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3111 CREATING POSITIONS

The Board of Education recognizes its authority to create and fill teaching staff member positions to implement a thorough and efficient system of a free public school.

The Board shall create new positions as they are required, approve job titles, and specify the number of positions required to staff adequately each employment category. Job descriptions shall be prepared in accordance with Policy No. 1400. The Board shall, on a careful review of the position, establish the background experiences and personal qualities, if any, to be required of candidates or preferred among applicants for a particular position. Any such local qualifications shall be flexibly applied.

The Superintendent shall recommend to the Board such new positions or additions to existing employment categories as may be required by the specific instructional needs of pupils of the district.

Positions shall, to the maximum extent possible, conform to certification regulations of the State Board of Education. When district organization requires the creation of a nonconforming, unrecognized position, the approval of the county Superintendent shall be sought before the position is filled.

N.J.S.A. 18A:16-1; 18A:28-1 et seq.
N.J.A.C. 6A:9-5.1; 6A:9-5.5
P.L. 1995 Chapter 125

Adopted: 31 March 2010



3112 ABOLISHING POSITIONS

The Board of Education will provide the professional staff necessary for the economical and efficient implementation of the educational program of the district. The Board reserves the right to abolish positions and reduce district staff commensurately whenever reasons of economy, reorganization of the school district, reduction in the number of pupils, or other good cause so warrant. The Superintendent shall continually review the efficiency and effectiveness of the district organization and recommend to the Board the abolishment of positions and the reallocation of duties and positions.

N.J.S.A. 18A:28-1; 18A:28-9 et seq.

Adopted: 31 March 2010



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EMPLOYMENT CONTRACT

3124 EMPLOYMENT CONTRACT

The Board of Education requires that every nontenured teaching staff member employed by this district annually sign an employment contract for a term of not more than one year.

The employment contract shall include the specific title of the position to which the teaching staff member is appointed; the term for which employment is contracted, including beginning and ending dates; a full description of the certification held by the teaching staff member and the date, if any, on which certification will expire; the salary at which the teaching staff member will be employed; the intervals at which the salary will be paid; and a provision for the termination of the contract on sixty days notice duly given by either party.

In the event that the salary entered on the written contract differs from that approved by the Board in a resolution duly adopted, the salary approved by the Board shall be the salary paid.

N.J.S.A. 18A:27-2 et seq.; 18A:28-8
N.J.A.C. 6A:9-5.1; 6A:9-5.2

Adopted: 31 March 2010



EMPLOYMENT OF TEACHING STAFF MEMBERS (M)

3125 EMPLOYMENT OF TEACHING STAFF MEMBERS (M)

M

The Board of Education believes it is vital to the successful operation of the district that teaching staff member positions be filled with highly qualified and competent teaching staff members.

The Superintendent shall recruit, screen, and recommend to the Board suitable candidates for district employment. The Board shall approve the employment, fix the compensation, and establish the term of employment for every teaching staff member employed by this district. Approval shall be given only to those candidates for employment recommended by the Superintendent.

The Superintendent may appoint a person to fill a sudden vacancy, subject to ratification of that action by the Board at the next Board meeting, and may appoint substitute teachers in accordance with this policy.

No teaching staff member shall be employed unless he/she is a holder of a valid certificate in accordance with the New Jersey Department of Education and applicable statutes and administrative codes.

The Superintendent shall require proof of any candidate's certification or pending application for certification.

No person shall be employed in a position involving regular contact with pupils unless the Board has notice that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify the individual from being employed or utilized in such capacity or position.

Criminal history record checks will be required pursuant to New Jersey Department of Education regulations and procedures. Any person to be employed by the district, other than a school bus driver, must undergo a criminal history background check. School bus drivers are subject to criminal history record checks in accordance with New Jersey and Federal licensing requirements. All contracted employees having regular pupil contact must undergo a criminal record history check. Approval letters will be valid only for the district or contract service provider through which the person to be employed made application for employment.



EMPLOYMENT OF TEACHING STAFF MEMBERS (M)

A permanent employee hired prior to October 8, 1986, who applies for and is selected for a different position in the district is “grandfathered” and not required to undergo a criminal history background check. An employee hired after October 8, 1986 for a position without regular pupil contact and later receives a position with pupil contact, must undergo a criminal history background check at the time of transfer to the new position.

Individuals who provide volunteer services are not subject to this criminal history record information requirement. Student teachers are not subject to this criminal history record information requirement. An individual shall be permanently disqualified from employment or service in the school district if the criminal history record check reveals a record of conviction for crimes as defined in N.J.S.A. 18A:6-7.1 et seq.

Substitute employees, who are rehired annually by the Board, are required to undergo a criminal history record check upon initial employment, provided the substitute continues in the employ of at least one of the districts at which the substitute was employed within one year of the approval of the criminal history record check. A substitute employee later selected for a permanent position within the district does not need to undergo a new criminal history background check provided there is no break in service in the substitute employment. A break in service is when the employee is no longer approved by the employing Board of Education. An employee who has been laid off (dismissed because of employee reduction) and is asked to be re-employed by the district and/or contractor must submit to a new criminal history background check.

The Board or contracted service provider may employ an applicant on an emergent basis for a period not to exceed three months, pending completion of a criminal history records check if the Board or contractor demonstrates to the Commissioner of Education that special circumstances exist which justify the emergent employment as prescribed in N.J.S.A. 18A:6-7.1c. In the event the criminal background check is not completed for an emergent hired employee within three months, the Board or contractor may petition the Commissioner for an extension of time, not to exceed two months, in order to retain the employee.

No criminal history record check shall be furnished unless the applicant provided written consent to the check. The applicant shall bear the cost for the check, including all costs for administering and processing the check. The district will deny employment to an applicant if the applicant is required and refuses to submit to a criminal history background check.



EMPLOYMENT OF TEACHING STAFF MEMBERS (M)

A teaching staff member's misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

All new employees will be required, within three days of the first day of hire, to complete the federal Form I-9 and supply the documentation necessary to demonstrate the employee's identity and employment eligibility under the Immigration Reform and Control Act of 1986. Completed Forms I-9 will be retained for three years or until one year after the end of the employee's separation, whichever is longer.

Part-time Teaching Staff Members

A "part-time teaching staff member" is a member employed less than full-time. "Full-time" is employment for a full school day and a full school week; a full school day is defined by the worksite, and a full school week is five days, Monday through Friday.

Substitute Teachers

The Board will employ substitutes for absent teachers in order to ensure continuity in the instructional program and will annually approve a list of substitutes and the rate of pay.

The Superintendent may select substitutes from the list approved by the Board to serve in the place of an absent teacher who retains an entitlement to a regular position. The Superintendent may employ, subject to ratification by the Board at the next meeting of the Board, substitutes who have not received the prior approval of the Board when no approved substitute is available.

Preference will be given to substitutes who are fully certified in the area for which they are engaged. A substitute who holds a county substitute certificate or a regular certificate without appropriate endorsements shall serve no more than twenty consecutive days in the same position.

A substitute teacher shall follow the daily lesson plan provided by the regular teacher and, when that plan is exhausted or unavailable, the instructions of the Principal. A substitute may not plan or direct an instructional program except as expressly permitted by the Superintendent.

Personnel hired to replace teachers on long-term paid or unpaid leaves of absence will be paid at the initial prevailing per diem substitute rate for the first thirty days.



EMPLOYMENT OF TEACHING STAFF MEMBERS (M)

Effective on the thirty-first consecutive school day in the same class, the substitute will be placed on the first step of the current guide. The corresponding per diem amount will be determined by dividing the respective annual salary by two hundred.

Personnel hired to replace teachers on a full-year leave will be placed on the appropriate step of the current guide and shall be entitled to all contractual benefits beginning with the first day of the school year.

Replacements for Vacant Positions

When filling a vacant position on a temporary basis, the substitute shall be paid the regular per diem substitute rate, as determined annually by the Board of Education for the first ten consecutive school days in the same position.

Effective on the eleventh consecutive day in the same position, the substitute shall be paid 1.3 times the regular per diem substitute rate, and shall be retroactive to the first day in that position.

Summer School Teachers

The Board shall approve the employment, fix the compensation, and set the term of employment for each person employed in the summer school program established for this district. The Board will employ only those candidates recommended by the Superintendent.

Primary consideration will be given to candidates for summer school employment who are employed in this district.

Service as a summer school teacher will not count toward the accrual of tenure or seniority.

Athletic Coaches

The Board authorizes the Superintendent to recommend the employment of qualified coaches for the district interscholastic and intramural athletic programs. The Board will employ as athletic coaches only those persons who have experience in and knowledge of the specific sport, are properly certified, and possess the personal characteristics that qualify them to serve as role models to the pupils they coach.

The Superintendent shall advertise a vacancy in a coaching position by posting notice of the vacancy in this school district and by simultaneously advertising the vacancy by



EMPLOYMENT OF TEACHING STAFF MEMBERS (M)

appropriate means throughout the region. The Superintendent may thereafter recommend to the Board the employment of any qualified candidate for the coaching position who possesses an instructional certificate issued by the New Jersey State Board of Examiners.

In the event there is no qualified and certified applicant for a coaching position, the Superintendent may recommend to the Board a candidate who is the holder of a county substitute's certificate, provided the Superintendent demonstrates to the County Superintendent the vacant coaching position has been advertised and no qualified applicant based on the written school district standards for the position has applied. The Superintendent must provide a letter to the County Superintendent attesting to the prospective employee's knowledge and experience in the sport in which he or she will coach. Approval of the County Superintendent shall be obtained prior to such employment by the Board.

An athletic coach employed under a county substitute's certificate shall be employed for a single designated sports season and the 20-day limitation provided in N.J.A.C. 6:11-4.5(c) shall not apply to such coaching situations.

An athletic coach employed by this district who is not a regular employee of this district shall be employed only for the duration of the specific sport season. He/She shall be paid the stipend that would be paid to a district employee in the same position and shall be supervised by the Principal. No out-of-district athletic coach shall be eligible for tenure or for employment benefits.

An athletic trainer shall possess an educational services certificate issued by the State Board of Examiners pursuant to N.J.S.A. 18A:26-4 and 18A:26-5.

N.J.S.A. 18A:6-5 et seq.; 18A:6-7.1 et seq.; 18A:16-1;
18A:26-1 et seq.; 18A:27-1; 18A:27-4 et seq.
N.J.A.C. 6:11-3.1; 6:11-4.2 et seq.; 6:11-5.1 et seq.;
6:11-3.24; 6:11-11.21

Adopted: 31 March 2010



INDUCTION PROGRAM FOR PROVISIONAL TEACHERS

3126 INDUCTION PROGRAM FOR PROVISIONAL TEACHERS

The Board of Education recognizes that all newly prepared teachers are required to serve their first year of employment under provisional certification and in a district induction program designed to train and guide new teachers and to identify those teachers who qualify for standard certification.

The Board will approve a plan for the induction of new teaching staff members and submit the plan to the Department of Education.

Professional Support Team

The Board shall, in accordance with State Board of Education rules, provide provisional teachers with the training and supervision of a professional support team composed of a Principal or his/her designee, an experienced mentor teacher, a college faculty member or comparable staff member, a curriculum supervisor or comparable staff member, and such additional members as the Superintendent may recommend and the Board approve.

Members of the professional support team shall be approved by the Board and recommended by a committee composed of representatives of the constituent staff organizations. Support team members shall be appropriately certified, experienced, and cooperative staff members recognized for their discretion and helpfulness. Support team members shall be appropriately trained for participation in the induction program.

Mentor teachers shall, whenever possible, be in the same instructional area and school building as the provisional teacher.

Evaluation of Provisional Teachers

Both traditional and alternate route provisional teachers shall be formally evaluated as specified in Regulation No. 3126, by members of the support team and the mentor team. The support team may conduct additional evaluations.

Role of Mentor Teachers

Mentor teachers shall not participate in any way in decisions which may have a bearing on the employment or certification of provisional teachers. They shall not assess or evaluate the performance of provisional teachers unless they are appropriately certified administrators. Interactions between provisional teachers and experienced mentor teachers are formative in nature and considered a matter of professional privilege.



INDUCTION PROGRAM FOR PROVISIONAL TEACHERS

Mentor teachers shall not be compelled to offer testimony on the performance of provisional teachers.

Compensation for Support Team Members

Members of the professional support team shall be compensated in accordance with the fee schedule approved by the State Board of Education.

The provisional teacher shall be assessed the entire amount of the fee.

The amount of the assessment shall, on the written request of the teacher, be deducted from the provisional teacher's salary in amounts prorated throughout the first year of service.

N.J.S.A. 18A:6-75 et seq.

N.J.A.C. 6:11-5.1 et seq.

Adopted: 31 March 2010



ASSIGNMENT OF ADDITIONAL DUTIES

3134 ASSIGNMENT OF ADDITIONAL DUTIES

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

A teaching staff member who requests appointment to an extra duty position may be given preference over other candidates for the position. Wherever possible, the Board will fill athletic coaching positions with physical education teachers.

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

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

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

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

N.J.S.A. 18A:27-4

Adopted: 31 March 2010



3141 RESIGNATION

The Board of Education will enter a contract with each nontenured teaching staff member providing, in part, for the termination of employment by either party on proper notice in accordance with Policy No. 3124.

An employee's resignation must be tendered to the Board through the Superintendent who may accept the resignation on behalf of the Board. Any such acceptance of a resignation will be ratified by the Board at its next meeting.

A member who offers insufficient notice of resignation will be paid only through the last day of service. In addition, the Board may notify the Commissioner of Education of any tenured teaching staff member who terminates his/her position without having given sixty days notice to the Board and without the express permission of the Board. The certificate of any such member may be suspended.

N.J.S.A. 18A:26-10; 18A:28-8
N.J.A.C. 6A:9-17.9

Adopted: 31 March 2010



NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

The Board of Education recognizes its obligation to employ only those professional staff members best trained and equipped to meet the educational needs of the pupils of this district. The Board shall discharge that obligation by retaining in service only those nontenured teaching staff members who meet those standards. The Board shall renew the employment contract of a teaching staff member only upon the recommendation of the Superintendent and by a recorded roll call majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons.

When the nontenured teaching staff member's performance does not meet the standards of the district, the Superintendent shall recommend not to renew the teaching staff member's contract. A nontenured teaching staff member who is not recommended for renewal by the Superintendent shall be deemed nonrenewed. Prior to notifying the staff member of the nonrenewal, the Superintendent will notify the Board of the recommendation not to renew the staff member's contract and the reasons for the recommendation. The Superintendent may notify the Board in a written notice or in executive session at a full Board Meeting. In the event the Board is notified in executive session, the Superintendent will comply with the requirements of the Open Public Meetings Act and provide reasonable notice to the staff member their employment will be discussed in executive session in order for the staff member to exercise their statutory right to request a public discussion.

The Superintendent shall notify each teaching staff member to whom reemployment will not be offered of such nonrenewal in writing on or before May 15. Any teaching staff member who received written notice a contract will not be offered may within fifteen days of notification request in writing a statement of the reasons for nonrenewal. The Superintendent will provide a written statement of reasons within thirty days after the receipt of any such request.

The nontenured teaching staff member shall have the right to an informal appearance before the Board to permit the staff member an opportunity to convince the members of the Board to offer reemployment. The staff member must request the appearance before the Board within ten calendar days of receipt of the statement of reasons.

The Board is not required to offer reemployment or vote on reemployment after an informal hearing with a nontenured teaching staff member who was not recommended for reemployment by the Superintendent. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the teaching staff member reemployment after an informal hearing.



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NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

N.J.S.A. 18A:27-3.1 et seq., 18A:27-4.1; 18A:27-10 et seq.
N.J.A.C. 6A:32-4.5; 6A:32-4.6

Adopted: 31 March 2010



3143 DISMISSAL

The Board of Education will enter a contract with each nontenured teaching staff member providing, in part, for the termination of employment by either party on proper notice in accordance with Board Policy No. 3124.

The Board may dismiss a nontenured teaching staff member when dismissal is in the best interest of the school district. Termination notice will be duly given in writing and will state the reason therefore.

However, the Board reserves the right to terminate a nontenured employee without notice when sufficient cause warrants.

The Board will determine whether to permit an employee to continue to perform services during the period between the giving of notice and the date of termination.

N.J.S.A. 18A:6-30; 18A:6-30.1; 18A:27-9

Adopted: 31 March 2010



CERTIFICATION OF TENURE CHARGES

3144 CERTIFICATION OF TENURE CHARGES

The Board of Education will challenge the continued employment of any tenured teaching staff member who demonstrates inefficiency in the performance of his/her duties, is incapable of performing those duties, violates by unbecoming conduct the public trust placed with employees of this district, or by other means demonstrates unfitness for district employment. When charges are filed against a tenured teaching staff member by any person, the Board shall determine the gravity of the charges and the probity of supporting evidence in accordance with law and these guidelines:

1. Charges may be instituted against a tenured teaching staff member of the district by any person by filing with the Board Secretary a written statement, signed by the charging person, that sets forth the specific charges and the statutory ground on which each is based. The statement of charges must be accompanied by a written statement of evidence made under oath in support of the charges. The Board Secretary shall promptly notify the Superintendent and the Board President that such charges have been filed.
2. Where the charges allege incapacity, unbecoming conduct, or good cause other than inefficiency, a copy of the charges and a copy of the statement of evidence shall, within seventy-two hours of the time charges have been filed with the Board Secretary, be served on the charged employee together with a letter offering the employee the opportunity of submitting to the Board Secretary a written statement of position and a written statement of evidence under oath, provided that such statements are filed with the Board Secretary no later than fifteen days after the date on which the charges were served on the employee.
3. Where the charge alleges inefficiency, the following actions will be taken:
 - a. A copy of the charges and a copy of the statement of evidence shall, within seventy-two hours of the time charges have been filed with the Board Secretary, be served on the charged employee together with a letter informing the employee that, unless the specified inefficiencies are corrected within a specified improvement period of ninety or more days, the Board shall certify those charges of inefficiency to the Commissioner of Education.
 - b. At the same time, the employee's professional improvement plan will be revised to address the specific charges of inefficiency and



CERTIFICATION OF TENURE CHARGES

- to assist the employee toward improvement within the specified period.
- c. The employee's performance will be observed and evaluated over the improvement period, excluding summer vacation.
 - d. At the conclusion of the specified improvement period, the Superintendent shall report to the Board an assessment of the employee's progress.
 - e. Thereafter, the Board will determine in private session whether the employee has corrected all the inefficiencies originally charged. If all the charged inefficiencies have been corrected, the Board shall advise the employee within thirty days of the end of the improvement period that the charges are withdrawn. If the Board finds that any or all charged inefficiencies have not been corrected, the Board Secretary shall serve the employee, within thirty days of the end of the improvement period, a copy of the charges and a copy of the statement of evidence together with a letter offering the employee the opportunity of submitting to the Board Secretary a written statement of position and a written statement of evidence under oath, provided that such statements are filed with the Board Secretary no later than fifteen days after the date on which the charges were served on the employee.
4. Within forty-five days of the time the employee files written statements of position and evidence or the expiration of the fifteen day period within which the employee may submit such statements, whichever first occurs, the Board shall meet in private session to determine, by a majority of the full Board, (a) whether the charges, if true, are sufficiently serious to warrant the imposition of sanctions by the Commissioner and (b) whether there is probable cause to credit the evidence in support of the charges.
 5. If the Board determines to certify charges against the employee, the Board Secretary will file the charges and a certificate of determination with the Commissioner of Education and serve notice of such certification on the employee in accordance with rules of the State Board of Education.
 6. If no action is taken with regard to the charges within the requisite periods of time set forth in this policy, the charges will be considered dismissed and no further action may be taken on them. The charged employee will



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CERTIFICATION OF TENURE CHARGES

be promptly notified whenever charges are dismissed by Board action or inaction.

N.J.S.A. 18A:6-8.3; 18A:6-10 et seq.; 18A:25-6; 18A:25-7

N.J.A.C. 6A:3-5.1 et seq.; 6A:9-17.4; 6A:9-17.5

Adopted: 31 March 2010



3146 CONDUCT OF REDUCTION IN FORCE

When teaching staff member positions have been abolished, in accordance with Board Policy No. 3112, the Board of Education will transfer and/or dismiss affected teaching staff members as required by law.

No tenured teaching staff member will be transferred or dismissed in a reduction in force affecting a category of employment in which a nontenured teaching staff member is employed. When two or more nontenured teaching staff members are employed within the category affected by a reduction in force, the nontenured teaching staff member(s) shall be retained in that category who has demonstrated greater competence.

Tenure and seniority entitlements will govern the transfer and dismissal of tenured teaching staff members affected by a reduction in force, except that, when two or more tenured teaching staff members within the same employment category affected by a reduction in force possess an identical seniority entitlement to that category, the teaching staff member(s) shall be retained in that category who has demonstrated greater competence.

The Superintendent shall collect and maintain the information requisite to the calculation of each tenured teaching staff member's seniority status. The Superintendent shall develop and maintain district seniority lists and shall recommend dismissals and transfers in a reduction in force in accordance with those lists. No seniority list shall be a public document or published in the absence of a reduction in force or reemployment from a preferred eligible list.

Teaching staff members affected by a reduction in force will be informed of their seniority status and of the effect of the reduction in force on their employment, as promptly as possible after the Board's action to abolish positions. Wherever possible, the Board will give sixty days notice of a pending dismissal. If notice cannot be given a full sixty days before the end of the employee's service, salary in lieu of notice will be given for the remaining notice period beyond the end of service.

N.J.S.A. 18A:28-1; 18A:28-9 et seq.
N.J.A.C. 6A:32-5.1

Adopted: 31 March 2010



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CONDUCT OF REDUCTION IN FORCE



3150 DISCIPLINE

The Board of Education directs all teaching staff members to observe statutes of the State of New Jersey, rules of the State Board of Education, policies of this Board, and duly promulgated administrative rules and regulations governing staff conduct. Violations of those statutes, rules, policies and regulations will be subject to discipline.

The Superintendent shall deal with disciplinary matters on a case by case basis. Discipline measures will include verbal and written warnings as appropriate and will provide, wherever possible, for progressive penalties for repeated violations. Penalties may include suspension, withholding one or more increments, and dismissal.

In the event disciplinary action is contemplated, notice will be given to the teaching staff member in ordinary and concise language of the specific acts and omissions upon which the disciplinary action is based; the text of the statute, policy, or rule that the member is alleged to have violated; a date when the member may be heard and the administrator who will hear the matter; and the penalty that may be imposed.

N.J.S.A. 18A:25-7; 18A:27-4
N.J.S.A. 34:13A-1 et seq.; 34:19-1

Adopted: 31 March 2010



3152 WITHHOLDING AN INCREMENT

Advancements on the salary guide, including annual employment and adjustment increments, are not automatically granted and must be earned by satisfactory performance. Advancements require favorable evaluations of the employee's performance of assigned duties, a satisfactory attendance record, and adherence to the rules of this district and high standards of professional conduct.

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

The Board shall, within ten days of its formal action to withhold an increment, give written notice to the affected employee of both the action and the reason or reasons for which it was taken.

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

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

N.J.S.A. 18A:25-7; 18A:29-14
N.J.A.C. 6A:3-4.1

Adopted: 31 March 2010



TEACHING STAFF MEMBER/SCHOOL DISTRICT REPORTING RESPONSIBILITIES

3159 TEACHING STAFF MEMBER/SCHOOL DISTRICT REPORTING RESPONSIBILITIES

All certificate holders shall report their arrest or indictment for any crime or offense to the Superintendent of Schools within fourteen calendar days in accordance with the provisions of N.J.A.C. 6A:9-17.1. For purposes of this policy, “certificate holders” shall include all individuals who hold certificates, credentials, certificates of eligibility (CEs), and certificates of eligibility with advance standing (CEASs) issued by the State Board of Examiners. For purposes of this policy, the term “certificate” shall include all standard, emergency and provisional certificates, all credentials, and all CEAs and CEASs issued by the State Board of Examiners.

The report submitted to the Superintendent shall include the date of arrest or indictment and charge(s) lodged against the certificate holder. Such certificate holders shall also report to the Superintendent the disposition of any charges within seven calendar days of the disposition. Failure to comply with these reporting requirements may be deemed “just cause” for revocation or suspension of certification pursuant to N.J.A.C. 6A:9-17.5. The school district shall make these reporting requirements known to all new employees upon initial employment and to all employees on an annual basis.

The Superintendent of Schools shall notify the New Jersey State Board of Examiners when:

1. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
2. Nontenured teaching staff members, including substitute teachers, who are accused of criminal offenses or unbecoming conduct resign, retire, or are removed from their positions;
3. A certificate holder fails to maintain any license, certificate, or authorization pursuant to N.J.A.C. 6A:9-4.1(b) that is mandated in order for the holder to serve in a position;
4. The Superintendent of Schools becomes aware that a certificate holder has been convicted of a crime or criminal offense while in the district’s employ; or
5. The Superintendent has received a report from the Division of Youth and Family Services (DYFS) substantiating allegations of abuse or neglect or establishing “concerns” regarding a certificated teaching staff member.



TEACHING STAFF MEMBER/SCHOOL DISTRICT REPORTING RESPONSIBILITIES

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.

The Superintendent of Schools shall also notify the New Jersey State Board of Examiners, in accordance with the provisions of N.J.S.A. 18A:16-1.3, whenever a nontenured, certificated employee is dismissed prior to the end of the school year for just cause as a result of misconduct in office. This notification requirement shall not apply in instances where the employee's contract is not renewed. The Superintendent of Schools will comply with the additional notice requirements to the New Jersey State Board of Examiners in the event it is subsequently determined by a disciplinary grievance arbitration, a court, or an administrative tribunal of competent jurisdiction that the basis for the dismissal did not constitute misconduct in office. In addition, whenever the Superintendent of Schools notifies the New Jersey State Board of Examiners of an employee's dismissal for reasons of misconduct in accordance with the provisions of N.J.S.A. 18A:16-1.3, the employee shall receive a simultaneous copy of the notifying correspondence.

N.J.S.A. 18A:16-1.3
N.J.A.C. 6A:9-17.1; 6A:9-17.4

Adopted: 15 December 2009



3160 PHYSICAL EXAMINATION (M)

M

The Board of Education requires each newly employed teaching staff member undergo a physical examination. The physical examination shall include, but is not limited to, a health history to include past serious illnesses and injuries; current health problems; allergies; and a record of immunizations. The physical examination shall also include a health screening to include height and weight; blood pressure; pulse and respiratory rate; vision screening; hearing screening; and Mantoux test for tuberculosis.

A teaching staff member may provide health status information, including medications, which may be of value to medical personnel in the event of an emergency requiring treatment. The staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency. School employee physicals, examinations and/or annual medical updates do not require screening or disclosure of HIV status.

The physical examinations required by this policy shall be limited to those assessments or information necessary to determine the individual's physical and mental fitness to perform with reasonable accommodation in the position he/she seeks or currently holds and to detect any health risks to pupils or other employees.

Physical examinations required by this policy may be conducted by a physician or institution designated by the Board or, at the employee's election, by a physician or institution designated by the employee and approved by the Board. The cost of any such examination conducted by the physician or institution designated by the Board shall be borne by the Board. The cost of any such examination conducted by the physician or institution chosen by the employee and approved by the Board shall be borne by the employee.

All staff members' medical and health records, including computerized records, will be secured and will be stored and maintained separately from other personnel files. The information contained in medical records will be kept confidential. Only the staff member, the Superintendent, and the school medical inspector shall have access to medical information regarding an individual employee. The section of the medical record that contains the health history may be shared with the staff member's Building Principal and the school nurse with the consent of the staff member.

Additional individual psychiatric or physical examinations of any staff member may be required by the Board whenever, in the judgment of the Board, a staff member shows



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evidence of deviation from normal physical or mental health. Any additional individual examinations will be pursuant to the requirements of N.J.A.C. 6A:32-6.3. Additional examinations and/or certifications may be required to verify fitness in accordance with Policy No. 3161 or disability in accordance with Policy Nos. 3425 and 3435.

42 U.S.C.A. 12101
N.J.S.A. 18A:16-2 et seq.
N.J.A.C. 6A:32-6.1; 6A:32-6.2; 6A:32-6.3

Adopted: 31 March 2010



3161 EXAMINATION FOR CAUSE

The Board of Education may, in accordance with law, require the psychiatric or physical examination of any teaching staff member who shows evidence of deviation from normal physical or mental health.

The Superintendent shall recommend to the Board the examination of any teaching staff member whose physical or mental conditions so departs from normal health as to adversely affect the performance of the member's duties. Any such recommendation must be accompanied by competent evidence. If the Board determines that deviation from normal health has been demonstrated, it may require that the member submit to a physical or mental examination.

A requirement for physical or mental examination shall be made known to the employee by written notice setting forth the nature of the examination required, the reasons for the requirement, and a statement offering the member the opportunity to appear before the Board to explain or refute those reasons, provided any such hearing is requested in writing within five working days of the receipt of the notice.

A teaching staff member who fails to request an appearance before the Board within the time permitted or, having appeared before the Board, fails to persuade the Board that he/she should not be required to submit to the required examination shall be ordered to submit to an appropriate examination by a physician or institution designated by the Board and at the Board's expense.

The teaching staff member may, at his/her option, submit names of physicians or institutions to the Board for consideration to complete the appropriate examination(s). The Board is not required to designate a physician or institution submitted for consideration by the teaching staff member, but the Board will not act unreasonably in withholding its approval of a physician or institution submitted by a teaching staff member. The cost of the examination will be borne by the Board if the Board designates a physician or institution from the names submitted from the teaching staff member.

If the teaching staff member's request is denied, or if the teaching staff member does not request the Board to consider a physician or institution, the staff member may elect to submit to an appropriate examination conducted by a physician or institution of the teaching staff member's own choosing and at his/her expense, provided the physician or institution so chosen is approved by the Board, pursuant to N.J.S.A. 18A:16-3, and is authorized and directed by the member to report the results of the examination to the Board.



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EXAMINATION FOR CAUSE

If the results of the examination show mental abnormality or communicable disease, the teaching staff member shall be placed on sick leave and compensated in accordance with his/her sick leave entitlement, if any, until proof of recovery, satisfactory to the Board, is furnished. No leave of absence granted under this policy shall exceed the term of the contract of a nontenured teaching staff member or a period of two years in the case of a tenured teaching staff member.

A teaching staff member who refuses to submit to the examination required by the Board and has exhausted the hearing procedures established by law and this policy shall be subject to discipline, which may include the certification of tenure charges to the Commissioner of Education.

42 U.S.C.A. 12101
N.J.S.A. 18A:6-10; 18A:16-2; 18A:16-4; 18A:25-7;
18A:28-5; 18A:30-1 et seq.
N.J.A.C. 6A:32-6.3

Adopted: 31 March 2010



3211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that teaching staff members will have expertise and knowledge in areas that other school districts, agencies, and other entities may desire. Recognizing that the school district will request the expertise from teaching staff members from other school districts, agencies and other entities, the Board supports sharing of its teaching staff members with other school districts, agencies, and other entities to the extent it does not interfere with the efficient operation of the school district.

The Superintendent may recommend to the Board a teaching staff member's attendance in another school district, agency or other entity without additional remuneration to the teaching staff member or school district, upon a written request from the agency or from the teaching staff member.

The Board of Education recognizes teaching staff members will have expertise and knowledge in areas that other school districts, public and private agencies, and private business organizations may desire to compensate as a paid consultant. When a teaching staff member serves as a paid consultant, the teaching staff member is not permitted to use normal work hours for any paid consulting activities. The teaching staff member must complete any paid consulting activities on their own time to include vacation days, evenings, weekends, and/or school holidays.

The teaching staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

N.J.S.A. 18A:12-21 et seq.

Adopted: 31 March 2010



3211 CODE OF ETHICS

The Board of Education endorses the code of ethics for professional educators published by the National Education Association.

Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nature of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of pupils, of parent(s) or legal guardian(s), and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than one specifically designated by the NEA or its affiliates.

Principle I -- Commitment to the Pupil

The educator strives to help each pupil realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the pupil, the educator--

1. Shall not unreasonably restrain the pupil from independent action in the pursuit of learning.
2. Shall not unreasonably deny the pupil access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the pupil's progress.



4. Shall make reasonable effort to protect the pupil from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the pupil to embarrassment or disparagement.
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly--
 - a. Exclude any pupil from participation in any program
 - b. Deny benefits to any pupil
 - c. Grant any advantage to any pupil
7. Shall not use professional relationships with pupils for private advantage.
8. Shall not disclose information about pupils obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.

Principle II -- Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards to promote a climate that encourages the exercise of professional judgment, to achieve conditions which attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator--

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.



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CODE OF ETHICS

3. Shall not assist entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a non educator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

Adopted: 31 March 2010



3212 ATTENDANCE (M)

M

The regular and prompt attendance of teaching staff members is an essential element in the efficient operation of the school district and the effective conduct of the educational program. Because absenteeism exacts a high cost in the depletion of district resources and in the disruption of the educational program, the Board of Education is vitally interested in the attendance of each employee and considers conscientious attendance an important criterion of satisfactory job performance.

The privilege of district employment imposes on each teaching staff member the responsibility to be on the job on time every scheduled working day. This responsibility requires that the employee maintain good health standards, take intelligent precautions against accidents, both on and off the job, and manage his/her personal affairs to avoid conflict with district responsibilities.

A teaching staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with Board policy, falsifies the reason for an absence, is absent without authorization, is repeatedly tardy, or accumulates an excessive number of absences without good cause may be subject to discipline, which may include the withholding of one or subsequent salary increments and/or certification of tenure charges.

No teaching staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for in the contract negotiated with the member's majority representative or provided in the policies of the Board.

The Superintendent is directed to ascertain the rate of absence among the professional staff, in accordance with rules of the State Board of Education. Whenever the rate of absence in any school year is significantly higher than the normal trend, the Superintendent shall develop and present to the Board a plan for the review and improvement of staff attendance. The review and improvement plan shall require the collection and analysis of attendance data, the training of teaching staff members in their attendance responsibilities, and the counseling of teaching staff members for whom regular and prompt attendance is a problem.

N.J.S.A. 18A:27-4; 18A:28-5; 18A:30-1 et.seq.



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ATTENDANCE (M)

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3214 CONFLICT OF INTEREST

No teaching staff member of the Board of Education shall 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 the teaching staff member's duties.

No teaching staff member shall use or attempt to use his/her position to secure unwarranted privileges or advantages.

No teaching staff member of the Board shall act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest.

No teaching staff member of the Board shall accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the teaching staff member in the discharge of his/her duties.

The Board of Education discourages the presentation of gifts to teaching staff members by pupils and their parent(s) or legal guardian(s), because it may embarrass pupils with limited means and give the appearance of currying favor.

The Board directs that teaching staff members instruct their pupils to express their appreciation by means other than gifts. The Board of Education considers the writing of letters to staff members expressive gratitude or appreciation in most circumstances a more appropriate tribute.

Teaching staff members may receive gifts of only nominal value from pupils or their parent(s) or legal guardian(s).

The Superintendent may approve an act or gift of appreciation to an individual teaching staff member when special circumstances warrant.

District employees shall be discouraged from the presentation of gifts to pupils.

N.J.S.A. 18A:6-8; 18A:11-1

Adopted: 31 March 2010



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DRESS AND GROOMING

3216 DRESS AND GROOMING

The Board of Education expects all employees to be neatly groomed and dressed in clothing suitable for the subject of instruction or the work being performed.

N.J.S.A. 18A:27-4

Adopted: 31 March 2010



3217 USE OF CORPORAL PUNISHMENT

The Board of Education cannot condone an employee's resort to force or fear in the treatment of pupils, even those pupils whose conduct appears to be open defiance of authority. Each pupil is protected by law from bodily harm and from offensive bodily touching.

Teaching staff members shall not use physical force or the threat of physical force to maintain discipline or compel obedience except as permitted by law, but may remove pupils from the classroom or school by the lawful procedures established for the suspension and expulsion of pupils.

A teaching staff member who:

1. Uses force or fear to discipline a pupil except as such force or fear may be necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil, to act in self-defense, or to protect persons or property;
2. Touches a pupil in an offensive way even though no physical harm is intended;
3. Permits pupils to harm one another by fighting; or
4. Punishes pupils by means that are cruel or unusual;

will be subject to discipline by this Board and may be dismissed.

N.J.S.A. 18A:6-1; 18A:37-1

Adopted: 31 March 2010



3218 SUBSTANCE ABUSE (M)

M

The Board of Education recognizes that chemical dependency is an illness which is preceded by the misuse and/or abuse of alcohol, anabolic steroids, and other drugs. The Board recognizes that the use/misuse of alcohol, anabolic steroids, and other drugs, and the problems associated with it, are becoming increasingly commonplace in today's society. It is generally accepted that alcoholism and other chemical dependencies are illnesses that can be treated successfully if they are identified as early as possible, and if appropriate treatment is promptly instituted. The Board believes that the therapeutic approach to the problem is more effective than one which is solely punitive in nature.

For purposes of this policy, "substance" shall mean:

1. All controlled dangerous substances as defined and prohibited in New Jersey Statutes and Codes;
2. All chemicals which release toxic vapors as defined and prohibited in New Jersey Statutes and Codes;
3. All alcoholic beverages; and
4. Anabolic steroids.

Standard of Conduct

The Board clearly prohibits the unlawful possession, use, or distribution of illicit substances, drugs, alcohol, and/or anabolic steroids on school premises or as part of any of its activities by any employee of the district as well as reporting to the workplace under the influence of any illicit substances, drugs, alcohol, and/or anabolic steroids. Compliance with this standard of behavior is mandatory.

The Board will make every effort to educate its employees regarding the misuse of illegal substances, alcohol, drugs, and anabolic steroids. Further, the Board will assist and provide guidance to an employee who is having a problem concerning the abuse of these substances on how to receive additional help and counseling.

Program Review



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SUBSTANCE ABUSE (M)

The Board shall review its substance abuse program on a biennial basis to determine its effectiveness and implement changes as required and to ensure that disciplinary sanctions are consistently enforced.

Any information gathered through a school investigation, counseling session, request by an employee for help, etc., shall comply with the confidentiality requirements established in Federal regulations found in 42 CFR Part II. Employees shall be subject to procedures and sanctions defined in Regulation No. 3218. All employees shall be provided with a copy of this policy and the accompanying regulations.

N.J.S.A. 2C:33-15 et seq.
N.J.S.A. 24:21-2 et seq.
42 C.F.R. II
34 CFR 85.600 et seq.
20 U.S.C. 1145g, 3224a
41 U.S.C.A. 701 et seq.

Adopted: 31 March 2010



EVALUATION OF NONTENURED TEACHING STAFF MEMBERS (M)

3221 EVALUATION OF NONTENURED TEACHING STAFF MEMBERS (M)

M

The Board of Education recognizes the importance of implementing a program for the evaluation of nontenured teaching staff members in accordance with law for the purposes of identifying and correcting deficiencies, improving professional competence, improving the quality of instruction received by pupils of this district, and assisting the Board in determining the member's reemployment.

The program of evaluation of nontenured teaching staff members shall include the observation and evaluation of each such employee in the performance of his or her duties by an appropriate supervisor no fewer than three times during each school year, but not less than once during each semester. Evaluations are to take place before April 30 of each year. The evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the case of the first year of employment where the 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 the teaching staff member and his or her superior or supervisor(s). The purpose of the observation and evaluation of nontenured teaching staff members shall be to improve professional competence, identify deficiencies, extend assistance for the correction of such deficiencies, provide a basis for recommendations regarding reemployment, and improve the quality of instruction received by the pupils served by the school(s) in the district.

Supervisors shall make every effort to assist nontenured teaching staff members in the remediation of deficiencies disclosed by observation and evaluation and may conduct additional observations and evaluations. Supervisors should recognize the purposes of this policy cannot be realized by evaluations that do not record the weaknesses as well as the strengths of teaching staff members. Assessments that are less than honest and candid serve neither the professional growth of the employee nor the interest of the district in building a staff of highly competent, well-trained personnel.

This Policy shall be distributed to each teaching staff member at the beginning of his or her employment.

N.J.S.A. 18A:27-3.1 et seq.
N.J.A.C. 6A:9-8.6; 6A:32-4.5



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EVALUATION OF NONTENURED TEACHING STAFF MEMBERS (M)

Adopted: 31 March 2010



EVALUATION OF TENURED TEACHING STAFF MEMBERS (M)

3222 EVALUATION OF TENURED TEACHING STAFF MEMBERS (M)

M

The Board of Education recognizes that the continuing evaluation of tenured teaching staff members is essential to the achievement of the educational goals of this district. The purpose of a program of evaluation will be to promote professional excellence and improve the skills of tenured teaching staff members, improve pupil learning and growth, and provide a basis for the review of teaching staff member performance. The Board will provide leadership, adequate resources for supervision and professional development, time for the proper conduct of evaluations, and time for in-service training.

Each tenured teaching staff member except the Superintendent and administrators, who will be evaluated in accordance with Board Policy Nos. 1240 and 3223, shall be evaluated annually by appropriately certified and trained administrators or supervisors against criteria that evolve logically from the instructional priorities and program objectives set forth in the teaching staff member's job description.

The Superintendent shall develop, in consultation with tenured teaching staff members, job descriptions and evaluation criteria for each teaching staff member position. Job descriptions will be clearly and concisely stated and will be provided to the Board for its information.

The Superintendent shall distribute to each teaching staff member, no later than October 1 of each school year, a copy of this policy and the teaching staff member's job description and evaluation criteria; any amendments made subsequently to these documents will be distributed no later than ten days after their adoption.

The Superintendent shall develop, in consultation with teaching staff members, procedures for the evaluation of tenured teaching staff members that include, as a minimum:

1. The collection and reporting of data that is appropriate to the job description and includes as a minimum the observation of classroom instruction;
2. Observation conferences between the tenured teaching staff member and the evaluating supervisor;
3. The preparation of individual professional improvement plans;



EVALUATION OF TENURED TEACHING STAFF MEMBERS (M)

4. The preparation by the supervisor of an annual written performance report, which shall include the teaching staff member's performance areas of strength and weakness, an individual professional improvement plan developed by the member and the supervisor, and a summary of the results of formal and informal assessments of the member's pupils along with a statement as to how these pupil indicators relate to the effectiveness of the overall program and to the member's performance;
5. The conduct of an annual summary conference between the supervisor and the member that will include a review of the member's performance, progress toward the objectives set forth in the professional improvement plan developed at the previous annual conference, pupil assessments and growth toward program objectives, and the written performance report prepared by the supervisor; and
6. The signing of the annual written performance report within five working days of the annual summary conference and the provision that the member may, within ten working days of the signing of the report, augment the report with additional performance data.

N.J.A.C. 6A:32-4.4

Adopted: 31 March 2010



3223 EVALUATION OF ADMINISTRATORS (M)

M

The Board of Education recognizes that the continuing evaluation of administrators is essential to the achievement of the educational goals of this district. In order to ensure the greatest benefit to the district of a program of administrator evaluation, the Board shall provide adequate resources for supervision and professional development, time for the proper conduct of evaluations, and time for in-service training to encourage improvement in job performance.

The Superintendent will develop, in consultation with administrators, job descriptions for each administrative position. Such job descriptions will state in concise form the program objectives and major responsibilities of the position and will include evaluation criteria that evolve logically from those objectives and responsibilities. The Superintendent shall provide each administrator, no later than October 1 a copy of this policy and the job description and evaluation criteria of his/her position; any amendments made subsequently will be distributed no later than ten days after their adoption.

The Superintendent shall report to the Board on the effectiveness of the evaluation system and shall recommend such changes in the system as may be required to increase its effectiveness.

Tenured Administrators

Tenured administrators shall be evaluated in order to promote their professional excellence and improve their skills, to enhance pupil learning and growth, and to provide a basis for the review of administrative performance.

Each tenured administrator, except the Superintendent, shall be evaluated annually by appropriately certified and trained administrators or supervisors. The Superintendent shall, in consultation with administrators, develop procedures for the evaluation of tenured administrators that include, as a minimum:

1. The collection and reporting of evaluation data appropriate to the job description and evaluation criteria, including observations of the administrator's performance;
2. Observation conferences between the administrator and the evaluating supervisor;



EVALUATION OF ADMINISTRATORS (M)

3. The preparation of individual professional development plans;
4. The preparation by the supervisor of an annual written performance report that includes the administrator's performance areas of strength and weakness, an individual professional development plan developed by the supervisor and the administrator, a summary of available indicators of pupil progress and growth and a statement of how these indicators relate to the effectiveness of the overall program and the performance of the individual administrator, and provision for entry into the record by the administrator, within ten working days after the signing of the report, of performance data not included by the supervisor; and
5. The annual summary conference between the administrator and the evaluating supervisor shall be held before the written performance report is filed. The conference shall include, but not be limited to, a review of the administrator's performance based upon the job description and a review of the progress toward the objectives of the individual professional development plan developed at the previous annual conference and a review of available indicators of pupil progress and growth toward the program objectives. A review of the written performance report and the signing of the report shall be within five working days of the review.

Nontenured Administrators

Nontenured administrators shall be evaluated for the purpose of identifying and correcting deficiencies, improving professional competence, establishing a means for determining reemployment, and improving the quality of the educational program of this district.

The evaluation of nontenured administrators shall be conducted by appropriately certified supervisors and shall include, as a minimum:

1. The observation of the administrator in the performance of duties not less than three times in each school year and not less than once in each semester;
2. The conduct of a conference between the nontenured administrator and the evaluating supervisor no later than ten working days after each such observation; and



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EVALUATION OF ADMINISTRATORS (M)

3. The preparation of a written evaluation report of the nontenured administrator's total performance, which shall be signed and retained by both parties to the conference and may be augmented by the written disclaimer of the nontenured administrator, provided that such disclaimer is submitted no later than ten working days after the conference.

The Superintendent shall provide each nontenured administrator with a copy of this policy on his/her appointment.

N.J.S.A. 18A:27-3.1 et seq.

N.J.A.C. 6A:32-4.4; 6A:32-4.5

Adopted: 31 March 2010



3230 OUTSIDE ACTIVITIES

The Board of Education recognizes that teaching staff members enjoy a private life outside the school in which they enjoy associations and engage in activities for a variety of personal, economic, religious, or cultural reasons. The Board believes that the role of the teaching profession is such that teachers exert a continuing influence away from the school. Further, the Board has directed the evaluation of staff in terms of their faithfulness to and effectiveness in discharging professional duties. Accordingly, the Board reserves the right to determine when activities outside the school interfere with a staff member's professional performance and the discharge of the member's responsibilities to the pupils of this district.

The Board directs that all teaching staff members be governed in the conduct of personal activities by the following guidelines:

1. Teaching staff members should refrain from conduct, associations, and offensive speech that, if given publicity, would tend to have an adverse or harmful effect upon pupils or the school community;
2. Teaching staff members should not devote time during the working day to an outside activity without valid reason. They should not solicit or accept customers for private enterprises on school premises or during the school day without the express permission of the Principal;
3. The Board does not endorse, support, or assume liability in any way for any staff member of this district who takes pupils on trips not approved by the Board or Superintendent, and shall not be liable for the welfare of pupils who travel on such trips. No staff member may solicit pupils of this district for such trips within the facilities or on the school grounds of the district;
4. Teaching staff members shall not campaign on school premises on behalf of any candidate for local, state, or national office or for any public question on the ballot;
5. Teaching staff members should not as a practice tutor pupils currently enrolled in their classes privately for compensation;
6. Copyrights and patents to materials or equipment developed, written, prepared, processed, or tested by teaching staff members in the



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OUTSIDE ACTIVITIES

performance of their professional duties reside with and may be claimed
by the Board.

N.J.S.A. 18A:42-4
N.J.S.A. 19:1.1 et seq.

Adopted: 31 March 2010



OUTSIDE EMPLOYMENT AS ATHLETIC COACH

3231 OUTSIDE EMPLOYMENT AS ATHLETIC COACH

The Board of Education will permit, in accordance with this Policy, staff members of this school district to serve as an athletic coach in another school district providing the responsibilities in the other district do not interfere with the performance of the staff member's professional responsibilities in this district.

A staff member who wishes to accept employment as an athletic coach in another school district must request and receive permission to do so from the Superintendent of this district if the staff member may need to request any special accommodation(s) from this school district to fulfill their coaching responsibilities in another school district. A special accommodation may be consideration for a requested duty assignment(s), a temporary work schedule adjustment and/or other considerations. A special accommodation will not be considered if it would violate any provisions of any collective bargaining agreement within the district. The staff member's request to the Superintendent must be in writing and must indicate with specificity the accommodation(s) that may be required. The Superintendent, in consultation with the staff member's Building Principal and/or immediate supervisor, will evaluate each request on a case-by-case basis.

N.J.A.C. 6A:9-5.19

Adopted: 31 March 2010



3233 POLITICAL ACTIVITIES

The Board of Education recognizes and encourages the right of all citizens, including teaching staff members, to engage in political activity. The Board prohibits the use of school premises and school time, however, for partisan political purposes.

The Board establishes the following guidelines to govern teaching staff members in their political activities:

1. A teaching staff member shall not engage in political activity on school premises unless permitted in accordance with Board Policy No. 7510 - Use of School Facilities and/or applicable Federal and State laws;
2. A teaching staff member shall not post political circulars or petitions on school premises nor distribute such circulars or petitions to pupils nor solicit campaign funds or campaign workers on school premises;
3. A teaching staff member shall not display any material that would tend to promote any candidate for office on an election day in a school facility that is used as a polling place;
4. A teaching staff member shall not engage in any activity in the presence of pupils while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

A certificated staff member employed by this district who is a member of the Senate or General Assembly of the State of New Jersey shall be entitled to time off from school district duties, without loss of pay, during the periods of his/her attendance at regular or special sessions of the legislature and hearings or meetings of any legislative committee or commission.

A certificated staff member employed by this district who is a member of the Board of Chosen Freeholders of any county of New Jersey shall be entitled to time off from his/her duties, without pay, during the periods of his/her attendance at regular or special meetings of the Board and of any committee thereof and at such other times as he/she shall be engaged in performing the necessary functions and duties of his/her office as a member of the Board.



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POLITICAL ACTIVITIES

No other teaching staff member who holds elective or appointive office is so entitled to time off, except as such time off may be provided for by Board policy or negotiated agreement.

The provisions of this policy do not apply to the discussion and study of politics and political issues appropriate to the curriculum, the conduct of pupil elections, or the conduct of employee representative elections.

Nothing in this Policy shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or pupil.

N.J.S.A. 11:17-2

N.J.S.A. 18A:6-8.1; 18A:6-8.2; 18A:6-8.4; 18A:42-4

N.J.S.A. 19:34-42

Green Township v. Rowe, Superior Court of New Jersey - Appellate Division A-2528-98T5

Adopted: 31 March 2010



3240 PROFESSIONAL DEVELOPMENT (M)

M

The Board of Education encourages all teaching staff members to pursue a program of continuing professional development by course work or matriculation in institutions of higher learning, participation in workshops and conferences, membership in professional organizations, and independent scholarship.

Teaching staff members may be permitted to: visit other schools and classrooms; attend local, regional, or national conferences; participate in committees, workshops, and panels, both within and outside the district. Requests for participation in such professional development activities must be submitted in writing to the Superintendent or designee for approval. In addition, the Board of Education must approve all travel expenditures in accordance with N.J.S.A. 18A:11-12 and the State of New Jersey Department of the Treasury, Office of Management and Budget Circulars 08-19-OMB and 06-14-OMB (OMB Circulars) and any superseding circulars and any additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.

A teaching staff member who has been granted time off and/or approved to be reimbursed for a professional development activity shall submit to the Superintendent or designee, with a copy to the School Business Administrator/Board Secretary, within five working days, a brief written report that includes the primary purpose of the travel, the key issues addressed at the event, and their relevance to improving instruction or the operations of the school district.

Each active teacher shall be required to complete 100 clock hours of State-approved continuing professional development and/or in-service every five years pursuant with N.J.A.C. 6A:9-15.2 et seq. Professional activities/meetings referenced in this Policy shall align with the Professional Standards for Teachers as set forth in N.J.A.C. 6A:9-3.3.

The Superintendent shall prepare and distribute to all teaching staff members regulations governing professional development activities. The Superintendent shall report regularly to the Board on the professional development activities of teaching staff members.

N.J.S.A. 18A:31-2; 18A:6-111
N.J.A.C. 6A:9-3.3; 6A:9-15.2; 6A:9-15.3; 6A:13-2.1

Adopted: 02 March 2010



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Teaching Staff Members
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PROFESSIONAL DEVELOPMENT (M)



3244 IN-SERVICE TRAINING (M)

M

The Board of Education believes that the continuing improvement of the professional skills of teaching staff members is essential to the provision of a thorough and efficient system of education. The Board accepts the responsibility for providing training for staff members in order to encourage and foster their professional growth and improve the instructional and support services of this district. Staff training shall include district-wide and school-wide programs as well as individual personal improvement programs.

The Superintendent shall plan and present to the Board a program of in-service training that is consistent with the assessed needs and goals of the district. The in-service training program will be developed in consultation with appropriate teaching staff members and shall include the demonstrable results by which the effectiveness of the program will be evaluated.

The Superintendent shall report periodically to the Board on the conduct of the in-service training program and the results of its evaluation.

N.J.A.C. 6A:9-15.1 et seq.

Adopted: 31 March 2010



RESEARCH PROJECTS BY STAFF MEMBERS

3245 RESEARCH PROJECTS BY STAFF MEMBERS

The Board of Education encourages the participation of teaching staff members in research projects that are soundly designed and professionally conducted.

Teaching staff members may seek funding from local, state, and federal sources, public and private, for locally conducted research projects. Any research project involving pupils must be approved by the Board; all other research projects involving district personnel, facilities, and/or resources may be approved by the Superintendent.

An application for approval of a proposed research project must set forth the purpose of the project; a detailed description of the project; the degree to which, if any, the project will interrupt or displace the regular instructional program; a projection of the number of pupils, if any, and staff members who will be involved, the period of time that will be devoted to the project, and the project costs; the source of funding; any background information necessary to an understanding of the project; the means by which the project will be evaluated; and an assessment of the contribution the project will make to the educational program of this district.

A written report must be made to the Superintendent when a research project is terminated, either completed or incomplete. The Superintendent may also require progress reports during the course of any research project and may notify appropriate administrators of the conduct of any research project.

Adopted: 31 March 2010



3270 PROFESSIONAL RESPONSIBILITIES

The Board of Education will establish and enforce rules for the assignment of specific duties to teaching staff members and for the conduct of teaching staff members during the work day.

The Board directs the Superintendent to require the preparation of lesson plans by each teacher that implement the goals and objectives of the educational program. Teachers shall also be responsible for providing adequate direction and guidance to substitutes. Lesson plans will be subject to periodic review by the Principal.

The Superintendent shall apply uniformly throughout the district, except as may otherwise be provided in this policy, the following additional rules for teaching staff member conduct:

1. During the work day, teaching staff members may be assigned extra or alternative duties by the Principal in accordance with Board Policy No. 3134;
2. Teaching staff members are expected to attend every faculty meeting unless expressly excused by the Principal;

A teaching staff member who is excused from attending a faculty meeting must meet with the Principal the following day to review the topics covered at the meeting;

3. Teaching staff members may not leave the school grounds during mealtime without indicating their departure and return by initialing the sign-in and sign-out roster.

Teaching staff members who are assigned as department heads or who are assigned to work on curriculum revision during the regular school day will be given an appropriate reduction in teaching assignments.

Adopted: 31 March 2010



3280 LIABILITY FOR PUPIL WELFARE

Teaching staff members are responsible for supervision of pupils and must discharge that responsibility with the highest levels of care and prudent conduct. All teaching staff members of this district shall be governed by the following rules in order to protect the well-being of pupils and to avoid any assignment of liability to this Board of Education or to a staff member personally in the event a pupil is injured.

The Superintendent shall prepare such regulations as may be required to enforce the following rules:

1. Each teaching staff member must maintain a standard of care for supervision, control, and protection of pupils commensurate with the member's assigned duties and responsibilities;
2. A teaching staff member should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumed responsibilities carry the same potential for liability as do assigned responsibilities;
3. A teaching staff member must provide proper instruction in safety wherever course guides so provide;
4. A teaching staff member must report immediately to the Building Principal any accident or safety hazard the member detects;
5. A teaching staff member must not send pupils on personal errands;
6. A teaching staff member must never transport pupils in a personal vehicle without the approval of the Building Principal;
7. A teaching staff member must not require a pupil to perform tasks that may be detrimental to the health or well-being of the pupil or other pupils;
8. A teaching staff member will refrain from the use of personal furnishings and equipment in the classroom without the express permission of the Principal;
9. A teaching staff member must immediately report any instance of substance abuse, violence, vandalism, accidents, or suspected child abuse in accordance with Policy Nos. 8442, 8461, and 8462.



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LIABILITY FOR PUPIL WELFARE

N.J.S.A. 9:6-8.8 et seq.
N.J.S.A. 18A:25-2
N.J.S.A. 59:1-1 et seq.

Adopted: 31 March 2010



3281 INAPPROPRIATE STAFF CONDUCT

The Board of Education recognizes its responsibility to protect the health, safety and welfare of all pupils within this school district. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a pupil's health, safety and welfare. The Board strongly believes that school staff members have the public's trust and confidence to protect the well-being of all pupils attending the school district.

In support of this Board's strong commitment to the public's trust and confidence of school staff, the Board of Education holds all school staff to the highest level of professional responsibility in their conduct with all pupils. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school district.

The Board recognizes and appreciates the staff-pupil professional relationship that exists in a school district's educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward pupils.

School staff's conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to pupils or about pupils and shall not engage in inappropriate language or expression in the presence of pupils. School staff shall not engage in inappropriate conduct toward or with pupils. School staff shall not engage or seek to be in the presence of a pupil beyond the staff member's professional responsibilities. School staff shall not provide transportation to a pupil in their private vehicle or permit a pupil into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Building Principal/immediate supervisor and the parent/legal guardian.

A school staff member is always expected to maintain a professional relationship with pupils and protect the health, safety and welfare of school pupils. A staff member's conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.

School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Building Principal any possible violations of this Policy. In the event the report alleges conduct by the Building Principal or the immediate



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INAPPROPRIATE STAFF CONDUCT

supervisor, the school staff member may report directly to the Superintendent. In addition, school personnel having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal or immediate supervisor after making such report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Building Principal will notify the Superintendent of all reports, including anonymous reports. The Superintendent will investigate all reports. The Superintendent, may take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at anytime, upon request.

N.J.S.A. 18A:28-5 et seq.
N.J.A.C. 6A:16-10.1 et seq.

Adopted: 31 March 2010



3310 ACADEMIC FREEDOM

The curriculum adopted by the Board of Education is designed to address the educational goals established for this school district and to meet the needs of pupils. The course guides prepared for each course of study describe the material to be covered in each course and, in general, the approach to be employed by the teaching staff member responsible for the course.

The Board recognizes that some deviation from the course guide is necessary to the free exchange of ideas within the classroom. Exposure to a wide range of ideas encourages the spirit of inquiry that is essential to the learning process; the thorough examination of those ideas aids pupils in developing powers of reasoning and in acquiring habits of academic discipline.

The Board directs that the discussion of any issue not specifically covered by the course guide be conducted in an unprejudiced and dispassionate manner. The Board will not condone classroom discussion that is unrelated to the educational goals of this district or to the subject of the course of study, disrupts the educational process, does not match the maturity level of the pupils, neglects to inform pupils of various responsible points of view on the subject under discussion, or fails to take into account the sensibilities of the community.

Adopted: 31 March 2010



ACCEPTABLE USE OF COMPUTER NETWORK(S)/ COMPUTERS AND RESOURCES BY
TEACHING STAFF MEMBERS

3321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/ COMPUTERS AND
RESOURCES BY TEACHING STAFF MEMBERS

The Board recognizes that as telecommunications and other new technologies shift the manner in which information is accessed, communicated and transferred that those changes will alter the nature of teaching and learning. Access to telecommunications will allow teaching staff members to explore databases, libraries, Internet sites, bulletin boards and the like while exchanging information with individuals throughout the world. The Board supports access by teaching staff members to information sources but reserves the right to limit in-school use to materials appropriate to educational purposes. The Board directs the Superintendent to effect training of teaching staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes.

The Board also recognizes that telecommunications will allow teaching staff members access to information sources that have not been pre-screened using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer network(s) and declares unethical, unacceptable, inappropriate or illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges, instituting legal action or taking any other appropriate action as deemed necessary.

The Board provides access to computer network(s)/computers for administrative and educational purposes only. The Board retains the right to restrict or terminate teaching staff member's access to the computer network(s)/computers at any time, for any reason. The Board retains the right to have the Superintendent or designee monitor network activity, in any form necessary, to maintain the integrity of the network(s) and ensure its proper use.

Standards for Use of Computer Network(s)

Any individual engaging in the following actions declared unethical, unacceptable or illegal when using computer network(s)/computers shall be subject to discipline or legal action:

1. Using the computer network(s)/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities which violate federal, state, local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the network(s). Obscene activities shall be defined as a



ACCEPTABLE USE OF COMPUTER NETWORK(S)/ COMPUTERS AND RESOURCES BY TEACHING STAFF MEMBERS

violation of generally accepted social standards for use of publicly owned and operated communication vehicles.

2. Using the computer network(s)/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.
3. Using the computer network(s) in a manner that:
 - a. Intentionally disrupts network traffic or crashes the network;
 - b. Degrades or disrupts equipment or system performance;
 - c. Uses the computing resources of the school district for commercial purposes, financial gain or fraud;
 - d. Steals data or other intellectual property;
 - e. Gains or seeks unauthorized access to the files of others or vandalizes the data of another user;
 - f. Gains or seeks unauthorized access to resources or entities;
 - g. Forges electronic mail messages or uses an account owned by others;
 - h. Invades privacy of others;
 - i. Posts anonymous messages;
 - j. Possesses any data which is a violation of this policy; and/or
 - k. Engages in other activities that do not advance the educational purposes for which computer network(s)/computers are provided.

Violations

Individuals violating this policy shall be subject to appropriate disciplinary actions as defined by Policy No. 3150, Discipline which includes but are not limited to:

1. Use of the network(s)/computers only under direct supervision;



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ACCEPTABLE USE OF COMPUTER NETWORK(S)/ COMPUTERS AND RESOURCES BY
TEACHING STAFF MEMBERS

2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension;
7. Dismissal;
8. Legal action and prosecution by the authorities; and/or
9. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

N.J.S.A. 2A:38A-3

Adopted: 31 March 2010



STAFF MEMBER'S USE OF CELLULAR TELEPHONES

3322 STAFF MEMBER'S USE OF CELLULAR TELEPHONES

The Holland Township Board of Education recognizes a school teaching staff member may need to make a personal telephone call during their workday when the telephone call cannot be made before the staff member reports to work and/or after the staff member's workday has concluded.

In the event the staff member has an occasion to make a personal telephone call during their workday, and the telephone call is of such a nature that it cannot be made before the staff member's workday begins or after the workday has concluded, the school staff member may make a personal telephone call using their personal cellular telephone during the workday provided the telephone call is made during the staff member's duty free lunch or break periods and is made outside the presence of pupils in an area inside the school building designated by the Building Principal or staff member's immediate supervisor.

A personal telephone call by a school staff member on their personal cellular telephone shall not be made while the staff member is performing assigned school district responsibilities.

In the event the staff member has an emergency requiring immediate attention that requires the personal use of their personal cellular telephone, the teaching staff member shall inform their Building Principal or immediate supervisor before or immediately after using the cellular telephone, depending on the nature of the emergency.

Adopted: 31 March 2010



3362 SEXUAL HARASSMENT (M)

M

The Board of Education recognizes that an employee's right to freedom from employment discrimination includes the opportunity to work in an environment untainted by sexual harassment. Sexually offensive speech and conduct are wholly inappropriate to the harmonious employment relationships necessary to the operation of the school district and intolerable in a workplace to which the children of this district are exposed.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature that would not have happened but for the employee's gender. Whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct is severe and pervasive and has the purpose or effect of unreasonably altering or interfering with work performance or creating an intimidating, hostile, or offensive working environment, the employee shall have cause for complaint.

The sexual harassment of any employee of this district is strictly forbidden. Any employee or agent of this Board who is found to have sexually harassed an employee of this district will be subject to discipline which may include termination of employment. Any employee who has been exposed to sexual harassment by any employee or agent of this Board is encouraged to report the harassment to an appropriate supervisor. An employee may complain of any failure of the Board to take corrective action by recourse to the procedure by which a discrimination complaint is processed. The employee may appeal the Board's action or inaction to the United States Equal Employment Opportunity Commission or the New Jersey Division of Civil Rights. Complaints regarding sexual harassment shall be submitted following the procedures outlined in Regulation No. 1530, Equal Employment Opportunity.

The Affirmative Action Officer shall instruct all employees and agents of this Board to recognize and correct speech and behavior patterns that may be sexually offensive with or without the intent to offend.

29 C.F.R. 1604.11

Adopted: 31 March 2010



POLICY

HOLLAND TOWNSHIP BOARD OF EDUCATION

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SEXUAL HARASSMENT (M)



3370 TEACHING STAFF MEMBER TENURE

The Board of Education recognizes that the benefit of tenure is conferred by law on teaching staff members who have completed the requisite period of probationary service in this school district. The Board also recognizes that certain service does not qualify the teaching staff member who performs that service for the grant of tenure.

Tenure in any administrative or supervisory position as listed in N.J.S.A. 18A:28-5 shall accrue only by employment in that administrative or supervisory position. Tenure so accrued will not extend to any other administrative or supervisory position and nothing shall limit or restrict tenure rights which were or may be acquired pursuant to N.J.S.A. 18A:28-6.

The Board specifically directs that service in the following positions will not accrue toward the tenure status and will be performed only under contract renewable at the discretion of the Board:

1. Substitute teacher acting in the absence of another employee;
2. Summer school teacher;
3. Co-curricular advisor;
4. Athletic coach; and
5. Department chairperson other than a supervisor.

Nothing in this policy will be deemed to confer tenure on any employee who serves in a position not listed above and for whom tenure is not provided by law.

N.J.S.A. 18A:16-1.1; 18A:28-3 et seq.; 18A:28-5 et seq.

Adopted: 31 March 2010



PROTECTION AGAINST RETALIATION

3381 PROTECTION AGAINST RETALIATION

The Board of Education will take no retaliatory action, by discharge, demotion, suspension, or any other adverse action, against an employee because that employee has conscientiously:

1. Disclosed or threatened to disclose to a supervisor or public body an activity, policy, or practice of this Board or any district officer that the employee reasonably believes to be in violation of law or rule;
2. Provided information to a public body conducting an investigation, hearing, or inquiry into any alleged violation of law by the Board or an officer of this district; or
3. Objected to or refused to participate in an activity, policy, or practice of this district that the employee reasonably believes to be in violation of law or rule, fraudulent, criminal, or incompatible with a clear mandate of public policy concerning the public health, safety, or welfare or protection of the environment.

An employee who has reason to believe that the Board has engaged in an illegal activity or an activity contrary to public policy must report that belief in writing to the Superintendent before notice is given to a supervisor or a public body. The Superintendent shall promptly report the same to the Board and institute an investigation of the reported activity. The findings of the investigation will be reported in writing to the Board and to the employee.

The protection of law and this policy apply only to employees who have given notice in accordance with this policy and have afforded the Board a reasonable period of time to take any corrective action that may be required or have acted in circumstances that the employee believes in good faith constitute an emergency.

The Superintendent shall post notice of this policy and inform employees of their rights under the New Jersey Conscientious Employee Protection Act.

N.J.S.A. 34:19-1

Adopted: 31 March 2010



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PROTECTION AGAINST RETALIATION



POLICY

HOLLAND TOWNSHIP BOARD OF EDUCATION

Teaching Staff Members
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COMPENSATION

3410 COMPENSATION

The Board of Education will establish the compensation for teaching staff members not covered by the terms of a negotiated agreement or in an individual contract with the Board.

N.J.S.A. 18A:6-6; 18A:16-11; 18A:27-4; 18A:29-2

Adopted: 31 March 2010



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HOLLAND TOWNSHIP BOARD OF EDUCATION

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BENEFITS

3420 BENEFITS

The Board of Education will establish benefits for teaching staff members not covered by the terms of a negotiated agreement or in an individual contract with the Board.

N.J.S.A. 18A:6-6; 18A:16-12 et seq.; 18A:27-4

Adopted: 31 March 2010



MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – TEACHING STAFF MEMBERS

3425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – TEACHING STAFF MEMBERS

New Jersey's workers' compensation laws provide lost wages and pay medical expenses for an employee who sustains an injury as a result of an on-the-job accident, injury, or occupational disease. Workers' compensation is designed to protect school district employees and their families against the hardships from injury arising in the workplace. In an effort to assist school staff in recovering from an eligible workers' compensation injury, the Board provides a Modified Duty Early Return To Work Program. The Program is provided to staff members who have been injured on the job, but who are not permanently disabled. The Program is intended to minimize the negative psychological impact to an injured staff member due to being out of work and to provide a transition and adjustment period for the injured staff member to return to work while recovering from an on-the-job injury.

The school district may assign temporary modified duties and responsibilities to staff members that have sustained an eligible workers' compensation injury. These employees may temporarily perform duties and responsibilities that may or may not be within their job description, or may or may not be within their department. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

The modified duties and responsibilities will be determined by the School Business Administrator/Board Secretary, the district's designated Workers' Compensation Coordinator, after a medical examination and evaluation of the injured staff member by the Board's designated workers' compensation physician. The Workers' Compensation Coordinator will determine if the injured staff member is eligible for modified duties or responsibilities. This determination will be based on:

1. The workers' compensation physician's examination and evaluation report;
2. The injured staff member's capabilities to assume modified duties or responsibilities;
3. The availability of modified duties and responsibilities within the district at the time; and/or
4. Other issues that may impact the district's ability to assign modified duties and responsibilities.



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HOLLAND TOWNSHIP BOARD OF EDUCATION

Teaching Staff Members
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MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – TEACHING STAFF MEMBERS

This Modified Duty Early Return to Work Program will be administered consistent with applicable federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

Adopted: 31 March 2010



POLICY

HOLLAND TOWNSHIP BOARD OF EDUCATION

Teaching Staff Members
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WORK RELATED DISABILITY PAY

3425 WORK RELATED DISABILITY PAY

The Board of Education will permit, in accordance with law, the absence without loss of pay or of annual or accumulated sick leave benefits of a teaching staff member disabled by accident or injury arising out of and in the course of employment. Any such employee shall seek the workers' compensation benefits to which he/she is entitled by law.

An employee whose disability has qualified for the receipt of workers' compensation benefits shall be presumed eligible for work related disability pay under this policy. When an employee's disability is so brief as to preclude the employee's application for workers' compensation benefits, the employee may request and the Board may grant work related disability pay.

Any employee who qualifies for work related disability pay under this policy will be entitled to receive full pay during the period he/she is on disability leave of absence, for up to twelve consecutive months.

As a condition of receiving full salary, an employee who receives workers' compensation benefits for his/her work-related disability must endorse and deliver to the Board all workers' compensation temporary disability checks received for the period covered by this policy.

N.J.S.A 18A:30-2.1; 18A:66-32.1
N.J.S.A 34:15-38

Adopted: 31 March 2010



3431.1 FAMILY LEAVE (M)

M

A. Introduction

The Board will provide family leave in accordance with the Federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA).

FMLA leave for eligible staff members shall be up to twelve weeks leave of absence in any twelve month period upon advance notice to the district for the birth of a son or daughter of the staff member and in order to care for such son or daughter; for the placement of a son or daughter with the staff member for adoption or foster care; in order to care for the spouse, son, daughter, or parent of the staff member if such spouse, son, daughter, or parent has a serious health condition; or for a serious health condition that makes the staff member unable to perform the functions of the position of such staff member.

NJFLA leave for teaching staff members shall be up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the district so that a staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

B. Applicability

The Board will comply with requirements of the New Jersey and Federal Family Leave laws. The laws have similar and different provisions that may provide different rights and obligations for the staff member and/or the Board. The staff member shall be afforded the most favorable rights if there is a conflict in the rights afforded to the staff member under the two laws.

1. If the staff member is eligible for leave for reasons provided under the FMLA and NJFLA, then the time taken shall be concurrent and be applied to both laws.
2. The NJFLA provides twelve weeks leave in a twenty-four month period while the FMLA provides twelve weeks leave in a twelve-month period. A staff member is eligible for up to twelve weeks leave in the first twelve months of the twenty-four month period under the NJFLA. A staff



member is eligible for up to twelve weeks leave in the second twelve-month period under the FMLA.

3. In the event the reason for the family leave is recognized under one law and not the other law, the staff member is eligible for each law's leave entitlements within one twelve-month period. (Example: A staff member may use their FMLA leave for a twelve week family leave for their own pregnancy, which is considered a "serious health condition" under FMLA, and upon conclusion of the twelve week FMLA leave, the staff member would be eligible for a twelve week NJFLA leave to care for their newborn or any other reasons pursuant to the NJFLA.)

C. Definitions

1. Federal Family and Medical Leave Act (FMLA)

"Son" or "daughter" means a biological, adopted or foster child, stepchild, legal ward, or a child of a person standing in loco parentis, who is under eighteen years of age or eighteen years of age or older but incapable of self-care because of a mental or physical impairment.

"Parent" means the biological parent of a staff member or an individual who stood in loco parentis to a staff member when the staff member was a son or daughter. This term does not include parents "in law."

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider.

"Week" is the number of days an employee normally works each calendar week.

"Staff member" means an employee eligible for family and medical leave in accordance with the Federal Family and Medical Leave Act (FMLA).

2. New Jersey Family Leave Act (NJFLA)

"Child" means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen



years of age or older but incapable of self-care because of a mental or physical impairment.

“Parent” is a biological, adoptive, or foster parent; step-parent; parent-in-law; a legal guardian having a “parent-child relationship” with a child as defined by law; or a person who has sole or joint legal or physical custody, care, guardianship, or visitation with a child.

“Serious health condition” is an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.

“Week” is the number of days an employee normally works each calendar week.

“Staff member” is an employee eligible for family leave in accordance with the New Jersey Family Leave Act.

D. Eligibility

1. Federal Family and Medical Leave Act (FMLA)

A staff member shall become eligible for FMLA leave after he/she has been employed at least twelve months in this district and employed for at least 1250 hours of service during the twelve-month period immediately preceding the commencement of the leave. The twelve months the staff member must have been employed need not be consecutive months pursuant to 29 CFR Part 825 Section 110(b). The minimum 1250 hours of service shall be determined according to the principles established under the Fair Labor Standards Act (FSLA) for determining compensable hours of work pursuant to 29 CFR Part 785. Entitlement to FMLA leave taken for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care shall expire at the end of the twelve-month period beginning on the date of such birth or placement.

Pursuant to 29 CFR Part 825 Section 202, a husband and wife both employed by the district are limited to a combined total of twelve weeks of leave during the twelve-month period if the leave is taken for the birth of a son or daughter of the staff member or to care for such son or daughter after birth; for placement of a son or daughter with the staff



member for adoption or foster care or in order to care for the spouse, son, daughter, or parent of the staff member with a serious health condition.

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

A staff member during any period of FMLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member using FMLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the district. The staff member may continue the part-time employment that commenced prior to the FMLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

2. New Jersey Family Leave Act (NJFLA)

A staff member shall become eligible for NJFLA leave after he/she has been employed at least twelve months in this district for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. The calculation of the twelve-month period to determine eligibility shall commence with the commencement of the NJFLA leave. NJFLA leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

A staff member during any period of the NJFLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member on NJFLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the district. The staff member may continue the part-time employment that commenced prior to the NJFLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

The method to determine the twenty-four month period in which the twelve weeks of NJFLA leave entitlement occurs will be a “rolling”



twenty-four month period measured backward from the date a staff member uses any leave.

E. Types of Leave

1. Federal Family and Medical Leave Act (FMLA)

A staff member may take FMLA leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

- a. Leave for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care may not be taken by a staff member intermittently or on a reduced leave schedule.
- b. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition.
- c. Intermittent leave means leave scheduled for periods of time from one hour or more to several weeks; however, the total time within which the leave is taken can not exceed a twelve month period for each serious health condition episode. Intermittent leave may be taken for a serious health condition that requires periodic treatment by a health care provider, rather than one continuous period of time. Intermittent leave may also be taken for absences where the staff member is incapacitated or unable to perform the essential functions of the position because of a serious health condition even if the staff member does not receive treatment by a health care provider. The staff member shall make a reasonable effort to schedule intermittent leave so as not to unduly disrupt the operations of the instructional/educational program.
- d. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per



workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule not exceeding twenty-four consecutive weeks. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

- e. The fact that a holiday may occur within the week taken by a staff member as Family Leave has no effect and the week is counted as a week of Family Leave. However, if the staff member is out on Family Leave and the school district is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school district is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

- f. "Instructional employees" as defined in 29 CFR 825 Section 600(c) are those staff members whose principle function is to teach and instruct pupils in class, a small group, or in an individual setting. This term includes teachers, athletic coaches, driving instructors, and special education assistants, such as signers for the hearing impaired. Teacher assistants or aides who do not have as their principal job actual teaching or instructing, guidance counselors, child study team members, curriculum specialists, cafeteria workers, maintenance workers and/or bus drivers are not considered instructional employees for the purposes of this policy. Semester as defined in 29 CFR 825 section 602(a)(3)(b) means the school semester that typically ends near the end of the calendar



year and the end of the spring each school year. A school district can have no more than two semesters in a school year.

- i. Leave taken at the end of the school year and continues into the beginning of the next school year is considered consecutive leave.
- ii. In accordance with 29 CFR 825 section 601(a)(1), eligible instructional staff members that need intermittent or reduced leave to care for a family member, or for the staff member's own serious health condition which is foreseeable based on planned medical treatment and the staff member would be on leave more than twenty percent of the total number of working days over the period the leave would extend, the district:
 - (a) May require the staff member to take the leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
 - (b) Transfer the staff member temporarily to an available alternative position for which the staff member is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the staff member's regular position.
- iii. If the instructional staff member does not give the required notice for leave that is foreseeable and desires the leave to be taken intermittently or on a reduced leave schedule, the district may require the staff member to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the staff member to delay taking the leave until the notice provision is met.
- iv. In accordance with 29 CFR 825 Section 602, if an instructional staff member begins leave more than five weeks before the end of the school year, the district may



require the staff member to continue taking leave until the end of the semester if:

- (a) The leave will last three weeks, and
- (b) The staff member would return to work during the three-week period before the end of the semester.

- v. In accordance with 29 CFR 825 Section 602, if an instructional staff member begins leave for a purpose other than the staff member's own serious health condition during the five-week period before the end of the semester, the district may require the staff member to continue taking leave until the end of the semester if:

- (a) The leave will last more than two weeks; and
- (b) The employee would return to work during the two-week period before the end of the semester.

(Example of leave falling within these provisions:
If a staff member plans two weeks of leave to care for a family member which will begin three weeks before the end of the term, the district could require the staff member to stay out on leave until the end of the term.)

- vi. In accordance with 29 CFR 825 Section 602, if an instructional staff member begins leave for a purpose other than the staff member's own serious health condition during the three week period before the end of a semester, the district may require the staff member to continue taking leave until the end of the semester if the leave will last more than five working days.

- vii. In the event the district requires the instructional staff member to take additional leave to the end of the semester in accordance with iv., v., or vi. above, the additional leave days shall not be counted as FMLA leave.

2. New Jersey Family Leave Act (NJFLA)



A staff member may take NJFLA leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

- a. In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary. The total time within which the leave is taken, can not exceed a twelve-month period for each serious health condition episode. The staff member will provide the district with prior notice of the leave in a manner which is reasonable and practicable; and the staff member shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the district.
- b. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule for a period not exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave on a reduced leave schedule without an agreement between the staff member and the district if the leave is taken for the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.
- c. The fact that a holiday may occur within the week taken by a staff member as family leave has no effect and the week is counted as a



week of family leave. However, if the staff member is out on family leave and the school district is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school district is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

F. Notice

1. Federal Family and Medical Leave Act (FMLA)

- a. Foreseeable Leave - A staff member eligible for FMLA leave must give at least a thirty day written advance notice to the Superintendent if the need for the leave is foreseeable based on an expected birth, placement for adoption of foster care, or planned medical treatment for a serious health condition of the staff member or a family member. If thirty days is not practical, the staff member must provide notice "as soon as practicable" which means as soon as both possible and practical, taking into account all the facts and circumstances in the individual case. For foreseeable leave where it is not possible to give as much as thirty days notice "as soon as practical" ordinarily would mean at least verbal notification to the Superintendent within one or two business days or when the need for leave becomes known to the staff member. The written notice shall include the reasons for the leave, the anticipated duration of the leave and the anticipated start of the leave.

When planning medical treatment, the staff member must consult with the Superintendent and make a reasonable effort to schedule the leave so as not to unduly disrupt the educational program, subject to the approval of the health care provider. Staff members are ordinarily expected to consult with the Superintendent prior to scheduling of treatment that would require leave for a schedule that best suits the needs of the district and the staff member.



The district may delay the staff member taking leave for at least thirty days if the staff member fails to give thirty days notice for foreseeable leave with no reasonable excuse for the delay.

- b. Unforeseeable Leave - When the approximate timing of the need for leave is not foreseeable, a staff member should give notice to the Superintendent for leave as soon as practicable under the facts and circumstances of the particular case. It is expected the staff member will give notice to the Superintendent within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not foreseeable. The staff member should provide notice to the employer either in person or by telephone, telegraph, facsimile machine or other electronic means.

2. New Jersey Family Leave Act (NJFLA)

- a. Foreseeable Leave - A staff member eligible for NJFLA leave must give at least a thirty day advance written notice to the Superintendent of the need to take family leave except where the need to take family leave is not foreseeable.
 - i. Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave, except that if the date of the birth or adoption requires leave to begin in less than thirty days, the employee shall provide such notice that is reasonable and practicable.
 - ii. Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of leave, except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.
 - iii. When the Superintendent is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide timely notice within



two business days of returning to work to have the time considered for family leave in accordance with the Family Leave Act.

- b. Unforeseeable Leave - When the need for leave is not foreseeable, the staff member must provide notice “as soon as practicable” which shall be at least verbal notice to the Superintendent within one or two business days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the Superintendent, but any verbal notice must be followed by written notice delivered within two working days.

G. Leave Designation

An eligible staff member shall designate FMLA or NJFLA leave upon providing notice of the need for the leave or when the need for leave commences. The Superintendent shall provide the staff member with this Policy to assist the staff member in determining the type of leave.

H. Benefits

The Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act shall be unpaid leave.

The Board will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued to work instead of taking the leave. If the staff member was paying all or part of the premium payments prior to the leave, the staff member would continue to pay his/her share during the leave time. Any instructional employee who is on leave under NJFLA or FMLA at the end of the school year will be provided with any benefits over the summer that the employee would normally receive if they had been working at the end of the school year.

I. Returning from Leave

The Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act



A staff member returning from leave shall be entitled to the position he/she held when leave commenced or to an equivalent position of like seniority, status, employment benefits, pay and other conditions of employment. If the district experiences a reduction in force or layoff and the staff member would have lost his/her position had the staff member not been on family leave as a result of the reduction in force or pursuant to the good faith operation of a bona fide layoff and recall system including a system under any collective bargaining agreement, the staff member shall be entitled to reinstatement to the former or an equivalent position in accordance with applicable statutes, codes and laws. The staff member's tenure and seniority rights, if any, and other benefits shall be preserved, but the staff member shall accrue no additional time toward tenure or seniority for the period of the leave, except as may be provided by law.

The return of a staff member prior to the expiration of the requested family leave may be permitted by the Board if the return does not unduly disrupt the instructional program or require the Board to incur the cost of continuing the employment of a substitute under contract.

If leave is taken under FMLA, and the staff member does not return to work after the leave expires, the Board is entitled to recover health insurance costs paid while the staff member was on FMLA. The Board's right to recover premiums would not apply if the staff member fails to return to work due to:

1. The continuation, onset or recurrence of a serious health condition of the staff member; or
2. Circumstances beyond the staff member's control.

J. Ineligible Staff Members

1. Federal Family and Medical Leave Act (FMLA)

The district may deny job restoration after FMLA leave if the staff member is a "key employee" as defined in 29 CFR 825 Section 217 if such denial is necessary to prevent substantial and grievous economic injury to the district or the district may delay restoration to a staff member who fails to provide a fitness for duty certificate to return to work for leave that was the staff member's own serious health condition. A "key employee" is a salaried, staff member who is among the highest paid ten percent of the school district staff employed by the district within 75 miles



of the worksite. No more than ten percent of the school district staff within 75 miles of the worksite may be “key employees.”

In the event the Superintendent believes that reinstatement may be denied to a key employee, the Superintendent must give written notice to the staff member at the time the staff member gives notice of the need for leave, or when the need for leave commences, if earlier, that he/she qualifies as a key employee. The key employee must be fully informed of the potential consequences with respect to reinstatement and maintenance of health benefits if the district should determine that substantial and grievous economic injury to the district’s operations will result if the staff member is reinstated from leave. The district’s notice must explain the basis for the district’s finding that substantial and grievous economic injury will result, and if leave has commenced, must provide the staff member a reasonable time in which to return to work. If the staff member on leave does not return to work in response to the notice of intent to deny restoration, the staff member continues to be entitled to maintenance of health insurance.

A key employee’s rights under the FMLA continue unless and until the staff member either gives notice that he/she no longer wishes to return to work or the district actually denies reinstatement at the conclusion of the leave period. A staff member is still entitled to request reinstatement at the end of the leave period even if the staff member did not return to work in response to the district’s notice. The district will then again determine whether there will be substantial and grievous economic injury from reinstatement based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the district will notify the staff member in writing (in person or by certified mail) of the denial of the restoration.

2. New Jersey Family Leave Act

The district may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school district staff or one of the seven highest paid employees of the district, whichever is greater, if the denial is necessary to prevent substantial and grievous economic injury to the school district’s operations. The Superintendent shall notify the staff member of the intent to deny the leave at the time the Superintendent determines the denial is necessary. If the leave has already commenced at the time of the district’s



notification of denial, the staff member shall be permitted to return to work within ten working days of the date of notification.

K. Verification of Leave

1. Federal Family and Medical Leave Act (FMLA)

The Board requires a staff member's FMLA leave to care for the staff member's seriously ill spouse, son, daughter, or parent, or due to the staff member's own serious health condition that makes the staff member unable to perform one or more of the essential functions of the staff member's position, be supported by a certification issued by the health care provider of the staff member or the staff member's ill family member. The certification must meet the requirements of 29 CFR Section 825.306 to include: which part of the definition of "serious health condition" applies; the approximate date the serious health condition commenced and its probable duration; whether it will be necessary for the staff member to take intermittent and/or reduced leave; whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity; if additional treatments will be required for the condition; and/or if the patient's incapacity will be intermittent or will require reduced leave. The certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement.

In the event the Superintendent doubts the validity of the certification, in accordance with 29 CFR Section 825.307, the district may require, at the district's expense, the staff member obtain an opinion regarding the serious health condition from a second health care provider designated by the district, but not employed on a regular basis by the district. If the second opinion differs from the staff member's health care provider, the district may require, at the district's expense, the staff member obtain the opinion of a third health care provider designated by the district or approved jointly, in good faith, by the district and the staff member. The opinion of the third health care provider shall be final and binding on the district and the staff member.



The district may require re-certification pursuant to the requirements of 29 CFR Section 825.308. In accordance with 29 CFR Section 825.309, the staff member on leave must provide a written report to the Superintendent every thirty workdays. The report shall include the staff member's status and intended date to return to work. In the event the staff member's circumstances change, the staff member must provide reasonable notice to the Superintendent if the staff member intends to return to work on a date sooner than previously noticed to the district. The staff member is not required to take more leave than necessary to resolve the circumstance that precipitated the need for leave. As a condition of returning to work after the leave for the staff member's own serious health condition, and in accordance with 29 CFR Section 825.310, the district requires a staff member to provide a certification from their health care provider that the staff member is able to resume work.

In accordance with 29 CFR Section 825.311, the district may delay the taking of FMLA leave to a staff member who fails to provide certification within fifteen days after being requested to do so by the district. In accordance with 29 CFR Section 825.312, the district may delay the taking of leave until thirty days after the date the staff member provides notice to the district of foreseeable leave or the district may delay continuation of leave if a staff member fails to provide a requested medical certification in a timely manner.

2. New Jersey Family Leave Act

The Board shall require the certification of a duly licensed health care provider verifying the purpose of requested NJFLA leave. Certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement, whichever is appropriate.

In the event the Superintendent doubts the validity of the certification for the serious health condition of a family member of the staff member, the district may require, at the district's expense, the staff member to obtain an opinion regarding the serious health condition from a second health care provider designated or approved, but not employed on a regular basis, by the district. If the second opinion differs from the certification the district



may require, at the district's expense, that the staff member obtain the opinion of a third health care provider designated or approved jointly by the district and the staff member concerning the serious health condition. The opinion of the third health care provider shall be final and binding on the district and the staff member.

L. Interference with Family Leave Rights

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

M. Non-Tenured Teaching Staff

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

N. Record Keeping

In order that staff member's entitlement to FMLA leave and NJFLA leave can be properly determined, the Superintendent shall ensure the keeping of accurate attendance records that distinguish family leave from other kinds of leave. The Superintendent will publish a notice explaining the Act's provisions and provide information concerning the procedures for filing complaints of violations of the FMLA and NJFLA.

Implementation of FMLA and NJFLA will be consistent with provisions in collective bargaining agreement(s) in the district.

29 U.S.C. 2601 et seq.
29 C.F.R. 825.200 et seq.
N.J.S.A. 34:11B-1 et seq.
N.J.A.C. 13:14-1 et seq.



POLICY

HOLLAND TOWNSHIP BOARD OF EDUCATION

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FAMILY LEAVE (M)

Adopted: 31 March 2010



NEW JERSEY'S FAMILY LEAVE INSURANCE PROGRAM

3431.3 NEW JERSEY'S FAMILY LEAVE INSURANCE PROGRAM

Board of Education employees are eligible to apply for benefits under New Jersey's Family Leave Insurance Program administered by the State of New Jersey – Department of Labor and Workforce Development. New Jersey's Family Leave Insurance Program (NJFLI) may provide up to six weeks of family leave insurance benefits payable to covered employees from either the New Jersey State Plan or an approved employer-provided private plan.

A benefit provided through the NJFLI will be for the employee to bond with a child during the first twelve months after the child's birth, if the covered individual or the domestic partner or civil union partner of the covered individual is a biological parent of the child, or the first twelve months after the placement of the child for adoption with the covered individual. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI must provide the Superintendent of Schools written notice thirty calendar days prior to beginning the leave. Failure to provide this thirty-day notice may result in a reduction in the employee's maximum family leave insurance benefits. Intermittent leave to bond with a newborn or newly adopted child must be agreed to by the Superintendent of Schools and the employee and, if agreed to, must be taken in periods of seven days or more.

A benefit provided through the NJFLI will also be to care for a family member with a serious health condition supported by a certification provided by a health care provider. An employee who intends to apply to the State of New Jersey for benefits under this provision of the NJFLI for consecutive leave must provide the school district reasonable and practical notice unless the time of the leave is unexpected or the time of the leave changes for unforeseen reasons. An employee who intends to apply for benefits under this provision of the NJFLI for intermittent leave must provide the school district with a written notice at least fifteen calendar days prior to beginning the leave.

For the purposes of this Policy, "family member" means a child, spouse, domestic partner, civil union partner, or parent of a covered individual. "Child" means a biological, adopted, or foster child, stepchild, or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of the covered individual, who is less than nineteen years of age or is nineteen years of age or older but incapable of self-care because of mental or physical impairment.

An employee will be required to use five workdays of earned vacation, personal, or other earned leave in connection with a period of paid leave from the NJFLI.



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NEW JERSEY'S FAMILY LEAVE INSURANCE PROGRAM

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

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

The Board may elect to provide employees with Family Leave Insurance benefits coverage under a private plan which must be approved by the State of New Jersey – Department of Labor and Workforce Development.

A printed notification of covered individuals' rights relative to the receipt of benefits under the NJFLI will be posted in each of the school district worksites and in a place or places accessible to all employees at the worksite. Each employee shall receive a copy of this notification in writing at the time of the employee's hiring, whenever the employee provides written notice to the Superintendent of their intention to apply for benefits under the NJFLI, or at any time upon the first request of the employee. The written notification may be transmitted to the employee in electronic form.

N.J.S.A. 43:21-25 et seq.
N.J.A.C. 12:21-1.1 et seq.

Adopted: 27 April 2010



POLICY

HOLLAND TOWNSHIP BOARD OF EDUCATION

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SICK LEAVE

3432 SICK LEAVE

The Board of Education shall grant sick leave, in accordance with law, to teaching staff members absent from work because of personal disability or quarantine. Each steadily employed employee eligible for sick leave will be entitled annually to the number of paid sick leave days negotiated with the employee's majority representative or provided in this policy or in an individual contract with the Board.

29 U.S.C. 2601 et seq.
N.J.S.A. 18A:30-1 et seq.

Adopted: 31 March 2010



POLICY

HOLLAND TOWNSHIP BOARD OF EDUCATION

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VACATIONS

3433 VACATIONS

The Board of Education believes that the school district benefits when teaching staff members employed to work twelve months a year are given periodic relief from the responsibilities of their positions without loss of compensation.

The Board reserves the right to determine the conditions under which vacation time may be taken when not otherwise covered by the terms of a negotiated agreement or in an individual contract with the Board.

N.J.S.A. 18A:30-7

Adopted: 31 March 2010



3435 ANTICIPATED DISABILITY

The Board of Education shall provide for leaves of absence, in accordance with law and the policies of this Board, for any employee of this district not covered by the terms of a negotiated agreement whose absence from duties will be required for a foreseeable event of disability such as childbirth or surgery.

An employee who anticipates disability shall so notify the Superintendent as soon as the employee is under medical supervision for the condition and a date is projected for the anticipated disability. Because of the potentially disabling nature of pregnancy and the certainty of temporary disability at birth, the Board will presume that a pregnant employee is disabled for work thirty days before the anticipated date of childbirth and continues to be disabled for thirty days after birth, except that any such employee who presents medical certification of her fitness may continue to work until she is actually disabled and may return to work as soon as she is able.

The Board reserves the right to require an employee who requests an extended leave of absence that includes anticipated disability to commence and/or terminate the leave at times that ensure continuity in the educational program in accordance with Policy No. 3431. No person who is required to take leave at a time other than that requested will be denied the use of sick leave for the anticipated disability that occurs or is presumed to occur during the leave.

An employee who anticipates a disability may request a leave of absence to commence before disability and to extend beyond the period of disability. Any such request shall be subject to Board discretion and the Board's policy on leave of absence. An employee on voluntary leave of absence is not eligible for sick leave pay for disability occurring during the period of that absence.

42 U.S.C. 2000e-2
29 C.F.R. 1604-1 et seq.
N.J.S.A. 10:5-12
N.J.S.A. 18A:6-6; 18A:16-2; 18A:30-1 et seq.

Adopted: 31 March 2010



3436 PERSONAL LEAVE

The Board of Education will provide compensated absence for reasons of personal necessity for teaching staff members not covered by the terms of a negotiated agreement or in an individual contract with the Board.

The Board reserves the right to determine the reasons for which personal leave will be granted, the number of days that may be used in any one school year for personal leave, and the manner of proof of personal necessity.

N.J.S.A. 18A:30-7

Adopted: 31 March 2010



3437 MILITARY LEAVE

The Board of Education recognizes that military service rendered by any district employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is a service benefiting all citizens. Any permanent or full-time officer and/or employee of the district will be provided military leave and related benefits pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq., P.L. 2001 Chapter 351 amending N.J.S.A. 38:23-1, N.J.S.A. 38A:1-1 and N.J.S.A. 38A:4-4., and any other applicable Federal and State laws.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized militia of New Jersey (New Jersey National Guard, New Jersey Naval Militia Joint Command) shall be entitled, in addition to pay received, if any, to a leave of absence without loss of pay or time on all days in which he/she is engaged in any period of State or Federal active duty. The leave of absence for Federal active duty or active duty for training shall not exceed ninety work days in the aggregate in any calendar year. A permanent or full-time temporary officer or employee who has served less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of ninety workdays shall be without pay, but without loss of time.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other organization affiliated therewith, including the National Guard of other states, shall be entitled, in addition to pay received, if any, to a leave of absence without loss of pay or time on all work days he/she shall be engaged in any period of active duty, provided such leave of absence shall not exceed thirty work days in any calendar year. A permanent or full-time temporary officer or employee who has served less than one year in the district shall receive this leave without pay, but without loss of time. This paid leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty workdays shall be without pay, but without loss of time.

Military leave with pay is not authorized for Inactive Duty Training (IDT) as defined in N.J.A.C. 5A:2-2.1.

The district will provide benefits and rights for staff on military leave as required by Federal and State laws.



POLICY

HOLLAND TOWNSHIP BOARD OF EDUCATION

Teaching Staff Members
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MILITARY LEAVE

Pursuant to N.J.S.A. 52:13H-2.1, in accordance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application by the district to the State Treasury and approval of the application by the Director of the Division of Budget and Accounting, reimbursement shall be made by the State of New Jersey for any costs incurred as a result of the provisions of P.L. 2001, Chapter 351.

N.J.S.A. 18A:6-33; 18A:28-11.1; 18A:29-11; 18A:66-8.1
N.J.S.A. 38:23-1 et seq.; 38A:1-1; 38A:4-4; 52:13H-2.1;
N.J.A.C. 5A:2-2.1
Uniformed Services Employment and Reemployment Rights Act
(USERRA), 38 U.S.C. Section 4301 et seq.

Adopted: 31 March 2010



3439 JURY DUTY

The Board of Education will indemnify any teaching staff member against loss of pay incurred by a call to jury duty. No such employee will be penalized in any way for an absence caused by service on a panel of grand or petit jurors. The time any such employee is absent on jury duty will not be charged against personal leave and will count as school district service.

Teaching staff members shall report a call to jury duty during the school term to the Principal or their immediate supervisor who shall determine whether or not a replacement is available. Teaching staff members scheduled for jury service during the school term for whom the administration indicates a replacement cannot reasonably be found shall seek from the Assignment Judge an excusal or deferment of service. Teaching staff members shall obtain from the Superintendent, or designee, a letter indicating the lack of availability of a substitute in such instances.

A teaching staff member who is a full-time teacher and is absent from school duties on jury duty for any court of New Jersey, any court of any other State, any federal district court, or in the U.S. District Court for New Jersey will receive their usual compensation from the school district for each day the teaching staff member is present for jury duty.

An employee summoned to jury duty shall promptly report the summons to his/her immediate supervisor. On return from jury duty, the employee must submit to his/her immediate supervisor a court record of the number of days served on jury duty.

While on jury duty, an employee must report daily to his/her supervisor the schedule for the following day and must report to work when he/she is excused from jury duty for half a day or more or suffer loss of pay.

N.J.S.A. 2B:20-1 et seq.; 2B:20-10; 2B:20-16

Adopted: 31 March 2010

