretary no later than ten days after receipt of the chief school administrator's decision. The appeal shall include
1. The original complaint;
  2. The response to the complaint;
  3. The chief school administrator's decision;
  4. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
  5. The complainant's reason for believing the chief school administrator's decision should be changed.
- H. A copy of the appeal to the board must be given to the staff member, if any, charged with a discriminatory act.
- I. The board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
- J. The board will render a written decision no later than 30 days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
- K. The complainant will be informed of his or her right to appeal the board's decision to the
1. The New Jersey Commissioner of Education  
Bureau of Controversies and Disputes  
New Jersey Department of Education  
PO Box 500  
Trenton, New Jersey 08625  
Phone: (609) 292-5705
  2. Equal Employment Opportunity Commission Newark District Office  
1 Newark Center, 21st Floor  
Newark, New Jersey 07102  
Phone: 800-669-4000 or 973-645-6383

AFFIRMATIVE ACTION COMPLAINT PROCEDURE (regulation continued)

3. U.S. Office for Civil Rights  
U.S. Department of Education  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Phone 646-428-3900 or TDD: 877-521-2172  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)
  
4. New Jersey Division on Civil Rights  
140 East Front Street, 6th Floor  
P.O. Box 090  
Trenton, NJ 08625-0090  
Phone: 609-292-4605 or TDD 609-292-1785

Record

The records of any complaint processed in accordance with this procedure shall be maintained in a file kept by the affirmative action officer.

A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

Date:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

DOMESTIC VIOLENCE

The Elizabeth 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.

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

Definitions

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

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

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

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

DOMESTIC VIOLENCE (continued)

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

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

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

Designated Human Resources Officer

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

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

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to

DOMESTIC VIOLENCE (continued)

report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

Reporting Domestic Violence

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

- A. Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Requests to meet may be made by cell phone or telephone. Email may not be confidential and should not be used when private information is being discussed or disclosed unless this is the only safe method of communication available;
- B. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO. When the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, the employee shall so report to the appropriate authority in addition to reporting to the designated HRO. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. The HROs shall remind employees to contact 911 if they feel they are in immediate danger.

Responsibilities of the Human Resource Officer (HRO)

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance;
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement;
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services;
- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced below;

DOMESTIC VIOLENCE (continued)

- E. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the HRO is also required to report the incident to their agency's EEO Officer or Title IX Officer, as appropriate;
- F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team;
- G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy (see section titled *Confidentiality* below);
- H. Upon the employee's consent, the employee may provide the HRO with copies of any temporary restraining orders (TROs), final restraining orders (FROs), and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs must be kept in a separate confidential personnel file.

Confidentiality

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

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

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

Confidentiality of Employee Records

DOMESTIC VIOLENCE (continued)The New Jersey Security and Financial Empowerment Act

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

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

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

- A. Seeking medical attention;
- B. Obtaining services from a victim services organization;
- C. Obtaining psychological or other counseling;
- D. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
- E. Seeking legal assistance or remedies to ensure health and safety of the victim; or
- F. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

DOMESTIC VIOLENCE (continued)Domestic Violence Action Plan

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

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

Implementation

Members of the board, district administrators, the designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence

DOMESTIC VIOLENCE (continued)

are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

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

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 Revised: **August 26, 2021**  
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**Legal References:** N.J.S.A. 11A:2-6a Civil Service, domestic violence policies  
N.J.S.A. 34:11B-1 et seq. New Jersey Family Leave Act  
N.J.S.A. 34:11C-1 et seq. New Jersey Security and Financial Empowerment Act  
N.J.S.A. 2C:25-19 Definition of Domestic Violence and Victim of Domestic Violence  
N.J.S.A. 34:19-1 et seq. Conscientious Employee Protection Act  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education -  
 See particularly:  
N.J.A.C. 6A:7-1.8 Equality in Employment and Contract Practices  
N.J.A.C. 6A:16-11.1 District policies and procedures; reporting potentially missing or abused children  
 29 U.S.C. 2601 et seq. Family and Medical Leave Act  
 29 C.F.R. 825.200 et seq.  
 P.L. 2008, c. 17, Family Temporary Disability Leave

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

**Resources:**

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

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

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

DOMESTIC VIOLENCE (continued)

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

**Possible**

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

**Policy**

EMPLOYMENT CONTRACT – TEACHING STAFF AND SUPPORT STAFF

In accordance with law, and for the mutual protection of the district and the employee, the Elizabeth Board of Education requires that every staff member employed by the district annually sign an employment contract for a term of not more than one (1) year.

Each employment contract shall include:

- A. The title of the position that the teaching/support staff member is appointed to;
- B. The term for which employment is contracted, including beginning and ending dates;
- C. Where required by job description, the kind and grade of certificate held by the employee and the date upon which the certificate will expire;
- D. The salary at which the person is employed;
- E. The intervals at which salary shall be paid;
- F. A provision for termination of contract on notice duly given by its parties of 60 days for teaching staff members and administrators, and 14 days for support staff;
- G. Such other information as may be necessary to a full and complete understanding of the contract.
- H. Contracts for the ensuing year shall be prepared in accordance with law and provided to prospective employee by May 15.

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.

Teaching Staff Members

The chief school administrator shall issue salary notification to all tenured and non-tenured personnel indicating the name of the employee and giving a concise explanation of their contractual salary for the coming year. All salary notification statements shall be signed by the board secretary/business administrator and the board of education.

Implementation

The chief school administrator shall be responsible for following all legal aspects of concluding employment contracts with professional staff. The chief school administrator shall:

- A. Provide for recording of board action on employment in minutes;

EMPLOYMENT CONTRACTS (continued)

B. Notify teacher of board action with specific due date of signed teacher acceptance or rejection;

C. Provide for channeling of and recording receipt of teacher’s acceptance or rejection;

D. Provide for execution of contract with employees in accordance with existing employee association agreements and State Department of Education regulations.

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**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:11-1 General mandatory powers and duties  
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 Appointment, transfer, removal, or nonrenewal of officers and employees, exceptions  
of N.J.S.A. 18A:27-10.2 Paraprofessionals; written notice of “no offer” or “offer” continued employment  
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:30-1.1et seq. Evaluation of the Performance of School Districts

**Possible Cross References:** \*2131 Chief school administrator  
 \*4111 Recruitment, hiring and selection  
 \*4111.1/4211.1 Nondiscrimination/affirmative action  
 \*4112.2 Certification  
 \*4112.6/4212.6 Personnel records  
 \*4112.8/4212.8 Nepotism

EMPLOYMENT CONTRACTS (continued)

*4121	Substitute teachers
*4111	Recruitment, hiring and selection
*4222	Noninstructional aides
*5120	Assessment of individual needs
*6010	Goals and objectives

### 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 chief school administrator will take appropriate steps to avoid the employment of teachers with revoked or suspended certificates. Where the chief school administrator 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 chief school administrator 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 chief school administrator 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 the arrest or indictment to the chief school administrator 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 chief school administrator will make these requirements known to all new employees and to all employees on an annual basis.

#### District Reporting Requirements

CERTIFICATION (continued)

Pursuant to N.J.A.C. 6A:9B-4.3, the chief school administrator 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; or
- D. He or she becomes aware that a certificate holder has been convicted of a crime while in the district's employ;
- E. The chief school administrator 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.

CERTIFICATION (continued)

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
- 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

CERTIFICATION (continued)

in a log, developed as part of the district mentoring plan, submitted to the chief school administrator or designee, and maintained within the school district.

Mentor Selection

The chief school administrator 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 chief school administrator 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 chief school administrator shall submit the district mentoring plan to the board for review of its fiscal impact;
- B. The chief school administrator 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 chief school administrator or designee shall review the plan annually and revise it, as necessary, based on feedback from mentor logs, each school improvement panel, and data on teacher and student performance.

Special Education

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

Adult High School

CERTIFICATION (continued)

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

CERTIFICATION (continued)

<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**

**Cross References:**

*2131	Chief school administrator
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

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 chief school administrator 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.

Any employee who wishes to do so may provide to their administrator and/or school nurse, health status information, including medications, which may be important to medical staff in the event of an emergency requiring treatment.

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

EMPLOYEE HEALTH (continued)

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

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 chief school administrator 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.

EMPLOYEE HEALTH (continued)

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

EMPLOYEE HEALTH (continued)

- \*4119.23/4219.23 Employee substance abuse
- 4150/4250 Leaves
- \*4211 Recruitment, selection and hiring

**Regulation**

EMPLOYEE HEALTH

Physical Examinations/Employee Assurance Statements

A. New employees

New employees of the Board of Education are required to have a pre-employment physical examination. This physical examination is not used to determine a candidate's disabilities. It is used to determine whether the applicant is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990. The employee must pay the cost of the examination.

B. Confidentiality

All employee records, including computerized records, are to be secured, stored and maintained separately from other personnel files. Only the employee, the Chief School Administrator and the chief medical inspector shall have access to the medical information in that individual's file.

Any employee who wishes to do so may provide to the principal, his/her administrator and/or school nurse health status information, including medications, which may be important to medical staff in the event of an emergency requiring treatment.

Exposure Control Plan

The Elizabeth 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;

EXPOSURE CONTROL PLAN (regulation continued)

- 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"> <li>• Annual approval of the district’s ECP</li> <li>• Ensure that the ECP is accessible to all employees</li> </ul>
Chief school administrator	<ul style="list-style-type: none"> <li>• General policy and procedure oversight within the district</li> <li>• 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</li> </ul>
Building principal	<ul style="list-style-type: none"> <li>• General procedure oversight within the school</li> <li>• Notification of the chief school administrator of incidents</li> <li>• Primary contact for reported incidents</li> <li>• Reporting incidents of exposure to parents/guardians</li> <li>• Request for release of information from parents/guardians</li> <li>• Incident documentation and government forms</li> <li>• Annual policy and procedure review</li> </ul>
Facilities Director/Manager Exposure Control Coordinator for the district	<ul style="list-style-type: none"> <li>• Coordinate purchasing disinfecting products and safety equipment and stocking facilities</li> <li>• Train and supervise maintenance staff in exposure control procedures related to facilities maintenance and cleaning</li> <li>• Annual policy and procedure review</li> </ul>
School Nurse Exposure Control Officer in the School	<ul style="list-style-type: none"> <li>• Primary contact for reported incidents</li> <li>• Oversight of the student’s physical wellbeing</li> <li>• Training staff on exposure control procedures</li> <li>• Oversight of procedures for reported incidents</li> <li>• Oversight of hazardous waste</li> </ul>

EXPOSURE CONTROL PLAN (regulation continued)

	<ul style="list-style-type: none"> <li>• Documenting incidents</li> <li>• Maintains all documentation related to incidents</li> <li>• Post-Exposure management</li> <li>• Documentation of annual consideration of new technology designed to eliminate or minimize occupational exposure</li> </ul>
Teaching and support staff	<ul style="list-style-type: none"> <li>• Incident reporting</li> <li>• Incident documentation</li> <li>• Student supervision</li> </ul>
Maintenance staff	<ul style="list-style-type: none"> <li>• Facility cleaning consistent with exposure control procedures for handling, disinfecting and waste disposal</li> </ul>
Athletic Director and athletic staff (volunteers if applicable)	<ul style="list-style-type: none"> <li>• Incident reporting</li> <li>• Incident documentation</li> <li>• Student supervision</li> </ul>

**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
  5. Peritoneal fluid

EXPOSURE CONTROL PLAN (regulation continued)

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.

**PROCEDURES**Policy and Procedure Oversight

The chief school administrator 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 and/or the school nurse 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 school maintenance supervisor 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.

EXPOSURE CONTROL PLAN (regulation continued)

- E. The facilities director and/or the school nurse 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 includes but is not limited to job titles in the district that potentially have occupational exposure:

- A. Maintenance and facilities staff;
- B. Preschool and elementary school teaching staff members and aides;
- C. School medical staff and school nurses;
- D. Special education teaching staff members and aides;
- E. Physical education teaching staff members and aides;
- F. Athletic coaches and other extracurricular activity 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:

EXPOSURE CONTROL PLAN (regulation continued)

- a. Take one glove from the box;
- b. Touch only the wrist surface of the glove;
- c. Don the glove;
- d. Take second glove form 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;
  - 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.

EXPOSURE CONTROL PLAN (regulation continued)

- 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 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	GLOVES	HANDWASHING
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EXPOSURE CONTROL PLAN (regulation continued)

<b>OR CIRCUMSTANCE</b>	<b>REQUIRED</b>	<b>REQUIRED</b>
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 broken glass with their hands.

EXPOSURE CONTROL PLAN (regulation continued)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

EXPOSURE CONTROL PLAN (regulation continued)

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 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:

EXPOSURE CONTROL PLAN (regulation continued)

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 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;

EXPOSURE CONTROL PLAN (regulation continued)

- 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;
- 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;

EXPOSURE CONTROL PLAN (regulation continued)

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;
    - 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;

EXPOSURE CONTROL PLAN (regulation continued)

- 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 (see exhibit 1) 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 (see exhibit 2), within seven calendar days of the occurrence of the event;

EXPOSURE CONTROL PLAN (regulation continued)

- 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 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 (see exhibit 3) 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;

EXPOSURE CONTROL PLAN (regulation continued)

- E. The Exposure Incident Form (see exhibit 4 Fact Sheet and exhibit 5 Incident Report 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**

Date:	November 14, 1991
Revision:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

**CROSS REFERENCES**

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

**EXHIBITS**

Exhibit 1	OSHA Employers First Report Form
Exhibit 2	OSHA Log of Work Related Injuries Form
Exhibit 3	Post Exposure Management – Consent to Release Form
Exhibit 4	OSHA Exposure Fact Sheet
Exhibit 4	Exposure Incident Report Form

**PRIMARY RESOURCES**

1	Model Exposure Control Plan and Employer Guide
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EXPOSURE CONTROL PLAN (regulation continued)

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](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/OSHA3186.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>

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 chief school administrator 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 chief school administrator 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 chief school administrator 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  funds and who provides instruction to their children.

The chief school administrator shall establish the necessary regulations for maintaining both public and confidential employee records.

Public Record

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

Personnel File

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

- A. The information in this file shall include all records mandated by state and federal law including:
1. Evaluation of performance;
  2. Written performance reports and supporting data for tenured staff, including but not limited to written observation reports and additional components of the summative evaluation rating or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily

PERSONNEL RECORDS (continued)

accessed (N.J.A.C. 6A:10-2.4,g);

3. Record of attendance;
4. Original application filed by the employee;
5. Original salary and increments;
6. Date of tenure;
7. Notations of commendation and disciplinary actions consistent with law.

## B. The personnel file is available for examination:

1. At any time, by the chief school administrator 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 chief school administrator and updated annually.

Date:	November 13, 1986
Revised:	December 13, 2007
First Reading:	November 15, 2007
Second Reading:	December 13, 2007
Second Revision:	April 10, 2008
First Reading:	March 19, 2008
Second Reading:	April 10, 2008
Third Revision:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

**Legal References:** N.J.S.A. 18A:6-7  
N.J.S.A. 18A:6-7a

Oaths of persons employed in teaching capacities  
 Removal from personnel files of reference to complaint  
 of child abuse or neglect determined to be unfounded

PERSONNEL RECORDS (continued)

<u>N.J.S.A.</u> 18A:6-11	Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 47:1A <u>et seq.</u>	Examination and copies of public records ( <u>Open Public Records Act</u> )
<u>N.J.S.A.</u> 47:3-15 <u>et seq.</u>	Destruction of Public Records Law
<u>N.J.A.C.</u> 6A:10-2.4	Evaluation procedures for all teaching staff
<u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u>	School Employee Physical Examinations
<u>N.J.A.C.</u> 12:100-4.2	Safety and health standards for public employees occupational exposure to bloodborne pathogens (Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogens Standard

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

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

PERSONNEL RECORDS (continued)

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

**Possible**

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

**Regulation**

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PERSONNEL RECORDS

A. Content of personnel record

1. A personnel file shall be assembled and maintained for each person employed by this district. Each file shall contain the original or copies, as appropriate, of all documents relevant to the employee job performance including but not limited to:
  - a. The employee's current correct name, address, telephone number, and birth date;
  - b. Verification of citizenship and residency information;
  - c. Application form, including transcripts of all academic work, records of prior military service, and other supporting documents;
  - d. Annual employment contract and/or annual salary notice;
  - e. Certificates and/or licenses required for employment;
  - f. Documentation of fulfillment of requirements for any change in salary classification;
  - g. Income tax forms;
  - h. Retirement registration;
  - i. Hospitalization forms;
  - j. Annuity forms;
  - k. Rate of compensation;
  - l. Attendance record, including the starting and ending dates of all leaves of absence, whether the leave was paid or unpaid, and the purpose for which such leaves were granted;
  - m. Assignment to positions, including position title and building to which assigned;
  - n. Completed evaluations;
  - o. Reports of disciplinary incidents;
  - p. Records of special awards, commendations, or distinctions;
  - q. Personal disclosure statement.
2. No information will be placed in an employees' file that does not pertain to the employee's position in this district and the performance of the employee's duties.

B. Health records

1. Health records shall include:
  - a. The required initial physical examination for candidates of employment;
  - b. Other routine and required physical examinations;
  - c. Reports of physical and mental examinations required for cause;

PERSONNEL RECORDS (regulation continued)

2. Health records of candidates for employment and of current employees, including computerized records, shall be secured, stored, and maintained separately from other personnel files. Health records may be shared only with authorized individuals;
3. All records and reports relating to any such examination shall be the property of the board and shall be filed with its medical inspector as confidential information but shall be open for inspection by officers of the New Jersey State Department of Health and the local board of health.

## C. Custodian of personnel records

1. The chief school administrator is custodian of all personnel records;
2. Personnel records shall be maintained in the office of the business administrator, who shall be records manager responsible for the day-to-day maintenance of the files and for supervising access to the files.

## D. Notice of content of files

1. Each employee, upon request, shall be informed of the contents of his or her personnel file;
2. Each employee will be notified of the inclusion in his or her file of any document that was not received from the employee or at the direction of the employee:
  - a. No evaluation form will be placed in a personnel file until it has been reviewed and signed by the employee;
  - b. No copy of a memorandum or letter sent by an administrator or other school official to an employee will be placed in the employee's file unless the original and copy include the notation "cc: Personnel File" or other clear indication of the author's intention to place the memorandum or letter in the employee's file;
  - c. No report or letter or memorandum from any source may be placed in an employee's file until a copy of same has been delivered to the employee.

## E. Employee access to personnel records

1. Each employee shall be granted access to his or her personnel file in accordance with these regulations, except as may have been negotiated with the employee's majority representative;
2. Request for access shall be submitted to the chief school administrator. Except in unusual circumstances, access shall be granted only during the regular working hours of the office in which the file is kept;
3. The employee shall review the record in the presence of the chief school administrator, or designee, and, at the employee's request, a representative of the employee;
4. No alteration or addition or deletion may be made to the file, except that the employee may append to any document in the file his or her comments on that document;
5. The employee may copy any portion of his or her file and may receive photocopies of records on payment of the copying fees established for copies of public records.

## F. Appeal of content of the file

PERSONNEL RECORDS (regulation continued)

1. The employee may appeal to the chief school administrator the exclusion or inclusion of any portion of his or her personnel file or the accuracy of any information in the file;
2. An appeal must be made in writing to the chief school administrator. The chief school administrator shall render a decision on the appeal as soon as possible, but not later than ten days from the date the written appeal is submitted;
3. The chief school administrator's decision shall be in writing and shall be delivered to the employee and the records manager responsible for the employee's file;
4. Except as may be otherwise provided by agreement negotiated with the employee's majority representative, the employee may appeal the chief school administrator's decision to the board; a decision of the board may be appealed to the commissioner of education.

## G. Computerized records

1. Computerized personnel records may include only the following information about an employee:
  - a. Name, address, and telephone number;
  - b. Social security number;
  - c. Current assignment;
  - d. Work experience;
  - e. Employment date; and
  - f. Salary guide and step.
2. Computerized information may be used only for the following purposes:
  - a. Payroll;
  - b. An employee's individual employment record; and
  - c. Studies, reports, or surveys conducted by the district or a governmental agency and authorized by the Chief school administrator, provided that such studies, reports, or surveys do not identify specific employees.

## H. Computerized records - rules

1. All the rules that apply to paper personnel records shall apply to digital records;
2. The chief school administrator in consultation with the coordinator of technical services shall ensure access is controlled for digital personnel records and other confidential records;
3. Access to digital records shall only be granted according to law and as authorized by the chief school administrator and when required by law with the authorization of the individual for whom the record is compiled.

## I. Access by board members and school officials

1. Personnel files may be inspected by school officials only as required in the discharge of their professional or statutory duties and to the extent required in the discharge of those duties;

PERSONNEL RECORDS (regulation continued)

2. Personnel files may be inspected by board members when such inspection relates to the chief school administrator's recommendation of a candidate for employment, promotion, transfer, dismissal, or discipline;
3. Access to the employee's file for professional reasons necessarily imposes on the person reviewing the file the duty to respect the confidentiality of the record.

Date:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

**Regulation**

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ORIENTATION

All administrative and supervisory personnel must plan very carefully the orientation procedures for new teachers in their respective areas.

The following items might be considered at the opening session and reviewed at additional meetings throughout the year:

Principals

- A. Building philosophy;
- B. Plan books;
- C. Attendance policies--staff/students;
- D. Recordkeeping:
  - 1. Attendance;
  - 2. Cumulative record cards;
  - 3. Report cards;
  - 4. Others;
- E. Health regulations, nurse, etc.;
- F. Procedure for miscellaneous clerical duties, collections, etc.;
- G. Measurement of pupil progress, testing programs, promotion policies;
- H. Passing of lines, hall management;
- I. Procedures for fire and civil defense drills;
- J. Hall and yard duty;
- K. School committee memberships;
- L. Care of books and supplies, ordering supplies from office, lost or damaged book procedures;
- M. Rules about lavatory, drinks, excuses, etc.;
- N. Discipline:

ORIENTATION (regulation continued)

1. Role of the teacher;
2. Role of the administrator;
3. Discipline policies;

O. Adjustment to the school building and faculty:

1. Locations within the building;
2. Responsibilities to school and faculty;
3. Opportunity to observe other teachers within the building;
4. Buddy system plan;

P. Special teachers assigned to building:

1. Art;
2. Music;
3. Physical education;
4. Speech;
5. Reading consultants;

Q. Special services--personnel and procedures for securing assistance:

1. Psychologist;
2. Social worker
3. Learning disabilities teacher-consultant;
4. List names of specialists servicing their respective schools;

R. Teacher evaluation procedures;

S. The actual teaching on the first few days:

1. Need for some outline to use as a guide;
2. Sources of information on work covered in previous year;
3. Basic supplies and textbooks;
4. Grouping procedure;

Caution: Teachers should be advised that they must not order manuals, textbooks, equipment, supplies or materials from commercial companies unless they intend to take full responsibility for payment on their own.

Supervisors

A. First days:

1. Importance of crisp, well-planned beginning;
2. Suggestions;

B. Nature of the learner:

ORIENTATION (regulation continued)

1. At various grade and ability levels;
  2. In relation to the subject;
- C. Related teaching techniques:
1. Motivation;
  2. Student involvement;
  3. Use of blackboard, overhead, projector and special tools of the subject area;
  4. Reasonable and meaningful assignments;
  5. Evaluation of student progress;
- D. Classroom management:
1. Organization;
  2. Discipline;
- E. Course of study:
1. Goals;
  2. Ability levels;
- F. Specific instructional materials:
1. Types: texts, workbooks, audiovisual aids, special equipment, supplies;
  2. Basic and supplementary;
  3. For high, average and slow classes;
  4. Resources of school library and audiovisual centers and media centers;
- G. Lesson plans – important for self, for principal or supervisor;
- G. In-building assistance – principal, vice principal, secretaries, guidance office, audiovisual chairperson, department colleagues;
- I. Teacher observations and evaluations – see Bulletin No. 17 and board policy 4116 Evaluation of Teaching Staff Members;
- J. Time for questions and answers.

Date:	November 13, 1986
Second Revision:	June 25, 2009
First Reading:	June 11, 2009
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ORIENTATION PROGRAM

The cooperation and active involvement of all staff members in helping newcomers become adjusted in the district is requested by the Board

The chief school administrator or his or her designee shall plan and coordinate a comprehensive orientation program in August to assist certificated staff new to the Elizabeth School District. This orientation program shall contain information about relevant board policies on the health and safety of staff and students, including but not limited to:

- A. Affirmative action;
- B. Sexual harassment;
- C. Child abuse and/or neglect;
- D. Drugs, alcohol, steroids and tobacco;
- E. Harassment, intimidation and bullying;
- F. Suicide prevention;
- G. Emergency procedures and drills;
- H. Crisis management procedures;
- I. Bloodborne pathogen training;
- J. Code of student conduct;
- K. Acceptable use of computers, internet and electronic mail.

The orientation program shall also include relevant rules and regulations to facilitate the employee's adjustment to the educational program and employment expectations of the district including but not limited to:

- A. A curriculum overview;
- B. The district's mission;
- C. Required instructional practices including lesson plan format, the delivery and the differentiation of instruction and assignments, and classroom management;

ORIENTATION AND INTRODUCTORY PERIOD (continued)

D. The employee evaluation process, the evaluation rubric and practice instruments.

Administrators and experienced staff shall be assigned specific roles in implementing the orientation program. The board expects that all members of the staff will assist in helping all new staff become acclimated to the district.

Date: November 13, 1986  
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**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:11-1 General mandatory powers and duties  
N.J.S.A. 18A:16-1 Officers and employees in general  
N.J.S.A. 18A:27-1 et seq. Employment and Contracts  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
N.J.A.C. 6A:9C-2.1 et seq. Professional development for teaching staff members and school leaders  
N.J.A.C. 6A:10-1.1 et seq. Educator effectiveness  
N.J.A.C. 6A:32-4.1 Employment of teaching staff

**Possible Cross References:** 2130 Administrative staff  
 \*2131 Superintendent  
 4000 Concepts and roles in personnel  
 \*4111 Recruitment, hiring and selection  
 \*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

**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 chief school administrator.

“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 chief school administrator 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 Elizabeth 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 chief school administrator to any employment position in this district.

The chief school administrator shall not recommend to the board for initial hire any relative of a board member or of the chief school administrator, 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

NEPOTISM (continued)

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

A relative of a school board member or chief school administrator 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 chief school administrator, principal or any administrator or supervisor(s) in the chain of command between the employee and chief school administrator.

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/Chief School Administrator 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

NEPOTISM (continued)

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 chief school administrator 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;
  - 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

NEPOTISM (continued)

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.

Date:	March 16, 2006
Revised:	March 15, 2007
Revised:	March 19, 2008
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Revised:	June 24, 2010
First Reading:	June 10, 2010
Second Reading:	June 24, 2010
Revised:	December 17, 2015
First Reading:	October 15, 2015
Second Reading:	December 17, 2015
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:12-2	Inconsistent interests or office prohibited
	<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	School Ethics Act
	<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions

NEPOTISM (continued)

- N.J.S.A. 52:13D-13            State conflict of interest law  
and 21.2
- N.J.A.C. 6A:4-1.1 et seq.    Appealable decisions
- N.J.A.C. 6A:23A-1.2 et seq.   Fiscal accountability; definitions
- N.J.A.C. 6A:23A-6.2 et seq.   Fiscal accountability; nepotism
- N.J.A.C. 6A:28-1.1 et seq.    School Ethics Commission

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

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

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

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

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

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

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

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A03-98

School Ethics Commission, Advisory Opinion, A14-00

School Ethics Commission, Advisory Opinion, A03-13

School Ethics Commission, Advisory Opinion, A15-13

School Ethics Commission, Advisory Opinion, A22-13

School Ethics Commission, Advisory Opinion, A09-14

School Ethics Commission, Advisory Opinion, A10-14

NEPOTISM (continued)

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

ASSIGNMENT; TRANSFER

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

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

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

ASSIGNMENT; TRANSFER (continued)

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

L. Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. 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. (1978) 144

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

**Possible**

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

LOAD/SCHEDULING/HOURS OF EMPLOYMENT

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

Within the confines of negotiated agreements, the administration shall develop a daily time schedule. All staff must adhere to this time schedule unless specifically permitted to make some alterations by the Superintendent or designee. Arrival and departure times shall be recorded accurately.

Adopted: Unknown  
NJSBA Review/Update: February 2009, May 2019  
Readopted: June 13, 2019

**Legal References:** N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher  
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education

The Patient Protection and Affordable Care Act, Pub. L. 111-148, March 23, 2010

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

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

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

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

34 CFR 200.1 to 200.89 - Part 200

34 CFR Part 204

**Possible**

**Cross References:** \*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

SUPERVISION

The Elizabeth 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 annually. 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 chief school administrator 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 chief school administrator 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.

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Revised:	September 20, 2007
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SUPERVISION (continued)

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

**Possible**

**Cross References:** 2130 Administrative staff  
 \*2131 Chief school administrator  
 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

EVALUATION OF TEACHING STAFF MEMBERS

The Elizabeth 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,

EVALUATION (continued)

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.).

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 chief school administrator 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;

EVALUATION (continued)

- 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; and
- F. Ensure that the chief school administrator 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 chief school administrator 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.
- G. Ensure that the chief school administrator 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 Chief School Administrator

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

- A. The chief school administrator 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 chief school administrator may consult with the District Advisory Evaluation Committee or representatives from School Improvement Panels. The chief school administrator 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.;

EVALUATION (continued)

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 chief school administrator 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 chief school administrator 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
- F. The chief school administrator 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 chief school administrator 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

EVALUATION (continued)

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 chief school administrator 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.

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

EVALUATION (continued)

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 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,

EVALUATION (continued)

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.

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

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inspection or copying pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

Evaluation Rubric for Teaching Staff Members

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 chief school administrator 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

EVALUATION (continued)

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;
- 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

EVALUATION (continued)

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 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

EVALUATION (continued)

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.

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

EVALUATION (continued)

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 chief school administrator 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.

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.

EVALUATION (continued)

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 re-adoption by the board.

The board shall ensure that the chief school administrator 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 ten (10) working days of adoption.

Date:	August 14, 1997
Revised:	September 20, 2007
Second Revision:	January 17, 2008
First Reading:	December 13, 2007
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Revised:	September 18, 2008
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First Reading:	June 11, 2009
Second Reading:	June 25, 2009
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First Reading:	November 21, 2013
Second Reading:	December 23, 2013
Revised:	May 10, 2018
First Reading:	April 19, 2018
Second Reading:	May 10, 2018
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

<b>Legal References:</b>	<u>N.J.S.A.</u> 18A:11-1	General rule-making power
	<u>N.J.S.A.</u> 18A:6-10 <u>et seq.</u>	Dismissal and reduction in compensation of persons under tenure in public school system
	<u>N.J.S.A.</u> 18A:6-117 <u>et seq.</u>	Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) ACT
	<u>See particularly:</u>	Definitions relative to the TEACHNJ Act
	<u>N.J.S.A.</u> 18A:6-119	School improvement panel
	<u>N.J.S.A.</u> 18A:6-120	Evaluation of principal, assistant principal, vice-principal
	<u>N.J.S.A.</u> 18A:6-121	Annual submission of evaluation rubrics
	<u>N.J.S.A.</u> 18A:6-122	Review, approval of evaluation rubrics
	<u>N.J.S.A.</u> 18A:6-123	Ongoing professional development; corrective action plan
	<u>N.J.S.A.</u> 18A:6-128	

EVALUATION (continued)

<u>N.J.S.A.</u> 18A:27-3.1 through -3.3	Evaluation of nontenured teaching staff
<u>N.J.S.A.</u> 18A:27-10 <u>et seq.</u>	Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
<u>N.J.S.A.</u> 18A:28-5	Requirements for tenure
<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
<u>N.J.A.C.</u> 6A:9B-12.1	Purpose of requirements of administrative certification
<u>N.J.A.C.</u> 6A:9C-1.1 <u>et seq.</u>	Required professional development for teachers and school leaders
<u>N.J.A.C.</u> 6A:10-1.1 <u>et seq.</u>	Educator effectiveness
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:10-1.2	Definitions
<u>N.J.A.C.</u> 6A:10-1.4	Educator evaluation data, information and written reports
<u>N.J.A.C.</u> 6A:10-2.2	Duties of the district board of education
<u>N.J.A.C.</u> 6A:10-2.3	District evaluation advisory committee
<u>N.J.A.C.</u> 6A:10-2.4	Evaluation procedures for all teaching staff members
<u>N.J.A.C.</u> 6A:10-3.1	School improvement panel
<u>N.J.A.C.</u> 6A:10-4.1	Components of Teacher evaluation
<u>N.J.A.C.</u> 6A:10-4.2	Student achievement components
<u>N.J.A.C.</u> 6A:10-4.3	Teacher practice components
<u>N.J.A.C.</u> 6A:10-4.4	Teacher observations
<u>N.J.A.C.</u> 6A:10-6.1	Evaluation of teaching staff members other than teachers, principals, vice principals and assistant principals
<u>N.J.A.C.</u> 6A:32-4.1(e) (f)	Employment of teaching staff
<u>N.J.A.C.</u> 6A:32-5.1 <u>et seq.</u>	Standards for determining seniority

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

**Possible**

<b><u>Cross References:</u></b>	*2130	Principal evaluation
	*2131	Chief school administrator
	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

**Regulation**

EVALUATION OF TEACHING STAFF MEMBERS

**GENERAL STATEMENT**

The Elizabeth Board of Education directs the chief school administrator to oversee the implementation of the evaluation process for all teaching staff members. The board recognizes that the procedures for the implementation of the evaluation process shall in part depend on the specific procedural instructions accompanying the board adopted evaluation rubrics and practice instruments. Therefore, the board directs the chief school administrators 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:

<b>Position</b>	<b>Summary of Main Responsibilities</b>
Chief school administrator	<ul style="list-style-type: none"> <li>• General policy and procedure oversight within the district</li> <li>• Recommend for board adoption the evaluation rubrics and practice instruments</li> <li>• Ensure teaching staff members and principals, vice principals and assistant principal receive training on the evaluation process</li> <li>• Determine the number of required student growth objectives for teachers</li> <li>• Report district evaluation data to the board</li> </ul>
Building principal	<ul style="list-style-type: none"> <li>• General oversight of policy and procedures in the school</li> <li>• Appoint the school improvement panel</li> <li>• Serve on the school improvement panel</li> </ul>
Principal, vice principal, assistant principal, designated supervisor	<ul style="list-style-type: none"> <li>• Receive training in observation, evaluation rubrics, practice instruments</li> <li>• In consultation with the evaluated teaching staff members develop student growth objectives</li> <li>• Conduct evaluations including observations and post observation conferences</li> <li>• Ensure all parts of the evaluation process are conducted by the appropriate deadlines</li> <li>• Annual summary conference</li> <li>• Annual performance report</li> </ul>

TEACHER EVALUATION (regulation continued)

School advisory panel	<ul style="list-style-type: none"> <li>• Oversee the mentoring program</li> <li>• Conduct evaluations</li> <li>• Ensure corrective action plans are created (where appropriate) and conduct mid-year evaluations</li> <li>• Identify professional development opportunities</li> <li>• Conduct observations</li> </ul>
Board of education	<ul style="list-style-type: none"> <li>• Approve evaluation rubric and practice instruments</li> <li>• Establish the district evaluation advisory committee</li> <li>• Evaluate evaluation data</li> <li>• Annually readopt teacher evaluation policies and procedures</li> </ul>
Teaching staff members (including teachers, noninstructional certified staff)	<ul style="list-style-type: none"> <li>• Receive training on evaluation rubrics, practice instrument</li> <li>• In consultation with the principal, designated supervisor, develop student growth objectives</li> </ul>

**PROCEDURES**

- A. The chief school administrator, 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 chief school administrator 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 chief school administrator or his or her designee shall notify all teaching staff members of amendments to the policy within 10 working days of adoption;
- D. The chief school administrator 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

TEACHER EVALUATION (regulation continued)

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

Measurements of the Teacher Evaluation Rubric

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

## A. Measures of student achievement:

1. Median student growth percentile for teachers who:
  - a. Teach at least one course or group within a course that falls within a standardized-tested grade or subject;

TEACHER EVALUATION (regulation continued)

- 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
  - 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

TEACHER EVALUATION (regulation continued)

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 chief school administrator 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 chief school administrator 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 to 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

TEACHER EVALUATION (regulation continued)

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**

Date:	November 13, 1986
Revised:	June 25, 2009
First Reading:	June 11, 2009
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**CROSS REFERENCES**

2130 Principal Evaluation  
 2130 Principal Evaluation, Regulation  
 2131 Chief School Administrator  
 4131/4131.1 Staff Development  
 4131/4131.1 Staff Development, Exhibit

SEPARATION

Each employee under contract in the Elizabeth School District shall have agreed to mutually satisfactory terms for the termination of employment. The board shall respect and uphold the terms of the contracted termination agreement. It is the expectation of the board that the employee will also respect the contract terms.

A teacher or administrator, whether tenured or nontenured, shall give the board 60 days written notice of his/her intention to resign. Support staff members whether tenured or nontenured, shall give the board 14 days written notice of his/her intention to resign. All resignations shall be directed to the Elizabeth Board of Education through the office of the chief school administrator.

The board shall not release an individual from his/her contract in less than the corresponding notice period following the receipt of a written resignation without specific recommendation from the chief school administrator.

Termination

The board may terminate any employee under tenure for any of the following conditions:

- A. Request by the employee for reasons accepted as valid and in the best interest of both the employer and the employee;
- B. By mutual agreement of both employee and the employer that termination of the contract is best for the school system;
- C. By direct request from the employer.

Should an employee terminate on request of the board, the employee may be terminated immediately and paid for the period of notice.

The board may dismiss any annually contracted or nontenured employee when it is in the best interest of the school district. The employee shall be given written notice of the intent to terminate including the reasons for the termination.

Annually contracted and/or nontenured staff may be dismissed without notice when sufficient cause warrants. Nonrenewal of nontenured teaching staff members shall be according to law and board policy 4117.41 Nonrenewal.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018

SEPARATION, RESIGNATION (continued)

Readopted: June 13, 2019

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

**Possible**

**Cross References:** \*4115 Supervision  
\*4116 Evaluation  
\*4117.4/4217.4 Reduction in force/abolishing a position  
\*4117.41 Nonrenewal

REDUCTION IN FORCE/ABOLISHING A POSITION

The Elizabeth 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 chief school administrator 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.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**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

REDUCTION IN FORCE/ABOLISHING A POSITION

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

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 Chief school administrator
- \*4116 Evaluation
- \*4117.41 Nonrenewal

NONRENEWAL

The Elizabeth 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 chief school administrator. A nontenured teaching staff member who is not recommended for renewal by the chief school administrator shall be deemed nonrenewed. Written notice of nonrenewal of employment will be sent to the employee by the board secretary. This notice will be given by the date specified by law.

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

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

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

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

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

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NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**Legal References:** N.J.S.A. 18A:27-3.1 Non-tenured teaching staff; observation and evaluation; conference; purpose  
N.J.S.A. 18A:27-3.2 Teaching staff member; notice of termination; statement of reasons; request; written answer  
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions  
N.J.S.A. 18A:27-10 et seq. Nontenure teaching staff member; offer of employment

NONRENEWAL (continued)

	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), affg 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

WITHHOLDING INCREMENT

The Elizabeth Board of Education believes that each employee should continually strive to improve his/her performance. The board recognizes that an employee may fail to adequately perform the job requirements for which he or she was hired. Therefore, the board reserves the right to withhold an increment for inefficiency or other good cause in accordance with the procedures outlined in N.J.S.A. 18A:29-14.

Any advancement on the salary guide, including annual increments and raises, shall not be considered automatic. Advancements on the salary guide shall require favorable performance evaluation, attendance records and/or other reports demonstrating the employee's competence and thoroughness in the performance of assigned duties, and his/her compliance with district regulations.

The final determination to withhold the employment increment, or the adjustment increment, or both shall be made by a recorded roll call majority vote of the full membership the board. The board, within 10 days, shall give written notice of such action, together with the reasons for the action, to the member concerned. The member may appeal from the action to the commissioner under rules prescribed by him/her.

The chief school administrator will 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. When an increment is withheld, the board of education shall state whether the employment increment, the adjustment increment, or both are being withheld. If both the employment and adjustment increment are withheld, the employee's salary will continue fixed at the same dollar value during the next school year, even though the dollar value of the salary guide for the specific step the employee is on may change.

In withholding an increment, the Board shall specify its intention as to whether the employee remain on the same salary step but receive the negotiated new rate for that step, or that the employee remains at the same dollar salary.

In all cases of withholding of increment, the board of education may act to restore the individual to his/her proper place on the salary guide in the second half of the year in which the increment was withheld, or in a subsequent year, based on a recommendation from the chief school administrator after a review of the employee's performance.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**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

DISMISSAL/SUSPENSION

The Elizabeth Board of Education will endeavor to protect the school children of this district from the influence of unfit employees. The board of education shall challenge the continued employment of any employee who demonstrates inefficiency in the performance of his/her duties, is incapable of performing those duties, violates by unbecoming conduct the public trust placed upon employees of this district, or by other means fails to exhibit the good behavior necessary to continued employment. When charges are filed against a tenured employee by any person, the board shall determine their gravity and probity in accordance with statute.

In the case of an employee who, in the opinion of the superintendent, is unfit to perform his/her assigned duties in this district by reason of his/her physical or mental condition, the procedures outlined below shall be followed:

- A. The chief school administrator shall present to the board his/her reasons for questioning the physical or mental condition of the employee;
- B. Should the board determine that the reasons given constitute sufficient cause to order the employee to be examined, it shall order said employee be given written notice by the school business administrator/board secretary of those reasons, and a date when he/she would be heard by the board if he/she should so desire. He/she shall also be notified that he/she may have a person of his/her own choosing present to advise him/her at such hearing;
- C. Should the board, following a hearing (if requested by the employee) order an examination, said examination shall be conducted by the school medical office or anyone he/she may designate. The board will pay all cost of such examinations and receive all results. If the employee wishes the examination to be conducted by a physician of their choice, they may do so at their own cost. The examination may also be conducted by both, with each party bearing the cost for the physician of their choosing;
- D. Should the physician designated by the board disagree with the physician designated by the employee, the two physicians shall agree in good faith on a third impartial physician who shall examine the employee and whose medical opinion shall be conclusive and binding on the issue of medical capacity to perform assigned duties;
- E. If as a result of such examination, the employee is found to be unfit to perform the duties to which he/she is assigned, he/she shall be placed on sick leave with the compensation to which he/she is entitled until proof of recovery is furnished to the board. The same criteria set forth in letters "C" and "D" shall be in effect to establish proof of recovery;
- F. Should a tenured employee refuse to submit to examination following the exhaustion of proper appeals, the board shall consider the certification of tenure charges for reasons of insubordination;

DISMISSAL, SUSPENSION AND TERMINATION (continued)

G. In the case of a nontenured employee, the board shall terminate his/her contract according to its provisions.

Date: November 13, 1986  
 Revised: June 25, 2009  
 First Reading: June 11, 2009  
 Second Reading: June 25, 2009  
 NJSBA Review/Update: December 2018  
 Readopted: June 13, 2019

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

**Possible**

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

GRIEVANCES

The Elizabeth School District shall develop and practice reasonable and effective means of resolving difficulties which may arise among employees. The chief school administrator 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.

Date:	November 13, 1986
Revised:	June 25, 2009
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Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

**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

STAFF GRIEVANCE (continued)

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
- 4148 Employee protection
- \*4116 Evaluation
- 4248 Employee protection
- \*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

**Regulation**

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GRIEVANCE PROCEDURES

Scope of Application

This grievance procedure may be used by any employee who feels that there has been a violation, misinterpretation, or inequitable application of board policies, rules and regulations, or administrative procedures. The grievance procedures in contracts between the Board and organized employee groups must be used for all grievances arising under those contracts.

Procedure for Presentation of Grievance

It is desirable that employee problems be resolved at the earliest possible time and at the most immediate level of supervision. The employee may be represented by his/her employee organization at any of the meetings after the complainant has initiated the grievance and completed step one.

The time limits at any step of the grievance procedure may be adjusted by mutual consent of the parties concerned or by authorization of the chief school administrator. The chief school administrator may extend the time limitation not to exceed five working days.

If it is mutually agreed upon by both parties to the grievance that any step listed below is not necessary to the presentation of the grievance, then the step(s) may be eliminated from the process.

Step one

An employee who has a grievance shall present the matter orally and/or in writing to the immediate supervisor or principal with the authority or responsibility to deal most effectively with the grievance within 20 workdays from the time when the grievant knew or should have known of its occurrence. The employee shall state the remedy sought. If the problem is resolved, or no further action is necessary, the matter shall be closed.

Step two

- A. If the grievance is unresolved after step one, the complainant shall, within 5 working days after the first meeting file the grievance in writing with the chief school administrator;
- B. The chief school administrator shall attempt to resolve the matter within 10 working days of the receipt of the written grievance. The chief school administrator shall communicate his/her decision in writing to the grievant and his/her association within this time line.

Step three

If the grievance is unresolved after step two, the complainant shall, within 10 working days after receipt of the written decision of the chief school administrator notify his/her association that he/she

GRIEVANCE PROCEDURES (regulation continued)

wishes a review by a third party. If the association determines that the matter should be reviewed further, it may initiate arbitration under the procedure set forth in the Elizabeth Education Association negotiated agreement Article III-C.

Other

All records dealing with processing of a grievance shall be retained in a separate file in the office of the chief school administrator. They shall be held in strict confidence as a protection to the individual employee and in respect to the right to privacy.

Date:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

**Policy**

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DUTIES

All positions in the Elizabeth Public Schools District shall be identified by a job description.

These job descriptions shall define the position, identify to whom the position holder is responsible to, and provide for the evaluation of the holder of the position.

Each employee shall comply with all requirements of the law, and shall perform all duties commonly performed in his/her position. In addition, he/she shall perform all duties assigned to him/her by the board, the Superintendent and the employee's immediate supervisor or supervisors.

All staff members shall be given a copy of the job descriptions on which they will be evaluated. Rules and regulations to implement these job descriptions shall be developed by the chief school administrator in accordance with negotiated agreements.

Date: November 13, 1986  
Revision: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**Legal References:** N.J.S.A. 18A:4-15      General rule-making power  
N.J.S.A. 18A:25-2      Authority over pupils  
N.J.S.A. 18A:25-4      School register; keeping

**Cross References:** \*4112.6/4212.1      Personnel Records  
\*4131/4131.1      Staff Development  
\*4116      Evaluation

**Regulation**

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DUTIES

- A. All teachers will be in their respective buildings not later than 15 minutes before the opening of school in the morning. All teachers shall be in their classrooms and prepared for work at the start of the work day;
- B. On entering the building, all teachers shall record their entrance time in a time book to be kept in the school office;
- C. Teachers shall exercise a general supervision of the conduct, not only of their own pupils, in and out of the school building, but also of each other's pupils. They shall report any improper conduct on the part of any pupil to the teacher of said pupil or to the principal. They shall exert their influence to prevent quarrels and disagreements, rude and profane language and improper games. They shall cooperate in carrying out the rules and regulations governing pupils on the streets, playgrounds, in the halls and basements;
- D. They shall prepare with neatness and accuracy all reports and fill out such blanks as may be required of them by the proper school authorities or the chief school administrator;
- E. They shall carry out requirements of the curriculum and shall preserve neatness and good order in their rooms at all times;
- F. They shall open and dismiss their classes at the appointed hours and during school hours. They shall faithfully devote themselves to their duties;
- G. Teachers shall enter upon the regular exercises promptly and shall not close school work until the time appointed in the program;
- H. Teachers shall not send pupils on errands for any reason that requires their leaving the building or grounds;
- I. Teachers shall be directly responsible for all textbooks and apparatus in their charge. In the distribution of textbooks, teachers should exercise due care in making the proper entries on the distribution blanks, noting the condition of the book. When a book has been lost, damaged or spoiled beyond the ordinary wear and tear, the principal shall assess the pupil such sum as may be deemed sufficient to cover the damages;
- J. Teachers shall attend all meetings called by the chief school administrator, or by the principal, supervisor, or coordinator, with the sanction of the chief school administrator, unless sick or excused by him/her.

Date: November 13, 1986  
Revision: June 25, 2009

First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

Elizabeth, New Jersey

<input type="checkbox"/>	Monitored
<input type="checkbox"/>	Mandated
<input checked="" type="checkbox"/>	Other Reasons

Policy

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CONFLICT OF INTEREST

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

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

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

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

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

Political Activities of Staff

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

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

Disciplinary Action

Violations of this policy may result in disciplinary action.

Date:	November 13, 1986
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

**Legal References:** N.J.S.A. 2C:27-1 et seq.      Bribery and Corrupt Influence  
See particularly:

CONFLICT OF INTEREST (continued)

<u>N.J.S.A.</u> 2C:27-5, -10,-11	
<u>N.J.S.A.</u> 18A:6-8	Interest of school officers, etc., in sale of textbooks or supplies; royalties
<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**

<b><u>Cross References:</u></b>	*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

### CONDUCT AND DRESS

The Elizabeth Board of Education 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 personal life of an employee is not an appropriate concern of the board except as it may directly prevent the employee from performing his/her properly assigned functions during the work day or affect his/her professional relationship with students.

#### 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 chief school administrator 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.

#### Civility between Parents/Guardians and Staff Members

Parent/guardian involvement with the child's teachers is encouraged. In particular, frequent interaction with a child's teacher to monitor progress is the responsibility of both the parent/guardian and the teacher. When a parent/guardian requests a scheduled appointment with a teaching staff member, the staff member shall schedule the appointment within five (5) school days of the request.

Teachers and parents/guardians are expected to act civilly and professionally toward one another.

Parents/guardians are expected to be civil to their child's teacher, administrator and/or other school staff. Verbally or physically abusive behavior toward any staff member is prohibited and may result in removal from school grounds.

In the event that a parent/guardian is behaving in an abusive manner, the teacher or an administrator shall request the parent/guardian to leave. The teacher/administrator shall then advise his/her supervisor of the incident. The supervisor shall conduct an investigation to determine the merits of the allegation. If it is the determination of the supervisor that the allegations are founded, the parent/guardian shall be notified of the findings, advised that the conduct is not acceptable and advised that he/she must agree to abide by board policy when meeting with the teacher/administrator.

The board does not tolerate criminal acts on teachers or other staff by anyone. Staff who are victims of criminal acts shall be encouraged to file a criminal complaint. Anyone who has committed a

CONDUCT AND DRESS (continued)

criminal act on board property should be prosecuted to the fullest extent permitted by law.

Teacher/Staff Behavior Towards Parents

Teaching staff members, administrators and all other staff members are expected to treat parents with respect and dignity. Allegations of rude, hostile or other unprofessional shall be reported to the staff member's supervisor. The supervisor shall investigate any such reports and the findings shall be documented in writing and reported to the chief school administrator.

Date:	November 13, 1986
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Second Revision:	June 24, 2010
First Reading:	June 10, 2010
Second Reading:	June 24, 2010
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

**Legal References:** N.J.S.A. 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.,  
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  
\*4119.26/4219.26 Electronic communication  
4119.24 Staff/student relations  
\*4138/4238 Nonschool employment  
\*4138.2 Private tutoring  
\*5131.1 Harassment, intimidation and bullying  
\*6144 Controversial issues

Elizabeth, New Jersey

<u>      </u>	Monitored
<u>  X  </u>	Mandated
<u>  X  </u>	Other Reasons

Policy

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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 chief school administrator 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

EMPLOYEE SUBSTANCE ABUSE (continued)

moneys shall in addition to complying with requirements of the programs, also be in strict compliance with this policy.

The chief school administrator 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.

Drug and Alcohol Testing

The Elizabeth 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 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 any time while the employee is at work.

An employee covered by the federal regulations may not refuse to take a required test.

EMPLOYEE SUBSTANCE ABUSE (continued)

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 chief school administrator 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.

Date:	November 13, 1986
Revised:	October 12, 1989
Second Revision:	June 25, 2009
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Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2C:33-16</u>	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
	<u>N.J.S.A. 2C:35-1 et seq.</u>	<u>Comprehensive Drug Reform Act of 1987</u>

EMPLOYEE SUBSTANCE ABUSE (continued)

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

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

Anti-Drug Abuse Act of 1988

Drug-Free Workplace Act of 1988

34 CFR Part 85.100, Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)

42 U.S.C.A. § 31306 et seq. - Alcohol and Controlled Substances Testing

49 C.F.R. Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs

49 C.F.R. Part 382 - Controlled Substance and Alcohol Use and Testing

49 C.F.R. Part 391 - Qualification of drivers

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

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

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

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

**Regulation**

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EMPLOYEE SUBSTANCE ABUSE PROCEDURE

The illegal possession and the illegal use of drugs or alcohol are prohibited on or near school property at all times, and at all school functions.

Selling, Purchasing, Transferring, or in Possession of Drugs and Alcohol

Inducing, or attempting to induce others to use illegal drugs, narcotics or alcohol is prohibited on school property and at all school functions.

Staff members observing an individual on school property selling, purchasing, transferring, or in possession of alcohol or drugs on school property or at school functions, shall report suspicious behavior according to the following procedure:

- A. The building principal shall be notified immediately of suspicious behavior;
- B. The building principal or their designee shall investigate the situation to determine the best course of action that may include:
  1. Meeting with the employee expediently and when safe and appropriate;
  2. Notification of the authorities;
  3. Removal from school grounds by the appropriate authorities;
- C. The principal shall notify the chief school administrator immediately;
- D. The initial incident shall be documented by the principal and/or his/her designee;
- E. Following investigation by the principal and/or authorities, if it is determined that the employee was involved in a sale, purchase, transfer, or possession of alcohol or drugs on school property or at a school function, the principal or his/her designee shall:
  1. Notify the employee and provide him/her with a copy of the district's substance abuse policy and regulation, file code, 4119.23/4219.23.
  2. The chief school administrator shall suspend the employee temporarily from his/her position pending a meeting to be held within 24 hours with the employee and any designated representative.
  3. Notify the police.

Discipline for Selling, Purchasing, Transferring, or in Possession of Drugs and Alcohol

The appropriate disciplinary action shall be determined at the meeting held within 24 hours. This meeting may include the employee, official representatives of the employee, the Chief school

EMPLOYEE SUBSTANCE ABUSE (regulation continued)

administrator, the board attorney, the school principal and a police department official when necessary or appropriate.

- A. Employees involved in the sale, purchase, transfer or possession of drugs or alcohol shall be reported to the local police department in accordance with law;
- B. Employees suspected or known to be using a controlled or illegal substance and also involved in the purchase, transfer, sale, or possession of drugs, shall be reported to the local police department in accordance with law; and
- C. Employees awaiting trial may be readmitted to school by the Chief school administrator as soon as possible after appropriate out of school action (regarding drug charges) is taken, and after discussion with the employee and their designated representative(s), district medical officer and law enforcement authorities.

Use of Drugs and Alcohol

All staff shall notify the building principal and school nurse immediately of medical emergencies such as unconsciousness or incoherence which may be alcohol, drug or substance induced. The school nurse shall render immediate aid and ensure emergency medical assistance called. The building principal shall notify the employee's designated relative (as noted on his/her emergency information card) as quickly as possible. The employee shall be transported via ambulance to the nearest medical facility and accompanied by appropriate school personnel. A written statement or accident report shall promptly be submitted by the nurse (including date, time, circumstances, action taken, other staff members involved).

Procedures: Employees Suspected of being Under the Influence

Staff members observing or suspecting an employee of being under the influence of controlled or potentially dangerous substance during working hours, shall report the matter to the principal or his/her designee and to the school nurse.

The principal (or designated person in authority) shall consult with the school nurse, and/or any other staff members necessary to make a judgment as to whether there is reasonable cause to believe that the employee is under the influence of a chemical substance. If so, the principal shall arrange for the employee's conduct to the nurse's office.

The principal or designee shall:

- A. Notify the chief school administrator;
- B. Meet with the employee and provide him/her with a copy of board policy and procedures on substance abuse. The principal shall allow the employee the opportunity to respond to the reported violation of the substance abuse policy;
- C. If it is determined by the school nurse that there is reasonable evidence to support the report and the employee is suspected of being under the influence, an immediate medical examination

EMPLOYEE SUBSTANCE ABUSE (regulation continued)

including a drug/alcohol test shall be required at a district designated facility. Transportation shall be arranged by the principal;

## D. If the employee refuses the examination and testing:

1. The principal or administrator shall tell the individual clearly and firmly that refusal shall result in disciplinary action up to and including suspension and dismissal;
2. The principal shall inform the employee that they shall not operate their personal vehicle while under the influence and shall:
  - a. Offer to arrange transportation home;
  - b. Allow the employee to call someone and arrange their own transportation off school property;
  - c. Offer to call the employee's emergency contact to pick the employee up;
3. If the employee leaves school grounds in defiance of the requirement to secure transportation off school property, the principal shall contact local law enforcement and report the incident;
4. If the individual refuses to comply with the requirement to have an immediate medical examination including a drug/alcohol test after being given such clear warning, the principal or administrator shall immediately notify the human resources department to institute disciplinary action to terminate the individual's employment;

E. An employee's relative or other designated party may be contacted with the consent of the employee suspected of substance abuse and may be present during this process; and

F. The principal shall request that the written results of the medical examination be furnished by the examining physician within 24 hours, as prescribed by statute. The results of the drug screening will also be furnished to the principal as soon as possible.

Medical Examination Results

If the physician's diagnosis is positive and/or the chemical screening is positive, the employee shall be suspended from his/her position:

- A. Police department may be notified (for drug related incidents);
- B. Principal shall file a report with the New Jersey Department of Health and the chief school administrator as prescribed by law; and
- C. Appropriate treatment programs and resources shall be recommended to the employee.

Return to Work

Any employee with an examination result confirming intoxication or drug use and/or who has tested positive shall be required to meet with the principal and the chief school administrator. At this conference the employee will provide a written report from his/her physician stating that the employee is physically and mentally able to return.

EMPLOYEE SUBSTANCE ABUSE (regulation continued)

The school physician shall examine the employee and may:

- A. Review the employee's record of behavior;
- B. Consult with employee's immediate supervisor;
- C. Arrange a meeting with the employee to discuss the need for treatment/medical attention/family counseling with referrals to community agencies recommended by the county alcoholism authority and/or state department of health;
- D. Explore the necessary related support services which may be provided by the Board of Education;
- E. Disseminate information:
  - 1. Educational facilities within the community;
  - 2. Evaluation and assessment centers;
  - 3. Treatment centers;
  - 4. Support groups (AA, Alanon, Alateen);
- F. Completion of necessary reports.

The chief school administrator shall review the report of the school physician in determining if the employee shall be permitted to return to work and what conditions shall be required for return to work.

Voluntary Employee Request for Assistance

Whenever an employee voluntarily seeks help from the building principal or school nurse for substance abuse, the building principal or school nurse shall:

- A. Reinforce the employee's actions by expressing approval of a decision to seek help and indicate concern for the employee;
- B. Indicate to the employee that he/she can assist the employee in obtaining help;
- C. Offer immediate assistance through proper school personnel;
- D. A voluntary report by an employee of substance abuse coupled with a request for assistance shall not be subjected to the procedures outlined in sections addressing incidents involving the sale, purchase, transfer or possession of drugs and alcohol on school property or at school functions and chemical use/abuse; and
- E. A voluntary report of a substance abuse with a request for assistance made while the employee is under the influence of drugs and/or alcohol during on school property, school operational hours and/or while the employee is on duty shall be subject to board policy and procedures for employees suspected of being under the influence of drug and/or alcohol at work.

EMPLOYEE SUBSTANCE ABUSE (regulation continued)

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ELECTRONIC COMMUNICATION BY SCHOOL STAFF

with the Elizabeth Board of Education all staff members to behavior professionally and appropriately when utilizing electronic communication devices, interacting using the Internet. Inappropriate professional and personal use of the Internet, social networks and electronic communication devices may adversely affect an employee's professional career. If inappropriate use of computers, websites, or other electronic communication devices is discovered or reported, that misconduct will be promptly brought to the attention of the employee's immediate supervisor for further investigation which may result in disciplinary action.

"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 chief school administrator/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;

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

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

Cell Phones

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

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

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

Text Messages

Any text messages by staff members, coaches and volunteers shall, as a general rule, be sent to the entire class, team, club or organization and not to any student individually. Exceptions may include

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

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.

Staff Use of Social Networking Sites, Blogs and Other Internet Websites

Blogs, wikis, social networks and other Internet websites allow employees to share knowledge, express creativity and connect with others who share similar interests. Employees are strongly urged to educate themselves with regard to personal privacy settings on their social network sites.

During the work day, employees shall refrain from using the Internet in any capacity, including participating in social networking sites, on either their personal electronic devices or the district's computer system or network unless it involves classroom lessons or other legitimate school business as defined in this policy, or unless it is during a time period when the employee is not assigned to work or work related responsibilities for the District and the communication does not disrupt the educational or work environment.

District/Professional Use

When participating in Internet social media or on other websites in a professional capacity, on behalf of the district, an employee should be honest about his/her identity and district affiliation, careful and thoughtful before sending a post, respectful of the purpose of the community where the post appears, and must adhere to all federal and state laws and regulations as well as the Board's policies and procedures. Employees must be aware of and adhere to the following:

- A. An employee participating on a social networking site and/or blog for district-related business must acquire the prior written approval of his/her supervisor. Only those officially designated may use social media to speak on behalf of the district in an official capacity;
- B. All employees must use their district email accounts rather than their own personal email accounts for legitimate school business, including parent/teacher email communications. All employees must maintain personal email accounts for non-school related business;
- C. The elizabeth.k12.nj.us address attached to an employee's name implies that the employee is acting on behalf of the district and as such, the employee is expected to conduct him/herself as a

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

professional;

- D. Any information shared via social networking sites, blogs or other websites regarding the business of the district, using district equipment, is considered a public record and must be retained according to the records retention and disposition schedules approved by the State Records Committee, pursuant to N.J.S.A. 47:3-17, and may not be destroyed without prior written consent;
- E. Photographs of students shall not be posted on any website without parental consent.

Personal Use

When participating in Internet social media or on other websites in a personal capacity, employees should be aware that when they identify or represent themselves as members of district staff, the postings may reflect not only upon themselves but on the district as well, regardless of any disclaimer employees may make to the contrary. Furthermore, employees must be aware of and adhere to the following:

- A. Employees shall not use the district's auto signature, the employee's district email address, the district's official seal or individual school logos, athletic logos, mascots, or any other such graphic representations of an individual school or the school district during personal online activities. Employees shall not use the district's computers or network to participate in personal online activities;
- B. Consistent with federal and state laws and regulations and Board policies and procedures, employees shall not post information, photographs, video recordings, audio recordings, or comments that are harassing, discriminatory, abusive, violent, obscene, sexual in nature, threatening, biased, offensive, intimidating, proprietary, copyrighted, or confidential to persons not authorized to receive the communication, or that advocate illicit, unethical, or illegal activities. Posting of such content may result in civil action, criminal prosecution, or disciplinary action;
- C. Teachers should be mindful of the fact that the public nature of their role in the classroom sometimes means that their personal opinions even when expressed outside of school, carry significant weight and can affect the climate of their classroom and the school at large. Any employee whose online posting or activities creates a substantial disruption to the school community or to student learning may be subject to disciplinary action;
- D. Employees (except in the case of an employee who is a family member of a student) shall not communicate on any social networking or other Internet-based social media sites with students currently enrolled in the district. This includes becoming "friends" or allowing students to access an employee's personal page to communicate.

Electronic Communication

Access to the district network and computers is a privilege intended to facilitate education, school-related communication, research, and other school business. The district reserves the right to limit or prohibit user access to the network and its computers in its efforts to maximize network use for

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

academic purposes or as a result of violation of the board policy 6142.10 Internet Safety and Technology (Acceptable Use).

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. Employees' district email addresses shall be used when conducting legitimate school business and for parent/student communications;
- C. 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;
- D. 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;
- E. 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);
- F. Federal copyright laws shall be observed;
- G. 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.
- H. 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;
- I. Employees learning of any misuse of the email systems shall notify the supervisor for technology, principal or chief school administrator 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.

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

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. This policy is intended to be implemented in conjunction with, and for all employees to also be aware of, board policy 6142.10 Internet Safety and Technology.

The chief school administrator or designees may periodically conduct Internet searches to see if staff members have posted inappropriate materials on-line. When inappropriate use of computers and Internet websites is discovered, the school principals and chief school administrator will seek to preserve the problematic or offensive material and will seek to maintain storage and chain of custody of the evidence. The chief school administrator shall promptly bring that alleged misconduct to the attention of the board president for further action.

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

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

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

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

ELECTRONIC COMMUNICATION BY SCHOOL STAFF (continued)

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

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

In Re Cluggish, Exam 2011, Dec 16.

**Possible**

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

### SUBSTITUTE TEACHERS

The chief school administrator 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 chief school administrator 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

SUBSTITUTE TEACHERS (continued)

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);
- 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 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.

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**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 May appoint temporary officers and employees

SUBSTITUTE TEACHERS (continued)

See Particularly:

N.J.S.A. 18A:16-1.1a  
through -1.1d

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

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

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

**Possible**

**Cross References:**

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

STUDENT TEACHERS/INTERNS

The Elizabeth Board of Education encourages the chief school administrator to cooperate with colleges and universities in the placement of student teachers/administrative interns in the Elizabeth School District. Student teachers/administrative interns shall be placed with experienced staff members who agree to perform the necessary training and supervision.

The chief school administrator 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 chief school administrator 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 chief school administrator 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.

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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

STUDENT TEACHERS/INTERNS (continued)

- N.J.A.C. 6A:9A-4.4 Clinical components, supervision of practicum students
- N.J.A.C. 6A:32-4.1(d)(e) Employment of teaching staff
- See particularly:
  - N.J.A.C. 6A:32-4.1(d), -4.1(e)
  - N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations

**Possible**

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

CLASSROOM AIDES (PARAPROFESSIONALS)

The Elizabeth Board of Education, within its financial means, may hire aides (paraprofessionals) as recommended by the chief school administrator.

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 chief school administrator 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 chief school administrator 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  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  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



STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Elizabeth 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 chief school administrator 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 chief school administrator 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 chief school administrator 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

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

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:

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 chief school administrator, 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

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

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 Chief School Administrator

The chief school administrator 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 chief school administrator'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 chief school administrator shall submit annually to the board evidence of progress toward completion of the individual PDP. The chief school administrator also shall submit every three to five years, depending on the length of his or her contract with the board, summative evidence of plan completion;
3. The chief school administrator 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 Chief School Administrator Endorsement

Leaders whose positions require a principal or supervisor endorsement, or whose positions require a chief school administrator endorsement but who do not serve as a chief school administrator 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 chief school administrator 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

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

The school leader's designated supervisor, or the board in the case of the chief school administrator, 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 chief school administrator 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 chief school administrator, shall ensure a revised individual PDP appropriate to the new employment is developed in collaboration with the school leader.

School Leaders identified with a summative rating of “ineffective” or “partially effective” will receive a corrective action plan (CAP) that may include additional recommendations for professional development above and beyond those identified in the professional development plan. Fulfillment of the objectives identified in the CAP are the responsibility of the teacher. There is no financial obligation on the part of the district.

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. As per the Elizabeth Education Association Bargaining Agreement, up to 20 hours may be assigned and/or designated by the school or district leadership.

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,

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

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.

All teachers governed by the professional development requirements shall have an individual PDP within 30 instructional days of the beginning of their respective teaching assignments. 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.

Teachers identified with a summative rating of "ineffective" or "partially effective" will receive a corrective action plan (CAP) that may include additional recommendations for professional development above and beyond those identified in the PDP. Fulfillment of the objectives identified in the CAP are the responsibility of the teacher. There is no financial obligation on the part of the district.

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

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

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

The chief school administrator 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 chief school administrator 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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Revised:	May 10, 2018
First Reading:	April 19, 2018
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NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

**Legal References:** N.J.S.A. 18A:6-111 et seq.

Instruction in Suicide Prevention

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

	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:6-112	Instruction in suicide prevention for public school teaching staff
	<u>N.J.S.A.</u> 18A:6-117 <u>et seq.</u>	Teacher Effectiveness and Accountability for the Children
	<u>N.J.S.A.</u> 18A:6-128	Ongoing professional development; corrective action plan
	<u>N.J.S.A.</u> 18A:6-130 <u>et seq.</u>	Professional development
	<u>N.J.S.A.</u> 18A:7A-11	Reports be school districts, commissioner; interim review
	<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:26-8.2	“School leader” defined; training as part of professional development
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
	<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:37-17	Establishment of Bullying Prevention Programs and Approaches
	<u>N.J.S.A.</u> 18A:37-21	School Safety Team
	<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-3(a), -18(c)	Retention of workplace surveys
	<u>N.J.S.A.</u> 34:5A-10	Employee education and training program; certification of instructors
	<u>N.J.S.A.</u> 34:5A-13	Responsibilities of the district board of education
	<u>N.J.A.C.</u> 6A:7-1.4	Professional development
	<u>N.J.A.C.</u> 6A:7-1.6	Required professional development for teachers and school leaders
	<u>N.J.A.C.</u> 6A:9C-1.1 <u>et seq.</u>	
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:9C-4.1 through -4.4	Evaluation procedures for all teaching staff
	<u>N.J.A.C.</u> 6A:10-2.4	Corrective action plans for all teaching staff
	<u>N.J.A.C.</u> 6A:10-2.5	Components of teacher evaluation
	<u>N.J.A.C.</u> 6A:10-4.1 <u>et seq.</u>	District eligibility for assistance under IDEA Part B (regarding highly qualified teachers)
	<u>N.J.A.C.</u> 6A:14-1.2(b)14	Inservice training (Bilingual Education)
	<u>N.J.A.C.</u> 6A:15-1.8	Programs to Support Student Development
	<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	
	<u>See particularly:</u>	
prevention:	<u>N.J.A.C.</u> 6A:16-3.1(a)4, -5.1(d), -6.2(b)12	Inservice training, alcohol, tobacco, drug 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

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

<u>N.J.A.C. 6A:30-1.1 et seq.</u>	children or attempted or completed suicide
<u>N.J.A.C. 6A:32-4.1</u>	Evaluation of the Performance of School Districts 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

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.

STAFF DEVELOPMENT; INSERVICE EDUCATION (exhibit continued)

*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 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.

STAFF DEVELOPMENT; INSERVICE EDUCATION (exhibit continued)

*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.

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

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

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

Readopted: June 13, 2019

BARGAINING UNITS

The Elizabeth Board of Education recognizes its duty to negotiate in good faith regarding terms and conditions of employment with the majority representative(s) of its unionized employees. To effectuate this responsibility, only board members who do not have a conflict of interest pursuant to opinions and/or decisions of the School Ethics Commission, districts Nepotism policy 4112.8/4212.8 and/or to board bylaws shall participate in negotiations and vote on the ratification of any tentative agreements reached by the board's bargaining team. For purposes of this policy, any references to the board shall mean only those members of the board who can participate in negotiations.

Nothing in this policy shall be construed as a limitation or prohibition on the legal authority of the board or its designated representatives to conduct negotiations in a manner prescribed by state statutes, administrative code or other such regulation as prescribed by the State of New Jersey.

Negotiations Consultant

The Elizabeth Board of Education may select an agent and/or team of agents to act on their behalf under their direction during negotiations.

Agreements

State law sets up as negotiable salary and other terms and conditions of employment. No provisions of any negotiated agreement may be contrary to law or to regulation of the State Board of Education.

All agreements negotiated with an employee organization shall be acted upon at a public meeting of the Board of Education.

Date: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**Legal References:** N.J.S.A. 34:13A-3 Definitions  
N.J.S.A. 34:13A New Jersey Employer-Employee Relations Act  
N.J.S.A. 34:13A-5.3 Employee organizations; right to form or join; collective

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

**Cross References:** \*1140 Distribution of materials by pupils and staff  
\*6144 Controversial issues

WORK STOPPAGES/STRIKES

The Elizabeth Board of Education opposes the use of strikes by district employees as a tactic to pressure the board to make concessions for settlement of a collective bargaining contract because strikes by public employees are illegal.

The board believes that school employee strikes are harmful to the public interest: are coercive in nature; are attempts to achieve immediate material gains for employees by depriving pupils of the education to which they are entitled; and have a long term negative impact on the perception by the pupils of professionalism and dedication of the district's staff, and on the relations between the board and the striking employees, and between the administration and the striking employees.

In the event that a strike is under consideration by any district employee organization, all staff are requested not to permit any discussions with pupils regarding a strike to interfere with carrying out their regular teaching responsibilities. If pupils raise questions regarding any potential strike, staff are instructed to deal with the questions in accordance with board policy 6144 Controversial Issues.

Staff are prohibited from requesting pupils to carry messages, oral or printed, to their parent/guardians that promote the position or carry an explanation of any employee organization that is engaged in or contemplating a strike (board policy 1140 Distribution of Materials by Students and Staff).

It is the intention and resolve of the board of education to keep the school open during any strike in the interest of the pupils and the public, so long as the safety and welfare of the pupils and the security of district property is maintained.

The chief school administrator is directed to develop a plan for the safe operation of the district's school in the event of a strike, and shall annually review and update this plan if needed.

In the event of a strike, including a partial strike, a coordinated, mass use of sick leave, or other concerted refusal by staff to perform their assigned duties, the chief school administrator is authorized to take whatever emergency steps are deemed necessary for the safety of pupils, reporting staff, and district property. Such steps shall be reported to the board of education as soon thereafter as administratively possible.

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WORK STOPPAGES/STRIKES (continued)

N.J.S.A. 34:13A-5.3 Employee organization; right to form or join; collective negotiations

**Possible**

**Cross References:**

*1140	Distribution of materials by students and staff
*2131	Chief school administrator
4000/4010	Concepts and roles in personnel, goals and objectives
*4111.1/4211.1	Nondiscrimination/affirmative action
*4112.6/4212.6	Personnel records
*5142	Student safety
*6144	Controversial issues

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WORK STOPPAGES/STRIKES (continued)

N.J.S.A. 34:13A-5.3 Employee organization; right to form or join; collective negotiations

**Possible**

**Cross References:**

*1140	Distribution of materials by students and staff
*2131	Chief school administrator
4000/4010	Concepts and roles in personnel, goals and objectives
*4111.1/4211.1	Nondiscrimination/affirmative action
*4112.6/4212.6	Personnel records
*5142	Student safety
*6144	Controversial issues

**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.

Employees shall not, at any time, engage in any employment that would interfere with their effectiveness in performing their regular assigned duties or be prejudicial to their work effectiveness.

In order to prevent a potential conflict of interest, teachers are prohibited from providing private instruction to district students for compensation to students in their school and grade that the teacher is assigned to teach. A teachers shall not participate as a judge in any competitive activity involving students in the school and grade that the teacher is assigned to teach.

Anty teacher who provides private lessons to district students for compensation shall notify their principal/coordinator in writing of the name of the student(s).

Private lessons for compensation shall not be given in school buildings or utilize school materials and/or equipment.

**Soliciting and Selling**

Employees shall not solicit, sell or collect funds for product and/or other materials and services on school property during school hours. The Elizabeth Board of Education does not endorse, support nor assumes liability for any staff member from this school district who conducts outside activities in which students and employees of this district may participate.

Solicitation of fellow employees during working hours, either for contributions or membership drives, must be approved by the chief school administrator.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**Legal References:** N.J.S.A. 18A:6-8.1 Leave of certain employees to serve in legislature  
N.J.S.A. 18A:6-8.2 Leave of certain employees to serve on board of chosen freeholders  
N.J.S.A. 18A:6-8.4 Right to hold elective or appointive state, county or municipal office  
N.J.S.A. 18A:11-1 General mandatory powers and duties

NONSCHOOL EMPLOYMENT (continued)

<u>N.J.S.A.</u> 18A:12-24	School officials; prohibited conduct
<u>N.J.S.A.</u> 18A:17-18	Full time required of superintendents; when
<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 52:13D-12 <u>et seq.</u>	New Jersey Conflicts of Interest Law
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission

**Possible**

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

PRIVATE TUTORING

The Elizabeth Board 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.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**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,

**Possible**

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

PAYROLL AUTHORIZATION/SALARY CHECKS AND DEDUCTIONS

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 chief school administrator; coaches, as certified by the principal and chief school administrator; extracurricular advisors, as certified by the principal and chief school administrator.

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 chief school administrator 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 chief school administrator 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

PAYROLL AUTHORIZATION  
CHECKS AND DEDUCTIONS (continued)

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 chief school administrator shall submit a certification of compliance, in a form prescribed by the Department of Education, to the Executive County Chief school administrator. 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 chief school administrator.

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).

PAYROLL AUTHORIZATION  
CHECKS AND DEDUCTIONS (continued)

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.

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.

Date: November 13, 1986  
 Revised: June 25, 2009  
 First Reading: June 11, 2009  
 Second Reading: June 25, 2009  
 NJSBA Review/Update: December 2018  
 Adopted: June 13, 2019

<b><u>Legal References:</u></b>	<p><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</p>	<p>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</p>
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PAYROLL AUTHORIZATION  
CHECKS AND DEDUCTIONS (continued)

N.J.S.A. 52:14-15.9 et seq. Public Employee Charitable Fund-raising Ac  
N.J.A.C. 6A:23A-1 et seq. Accountability regulations  
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

EMPLOYEE SAFETY

Through its overall safety program, the board of education shall seek to ensure the safety of employees during working hours.

The Elizabeth Board of Education 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 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 the nurse or their supervisor immediately if the nurse is not available.

Date: November 13, 1986  
Revised: June 25, 2009  
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Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**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

LEAVES

Unauthorized Leave

A. Definition of Unauthorized Leave

The Elizabeth Board of Education recognizes that certain absences are justifiable and will provide for employee absences authorized by law and consistent with contractual agreement.

Unauthorized leave is defined as a non-approved absence resulting in non-performance of those duties and responsibilities assigned by the district and its representatives including all duties and responsibilities as defined by statute, rules and regulations of the State Board of Education, policies of the Board and administrative regulations of this school district. Such unauthorized leave may include but is not limited to collective refusals to provide service, unauthorized use of sick leave, unauthorized use of other leave benefits, non-attendance at required meetings and failure to perform supervisory functions at school-sponsored activities.

An employee is deemed to be on unauthorized leave at such time and on such occasions as the employee may absent himself/herself from required duties.

B. Disciplinary Action

Unauthorized leave shall constitute a breach of contract, and therefore, may result in the initiation of dismissal procedures, loss of salary or such disciplinary action as may be deemed appropriate.

Beginning on the first day of unauthorized leave no warrant shall be drawn in favor of any employee who has not faithfully performed all duties prescribed.

An employee shall receive as salary only an amount that bears the same ratio to the established annual salary as the time he/she serves bears to the required days of service.

C. Verification of Absence

The chief school administrator shall require a physician's or other verification as to an employee's claimed reason for absence in any situation in which it is believed that no valid grounds exist for the employee's claim for absence. Such verification shall be made within five days of absence.

Authorized Leave

All request for leave, for extensions of leave and for renewal of leave must be made in writing. All long-term leaves of absence must be brought to the board's attention or approved by the board, whichever is appropriate.

LEAVES (continued)

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
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Readopted: June 13, 2019

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

**Possible**

**Cross References:**

\*4115      Supervision  
\*4116      Evaluation  
4150      Leaves  
\*4151/4251      Attendance  
\*4151.1/4251.1      Personal illness and injury/health and hardship  
4151.6      Religious observance  
\*4115      Supervision  
\*4116      Evaluation

ATTENDANCE PATTERNS/SICK LEAVE

The Elizabeth Board of Education believes that the attendance and 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 Chief School Administrator 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.

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

Date: November 30, 2006  
Revised: June 25, 2009  
First Reading: August 16, 2023  
Second Reading: September 20, 2023  
Readopted: **September 20, 2023**

**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  
                                 N.J.S.A. 18A:30-4                    Sick Leave governing employment of teacher, etc.  
                                 N.J.S.A. 18A:29-14                    Withholding increments; causes; notice of appeals  
                                 N.J.S.A. 18A:30-1 et seq.            Sick Leave  
                                 N.J.S.A. 18A:54-20                    Powers of board (county vocational schools)  
                                 N.J.A.C. 6A:30-1.1 et seq.        Evaluation of the Performance of School Districts

Montville Education Ass'n v. Montville Bd. Of Ed., 1984 S.L.D. 550,  
rev'd

St. Bd. 1984 S.L.D. 559, rev'd App. Div., unreported decision (Docket no. A-1178-84T7, decided December 6, 1985) 1985 S.L.D. 1972, decision on remand, St. Bd., 1986 S.L.D. 3113

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

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

## Possible

<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

## SICK LEAVE

The Board of Education shall grant Sick Leave in accordance with N.J.S.A. 30-1 et seq. All persons holding any office, position, or employment in the School District, who are employed by the Board or who are protected by tenure in their office, position, or employment under the provisions of this or any other law, except persons in the classified service of the Civil Service under Title 11, Civil Service, of the Revised Statutes shall be allowed Sick Leave in accordance with N.J.S.A. 18A:30-2.

Pursuant to N.J.S.A. 18A:30-1.a, Sick Leave is defined as the absence from an employee's post of duty, for any of the following reasons:

1. The employee is personally ill or injured;
2. For diagnosis, care, or treatment of, or recovery from an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
3. For the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
4. Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member:
  - a. Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence;
  - b. Services from a designated domestic violence agency or other victim services organization.
  - c. Psychological or other counseling;
  - d. Relocation, or
  - e. Legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;
5. The death of a family member for up to seven days;

6. To attend a child's school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability;
7. The school or place of care of a child of the employee is closed by order of a public official or because of a state of emergency declared by the Governor due to an epidemic or other public health emergency;
8. The employee has been exposed to a contagious disease or is quarantined for the disease in the employee's immediate household.

N.J.S.A. 18A:30-1, this Policy, and Regulation 1642.01 shall not supersede any law providing collective bargaining rights for school district employees, and shall not reduce, diminish, or adversely affect an employee's collective bargaining rights pursuant to N.J.S.A. 18A:30.1.b.

All Sick Leave will be governed by the provisions of P.L. 2023, c.95, adopted July 3, 2023, and amending N.J.S.A. 18A:30.1 and N.J.S.A. 18A:30.4. All employees seeking to utilize Sick Leave shall be in full compliance therewith, as well as with any other Board Policies to the extent they are not inconsistent with same.

If an employee's need to use Sick Leave pursuant to the above statutes are foreseeable, he or she shall provide the Superintendent with advance notice of seven (7) calendar days, prior to the date the leave is to begin, or the intention to use the leave, and its expected duration. The employee shall make a reasonable effort to schedule the use of such Sick Leave in a manner that does not unduly disrupt the operations of the Board of Education.

If the reason for the use of Sick Leave is not foreseeable, the employee shall advise the Superintendent of if the intention to use such days as soon as practicable. By adoption of this revised Policy, all District employees are placed on notice of this requirement.

In the event of death of an immediate family member grandparent or grandparent-in-law, near relative or close associate, the employee shall use Bereavement Leave first and any additional days may be taken as Sick Leave.

Employees may be prohibited from using foreseeable Sick Days on certain days and the Superintendent shall require reasonable documentation if Sick Leave which is not foreseeable are used on those dates.

In case of Sick Leave for three or more consecutive days, the Board requires reasonable documentation that the leave is being taken for a purpose permitted pursuant to N.J.S.A. 18A:30-1.a and B.1 above.

If the leave is permitted under N.J.S.A. 18A:30-1.a(2) or (3) and B.1.b or c. above, documentation signed by a health care professional, in the form attached to this Policy, who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, the number of days of leave, shall be considered reasonable documentation.

If the leave is permitted under N.J.S.A. 18A:30-1.a(4) and B.1.d above because of domestic or sexual violence, any of the following shall be considered reasonable documentation of the domestic or sexual violence:

- a. Medical documentation;
- b. A law enforcement agency record or report;
- c. A Court Order;
- d. Documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense;
- e. Certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization;  
or
- f. Other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.

If the leave is permitted under N.J.S.A. 18A:30-1.a(7) and B.1.g. above, a copy of the order of the public official or the determination by the health authority shall be considered reasonable documentation.

#### Sick Leave Charges

1. An employee who is absent for a portion of their work day shall be charged in quarterly increments if the employee's reason for absence is covered by N.J.S.A. 18A:30-1.
2. A Sick Leave day once commenced may be reinstated as a working day only with approval of the Superintendent or designee, pursuant to 1. above.
3. An employee absent on Sick Leave on a day when the school is closed early for emergency reasons will be charged with a full Sick Leave day.
4. An employee scheduled for a Sick Leave absence on a day on which the schools do not open because of an emergency will not be charged with a sick day.

The Board may, at its discretion, require the employee submit to an examination by a physician or institution designated by the Board to confirm the information submitted by the employee's physician or institution. The Board shall bear the cost of the examination if the examination is performed by a physician or institution designated by the Board.

If the results of the examination conducted pursuant to paragraph E.2. above are inconsistent with the statement of the employee's physician in E.1. above, the employee and the Board shall agree to a third physician or institution to conduct the examination. The Board shall bear the cost of this third examination.

Sick Leave will be charged, first to the sick leave newly available in the employee's current contract year and, when that sick leave entitlement is exhausted, to the employee's accumulated Sick Leave.

C. Definitions (intermittent and long term absences refer to Sick Leave only):

1. Intermittent absence: absent for one (1) to five (5) days whether consecutive or nonconsecutive days;
2. Long-term absence: absent for six (6) consecutive days or more;
3. School year: July 1<sup>st</sup> to June 30<sup>th</sup>.

D. After the sixth (6<sup>th</sup>) day of intermittent absence, or one (1) long term absence, the Principal or Administrator will initiate a conference to demonstrate an interest in the welfare of the staff member, remind them that his/her attendance will be closely monitored and document that said conference was held;

E. After the eighth (8<sup>th</sup>) day of intermittent absence, the Principal or Administrator will initiate a conference with the staff member, demonstrate an interest in the welfare of the staff member, and inform him/her that on the next day of intermittent absence the School Administrator will submit a letter to the Chief of School Administrator;

F. On the ninth (9<sup>th</sup>) day of intermittent absence, the Principal or Administrator will forward a letter to the Chief School Administrator recommending the implementation of the following procedures:

1. Review of absentee's current absence record;
2. Review of absentee's past absence record;
3. Review of the underlying reasons for each intermittent/long-term absence, considering its impact on the continuity of education or services, and the validity of the reasons for the absence;
4. Recommendation, with supporting data, whether future action is necessary;

Please note: Any staff member may be subject to attendance review by central office personnel at any time during the school year.

G. After a thorough review of the documentation and recommendation (if submitted by the Administrator) a letter may be sent to the employee by the Chief School Administrator or designee, indicating that, based on the review and/or the Administrator's recommendation, a conference is required at this time. If a conference is not required at this time, the employee will be notified that any additional absence(s) may result in a conference with the Chief School Administrator or designee at a future date;

H. Employees called for a conference at this level may be subject to disciplinary action. Any future disciplinary actions, regarding attendance, will be preceded by a conference;

- I. By June 1<sup>st</sup> of each year, the Principal or Administrator will conduct a review of the attendance of his/her staff, and submit a letter to the Chief School Administrator recommending a final review for any employee who has continued to accrue excessive absences, even if this employee was already subject to a review during the same school year. This may result in a letter of reprimand being placed in an employee's personnel file or other disciplinary action;
- J. After being absent more than the allotted amount of time designated below, employees will undergo a review of their absences to determine if their next year's salary will remain on the same step on the salary scale for the following school year.;
- K. Designated allotted time:
  - 1. Ten-month employees who have been absent for the equivalent of five (5) months or more;
  - 2. Eleven-month employees, who have been absent for the equivalent of five and one-half (5 1/2 months or more;
  - 3. Twelve-month employees who have been absent for the equivalent of six (6) months or more;
- L. Each school/department within the Elizabeth Public Schools will establish a committee which will recommend procedures for the improvement of staff attendance.
- M. All Principals or Administrators will recognize staff members who have achieved perfect attendance by issuing Letter of Commendation and placing a copy of said letter in the individuals Personnel File.
- N. The Chief School Administrator will annually submit to the Board of Education the names of the Elizabeth Public Schools' staff members who have achieved perfect attendance the preceding school year.
- O. The Board of Education will officially acknowledge those members of the Elizabeth Public Schools who have achieved excellence in attendance.
- P. The Board of Education will implement an Attendance Incentive Program, effective July 1, 2006, in accordance with the Agreement between the Elizabeth Board of Education and the Elizabeth Education Association.

Absences for the following reasons will not be counted as part of attendance for this incentive program; Military Service; Jury Duty; on the job injury; Bereavement Leave; Vacation; Administrator approved professional days.

#### Assessment for Tardiness

- A. The accumulation of five (5) tardy days marks to an assigned duty within a given school year will result in a deduction from pay of twenty-five percent (25%) of the daily salary computed at 1/200 for ten (10) month employees; 1/220 for even (11) month employees; 1/240 for twelve (12) month employees of the employees's annual salary;

- B. After the first accumulation of five (5) tardy marks in a given school year, each tardy will result in a deduction from pay of twenty-five percent (25%) of the daily salary computed at 1/200 for ten (10) month employees; 1/220 for eleven (11) month employees; and 1/240 for twelve (12) month employees of the employee's annual salary;
- C. Inexcusable failure to report to work will result in the forfeiture of 1/200 for (10) month employees; 1/220 for eleven (11) month employees; and 1/240 for 12 (12) month employees of the employee's annual salary;
- D. Inexcusable absence during a portion of the working day shall result in an assessment equal to the ratio of the time missed to the total time offered, times 1/200 for (10) month employees; 1/220 for eleven (11) month employees; 1/240 for twelve (12) month employees of the employee's annual salary.

Whether failure to perform an assigned or contracted duty is excusable or not shall be determined by the Building or Department Administrator, or the Chief School Administrator, in accordance with applicable Board rules. Tardiness records, or other causes for failure to perform assigned or contracted services, will be not be cumulative from one school year to the next. Records of tardiness and assessments for these, will be retained in the employee's personnel file.

The Superintendent of School shall be empowered to promulgate and implement regulations to effectuate the purposes of this Policy, not inconsistent with any provision hereof or any statute, Administrative Code provision or other applicable law.

The Board therefore directs the Chief School Administrator to report all cases which violate Board of Education Policy and have resulted in recommendations for assessment as prescribed herein.

Date:	September 12, 1991
Revised:	September 4, 2007
Revised:	June 25, 2009
First Reading:	August 16, 2023
Second Reading:	September 20, 2023
<b>Readopted:</b>	<b>September 20, 2023</b>

**Regulation**

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ATTENDANCE

Daily attendance is essential in contributing to the success of our district's mission statement. The assurance that all students are provided with meaningful, well-organized, and excellent educational experiences and services, require not only the presence of the regularly assigned teachers, but also the daily presence of all certified and non-certified staff. The absence of any Elizabeth Public School employee adversely affects the sequence of instruction, as well as disrupts the daily work schedules of all district operations.

Therefore, the Elizabeth Board of Education hereby adopts this regulation to improve employee attendance in the district.

The following staff attendance improvement plan shall be implemented by all administrators and shall be reviewed with both the certified and non-certified staff:

The principal or administrator shall require all absentees to sign a statement covering employee's absence (Form 4151/4251) giving the causes and dates of absences.

- A. The principal or administrator shall require employees, who return from being out ill for three (3) or more consecutive days, to submit a fully completed district medical certificate (Form 4151/4251) as to the nature of the illness and verifying that they are physically able to return to work, with no restrictions in the performance of their duties.
- B. The principal or administrator shall require employees to submit a completed district medical certificate after six (6) days of consecutive absences for sickness and shall continue to require the district medical certificate to cover the term of the employees' prospective or continued illness.
- C. Definitions (intermittent and long term absences refer to sick days only):
  1. Intermittent absence: absent for one (1) to five (5) days-whether consecutive or nonconsecutive days;
  2. Long-term absence: absent for six (6) consecutive days or more;
  3. School year: July 1st to June 30<sup>th</sup>;
- D. After the sixth (6th) day of intermittent absence, or one (1) long term absence, the principal or administrator will initiate a conference to demonstrate an interest in the welfare of the staff member, remind them that his/her attendance will be closely monitored, and document that said conference was held;
- E. After the eighth (8th) day of intermittent absence, the principal or administrator will initiate a conference with the staff member, demonstrate an interest in the welfare of the staff member, and inform him/her that on the next day (9th) of intermittent absence the school administrator will submit a letter to the chief school administrator;

ATTENDANCE (regulation continued)

F. On the ninth (9th) day of intermittent absence, the Principal or Administrator will forward to the chief school administrator recommending the implementation of the following procedures:

1. Review of absentee's current absence record;
2. Review of absentee's past absence record;
3. Review of the underlying reasons for each intermittent/long-term absence, considering its impact on the continuity of education or services, and the validity of the reasons for the absence;
4. Recommendation, with support data, whether future action is necessary;

Please note: Any staff member may be subject to attendance review by central office personnel at any time during the school year.

G. After a thorough review of the documentation and recommendation (if submitted by the administrator) a letter may be sent to the employee by the chief school administrator or designee indicating that, based on the review and/or the administrator's recommendation, a conference is required at this time. If a conference is not required at this time, the employee will be notified that any additional absence(s) may result in a conference with the chief school administrator or designee at a future date;

H. Employees called for a conference at this level may be subject to disciplinary action. Any future disciplinary actions, regarding attendance, will also be preceded by a conference;

I. By June 1st of each year, the principal or administrator will conduct a review of the attendance of his/her staff, and submit a letter to the chief school administrator recommending a final review for any employee who has continued to accrue excessive absences, even if this employee was already subject to a review during the same school year. This may result in a letter of reprimand being placed in an employee's personnel file or other disciplinary action;

J. After being absent more than the allotted amount of time designated below, employees will undergo a review of their absences to determine if their next year's salary will remain on the same step on the salary scale for the following school year;

K. Designated allotted time:

1. Ten-month employees who have been absent for the equivalent of five (5) months or more;
2. Eleven-month employees, who have been absent for the equivalent of five and one-half (5 1/2) months or more;
3. Twelve-month employees who have been absent for the equivalent of six (6) months or more;

L. Each school/department within the Elizabeth Public Schools will establish a committee which will recommend procedures for the improvement of staff attendance.

ATTENDANCE (regulation continued)

- M. All principals or administrators will recognize staff members who have achieved perfect attendance by issuing a letter of commendation and placing a copy of said letter in the individual's personnel file.
- N. The chief school administrator will annually submit to the board of education the names of the Elizabeth Public Schools' staff members who have achieved perfect attendance the preceding school year.
- O. The board of education will officially acknowledge those members of the Elizabeth Public Schools who have achieved excellence in attendance.
- P. The board of education will implement an Attendance Incentive Program, effective July 1, 2006, in accordance with the agreement between the Elizabeth Board of Education and the Elizabeth Education Association.

Absences for the following reasons will not be counted as part of attendance for this incentive program: military service; jury duty; on the job injury; bereavement leave; vacation; administrator-approved professional days.

Assessment for Tardiness

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- B. After the first accumulation of five (5) tardy marks in a given school year, each tardy will result in a deduction from pay of twenty-five percent (25%) of the daily salary computed at 1/200 for ten (10) month employees; 1/220 for eleven (11) month employees; 1/240 for twelve (12) month employees of the employee's annual salary;
- C. Inexcusable failure to report to work will result in the forfeiture of 1/200 for ten (10) month employees; 1/220 for eleven (11) month employees; 1/240 for twelve (12) month employees of the employee's annual salary;
- D. Inexcusable absence during a portion of the working day shall result in an assessment equal to the ratio of the time missed to the total time offered, times 1/200 for ten (10) month employees; 1/220 for eleven (11) month employees; 1/240 for twelve (12) month employees of the employee's annual salary.

Whether failure to perform an assigned or contracted duty is excusable or not shall be determined by the building or department administrator, or the chief school administrator, in accordance with applicable board rules. Tardiness records shall not be cumulative from one school year to the next. Records of tardiness and assessments for this, or other causes for failure to perform assigned or contracted services, will be retained in the employee's personnel file.

ATTENDANCE (regulation continued)

The board therefore directs the chief school administrator to report all cases which violate board of education policy and have resulted in recommendations for assessment as prescribed herein.

Date:	September 12, 1991
Revised:	November 16, 2006
Revised:	September 4, 2007
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

Please refer to the directions on the reverse side of this form.

Exhibit 4151/4251  
Revised July 2014



\_\_\_\_\_  
(Employee Signature) - Authorization to provide the following information

\_\_\_\_\_, is a patient under my care. He/she has the following medical condition(s):  
(Print Name)

(Please state the nature of the illness):

\_\_\_\_\_  
The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by the GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by the law. To comply with the law, we are asking that you not provide any genetic information when responding to this request for medical information.

He/she needs to be absent from \_\_\_\_\_ to \_\_\_\_\_

He/she can return to work **without** restrictions on \_\_\_\_\_, **with** restrictions on \_\_\_\_\_,

**\*List restrictions:**

\_\_\_\_\_  
The information contained in this report is confidential and will be so maintained by the Elizabeth Board of Education. **This information should be submitted directly to the Chief School Administrator. (See directions on the reverse side.)**

\_\_\_\_\_  
(Physician's Signature - **Stamped signatures are not accepted**)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Physician's Telephone Number)

\_\_\_\_\_  
(Physician's Address)

\_\_\_\_\_  
(Physician's Fax Number)

This information is necessary for the determination of the employee's right to use sick leave.  
Failure to submit this form may result in non-payment of days taken or disciplinary action for an unexcused absence.

**This form will only be accepted if signed, not stamped, and dated by the attending physician.**

Please return this top portion of the form to the Chief School Administrator, in a sealed envelope marked: "Confidential- Medical Certificate Enclosed," when absent from an illness of 3 or more consecutive days or for any medical information submitted to the District.

\_\_\_\_\_  
Physician's Signature: \_\_\_\_\_ Date of return without restrictions: \_\_\_\_\_

\_\_\_\_\_  
(Employee's Signature)

\_\_\_\_\_  
(School)

I, \_\_\_\_\_, have submitted the District Medical Certificate for my absences on  
(Print Name)

the following dates \_\_\_\_\_ Submitted to: \_\_\_\_\_ on \_\_\_\_\_  
(Dates Absent) (Name of Administrator) (Date Submitted)

**Please return this portion of the form to your immediate administrator, upon returning from an illness of 3 or more days.**

**Exhibit B – Page 2**

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INSTRUCTIONS FOR USE OF THE DISTRICT MEDICAL CERTIFICATE

In order to be compliant with the HIPPA Privacy Rule, the Elizabeth Public Schools has set the following guidelines for our employees regarding the use of our District Medical Certificates:

- A. After being absent for three (3) or more consecutive sick days, employees are to submit an original 2-sided District Medical Certificate, which must be completed and signed by their physician (no stamp signatures will be accepted). The information on the certificate should be specific as to the nature of the absence.
- B. **The employee is responsible** for submitting the bottom tear-off portion of the medical certificate, verifying that he/she is able to return to his/her full duties, with no restrictions, to his/her administrator for the school/department records. It is the employee's responsibility to complete all sections of this portion of the form before submitting it.
- C. **The employee is responsible** for assuring the confidential information contained in the top portion of the medical certificate is sent to the Chief School Administrator in a sealed envelope, marked "**CONFIDENTIAL MEDICAL CERTIFICATE ENCLOSED.**" Any restrictions should be included in the same envelope.
- D. Under no circumstances should the confidential portion of this medical certificate be submitted to anyone but the Chief School Administrator, following these procedures.
- E. **Before** returning to their work location, employees released from the doctor to return to work **with restrictions**, should report to the Office of Human Resources to determine their ability to return to their assigned position.
- F. The Chief School Administrator shall ensure the certificate is handled appropriately by his/her designee and placed in the employee's medical file.
- G. Failure to adhere to the above procedures will result in the employee not being able to use sick days for the time he/she was absent. These days will be marked as "Unexcused Absences." However, this standing will be changed once the employee produces the proper documentation required by the District.

**Please note:** This medical certificate will be required by the District for employees absent from an illness of three (3) days or more and for all medical information submitted to the District.

VACATION

Employee vacation entitlement shall be in accordance with provisions outlined within the bargaining agreement. This policy shall pertain to all employees who are eligible to accrue vacation.

Vacation requests are to be submitted to the immediate supervisor/director for approval using vacation request form. Annual vacation requests should be submitted for approval not later than May 1<sup>st</sup> of the school year preceding use of the vacation leave and should include a schedule for all accrued vacation days for the school year. Approved vacation schedules will be returned not later than June 1<sup>st</sup>. Vacations are to be taken during periods when school is not in session except in special circumstances with approval of the chief school administrator. At least ten (10) days shall be taken between July 1<sup>st</sup> and September 1<sup>st</sup>.

All vacation time earned during the school year must be taken during the following school year or entitlement thereto is lost. For example all vacation time earned for the school year must be used between July 1 and June 30 of that year. Vacation time not used in accordance with the above will be forfeited. A maximum of five (5) days of vacation time unable to be used because of the exigencies of employment, as required by the Chief School Administrator, may be requested for carry over using the vacation carryover request form. Once approved by the chief school administrator, such days must be utilized as soon as possible during the following school year.

All vacation time accumulated prior to June 30, 1994 is grandfathered and not considered part of this requirement.

The board of education will buy back accumulated vacation days at a per diem rate based on the employee's current salary rate at the time of the buy back. The employee must notify the administration of his/her intent to participate in the vacation buy back no later than December 31<sup>st</sup> of the prior budget year. With the approval of the board of education and the availability of funds, the buyback funds will be available for the first supplemental payroll in July of the new budget year. Employees participating in this plan must have at least five (5) years in the district and more than twenty-two (22) accumulated vacation days banked. The maximum buy back of vacation days will be ten (10) days annually.

Date:	November 21, 1995
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

VACATION (continued)

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

<b><u>Cross References:</u></b>	*4115	Supervision
	*4116	Evaluation
	*4151/4251	Attendance
	4151.6	Religious observance
	*4115	Supervision
	*4116	Evaluation

PERSONAL ILLNESS AND INJURY/HEALTH AND HARDSHIP

The Elizabeth Board of Education will consider requests for extension of sick leave benefits on a case-by-case basis.

Sick Leave Bank

The Elizabeth Board of Education shall create and operate a sick leave bank for eligible employees. The sick leave bank shall be operated according to the agreed conditions established in the Elizabeth Education Association (EEA) negotiated contract.

The board of education and the Elizabeth Education Association shall review and approve the following guidelines:

- A. Eligibility in the program;
- B. Participation in the program;
- C. Donation of sick days to the bank;
- D. Application for requesting sick days from the bank;
- E. Accumulated sick days from employees who are retiring.

The board of education shall assist in maintaining a current list of participating members, the number of days individually and collectively contributed; and the number of days used and the individuals that were granted said days. The board shall also provide copies of all donation day forms to the EEA. There shall be no obligation to participate in the sick leave bank; any participation is voluntary. Participation is open to all employees without regard to employment position or union membership.

The chief school administrator will create a regulation that will be presented to the board of education for approval.

Date:	November 13, 1986
Revised:	January 17, 2008
First Reading:	December 13, 2007
Second Reading:	January 17, 2008
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009

Revised: March 16, 2017  
First Reading: February 16, 2017  
Second Reading: March 16, 2017  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019  
Revised: **March 19, 2020**  
First Reading: February 20, 2020  
Second Reading: March 19, 2020

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

Cross References: 4150/4250 Leaves  
4151/4251 Attendance patterns

**Policy**

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PERSONAL/PROFESSIONAL OCCUPATIONAL DAYS

Requests for professional occupational days must be forwarded to the office of the chief school administrator after being approved by the location administrator.

All requests for such days will be processed by the respective coordinators and directors.

All requests for such days must have the final approval of the appropriate assistant superintendent.

The location administrator will be notified by the appropriate assistant superintendent as to whether the request is approved; he/she, in turn, will notify the school/department personnel.

Forms may be secured from the appropriate assistant superintendent's office.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**Legal Reference:**     N.J.S.A. 18A:30-7     Power of boards of education to pay salaries  
                              N.J.S.A. 18A:30       Leaves of absence  
                              N.J.S.A. 18A:31-1     Attendance at NJEA conventions

**Possible**

**Cross References:**   \*4115           Supervision  
                              \*4116           Evaluation  
                              4150/4250      Leaves  
                              \*4151/4251     Attendance  
                              \*4151.1/4251.1 Personal illness and injury/health and hardship  
                              \*4115           Supervision  
                              \*4116           Evaluation

**Policy**

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RELIGIOUS LEAVE

No paid leave will be granted employees specifically for religious observance.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**Legal Reference:** Hunterdon Central High School Education Association v Hunterdon Central High School Board of Education, (174 N.J. Super. 468)

**Possible**

**Cross References:** \*4115 Supervision  
\*4116 Evaluation  
4150/4250 Leaves  
\*4151/4251 Attendance  
\*4151.1/4251.1 Personal illness and injury/health and hardship  
\*4115 Supervision  
\*4116 Evaluation

RECRUITMENT, SELECTION AND HIRING

The Elizabeth 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 chief school administrator 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 chief school administrator 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 chief school administrator. All appointments shall be by recorded roll call majority vote of the full membership of the board. The chief school administrator 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 chief school administrator 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 chief school administrator 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

RECRUITMENT, SELECTION AND HIRING (continued)

education and signed by the candidate. It shall be the responsibility of the chief school administrator 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
- 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.

Additional Residency Requirements

Every non-certificated employee of the Elizabeth Board of Education, hired after January 1, 2015, shall, prior to employment, have their principal residence within the City of Elizabeth, County of Union, State of New Jersey and thereafter remain a bona fide resident of the City:

- A. A bona fide resident for the purpose of this section is a person having a permanent domicile within the City;
- B. Candidates for employment shall meet City residency requirements by being a bona fide City resident at the time of submitting an application and maintain continuous bona fide residency up to and including the date of appointment.

Waiver

Notwithstanding the foregoing. Positions of employment may be filled by the employment of a non-resident, with the approval of the Board of Education, upon certification of the chief school administrator that:

- A. The position is vacant and not likely to be filled despite due diligence in recruitment, over a reasonable period of time, not to exceed ninety (90) days, unless the residency requirements of this section are either relaxed by the granting of a grace period for a reasonable period of time to enable a prospective employee to find suitable accommodations for residency, or the granting of a complete exemption of the residency requirements for employment;
- B. The position of employment is of such importance for the provision of district services that its continued vacancy is demonstrably detrimental to the public health, safety, or welfare of this community or the service area intended to be served by the position of employment;

RECRUITMENT, SELECTION AND HIRING (continued)

- C. A non-resident appointed to a position of employment must become a bona-fide resident of the City of Elizabeth within one (1) year of appointment unless the residency requirement has been previously waived by the board of education.

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 chief school administrator 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

RECRUITMENT, SELECTION AND HIRING (continued)

(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

RECRUITMENT, SELECTION AND HIRING (continued)

the applicant contacted. The dates of employment shall be requested and a statement as to whether the applicant:

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

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

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

Review of Out-of-State Employment History

A review of out-of-State employers that are part of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The chief school administrator 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

RECRUITMENT, SELECTION AND HIRING (continued)

report of suspected child abuse or sexual misconduct by a current or former employee;

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

Implementation

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

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

Date:	November 13, 1986
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	June 30, 2011
First Reading:	June 9, 2011
Second Reading:	June 30, 2011
Revised:	November 17, 2011
First Reading:	October 13, 2011
Second Reading:	November 17, 2011
Revised:	March 15, 2012

RECRUITMENT, SELECTION AND HIRING (continued)

First Reading: February 16, 2012  
 Second Reading: March 15, 2012  
 Revised: June 12, 2014  
 First Reading: May 8, 2014  
 Second Reading: June 12, 2014  
 Revised: November 20, 2014  
 First Reading: October 23, 2014  
 Second Reading: November 20, 2014  
 Revised: September 22, 2016  
 First Reading: July 21, 2016  
 Second Reading: September 22, 2016  
 NJSBA Review/Update: December 2018  
 Readopted: June 13, 2019

**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**

<b><u>Cross References:</u></b>	2130	Administrative staff
	*2131	Chief school administrator
	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

SUPERVISION

School principals shall be responsible for the supervision of office personnel and shall assist in the supervision and evaluation of custodians, paraprofessional aides and other personnel who serve their schools.

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.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**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

EVALUATION

The chief school administrator shall maintain factual personnel records on all support employees and shall direct evaluation procedures. The appropriate administrators shall establish procedures for reporting and recording on-the-job observations by principals, supervisors, and other authorized persons. Such procedures shall provide for the opportunity for support employees to be apprised of the results of the evaluation and staff development opportunities. Evaluations of support personnel shall be made and forwarded at the designated times to the appropriate department head.

Before increments for support staff members are approved for succeeding years, administrative and supervisory personnel in the schools shall submit to the chief school administrator a report on the work and attitude of each employee under their jurisdiction. Increments on the salary scale shall be granted upon approval from the Board.

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.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**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

**Policy**

NONINSTRUCTIONAL AIDES

The board, within its financial means, may hire aides as recommended by the chief school administrator.

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 chief school administrator 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.

Date: May 12, 2015  
First Reading: April 16, 2015  
Second Reading: May 12, 2015  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:6-7.1 through -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception ...
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:16-2	Physical examinations; requirement Through -5
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exceptions
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:32-4.2	Approval of paraprofessional staff

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**

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

**Policy**

STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Elizabeth 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 chief school administrator shall ensure that appropriate programs of inservice training shall be developed for support staff as necessary.

The chief school administrator 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 chief school administrator 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.

Date:	November 13, 1986
Revised:	May 14, 1987
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	October 17, 2013
First Reading:	September 19, 2013
Second Reading:	October 17, 2013
Revised:	November 17, 2016
First Reading:	September 22, 2016
Second Reading:	November 17, 2016
Revised:	May 10, 2018
First Reading:	April 19, 2018
Second Reading:	May 10, 2018
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

**Legal References:** N.J.S.A. 18A:11-1  
N.J.S.A. 18A:17-46

General mandatory powers and duties  
Act of violence; report by school employee; notice of  
action taken; annual report

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

<u>N.J.S.A.</u> 18A:30-7	Power of boards of education to pay salaries
<u>N.J.S.A.</u> 18A:31-2	Attendance at conventions of New Jersey Education Association
<u>N.J.S.A.</u> 18A:40A-3	Initial inservice training programs; curriculum; availability
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:40A-3a, -18c	
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 34:5A-10	Retention or workplace surveys
<u>N.J.S.A.</u> 34:5A-13	Employee education and training program; certification 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

**Policy**

SALARY GUIDES

It is the policy of the Elizabeth Board of Education to attempt to pay its employees at a level that will attract and hold personnel of superior quality while still maintaining the financial integrity of the district.

For the purpose of initial placement of prospective noncertified personnel on the appropriate salary guide, credit for prior comparable or equivalent service may be granted upon recommendation of the chief school administrator and approval of the board.

In order to advance one step on a guide, an employee must have been employed with the district prior to February 1.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: January 2018  
Readopted: June 13, 2019

**Legal References:** N.J.S.A. 18A:29-9 Agreement as to initial salaries  
N.J.S.A. 18A:29-13 Increase of salary increments  
N.J.S.A. 18A:29-15 Salary schedules in force

**Possible**  
**Cross References:** 2130 Administrative staff  
\*2131 Superintendent  
4000 Concepts and roles in personnel  
\*4111/4211 Recruitment, selection and hiring  
\*4111.1/4211.1 Nondiscrimination/affirmative action  
\*4112.2 Certification  
\*4112.6/4212.6 Personnel records  
\*4112.8/4212.8 Nepotism