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RECRUITMENT, SELECTION AND HIRING

The Garwood Board of Education believes that the quality of the professional staff in large part determines the quality of the education offered district pupils. Therefore, the chief school administrator shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of district pupils.

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

All teachers hired by the Garwood Board of Education for programs in the district supported with Title I, Part A funds shall be highly qualified, as defined by federal law. All teachers of core academic subjects (English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history and government) hired by the Garwood Board of Education shall be highly qualified.

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

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

The chief school administrator shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make

available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The chief school administrator shall prepare and maintain job descriptions that define the duties, responsibilities and qualifications required for each position. The Garwood Board of Education shall adopt those job descriptions required by law or code and others as appropriate.

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

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

The Garwood Board of Education shall appoint all staff members only from nominations made by the chief school administrator. Should a nominee be rejected, it shall be the duty of the chief school administrator to make other nominations.

#### Residency Requirements

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

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

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

#### Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy, if he/she has not had a break in public service for a period of time greater than seven days;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy, unless he/she has not had a break in public service for a period of time greater than seven days;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or

disciplinary removal. But a leave of absence shall not be considered a break in public service.

- E. An employee may request an exemption to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Date: August 21, 2001

Revised: October 18, 2004

Revised: December 21, 2004

Revised: December 15, 2015

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:3-15. 1 et seq. Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation  
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited  
N.J.S.A. 18A:6-6 No sex discrimination  
N.J.S.A. 18A:6-7.1, -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception  
N.J.S.A. 18A:6-76.1 Deadline for notification to students of requirements  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:13-40 General powers and duties of board of newly created regional districts  
N.J.S.A. 18A:16-1 Officers and employees in general  
N.J.S.A. 18A:26-1, -1.1, -2 Citizenship of teachers, exceptions  
N.J.S.A. 18A:27-1 et seq. Employment and Contracts  
See particularly:  
N.J.S.A. 18A:27-4.1  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act  
N.J.S.A. 52:14-7 Residency Requirements  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
See particularly:  
N.J.A.C. 6A:7-1.4,-1.8  
N.J.A.C. 6A:9-6.1 et seq. Types of Certificates  
N.J.A.C. 6A:9-8.1 et seq. Requirements for Instructional Certification  
N.J.A.C. 6A:9-11.1 et seq. Exceptions for the Requirements for the Instructional Certificate  
N.J.A.C. 6A:9-12.1 et seq. Requirements for Administrative Certification

N.J.A.C. 6A:10-1.1 et seq. Educator effectiveness  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-4.1 Employment of teaching staff  
N.J.A.C. 6A:32-5.1 Standards for determining seniority  
42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972  
29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973  
8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986  
42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)  
No Child Left Behind Act of 2001, Pub. L. 107-110 20 U.S.C.A. 6301 et seq.  
Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917  
Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)  
The Comprehensive Equity Plan, New Jersey Department of Education

NONDISCRIMINATION/AFFIRMATIVE ACTION

The Garwood Board of Education guarantees to all persons equal access to all categories of employment, retention and advancement in this district, regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, liability for service in the Armed Forces of the United States, disability, nationality, atypical hereditary cellular or blood trait of any individual, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test.

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

The Garwood Board of Education's designated affirmative action officer shall identify and recommend correction of any existing inequities, and any that occur in the future.

Harassment and Favoritism

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

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

Sexual Harassment

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

employee's submission to sexual advances will result in any improvement in any term or condition of employment of an employee. Sexually harassing conduct committed by nonsupervisory personnel is also prohibited.

Staff may file a formal grievance related to sexual harassment. The affirmative action officer will receive all complaints and carry out a prompt and thorough investigation and will protect the rights of both the person making the complaint and the alleged harasser.

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

#### Pregnancy

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

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

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

#### "Whistleblower" Protection

The Garwood Board of Education prohibits discrimination or retaliation against any school employee who does any of the following:

- A. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the Garwood Board of Education that the employee reasonably believes is in violation of a law, or a rule or regulation established pursuant to law;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation established pursuant to law by the Garwood Board of Education; or
- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare or protection of the environment.

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



## Report on Implementation

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

Adopted: August 21, 2001

Revised: October 18, 2004

Revised: December 21, 2004

Revised: June 19, 2007

Revised: December 15, 2015

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination

See particularly:

N.J.S.A. 10:5-3, -3.1, -4.1, -12, -27

N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited

N.J.S.A. 18A:6-6 No sex discrimination

N.J.S.A. 18A:18A-17 Facilities for handicapped persons

N.J.S.A. 18A:26-1 Citizenship of teachers, etc.

N.J.S.A. 18A:26-1.1 Residence requirements prohibited

N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers

N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act

N.J.S.A. 34:19-1 et seq. Conscientious Employee Protection Act

N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education

See particularly:

N.J.A.C. 6A:7-1.4, -1.8

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

N.J.A.C. 6A:32-14.1 Review of mandated programs and services  
Executive Order 11246 as amended

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

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

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

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

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

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

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

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

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

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

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

The Comprehensive Equity Plan, New Jersey State Department of Education

Name of Aggrieved \_\_\_\_\_ Date submitted \_\_\_\_\_

Based school \_\_\_\_\_ Position \_\_\_\_\_

1. Location(s) of incident(s) \_\_\_\_\_

2. Date(s) of incident(s) \_\_\_\_\_

3. Nature of alleged discrimination (e.g. race, creed, color, etc.) \_\_\_\_\_

4. What happened? \_\_\_\_\_

5. Name(s) of harasser(s) \_\_\_\_\_

6. What did he/she do? \_\_\_\_\_

7. How was your work affected? \_\_\_\_\_

8. Describe the effect the alleged discrimination or harassment has had on you \_\_\_\_\_

9. Are there others in the district who treat you this way? (Explain) \_\_\_\_\_

10. List any witnesses \_\_\_\_\_

11. Describe any action take by you in response to the incident \_\_\_\_\_

12. What were your feelings then? \_\_\_\_\_

\_\_\_\_\_

13. What are your feelings now? \_\_\_\_\_

\_\_\_\_\_

14. Did you talk to anyone about it? Who? (Explain) \_\_\_\_\_

\_\_\_\_\_

15. Did you previously report the incident(s) or tell anyone about the incident(s), or have you previously filed a harassment complaint against the individual named above? If yes, please identify to whom you made the report and the date or dates on which you made the report. If the report was made to a School District supervisor, administrator, or official, please describe how your report was resolved.

\_\_\_\_\_

\_\_\_\_\_

16. Do you know if this person(s) has harassed anyone else? (Explain) \_\_\_\_\_

\_\_\_\_\_

17. Do you have documentation of the incident (diary, memo, letter, photo)? \_\_\_\_\_

\_\_\_\_\_

18. What remedy do you suggest? Immediate? In the future? \_\_\_\_\_

\_\_\_\_\_

19. Please submit any additional information \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I certify that to the best of my knowledge the information that I have provided is true and accurate.

\_\_\_\_\_  
Grievant's signature

\_\_\_\_\_  
Date signed

This form is to be submitted to the person designated by the Board of Education policy, the Affirmative Action Officer. If the person is the alleged harasser, please submit to his/her superior.

WORKSHEET FOR RESOLVING SEXUAL HARASSMENT

(Be specific when describing the alleged behavior)

District personnel investigating allegations of sexual harassment shall be guided by this worksheet but shall not be restricted solely to the issues raised herein and should be guided by the facts of each individual case in investigating allegations. Thus an investigation into an allegation of sexual harassment should include, but not be limited to, the areas set forth below.

Alleged sexual harassment situation:

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Corrective action requested by the complainant: (Even if the complainant does not want any corrective action taken, YOU must insure that the sexual harassment stops.)

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Alleged harasser(s) description of the situation:

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Additional fact finding information (documentation, witnesses, previous situations)

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Your appropriate corrective action

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Follow-up action

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Write the names of the internal resource people whom you may contact for additional information or assistance:

Name	Office	Work Phone
1. _____		
2. _____		
3. _____		
4. _____		
5. _____		

CERTIFICATION

The certification of teachers and other personnel in the public schools of New Jersey is a protective measure for the children, the community, and the staff members themselves. All personnel hired shall have proper certification as required by the state board of education. The chief school administrator will take appropriate steps to avoid employment of teachers with revoked or suspended certificates.

Validity of certification must be verified with the county office.

The chief school administrator must receive valid evidence of proper certification or qualifications to pursue the alternative route to certification before presenting a candidate to the Garwood Board of Education.

Reporting of Arrests, Charges and Indictments

All certificated staff members who are charged, arrested or indicted for a crime or offense must submit a report to the chief school administrator of the charge, arrest or indictment, including (but not limited to) disorderly persons offenses and drunk driving arrests. This reporting requirement pertains to both in-state and out-of-state offenses and crimes. Pursuant to N.J.A.C. 6A:9-17.1(c) the employee will make the report within fourteen (14) days. The staff member shall also report the disposition of any charges within seven (7) days of the disposition.

Failure to comply with these reporting requirements may be deemed “just cause” to revoke or suspend the certificate(s) of any certificate holder pursuant to N.J.A.C. 6A:9-17.5.

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

District Reporting Requirements

Pursuant to N.J.A.C. 6A:9-17.4(a), the chief school administrator shall notify the New Jersey Board of Examiners when:

- A. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
- B. Nontenured teaching staff members who are accused of criminal offenses or unbecoming conduct, resign, retire or are removed from their positions;
- C. A certificate holder fails to maintain any license, certificate or authorization pursuant to N.J.A.C. 6A:9-4.1(b) that is mandated in order for the holder to serve in a position; or

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

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

#### Provisionally Certified Teachers

The Garwood Board of Education encourages the employment of provisionally certified teachers for service in their first and second years of employment. The building principal or other appropriately certified administrator shall observe and evaluate all provisionally certified teachers in the first year of employment in conformance with the schedule described in the administrative code.

#### Mentoring Novice Teachers

In order to enhance student achievement of the Core Curriculum Content Standards by enhancing the skills of inexperienced teachers, identifying exemplary teaching skills and practices necessary for excellent teaching and assist novice teachers in adjusting to the challenges of teaching, the Garwood Board of Education shall ensure the development of a mentoring plan for all novice teachers employed in the district.

The plan shall provide each novice teacher with in-person contact with a mentor teacher (who may be a retired teacher or administrator) who shall provide confidential support and guidance to the novice teacher. The plan shall be developed by the local Professional Development Committee, approved by the Garwood Board of Education, and aligned with the professional standards for teachers as set forth in administrative code. Included in the plan shall be criteria for selection and training of mentor teachers. Implementation of the district mentor plan shall be in compliance with the administrative code and included in the district annual report.

The Garwood Board of Education shall annually submit a report with required data to the State Department of Education on the effectiveness of the local mentoring plan. State funds appropriated for the novice teacher mentoring program shall be applied in accordance with law and code.

#### Special Education

All personnel serving students with disabilities shall be appropriately certified and licensed, where a license is required.

Date: October 18, 2004

Revised: December 15, 2015

Legal References: N.J.S.A. 18A:6-38 Powers and duties of the board; issuance and revocation of certificate; rules and regulations  
N.J.S.A. 18A:6-39 Issuance of certificates to non-citizens  
N.J.S.A. 18A:6-76.1 Deadlines for notification to students of requirements of provisional certificate and induction program; submission of induction program plan to school districts and Department of Education; coordination of mentor training program  
N.J.S.A. 18A:26-1,-2,-8.1,-9 Citizenship of teachers, etc.  
N.J.S.A. 18A:26-2.1 et al. Supervisory certificate required for appointment as director of athletics  
N.J.S.A. 18A:27-2 Employment without certificate prohibited  
N.J.S.A. 18A:29-1 Uncertified teacher denied salary  
N.J.S.A. 18A:40A-4 Preservice training of future teachers; teaching certificate requirements  
N.J.A.C. 6:30-2.1(a)8 Purpose and program descriptions (adult education programs)  
N.J.A.C. 6A:9-1.1 et seq. Professional Licensure and Standards  
See particularly:  
N.J.A.C. 6A:9-3.3, 6A:9-8.4  
N.J.A.C. 6A:9-17 et seq. Certificate Holders  
See particularly  
N.J.A.C. 6A:9-17.1, 6A:9-17.3, 6A:9-17-4(a)  
N.J.A.C. 6A:14-1.1 et seq. Special Education  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-4.1(d) Employment of teaching staff  
N.J.A.C. 6A:32-12.1 et seq. Reporting requirements  
Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917



### EMPLOYEE HEALTH EXAMINATIONS

#### Examinations

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

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

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

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

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

#### Occupational Containment of Bloodborne Pathogens

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

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

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

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

#### Implementation and Dissemination

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

ADOPTED: July 13, 2000

Revised: October 18, 2004

Amended: December 21, 2004

Revised: December 15, 2015

Legal References: N.J.S.A. 2C:35-1 et seq. Comprehensive Drug Reform Act of 1987  
N.J.S.A. 18A:16-2 Physical examinations; requirement  
N.J.S.A. 18A:16-3 Character of examinations  
N.J.S.A. 18A:16-4 Sick leave; dismissal  
N.J.S.A. 18A:16-5 Records of examinations  
N.J.S.A. 18A:40-10 Exclusion of teachers and pupils exposed to disease  
N.J.S.A. 18A:66-39 Disability retirement  
N.J.S.A. 26:4-1 "Communicable disease" defined  
N.J.S.A. 26:4-6 Prohibiting attendance of teachers or pupils  
N.J.S.A. 26:4-15 Reporting of communicable diseases by physicians  
N.J.S.A. 26:5c-1 et seq. AIDS Assistance Act  
N.J.A.C. 6A:16-1.4 et seq. District policies and procedures  
N.J.A.C. 6A:16-2.1 Health services policy and procedure requirements  
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations  
N.J.A.C. 8:61-1.1 et seq. Participation and Attendance at School by  
Individuals with HIV Infection

N.J.A.C. 12:100-4.2 Safety and Health Standards for Public Employees  
(Adoption by reference)

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

29 CFR 1910.1030 - Bloodborne Pathogen Standard

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

Elizabeth v. Elizabeth Fire Officers Association, 10 NJPER 15022

HIV Policy and Practice: Regulatory Requirements for New Jersey  
Public Schools

SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

PERSONNEL RECORDS

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

The chief school administrator shall consult with the Garwood Board of Education attorney regarding which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The chief school administrator and the Garwood Board of Education attorney shall be responsible for limiting administrative records to those that are consistent with New Jersey and federal law.

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

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

- A. The public file shall consist of an alphabetic index of all those presently employed by the district in whatever capacity. The information in this file shall be limited to name, title, position, salary, payroll record, length of service, and, if applicable, date of separation and rehire. The chief school administrator shall devise procedures for making this file available to the public in accordance with the Open Public Records Act.
- B. The confidential file shall consist of an individual personnel folder for each current employee. The information in this file shall include all records mandated by state and federal law; evaluation of performance; record of attendance; original application filed by the employee; original salary and increments; date of tenure; notations of commendation and disciplinary actions consistent with law. This file is available for examination:
  - 1. At any time, by the chief school administrator or the supervisory personnel he/she designates;
  - 2. During regular business hours, by the employee or his/her personally authorized representative, in accordance with regulations;
  - 3. During regular business hours, or at any meeting of the Garwood Board of Education or any committee thereof, by any member of the Garwood Board of Education when

necessary to make an informed decision regarding any assigned Garwood Board of Education responsibility or duty.

- C. Employee health records shall be maintained separately from other personnel files and in strict confidentiality. Only the employee, the chief medical inspector and the chief school administrator shall have access to an employee's medical file. To assure ready access in a medical emergency, the section of the medical record that contains the health history may also be shared with the building principal and the school nurse with the consent of the employee.
- D. Staff emergency contact cards for all employees shall be maintained by the chief school administrator and updated annually.

Adopted: October 18, 2004

Revised: December 15, 2015

Legal References: N.J.S.A. 18A:6-7 Oaths of persons employed in teaching capacities  
N.J.S.A. 18A:6-7a Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded  
N.J.S.A. 18A:6-11 Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.S.A. 47:1A et seq. Examination and copies of public records ("Open Public Records Act")  
N.J.S.A. 47:3-15 et seq. Destruction of Public Records Law  
N.J.A.C. 6A:32-6.1 et seq.  
N.J.A.C. 12:100-4.2 Safety and health standards for public employees occupational exposure to bloodborne pathogens (Adoption by reference)  
29 CFR 1910.1030 - Bloodborne Pathogen Standard  
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.  
Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974  
Citizens for Better Education v. Camden Bd. of Ed., 124 N.J. Super. 523 (App. Div. 1973)  
Trenton Times Corp. v. Trenton Bd. of Ed., 138 N.J. Super. 357 (App. Div. 1976)  
Nero v. Hyland, 76 N.J. 213 (1978), rev'd 146 N.J. Super. 46 (App. Div. 1977), 136 N.J. Super. 537 (Law Div. 1975)  
Brick Township Education Association v. Brick Township Bd. of Ed., 1974 S.L.D. 111

Sayreville Education Association v. Sayreville Bd. of Ed., S.L.D. 197  
White v. Galloway Township Bd. of Ed., 1977 S.L.D. 900, aff'd St. Bd.  
1977 S.L.D. 903  
Witchel v. Cannici and the Passaic Bd. of Ed., 1966 S.L.D. 159  
Mendell v. Cimmino and the Kinnelon Bd. of Ed., 1970 S.L.D. 185  
Cordano v. Weehawken Bd. of Ed., 1974 S.L.D. 316, appeal dismissed  
St. Bd. 1974 S.L.D. 323  
Horner v. Kingsway Regional Board of Education, 1990 S.L.D. 752  
Lacey Township Board of Education v. Lacey Township Education  
Beatty v. Chester 1999 S.L.D. August 31  
Ciambrone v. Bloomingdale 2000 S.L.D. May 7

NEPOTISM

Definitions

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

“Nepotism” shall be defined as the showing of favoritism to an employee or candidate for employment based on the existence of a “conflicted relationship” with a Garwood Board of Education member or chief school administrator.

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

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

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

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

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

Employment and Supervision of a Relative

The Garwood Board of Education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not initially appoint a relative of a Garwood Board of Education member or of the chief school administrator to any employment position in this district.

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

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

#### Exceptions Regarding Employment

Persons who are employees of the Garwood Board of Education on the date that this policy initially becomes effective or the date a relative becomes a Garwood Board of Education member or chief school administrator shall not be prohibited from continuing to be employed in the district. This includes employees who must be renewed annually by the Garwood Board of Education. The chief school administrator may recommend those employees for reemployment, transfer, promotion or removal.

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

#### Participation in Employment Related Matters

Conflicted Garwood Board of Education members may not participate in employment matters concerning the chief school administrator, principal or any administrator or supervisor(s) in the chain of command between the employee and chief school administrator.

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

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



## Board Member/Chief School Administrator Participation in Negotiations

### A. In-District Bargaining Units

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

Garwood Board of Education members or the chief school administrator are similarly precluded from participation in negotiations with any bargaining unit whose members have supervisory authority over a family member or other conflicted connection.

### B. Out-of-District Similar Statewide Bargaining Units

1. When a Garwood Board of Education member is a member of an out-of-district similar statewide union or when a Garwood Board of Education member or school administrator is in a conflicted relationship involving an immediate family member who is a member of an out-of-district similar statewide union with which the Garwood Board of Education is negotiating, that Garwood Board of Education member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to:

- a. Developing negotiation parameters;
- b. Being a member of the negotiating team;
- c. Receiving confidential negotiations information updates prior;
- d. Voting on the contract; and
- e. Grievance participation.

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

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

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

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

#### Doctrine of Necessity

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

#### Implementation

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

Date: October 18, 2004

Revised: October 21, 2008

Revised: December 15, 2015

Revised: April 19, 2016

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

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

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

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

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

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

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

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

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A03-98

School Ethics Commission, Advisory Opinion, A14-00

School Ethics Commission, Advisory Opinion, A03-13

School Ethics Commission, Advisory Opinion, A15-13

School Ethics Commission, Advisory Opinion, A22-13

School Ethics Commission, Advisory Opinion, A09-14

School Ethics Commission, Advisory Opinion, A10-14

School Ethics Commission, Advisory Opinion, A11-14

School Ethics Commission, Advisory Opinion, A43-14

School Ethics Commission, Advisory Opinion, A03-15

School Ethics Commission, Advisory Opinion, A05-15

School Ethics Commission, Advisory Opinion, A11-15

School Ethics Commission, Advisory Opinion, A13-15

School Ethics Commission, Advisory Opinion, A16-15

N.J. Department of Education 05-13-09 Broadcast # 1 "Nepotism Policy Clarification"

ASSIGNMENT; TRANSFER

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

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

Date: March 22, 2005

Revised: December 15, 2015

Legal References: N.J.S.A. 18A:25-1 Transfer of teaching staff members  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder  
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions  
N.J.S.A. 18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions  
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act

See particularly:

N.J.S.A. 34:13A-23, -25, -27, -29

N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

N.J.A.C. 6A:32-14.1 Review of mandated programs and services

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

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

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

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

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

34 CFR 200.1 to 200.89 - Part 200

34 CFR Part 204

Ridgefield Park Education Association v. Ridgefield Park Board of Education, 78 N.J. 144 (1978)  
The Comprehensive Equity Plan, New Jersey State Department of Education

SUPERVISION

The Garwood Board of Education acknowledges that the purpose of supervision is to improve teacher performance in the classroom so that all students have an opportunity to achieve the Core Curriculum Content Standards including the Common Core State Standards in mathematics and language arts and literacy.

Each teacher employed in this district as of the effective date specified in code shall be responsible for fulfilling requirements for continuing education and for making annual progress toward the goal of 20 clock hours of state-approved professional development annually. Each teacher's individual professional development plan (PDP) shall incorporate appropriate steps toward this goal and shall be designed to assist teachers in obtaining and maintaining the knowledge and skills essential to student achievement of the state's Core Curriculum Content Standards including the Common Core State Standards. The professional development plan shall describe specific activities designed to provide guidance for that teacher in improving his/her performance. Such activities may include, but are not limited to, seminars, course work, day-long workshops, and classes on certain instructional approaches. Although supervisors shall develop professional development plans in collaboration with teachers, the chief school administrator shall maintain final authority in determining their appropriate content.

Supervisory assistance and support in achieving the 20 clock hours of state-approved continuing education shall be offered in the context of the district's evaluation process, negotiated agreements, other policies, student safety and well-being, continuity of instruction, and budgetary constraints.

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

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

Date: December 21, 2004

Revised: June 25, 2015

Revised: December 15, 2015

Legal References: N.J.S.A. 18A:4-15 General rule-making power  
N.J.S.A. 18A:4-16 Incidental powers conferred  
N.J.S.A. 18A:6-10 et seq. Dismissal and reduction in compensation of  
persons under tenure in public school system  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:27-3.1 Non-tenured teaching staff; observation and  
through -3.3 evaluation;  
N.J.S.A. 18A:28-5 Tenure of teaching staff members  
N.J.S.A. 18A:29-14 Withholding increments; causes; notice of appeals  
N.J.A.C. 6A:9C-3.1 et seq. Professional development for teachers and  
school leaders

See particularly:

N.J.A.C. 6A:9C-3.9 (c-d)

N.J.A.C. 6A:10-1.1 et seq. Educator effectiveness

N.J.A.C. 6:30-2.1(a)8 Purpose and program descriptions

### EVALUATION OF TEACHING STAFF MEMBERS

The Garwood Board of Education believes that the effective evaluation of teaching staff is essential to the achievement of the educational goals of this district, including student achievement of the Common Core State Standards for mathematics and language arts and literacy and the Core Curriculum Content Standards. The purpose of this evaluation shall be to promote professional excellence and improve the skills of teaching staff members; improve pupil learning and growth; and provide a basis for the review of staff performance.

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

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

#### Definitions

For the purpose of this Garwood Board of Education policy on teacher evaluation "teaching staff member" means a member of the professional staff of any district or regional board of education, or any county vocational school district board of education, holding office, position, or employment of such character that the qualifications for such office, position, or employment require him or her to hold a valid, effective, and appropriate standard, provisional, or emergency certificate issued by the State Board of Examiners. Teaching staff members include the positions of school nurse and school athletic trainer. There are three different types of certificates that teaching staff members work under:

- A. An instructional certificate (holders of this certificate are referred to in this chapter as "teachers");
- B. Administrative certificate; and
- C. Educational services certificate (N.J.A.C. 6A:10-1.2).



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

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

#### Garwood Board of Education Responsibilities

The Garwood Board of Education shall:

- A. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Garwood Board of Education's evaluation policies and procedures;
- B. Annually adopt the evaluation rubrics and policies and procedures developed by the chief school administrator that pertain to the evaluation of district staff;
- C. Annually adopt by June 1, Commissioner-approved educator practice instruments and notify the Department of Education which instruments will be used as part of the school district's evaluation rubrics.

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

- A. The chief school administrator directs the development of and oversees the district evaluation policies and procedures requiring the annual evaluation of all teaching staff members. The chief school administrator may consult with the District Advisory Evaluation Committee or representatives from School Improvement Panels. The chief school administrator shall direct the development and oversee:
  1. The implementation of Garwood Board of Education approved evaluation rubrics for all teaching staff members;
  2. The assignment of roles and responsibilities for implementation of evaluation policies and procedures;
  3. The development of job descriptions and evaluation criteria that are based upon school district goals, student achievement, instructional priorities, and the evaluation regulations promulgated by the Department of Education;
  4. The application of methods of data collection and reporting appropriate to each job description, including, but not limited to, the processes for observations for the purpose of evaluation and post-observation conference(s) by the teaching staff member's supervisor, or his or her designee;
  5. The preparation of individual professional development plans; and

6. The preparation of an annual written performance report by the teaching staff member's supervisor, or his or her designee, and an annual summary conference between the teaching staff member and his or her supervisor, or the supervisor's designee.
- B. The chief school administrator notifies all teaching staff members annually of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, he/she shall be notified of the policies at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy within 10 working days of adoption;
- C. The principal of each school within the school district has established a School Improvement Panel. The panel shall be established annually by August 31;
- D. Data elements shall be collected from the implementation of the teaching and principal practice instruments and the data shall be stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation; and
- E. Each principal in the district shall certify that any observer who conducts an observation of a teaching staff member meets the statutory observation requirements (N.J.S.A. 18A:6-119, 18A:6-123.b(8), and 18A:27-3.1) and certifies that the teacher member of the School Improvement Panel meets the requirements detailed below and according to law (N.J.A.C. 6A:10-3.2).

#### Training for Teaching Staff Members and Supervisors

The Garwood Board of Education shall ensure, through the chief school administrator or his or her designee(s) that the following training procedures are observed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments:

##### A. Teaching Staff Members

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

##### B. Supervisors of Classroom Teachers

"Supervisor" means an appropriately certified teaching staff member, employed in the school district in a supervisory role and capacity, and possessing a school administrator, principal, or supervisor, endorsement as defined in N.J.A.C. 6A:9-1.1.

1. Training on the teacher practice instruments shall be provided for any supervisor who will conduct observations for the purpose of evaluation of teachers. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;
2. Any supervisor who will observe teaching practice for the purpose of increasing accuracy and consistency among observers shall be provided annual updates and refresher training on the teacher practice instruments;

3. Each supervisor who will conduct observations for the purpose of evaluation of a teacher shall complete two co-observations annually, during the academic year:
  - a. At least one co-observation shall be completed by December 1;
  - b. Co-observers shall use the double observation to calibrate teacher practice instruments, promote accuracy in scoring, and to continually train themselves on the instrument;
  - c. A co-observation shall count as a required observation as long as the observer meets the requirements of law and this policy (see Teacher Observation and Observation Conferences below). A co-observation shall count as one of the required teacher observations;

The chief school administrators shall annually certify to the Department of Education that all supervisors of teaching staff members in the school district who are utilizing educator practice instruments have completed training on the instrument and its application and have demonstrated competency in applying the educator practice instruments.

#### District Evaluation Advisory Committee

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

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

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

#### School Improvement Panel

Each school shall convene a School Improvement Panel. The panel shall include the principal, or his or her designee, an assistant or vice-principal, and a teacher. The principal's designee shall be an individual employed in the district in a supervisory role and capacity who possesses a school administrator, principal, or supervisor endorsement. In the event that an assistant or vice-principal is not available to serve on the panel, the principal shall appoint an additional member to the panel, who is employed in the district in a supervisory role and capacity and who possesses a school administrator certificate, principal certificate, or supervisor certificate.

Any district that has entered a shared services agreement for the functions of the school improvement panel may provide services under that shared services agreement.

The chief school administrator shall ensure that each school has established a School Improvement Panel that shall include the principal, a vice principal, and a teacher who is chosen by the building principal in consultation with the majority representative. The principal shall establish the panel annually by August 31. The principal may appoint additional members to the School Improvement Panel as long as all members meet the following criteria and the teacher(s) on the panel represents at least one-third of its total membership:

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

- A. The teacher member shall be a person with a demonstrated record of success in the classroom and who has demonstrated (beginning in academic year 2015-2016) a record of success with an evaluation rating of effective or highly effective in the most recent available annual summative rating;
- B. The teacher member shall be selected in consultation with the majority representative. The majority representative may submit to the principal teacher member nominees for consideration;
- C. The principal shall have final decision making authority and is not bound by the majority representative's list of nominees.

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

#### Duties of the School Improvement Panel

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

- A. Oversee the mentoring of teachers according to Garwood Board of Education Policy 4112.2 Certification, the State requirements for instructional certification as detailed in N.J.A.C. 6A:9-8, and support the implementation of the school district mentoring plan. Mentoring activities shall be developed in consultation with the school improvement panel;
- B. Conduct evaluations of teachers according to Garwood Board of Education policy and law (N.J.A.C. 6A:10-2.4 and 4.4);
- C. Ensure corrective action plans for teachers are created in accordance to N.J.A.C. 6A:10-2.5(j) and conduct the mid-year evaluations for teachers who are on a corrective action plan; and
- D. Identify professional development opportunities for all teaching staff members that are tailored to meet the unique needs of the students and staff of the school, and are based on the review of aggregate school-level data, including, but not limited to, educator evaluation and student performance data to support school-level professional development plans described in N.J.A.C. 6A:9-15.5:

1. The teacher member may participate in the conduct of observations for the purpose of evaluation. In order to participate, the teacher member shall have:
  - a. Agreement of the majority representative;
  - b. An appropriate supervisory certificate; and
  - c. Approval of the principal who supervises the teacher being observed.
2. The teacher member who participates in the evaluation process shall not serve concurrently as a mentor under N.J.A.C. 6A:9-8.4.

#### Components of Teacher Evaluation

The components of teacher evaluation shall include the following:

- A. Garwood Board of Education approved evaluation rubrics that include:
  1. Student achievement components as described in N.J.A.C. 6A:10-4.2:
    - a. Medium student growth percentile;
    - b. Student growth objectives;
  2. Measures of teacher practice determined through a teacher practice instrument for the observation of teachers and other measures;
- B. A professional development plan (PDP);
- C. An annual summary conference between supervisors and teaching staff members shall be held before the written performance report is filed;
- D. An annual performance report that is a written appraisal of the teaching staff member's performance prepared by a supervisor based on the evaluation rubric for his or her position.

The teacher shall submit his or her written objections of the evaluation within 10 teaching staff member working days following the conference. The objections shall be attached to each party's copy of the annual written performance report.

#### Evaluation Rubrics for Teaching Staff Members

The Garwood Board of Education shall annually adopt evaluation rubrics approved by the commissioner for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubric is a set of criteria, measures, and processes used to evaluate all teaching staff members in the district. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes.

The Garwood Board of Education shall adopt an evaluation rubric specifically for teachers and evaluation rubrics for other categories of teaching staff members (N.J.A.C. 6A:10-2.1).

The Garwood Board of Education may adopt a model evaluation rubric that has been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department of Education's list of approved educator practice instruments.

The Garwood Board of Education may also select an educator evaluation rubric other than the model rubric that at a minimum includes the standards set forth in law (N.J.S.A. 18A:6-123) and has four defined annual ratings: ineffective, partially effective, effective, and highly effective.

All evaluation rubrics for teaching staff members shall be submitted to the Commissioner by June 1 for approval by August 1 of each year (N.J.A.C. 6A:10-2.1c).

The chief school administrator shall develop, in consultation with teaching staff members, job descriptions for each teaching staff member position and evaluation criteria for said positions based directly upon the job description. The job description shall be concise, stating major responsibilities as briefly as possible. All job descriptions shall be presented to the Garwood Board of Education for approval.

### Evaluation Rubric and Practice Instrument for Teachers

#### A. Teacher Evaluation Rubric

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

1. Measures of student achievement:
  - a. Median student growth percentile for teachers who teach at least one course or group within a course that falls within a standardized-tested grade or subject; and
  - b. Student growth objectives for all teachers developed in consultation with their principal or his or her designee.
2. Measures of teacher practice determined through a teacher practice instrument and other measures including teacher practice components, observation and observation conferences and summary reports.

#### B. Teacher Practice Instrument

The teacher practice instrument shall be approved by the Commissioner and shall:

1. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers (N.J.A.C. 6A:9-3);
2. Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:
  - a. Clearly define the expectations for each rating category;
  - b. Provide a conversion to the four rating categories: highly effective, effective, partially effective, and ineffective;
  - c. Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and
  - d. Use clear and precise language that facilitates common understanding among teachers and administrators;
3. Rely, to the extent possible, on specific, discrete, observable, and/or measurable behaviors of students and teachers in the classroom with direct evidence of student engagement and learning; and
4. Include descriptions of specific training and implementation details required for the instrument to be effective.

For commissioner-approval of a teacher practice instrument in 2015 or any year thereafter, the instrument shall include a process to assess competency on the evaluation instrument which the district may choose to use as a measure of competency.

Observation: Tenured and Nontenured Classroom Teachers

Each teacher shall be observed at least three times during each school year but not less than once during each semester.

- A. “Long observation” means an observation for the purpose of evaluation that is conducted for a minimum duration of 40 minutes or one class period, whichever is shorter.
- B. “Short observation” means an observation for the purpose of evaluation that is conducted for at least 20 minutes.
- C. Each observation required for the purpose of evaluations shall be conducted for the minimum duration based on the following groups:
  - 1. A nontenured teacher who is in his or her first or second year of teaching in the school district shall receive at least two long observations and one short observation;
  - 2. A nontenured teacher who is in his or her third or fourth year of teaching in the school district shall receive at least one long observation and two short observations;
  - 3. A tenured teacher shall receive at least three short observations.
- D. Each teacher shall be observed at least three times during each school year but not less than once during each semester. For all teachers:
  - 1. At least one of the required observations shall be announced and preceded by a pre-conference;
  - 2. At least one of the required observations shall be unannounced;
  - 3. The chief school administrator shall decide whether the third required observation is announced or unannounced;
  - 4. Observations for all other teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.
- E. For nontenured teachers specifically:

In addition to the requirements as stated above in “D” for all teachers, the following shall apply to nontenured teaching staff member observation (nontenured teaching staff members include all nontenured professional staff who possess a valid and effective standard or a provisional or emergency certification):

  - 1. Non tenured teachers shall receive a minimum of three observations that are to take place before April 30 each year; and
  - 2. Non tenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor, either simultaneously or separately, by multiple observers, with the following provisions:
    - a. A co-observation shall fulfill the requirement for multiple observers.
    - b. One co-observation shall count as one required observation as described in “A” above.

All teacher staff members assigned a corrective action plan shall receive a mid-year evaluation that will include a minimum of one additional observation and post-observation conference (as detailed below under Corrective Action Plans).

### Observation Conferences for Teachers

The following procedures shall apply to teacher observation conferences:

- A. At least one of the required observations shall be announced and preceded by a pre-conference. The pre-conference shall occur within seven teaching staff member working days prior to the observation, not including the day of the observation;
- B. A post-observation conference shall be required for all observations, announced, unannounced, long, short, and/or required by a corrective action plan;
- C. The post-conference shall occur no more than 15 teaching staff member working days following each observation;
- D. A supervisor who was present at the observation shall conduct a post-observation conference with the teacher being observed;
- E. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness; and
- F. If agreed to by the teacher, post-observation conferences for short observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic.

Following each observation a post-observation conference shall be conducted and documented.

One post-observation conference may be combined with a teacher's annual summary conference as long as it occurs within the required 15 teaching staff member working days following the observation for the purpose of evaluation.

A written observation/evaluation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed.

The teacher shall submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.

### Annual Written Performance Report for Teachers

The annual written performance report shall be prepared by the teaching staff members who participated in the evaluation of the teaching staff member. In the case of a teacher, the annual written performance report shall be prepared by the teacher's principal, or his or her designee, and shall include, but not be limited to:

- A. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4 and 5 including the student achievement components (medium student growth percentile, student growth objectives), the teacher practice component, and teacher observation. The four summative performance ratings are:



1. Highly effective;
  2. Effective;
  3. Partially effective;
  4. Ineffective.
- B. Performance area(s) of strength and area(s) needing improvement based upon the job description, observations for the purpose of evaluation and, when applicable, the educator practice instrument;
- C. An individual professional development plan developed by the supervisor and the teaching staff member or, when applicable, a corrective action plan from the evaluation year being reviewed in the report; and
- D. A summary of student achievement or growth indicators, when applicable.

The teaching staff member and the preparer of the annual written performance report shall sign the report within five working days of the review.

#### Annual Summary Conference for Teachers

The annual summary conference between supervisors and teaching staff members shall be held before the written performance report is filed. The conference shall include, but not be limited to, a review of the following:

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

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

#### Observation, Conference, Written Evaluation and Annual Performance Report: Teaching Staff Members

The chief school administrator shall determine the duration of the observations required for other nontenured teaching staff members who hold a valid and effective standard, provisional or emergency certificate including the school nurse and athletic trainer. Observations for nontenured teaching staff members include, but are not limited to: observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue.

The observation shall:

- A. Be followed within 15 working days by a conference between the administrative or supervisory staff member who has made the observation and written evaluation, and the nontenured teaching staff member;
- B. Be followed by both parties to such a conference signing the written evaluation report and each retaining a copy for his or her records; and
- C. Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.

All teacher staff members assigned a corrective action plan shall receive a mid-year evaluation that will include a minimum of one additional observation and post-observation conference (as detailed below under Corrective Action Plans).

#### Personnel Records of Teaching Staff Members

The board shall add all written performance reports and supporting data, including, but not limited to, indicators of student progress and growth for a teaching staff member as part of his or her personnel file. The records shall be confidential and shall not be subject to public inspection or copying according to the Open Public Records Act and board policy 4112.6/4212.6 Personnel Records.

#### Teacher Professional Development Plans

To meet the state professional development requirements, each teacher whose position requires possession of the instructional or education services certificate shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-hour annual requirement shall be reduced by a pro rata share reflecting the use of family or medical leave. It is the individual teacher's responsibility in accordance with district policies, to assure that a teacher meets the professional development requirement. There is no mandated financial obligation on the part of the district.

The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9-15.3.3. The PDP shall be effective for one year and shall specify, at a minimum:

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;
- B. As appropriate, an additional area for development of professional practice aligned to the teacher's role as a member of his or her collaborative professional learning team. The professional learning team consists of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on;

1. Evaluating student learning needs through ongoing reviews of data on student performance; and
  2. Defining a clear set of educator learning goals based on the rigorous analysis of these data
- C. As appropriate, an additional area for development of professional practice aligned with school and/or district improvement plans and goals; and
- D. Any requirements for professional development stipulated elsewhere in statute or regulation.

The progress of each teacher in meeting the goals of the PDP must be determined annually and aligned to the district process for teacher evaluation. Progress on the PDP must be discussed during a minimum of one annual conference between the teacher and his or her supervisor. Each teacher shall provide evidence of progress toward meeting the requirements of his or her individual PDP, and this evidence must be reviewed as part of each conference. The PDP shall be revised at a minimum annually but may be adjusted as necessary to support the teacher's progress. All teachers shall have an individual PDP within 30 instructional days of the beginning of their respective teaching assignments.

A teacher's individual PDP goals may necessitate more than the recommended minimum requirements. The PDP shall accommodate additional professional development as necessary.

Additional hours of qualifying activities may be required for teachers in low-performing schools, as determined by the commissioner.

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

#### Corrective Action Plans for Teaching Staff Members

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

When the summative evaluation rating is calculated before the end of the school year, the teacher and supervisor shall meet to develop and discuss the corrective action plan prior to September 15 of the following school year. The conference to develop and discuss the corrective action plan may be combined with the teaching staff member's annual summary conference that occurs at the end of the year of evaluation.

When the ineffective or partially effective summative evaluation rating is received after the start of the school year following the year of evaluation, then the teacher and supervisor shall meet to develop and discuss the corrective action within 15 teaching staff member working days following the district's receipt of the summative rating.

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

The content of the corrective action plan shall:

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

The teaching staff member's supervisor, or his or her designee, and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each post-observation conference that is required by the district evaluation policies and procedures.

Progress toward the teaching staff member's goals outlined in the corrective action plan, and data and evidence collected by the supervisor and/or the teaching staff member to determine progress between the time the corrective action plan began and the next annual summary conference, shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference or the mid-year evaluation, when applicable.

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

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

#### Mid-Year Evaluation of the Corrective Action Plan

The School Improvement Panel shall conduct mid-year evaluations for teachers with a corrective action plan. If the corrective action plan was created on or prior to September 15 of the academic year, the mid-year evaluation shall occur before February 15. If the corrective action plan was created after September 15, the mid-year evaluation shall occur before the annual summary conference. In addition to the other annually required teacher observations and post-observation conferences, the mid-year evaluation of teachers on a corrective action plan, shall include, at a minimum:

- A. One observation, the length of which shall be determined by the chief school administrator or the principal;
- B. One post-observation conference during which progress toward the teacher's goals outlined in the corrective action plan shall be reviewed;

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

Implementation

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

Nothing in this policy shall override any conflicting provision of the collective bargaining agreement. No bargaining agreement entered into after July 2013 shall conflict with the education evaluation system established pursuant to administrative code.

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

DATE: April 3, 2001

REVISED: December 2013

REVISED: December 15, 2015

Legal References: N.J.S.A. 18A:4-15 General rule-making power  
N.J.S.A. 18A:4-16 Incidental powers conferred  
N.J.S.A. 18A:6-10 et seq. Dismissal and reduction in compensation of persons under tenure in public school system  
N.J.S.A. 18A:6-117 et seq. Teacher Effectiveness and Accountability for the Children of New Jersey (TEACHNJ) ACT

See particularly:

N.J.S.A. 18A:6-119 Definitions relative to the TEACHNJ Act

N.J.S.A. 18A:6-120 School improvement panel

N.J.S.A. 18A:6-121 Evaluation of principal, assistant principal, vice-principal

N.J.S.A. 18A:6-122 Annual submission of evaluation rubrics

N.J.S.A. 18A:6-123 Review, approval of evaluation rubrics

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

through -3.3 Non-tenured teaching staff; observation and evaluation; conference; purpose

N.J.S.A. 18A:27-10 et seq. Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31

N.J.S.A. 18A:28-5 Tenure of teaching staff members

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

N.J.A.C. 6:30-2.1(a)8 Purpose and program descriptions

N.J.A.C. 6A:9-15.1 et seq. Required Professional Development for Teachers

N.J.A.C. 6A:10-1.1 et seq. Educator effectiveness

See particularly:

N.J.A.C. 6A:10-1.2 Definitions

N.J.A.C. 6A:10-1.4 Educator evaluation data, information and written reports

N.J.A.C. 6A:10-2.2 Evaluation of teaching staff members

N.J.A.C. 6A:10-2.3 Evaluation of tenured teaching staff members

N.J.A.C. 6A:10-2.4 Evaluation of nontenured teaching staff members

N.J.A.C. 6A:32-4.1(e) (f) Employment of teaching staff

N.J.A.C. 6A:32-5.1 et seq. Standards for determining seniority

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

REDUCTION IN FORCE/ABOLISHING A POSITION

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

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

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

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

The Chief School Administrator shall prepare guidelines for restructuring positions and for determining objectively which employees are to be dismissed as a result, and shall present his/her recommendations to the Garwood Board of Education for action.

Date: March 18, 1986

Revised: January 19, 2010

Revised: December 15, 2015

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

N.J.A.C. 6A:9-5.5 Assignment of titles

N.J.A.C. 6A:32-5.1 Standards for determining seniority

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

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

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

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



NONRENEWAL

The Garwood Board of Education shall renew the employment contract of a non-tenured teaching staff member by a recorded roll call majority vote of the full Garwood Board of Education only upon the recommendation of the chief school administrator. A non-tenured teaching staff member who is not recommended for renewal by the chief school administrator shall be deemed non-renewed. Written notice of non-renewal of employment will be sent to the employee by the board secretary. This notice will be given by the date specified by law.

A written request from a non-tenured teaching staff member for a written statement of reasons for non-reemployment will be honored by the Garwood Board of Education.

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

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

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

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

Date: December 21, 2004

Revised: December 15, 2015

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

N.J.S.A. 18A:27-10 et seq. Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 15

N.J.A.C. 6A:32-4.1 et seq. Employment of teaching staff

See particularly:

N.J.A.C. 6A:32-4.1(e),-4.1(f)

N.J.A.C. 6A:32-4.6 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of notice of nonreemployment

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

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

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

CONFLICT OF INTEREST

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

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

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

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

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

Political Activities of Staff

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

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

Disciplinary Action

Violations of this policy may result in disciplinary action.

Date: December 21, 2004

Revised: December 15, 2015

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

See particularly:

N.J.S.A. 2C:27-4, -5, -6

N.J.S.A. 18A:6-8 Interest of school officers, etc., in sale of textbooks or supplies; royalties

N.J.S.A. 18A:6-8.4 Right to hold elective or appointive state, county or municipal office

N.J.S.A. 18A:11-1 General mandatory powers and duties

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

See particularly:

N.J.S.A. 18A:12-24

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

N.J.S.A. 19:34-15 Electioneering within or about polling place;  
misdemeanor

N.J.A.C. 6A:4-1.1 et seq. Appeals

N.J.A.C. 6A:28-1.1 et seq. School Ethics Commission

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

CONDUCT AND DRESS

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

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

Unbecoming Conduct

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

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

Date: December 21, 2004

Revised: December 15, 2015

Legal References: N.J.S.A. 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc., employment thereunder  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
Hicks v. Pemberton Bd. Of Ed., 1975 S.L.D. 332  
Quiroli v. Linwood Bd. Of Ed., 1974 S.L.D. 1035  
Carlstadt Teachers Ass'n v. Carlstadt Bd. Of Ed., App. Div., unreported decision (docket no. A-1469-80-T4, decided March 26, 1982), 1982 S.L.D. 1448

EMPLOYEE SUBSTANCE ABUSE

General - All Employees

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

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

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

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

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

Smoking by employees in school buildings or on school grounds is prohibited.

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

Work Performance in Connection with a Federal Grant

In order for the school district to qualify for any direct federal grant, the district must certify that it will provide a drug-free workplace and maintain a good faith effort to continue to maintain a drug-free workplace. To this end, employees engaged in school worksites as a

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

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

ADOPTED: August 21, 2001

Revised: June 21, 2005

Revised: December 15, 2015

Legal References: N.J.S.A. 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty  
N.J.S.A. 2C:35-1 et seq. Comprehensive Drug Reform Act of 1987  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:16-2 Physical examinations; requirement  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing  
N.J.S.A. 18A:36-32 Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act  
N.J.A.C. 6A:16-6.3 Reporting students or staff members to law enforcement authorities  
N.J.A.C. 6A:16-6.5 Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs  
N.J.A.C. 6A:26-12.2(a)4 Policies and procedures for school facility operation  
New Jersey Constitution, Art. IV, § VII, par. 2  
Anti-Drug Abuse Act of 1988  
Drug-Free Workplace Act of 1988  
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials  
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

ELECTRONIC COMMUNICATION BY SCHOOL STAFF

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

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

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



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

#### Cell Phones

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

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

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

#### Text Messages

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

- A. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
- B. Violates the district's affirmative action policies (Policy Nos. 2224, 4111.1, and 6121);
- C. Is personal in nature and not related to the business of the district;
- D. Can be interpreted as provocative, flirtatious or sexual in nature;
- E. Is confidential information and not authorized for distribution;
- F. Violates board Policy No. 5131.1 Harassment, Intimidation and Bullying.

#### Electronic Communication

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

- A. All messages shall pertain to legitimate school business;
- B. Personnel shall not reveal district issued passwords to others. If a staff member believes that a password has been lost or stolen, or that email has been accessed by someone without authorization, he/she must contact the supervisor for technology or the principal;

- C. District administrators shall have access to the employee's password or passwords for all district owned or issued devices and the use of the district network;
- D. Electronic messages on school owned or issued electronic devices and the district network shall be retained for the period of time specified by the Destruction of Public Records Law and board Policy No. 3570 Records (retained three (3) years for external correspondence and one (1) year for internal correspondence);
- E. Federal copyright laws shall be observed;
- F. Staff shall not send messages that contain material that:
  - 1. May be perceived as profane, obscene, racist, sexist or promote illicit, illegal or unethical activity;
  - 2. Violates the district's affirmative action policies (Policy Nos. 2224, 4111.1, 6121);
  - 3. Is personal in nature and not related to the business of the district;
  - 4. Can be interpreted as provocative, flirtatious or sexual in nature;
  - 5. Is confidential and not authorized for distribution;
  - 6. Violates board Policy No. 5131.1 Harassment, Intimidation and Bullying.
- G. Personnel shall become familiar with the district's policies and regulation on staff and student access to networked information resources and acceptable use of technology (Policy No. 6142.10 Technology) before initiating email use;
- H. Employees learning of any misuse of the email systems shall notify the supervisor for technology, principal or chief school administrator immediately.

#### Online Education

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

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

#### Implementation

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

Date: August 19, 2014

Revised: January 19, 2016

Legal References: N.J.S.A. 2A:38A-1 et seq. Computer System  
N.J.S.A. 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.  
N.J.S.A. 18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent

N.J.S.A. 18A:36-40 Written policy concerning electronic communications between school employees and students

N.J.S.A. 18A:37-13 et seq. Anti-Bullying Bill of Rights Act

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

N.J.S.A. 47:3-15 et seq. Destruction of Public Records Law

N.J.A.C. 6A:9-3.3 Professional standards for teachers

N.J.A.C. 6A:9B-4.5 Grounds for revocation and suspension of certification

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

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

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

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

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

In Re Cluggish, Exam 2011, Dec 16.

### SUBSTITUTE TEACHERS

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

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

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

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

The chief school administrator shall recruit, screen and recommend to the Garwood Board of Education candidates for employment as instructional substitutes. He/she shall:

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

#### Vacant Positions and Use of Substitutes

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

#### Definitions

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

the applicable test requirements and traditional professional preparation programs for certification. The CEAS permits the applicant to seek and accept employment in positions requiring certification.

Limits on Filling Vacant Teaching Positions with Substitutes

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

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

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

Date: June 21, 2005

Revised: January 19, 2016

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

N.J.S.A. 18A:16-1.1 et seq. May appoint temporary officers and employees

See Particularly:

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

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

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

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

N.J.A.C. 6A:9-6.5 County substitute credential

N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations  
8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986  
Sayreville Education Assoc. on behalf of Rucki et. al. v. Board of  
Education of the Borough of Sayreville, 193 N.J. Super. 390 (App.Div.  
1984)  
Lammers v. Board of Education of Borough of Point Pleasant, 260 N.J.  
Super. 390 (App.Div. 1992)

STUDENT TEACHERS/INTERNS

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

The chief school administrator shall recommend and the Garwood Board of Education approve the selection and placement of student teachers and administrative interns. Student teachers/interns shall comply with the requirements of law regarding health examinations and criminal history checks.

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

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

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

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

Date: June 21, 2005

Revised: January 19, 2016

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

N.J.S.A. 18A:11-1 General mandatory powers and duties

N.J.S.A. 18A:16-2 Physical examinations; requirement ... through -5

N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions

N.J.S.A. 18A:16-6.1 Indemnity of officers and employees in certain criminal actions

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

N.J.A.C. 6A:9-10.2 Curriculum for teacher preparation programs

N.J.A.C. 6A:9-10.3 Supervision of practicum students

N.J.A.C. 6A:32-4.1(d)(e) Employment of teaching staff

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

CLASSROOM AIDES (PARAPROFESSIONALS)

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

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

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

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

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

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

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

Qualification of classroom aides (paraprofessionals) in Title I schools

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



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

Date: June 21, 2005

Revised: January 19, 2016

Legal References: N.J.S.A. 18A:6-7.1 through 7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:16-2 through -5 Physical examinations; requirement ...  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:32-4.2 Approval of paraprofessional staff  
N.J.A.C. 6A:32-6.1 et seq. School employee physical examinations  
8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986  
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Garwood Board of Education recognizes its legal obligation to provide inservice activities that are aligned with student learning and educator development needs, and school, district, and/or State improvement goals. It is the Garwood Board of Education's priority that continuing education for teaching staff focus on the improvement of teachers' and school leaders' effectiveness in assisting students in the achievement of the Common Core State Standards (CCSS) in mathematics and language arts and literacy and Core Curriculum Content Standards (CCCS).

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

Professional Development for School Leaders

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

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

A. School Leaders

The chief school administrator, principals, and supervisors shall fulfill the professional development requirement through the creation, implementation, and completion of a professional development plan that:

1. Aligns with the Professional Standards for School Leaders and the Standards for Professional Learning;
2. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the chief school administrator, principals, or supervisors;
3. Identifies professional goals that address specific individual, school, or district goals; and

4. Grounds professional development activities in objectives related to improving teaching, learning, and student achievement, and in support of the school and/or district professional development plan.

**B. Professional Development for the Chief School Administrator**

The Garwood Board of Education shall oversee and review the chief school administrator's professional development. The professional development shall be linked to individual, school, and district professional development goals and to the district's professional development plan.

The Garwood Board of Education shall review the professional development plan. The chief school administrator shall provide to the Garwood Board of Education annual evidence of progress toward completion of the professional development plan and summative evidence of plan completion every three to five years, depending on the chief school administrator's contract with the Garwood Board of Education.

In cases where there is disagreement between a chief school administrator and his or her board of education regarding plan contents or progress toward completion, the chief school administrator may appeal to the executive county superintendent, who will have final decision-making authority on all such matters.

**C. Professional Development for Principals, Supervisors and Other Administrators**

The chief school administrator shall oversee and review professional development for each principal and supervisor. The professional development shall be linked to individual, school, and district professional development goals and the district's professional development plan.

Leaders whose positions require a principal or supervisor endorsement shall have an annual plan developed in collaboration with the chief school administrator, or designee holding a chief school administrator endorsement. Leaders whose positions require a chief school administrator's endorsement but who do not serve as a chief school administrator of the district shall have an annual plan developed in collaboration with the chief school administrator, or designee holding a chief school administrator endorsement.

The chief school administrator, or designee holding a chief school administrator endorsement, shall meet with the principal, supervisor, or other school administrator at mid-year to assess progress toward completion or modification of the plan. The chief school administrator, or designee holding a chief school administrator endorsement, shall review the status of the professional development plan as part of the principal's, supervisor's, or other district administrator's annual performance evaluation.

**D. Evidence of Progress**

Each active school leader shall be required to provide evidence of progress toward fulfillment of his or her plan including a narrative account detailing plan goals and their

achievement; and documentation of professional growth activities such as school-based learning activities; training; university coursework; action research; and study groups. Study groups may include school, district, county, and/or State associations and organizations, school and district collaborative teams, and virtual learning communities.

#### Professional Development for Teachers

To meet the state professional development requirements, each teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-hour annual requirement shall be reduced by a pro rata share reflecting the use of family or medical leave. It is the individual teacher's responsibility in accordance with district policies, to assure that a teacher meets the professional development requirement. There is no mandated financial obligation on the part of the district.

The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9-15.3. The PDP shall be effective for one year and shall specify, at a minimum:

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;
- B. As appropriate, an additional area for development of professional practice aligned to the teacher's role as a member of his or her collaborative professional learning team. The professional learning team consists of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on:
  1. Evaluating student learning needs through ongoing reviews of data on student performance; and
  2. Defining a clear set of educator learning goals based on the rigorous analysis of these data
- C. As appropriate, an additional area for development of professional practice aligned with school and/or district improvement plans and goals; and
- D. Any requirements for professional development stipulated elsewhere in statute or regulation.

The progress of each teacher in meeting the goals of the PDP must be determined annually and aligned to the district process for teacher evaluation. Progress on the PDP must be discussed during a minimum of one annual conference between the teacher and his or her supervisor. Each teacher shall provide evidence of progress toward meeting the requirements of his or her individual PDP, and this evidence must be reviewed as part of each conference. The PDP shall be revised at a minimum annually but may be adjusted as necessary to support the teacher's progress. All teachers shall have an individual PDP within 30 instructional days of the beginning of their respective teaching assignments.

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

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

#### School-Level Professional Development Plans

The principal shall oversee the development and implementation of a plan for school-level professional development. The school-level professional development plan shall include a description of school-level and team-based professional learning aligned with identified school goals, and teacher and student learning needs. The school-level plans shall become part of the district professional development plan reviewed by the Garwood Board of Education.

The principal shall ensure that all teachers receive the necessary opportunities, support, and resources to complete professional development requirements.

#### District-Level Professional Development Plans

The chief school administrator or his or her designees shall oversee the development and implementation of plans to address the districts' professional development needs. (School districts sending to the same middle and/or high school may form a regional consortium to develop one district-wide plan based on the sending schools' plans.)

The chief school administrator shall (N.J.A.C. 6A:9-15.6):

- A. Review school-level professional development plans;
- B. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plans, and data from school- and district-level performances;
- C. Plan, support, and implement professional development activities that address the CCSS and the CCCS, and that align with the Standards for Professional Learning in N.J.A.C. 6A:9-15.3 and the Professional Standards for Teachers and School Leaders in N.J.A.C. 6A:9-3.3 and 3.4; and
- D. Develop and update, as necessary, the district mentoring plan for new teachers (Garwood Board Policy No. 4112.2 Certification and N.J.A.C. 6A:9-8.4).

The chief school administrator shall review the district plan annually to assess its effectiveness and revise it as necessary to meet the district's learning goals for students, teachers, and school leaders. The district plan shall provide information on school-level and district-wide professional development opportunities, the resources being allocated toward

their support, and a justification for the expenditures. The district plan shall also include any professional development required by statute or regulation.

The chief school administrator shall be responsible for the content and implementation of the district professional development plan. The chief school administrator shall present the plan to the Garwood Board of Education to review for fiscal impact.

The Garwood Board of Education reserves the right to deny any plan that fails to advance district goals and objectives; is not conducive to student achievement of the Common Core State Standards or the Core Curriculum Content Standards; or contravenes current negotiated agreements, other board policies, student safety and well-being, continuity of the instructional program, or budgetary constraints.

Staff participation that may require release time and/or financial reimbursement from the Garwood Board of Education will be determined by the Garwood Board of Education after recommendation by the chief school administrator.

Staff members who participate in out-of-district programs at Garwood Board of Education expense shall submit a written report highlighting the main thrust and ideas observed by the participant.

#### Mandated Inservice Programs

The chief school administrator shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, drug/alcohol abuse awareness, handling blood and body fluids, possible hazardous substances in the workplace, crises response, school violence and other topics specifically required by federal or New Jersey law. These required presentations, seminars and/or workshops shall not count automatically toward the required 20 hours of continuing education annually.

Date: August 24, 2000

Revised: January 19, 2016

Legal References: N.J.S.A. 18A:6-111 et seq. Instruction in Suicide Prevention

See particularly:

N.J.S.A. 18A:6-112 Instruction in suicide prevention for public school teaching staff

N.J.S.A. 18A:7A-11 Reports by school districts, commissioner; interim review

N.J.S.A. 18A:17-46 Act of violence; report by school employee; notice of action taken; annual report

N.J.S.A. 18A:26-8.2 School leader training on ethics and governance; collaborative training model

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

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

N.J.S.A. 18A:31-2 Attendance at conventions of New Jersey Education Association

N.J.S.A. 18A:40A-3 Initial inservice training programs; curriculum; availability

See particularly:

N.J.S.A. 18A:40A-3(a), -18(c)

N.J.S.A. 34:5A-10 Retention of workplace surveys

N.J.S.A. 34:5A-13 Employee education and training program; certification of instructors

N.J.A.C. 6A:7-1.6 Professional development

N.J.A.C. 6A:10-2.4 Evaluation of all teaching staff

N.J.A.C. 6A:10-2.5 Corrective action plans for all teaching staff

N.J.A.C. 6A:10-4.1 et seq. Components of teacher evaluation

N.J.A.C. 6A:9-15.1 et seq. Required professional development for teachers and school leaders

N.J.A.C. 6A:14-1.2(b)13 District eligibility for assistance under IDEA Part B (regarding highly qualified teachers)

N.J.A.C. 6A:15-1.8 Inservice training

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-3.1(a)4, -5.1(d), Inservice training, alcohol, tobacco, drug prevention: safety and security, -6.2(b)12 cooperation with law enforcement

N.J.A.C. 6A:16-10.1 Reporting allegations of child abuse and neglect

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

N.J.A.C. 6A:32-4.1 Employment of teaching staff

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

The Comprehensive Equity Plan, New Jersey State Department of Education

NONSCHOOL EMPLOYMENT

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

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

Date: January 19, 2016

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



PRIVATE TUTORING

The Garwood Board of Education recognizes that the discharge of its responsibility to provide a thorough and efficient system of education for each child in the district may require special help for some pupils beyond the regular classroom program. Tutorial instruction shall be interpreted to mean individualized instruction additional to, and in support of, regular classroom instruction.

Wherever possible within the working day, each teaching staff member shall assist assigned pupils in the remediation of individual learning difficulties.

In certain cases where extra help is desirable and the parents/guardians request such assistance, a teacher or administrator may recommend that the parents/guardians secure tutorial services for the pupil.

To avoid placing a teacher in a position where he/she may have a conflict of interest, teachers shall not tutor, for a fee, pupils enrolled in their classes or upon whose evaluation or assignment they may be called upon to pass. Nor shall any employee of the Garwood Board of Education make a commitment to perform services for extra pay when he/she has been instrumental in recommending the need for those services.

Teachers shall not tutor any pupil for pay during regular working hours or on school premises.

Date: July 19, 2005

Revised: January 19, 2016

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teachers, etc.; employment thereunder  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

EMPLOYEE SAFETY

Through its overall safety program, the Garwood Board of Education shall seek to ensure the safety of employees during working hours.

The Garwood Board of Education shall be diligent in maintaining safe working conditions for employees. It shall provide an Exposure Control Plan for the occupational containment of bloodborne pathogens as described in Policy No. 4112.4 Employee Health. The Garwood Board of Education shall also provide information on possible hazardous substances in the workplace, in accordance with law.

The Garwood Board of Education shall expect employees to follow all established safety rules and regulations, such as those pertaining to the use of safety equipment, the wearing of safety clothing and protective eye devices where appropriate, and the lifting or shifting of heavy weights.

Employees shall report all accidents to their supervisor immediately.

Date: July 19, 2005

Revised: January 19, 2016

Legal Reference: N.J.S.A. 2C:7-1 et seq. Registration of sex offenders; definition; requirements  
N.J.S.A. 18A:16-2 Physical examinations; requirement  
N.J.S.A. 18A:40-12.1 Protective eye devices required for teachers, pupils and visitors in certain cases  
N.J.S.A. 18A:40-12.2 Rules prescribing kinds, types and quality of devices  
N.J.S.A. 34:5A-1 et seq. Worker and Community Right to Know Act  
N.J.S.A. 34:6A-25 et seq. New Jersey Public Employees' Occupational Safety and Health Act  
N.J.S.A. 34:19-1 et seq. Conscientious Employee Protection Act  
N.J.A.C. 6A:26-12.5 Eye protection in schools  
N.J.A.C. 6A:32-12.1(a) Reporting requirements  
N.J.A.C. 12:100-4.2 Safety and Health Standards for Public Employees (Adoption by reference)  
29 C.F.R. 1910.1030 Bloodborne Pathogen Standard

### ATTENDANCE PATTERNS

The Garwood Board of Education believes that the regular presence of assigned personnel is vital to the success of the district's educational program. Consistent absenteeism or tardiness is unacceptable and subject to disciplinary action.

The Chief School Administrator shall develop and the Garwood Board of Education shall adopt a plan to encourage all staff to strive for excellent attendance and punctuality records. These procedures should include a requirement that the staff member personally report all illnesses and request all leave at the earliest possible time. Procedures shall be in accordance with New Jersey statutes and district negotiated contracts.

The Chief School Administrator shall report on staff attendance and punctuality at every regular monthly Garwood Board of Education meeting.

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

Date: July 19, 2005

Revised: January 19, 2016

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder  
N.J.S.A. 18A:29-14 Withholding increments; causes; notice of appeals  
N.J.S.A. 18A:30-1 et seq. Sick Leave  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-2.1 Definitions  
Montville Education Ass'n v. Montville Bd. of Ed., 1984 S.L.D. 550, rev'd St. Bd.  
1984 S.L.D. 559, rev'd App. Div., unreported decision (docket no. A-1178-84T7, decided December 6, 1985) 1985 S.L.D. 1972, decision on remand, St. Bd., 1986 S.L.D. 3113  
Burlington Educational Ass'n v. Burlington Bd. of Ed., 1985 S.L.D. 889, aff'd St. Bd. 1985 S.L.D. 912  
Scotch Plains-Fanwood Board of Education v. Scotch Plains-Fanwood Education Association, 270 NJ Super 444 (App. Div. 1994); rev'd. 139 NJ 141 (1995)

PERSONAL ILLNESS AND INJURY/HEALTH AND HARDSHIP

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

Date: January 19, 2016

Legal References: N.J.S.A. 18A:6-6 No sex discrimination  
N.J.S.A. 18A:6-66 Rights and benefits of personnel (educational services commission)  
N.J.S.A. 18A:16-2 Physical examinations; drug testing; requirement through -5  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder  
N.J.S.A. 18A:30-1 Definition of sick leave  
N.J.S.A. 18A:30-2 Sick leave allowable  
N.J.S.A. 18A:30-6 Prolonged absence beyond sick leave period  
N.J.A.C. 6A:32-6.1 et seq. School Employee Physical Examinations  
Ramsey Teachers Ass'n v. Ramsey Bd. of Ed., 1979 S.L.D. 862, St. Bd. rev'g 1978  
S.L.D. 518, aff'd App. Div., 1980 S.L.D. 1528  
Cole v. Essex County Vocational School District Bd. of Ed., 1986 S.L.D. 1855

NONINSTRUCTIONAL AIDES

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

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

Lunchroom and playground aides shall be under the supervision of appropriate certified personnel.

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

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

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

Date: January 19, 2016

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

N.J.S.A. 18A:11-1 General mandatory powers and duties

N.J.S.A. 18A:16-2 through -5 Physical examinations; requirement

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

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

N.J.A.C. 6A:32-4.2 Approval of paraprofessional staff

N.J.A.C. 6A:32-6.1 et seq. School employee physical examinations

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