

**Brick Township
Board of Education
District Policy Manual**

Instructional Personnel

**Policies Numbered
4000 - 4199**

Brick Township Board of Education District Policy Manual 2

Instructional Personnel

Series 4000

Creating & Abolishing Positions

Policy 4110.7

Date Adopted: April 19, 1983

Date Revised:

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Date Reviewed:

Creating Positions

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

The Board shall create new positions as they are required, approve job titles and specify the number of positions required to staff adequately each employment category. On a careful review of the position, the Superintendent of Schools shall establish the background experiences and personal qualities, if any to be required of candidates or preferred among applicants for a particular position.

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

Positions shall conform to certification regulations of the New Jersey State Board of Education. When district organization requires the creation of a nonconforming, unrecognized position, the approval of the Executive County Superintendent shall be sought before the position is filled.

All newly-created positions must be brought to the Board for approval at a regularly scheduled Board meeting.

Abolishing Positions

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

Legal References

NJSA 18A:16 Employment in general

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

18A:28-9 Reduction in force

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Instructional Personnel Recruitment, Selection & Hiring

Series 4000
Policy 4111 [M]

Date Adopted: November 20, 2008

Date Revised:

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Date Reviewed:

The 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 Superintendent of Schools 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 Superintendent of Schools shall follow all requirements of the administrative code in providing the necessary training program for all teachers hired with provisional certificates.

Beginning in the 2002-2003 academic year, all teachers newly employed by the Board of Education for programs in a district supported with Title I, Part A funds shall be highly qualified, as defined by federal law. All teachers employed by the Board before 2003 shall be highly qualified according to federal regulations for the subjects they teach.

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

The Superintendent of Schools shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes. The Superintendent of Schools, in determining the candidates to be nominated shall seek information from the candidate's prior employers.

In his/her recommendation of candidates for employment, the Superintendent of Schools will include the results of the required criminal background investigations and share it with the entire Board of Education. He/she shall not, however, divulge any information uncovered in the criminal background checks of individuals he/she is not recommending for employment.

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

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

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The Board will appoint teaching staff members only from nominations made by the Superintendent of Schools.

Legal References

- NJSA 10:5-1 et seq. Law Against Discrimination
- 18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
- 18A:6-5 Inquiry as to religion and religious tests prohibited
- 18A:6-6 No sex discrimination
- 18A:6-7.1, -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
- 18A:6-76.1 Deadline for notification to students of requirements of provisional certificate and induction program
- 18A:11-1 General mandatory powers and duties
- 18A:13-40 General powers and duties of board of newly created regional districts
- 18A:16-1 Officers and employees in general
- 18A:26-1, -1.1, -2 Citizenship of teachers, etc.
- 18A:27-1 et seq. Employment and Contracts
- 26:8A-1 et seq. Domestic Partnership Act
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- 6A:7-1.1 et seq. Managing for Equality and Equity in Education
- 6A:9-6.1 et seq. Types of Certificates
- 6A:9-8.1 et seq. Requirements for Instructional Certification
- 6A:9-11.1 et seq. Exceptions for the Requirements for the Instructional Certificate
- 6A:9-12.1 et seq. Requirements for Administrative Certification
- 6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
- 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
- 6A:32-4.1 Employment of teaching staff
- 6A:32-4.8 Support residencies for regularly certified, inexperienced first-year principals
- 6A:32-5.1 Standards for determining seniority
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- 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

Brick Township Board of Education District Policy Manual 1

Instructional Personnel

Series 4000

**Nondiscrimination / Affirmative
Action / Sexual Harassment**

Policy 4111.1 [M]

Date Adopted: August 11, 1988

Date Revised: May 20, 2004

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Date Reviewed:

The Board of Education guarantees to all persons equal access to all categories of employment, retention and advancement in this district, regardless of any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes.

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; layoff or termination; rates of pay or other forms of compensation including fringe benefits; employment selection or selection for training and apprenticeships; promotion; or tenure.

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

Harassment and Favoritism

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

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

Sexual Harassment

The Board of Education shall maintain a working environment that is free from sexual harassment. Sexual harassment shall consist of unwelcomed sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when made by any member of the school staff to a student when made by any member of the school staff to another staff member or when made by any student to another student or when made by a student to a staff member, when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or when
- Submission to or rejection of such conduct by an individual is used as the basis of academic or employment decisions affecting that individual, or when

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- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or education environment.

Sexual harassment, as set forth above, may include, but is not limited to the following:

- verbal harassment or abuse
- pressure for sexual activity
- repeated remarks to a person with sexually demeaning implications
- unwelcomed touching suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.

The Board of Education 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. Such accommodations that cause an undue hardship in the operation of the school district are not required.

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 non-supervisory personnel is also prohibited.

Staff may file a formal grievance related to sexual harassment. The Board 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.

Students may also file formal grievances related to sexual harassment (refer to Parent/Student Handbook – grievance policy).

A substantiated charge against a staff member in the school district shall subject such staff member to disciplinary action, such as a letter of reprimand, withholding of an increment or possible discharge.

A substantiated charge against a student in the school district shall subject that student to student disciplinary action, including suspension or expulsion, consistent with the student disciplinary code.

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Notice of this policy will be circulated to the school and departments of the school district on an annual basis and incorporated in teacher and parent handbooks. It may also be distributed to all organizations in the community having cooperative agreements with the public schools. Failure to comply with this policy may result in termination of the cooperative agreement. Training sessions on this policy and the preventions of sexual harassment shall be held for teachers and students in the school on an annual basis.

“Whistleblower” Protection

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

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

The Board 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 Superintendent of Schools 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.

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Legal References

- NJSA 10:5-1 et seq. Law Against Discrimination □
18A:6-5 Inquiry as to religion and religious tests prohibited □
18A:6-6 No sex discrimination □
18A:18A-17 Facilities for handicapped persons □
18A:26-1 Citizenship of teachers, etc. □
18A:26-1.1 Residence requirements prohibited □
18A:29-2 Equality of compensation for male and female teachers □
26:8A-1 et seq. Domestic Partnership Act □
34:19-1 et seq. Conscientious Employee Protection Act □
- NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education □
6A:30-1.1 et seq. Evaluation of the Performance of School Districts □
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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Contract – Nontenured Personnel

Policy 4112

Date Adopted: April 19, 1983

Date Revised:

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Date Reviewed:

In accordance with law and for the mutual protection of the district and the employee, every teaching staff member who has not achieved tenure shall be required annually to sign an employment contract. The contract shall be executed by the President of the Board of Education on behalf of the Board and shall contain a termination clause of 60 days' notice.

Each employment contract shall include:

- A. The term of employment, including beginning and ending dates;
- B. The salary at which the person is employed;
- C. The intervals at which the person is employed;
- D. A provision for termination of contract on notice duly given;
- E. Such other matters as may be necessary to a full and complete understanding of the contract.

Should an employee be offered in error a contract for a salary which differs from that approved by the Board, the salary approved by the Board shall be the salary paid.

The Superintendent of Schools shall issue salary notification to all tenured and non-tenured personnel indicating the name of the employee and giving a concise explanation of their contractual salary for the coming year. All salary notification statements shall be signed by the Board Secretary/Business Administrator and the Board of Education.

All terms and conditions of the contract shall conform to the requirements of state law and the State Board of Education.

Legal References

- NJSA 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
- 18A:27-5 Written contracts of employment required
- 18A:27-6 Contents of contracts
- 18A:27-7 Contract forms
- 18A:27-8 Filing of contracts
- 18A:28-8 Notice of intention to resign required

Camden Board of Education v. Nelson Alexander, et als. (A-34/35-02)
Cresskill Bd. Of Ed. v. Cresskill Ed. Assn., 362 NJ Super. 7 (App.Div. 2003)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

Brick Township Board of Education District Policy Manual 2

**Instructional Personnel
Certification**

**Series 4000
Policy 4112.2**

Date Adopted: November 20, 2008

Date Revised:

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Date Reviewed:

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 Superintendent of Schools will take appropriate steps to avoid employment of teachers with revoked or suspended certificates.

Validity of certification must be verified with the Executive County Superintendent.

The Superintendent of Schools must receive valid evidence of proper certification or qualifications to pursue the alternative route to certification before presenting a candidate to the Board.

Provisionally Certified Teachers

The 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 Common Core Standards by enhancing the skills of inexperienced teachers, identifying exemplary teaching skills and practices necessary for excellent teaching, and assisting novice teachers in adjusting to the challenges of teaching, the Board 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 shall provide confidential support and guidance to the novice teacher. The plan shall be developed by the Professional Development Committee. Included in the plan shall be criteria for selection and training of mentor teachers.

Special Education

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

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Legal References

NJSA 18A:6-38 Powers and duties of the board; issuance and revocation of certificate; rules and regulations□
18A:6-39 Issuance of certificates to non-citizens□
18A:6-76.1 Deadlines for notification to students of requirements of provisional certificate
18A:26-1, -2,-8.1,-9 Citizenship of teachers, etc.□
18A:26-2.1 et al. Supervisory certificate required for appointment as□director of athletics□
18A:27-2 Employment without certificate prohibited□
18A:29-1 Uncertified teacher denied salary
18A:40A-4 Preservice training of future teachers; teaching certificate requirements□

NJAC 6:30-2.1(a)8 Purpose and program descriptions (Adult education□programs
6A:9-1.1 et seq. Professional Licensure and Standards□
6A:10A-2.2 Preschool programs□
6A:14-1.1 et seq. Special Education□
6A:30-1.1 et seq. Evaluation of the Performance of School Districts□
6A:32-4.1(d) Employment of teaching staff□
6A:32-12.1et seq. Reporting requirements□□

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D.□1917
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Personnel Records

Policy 4112.6

Date Adopted: April 19, 1983

Date Revised:

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

The Superintendent of Schools may consult with the Board Attorney regarding which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The Superintendent of Schools and the Board Attorney shall be responsible for limiting administrative records to those that are consistent with New Jersey and federal law.

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

The Superintendent of Schools 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 Superintendent of Schools 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; transcript of certification; 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 Superintendent of Schools or the supervisory personnel he/she designates;
 2. During regular business hours, by the employee or his personally authorized representative, in accordance with regulations;
 1. During regular business hours, or at any meeting of the Board or any committee thereof, by any member of the Board in connection with any assigned Board responsibility or duty.

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- C. Employee health records shall be maintained separately from other personnel files and in strict confidentiality. Only the employee, the School Physician and the Superintendent of Schools shall have access to an employee's medical file. To assure ready access in a medical emergency, the section of the medial 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 Superintendent of Schools/designee and updated annually.

Legal References

- NJSA 18A:6-7 Oaths of persons employed in teaching capacities □
18A:6-7a Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded □
18A:6-11 Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice □
18A:11-1 General mandatory powers and duties □
47:1A et seq. Examination and copies of public records ("Open Public Records Act") □
47:3-15 et seq. Destruction of Public Records Law □
- NJAC 6A:32-6.1 et seq. School Employee Physical Examinations □
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 Association, 130 N.J. 312 (1992) Beatty v. Chester 1999 S.L.D. August 31 □ □
Ciambrone v. Bloomingdale 2000 S.L.D. May 7
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Nepotism

Policy 4112.8 [M]

Date Adopted: November 20, 2008

Date Revised:

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Date Reviewed:

In order to avoid the reality and the appearance of conflict of interest in its employment, and in accordance with NJAC 6A:23A-6.2, the Board of Education will not appoint a relative of a Board Member or of an Administrator, as defined by statute, to any employment position in this district, and directs that no person who is a relative of a Board Member or administrator shall be placed in nomination for any vacant position. 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.

Definitions

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

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

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

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

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

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

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

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A person employed by the district on the effective date of this policy or the date a relative becomes a Board Member or administrator shall not be prohibited from continuing to be employed in the person's current position or, in the case of a reduction in force, in any position to which that person has a legal entitlement.

The district may seek approval from the Executive County Superintendent to promote such an existing employee where such promotion is justified by the needs of the district to ensure implementation of the Core Curriculum Content Standards and upon a demonstration that the existing employee is the most qualified candidate for the position after full advertising and interviewing has occurred;

Pursuant to NJSA 18A:27-4.1, the Superintendent of Schools shall not recommend to the Board of Education any relative of a Board Member or Superintendent of Schools unless the person is subject to the exception noted above.

Employment and Supervision of a Relative

The Board of Education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not initially appoint a relative of a Board Member or of the Superintendent of Schools to any employment position in this district.

The Superintendent of Schools shall not recommend to the Board for initial hire any relative of a Board Member or of the Superintendent of Schools, 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 Board Member shall deliberate or vote on a matter involving the member's conflicted relationship. Nor should the Board Member be present for any confidential discussion of employment matters in which they have a conflict. Neither should the Board Member receive confidential information pertaining to a matter in which they have a conflict.

Exceptions Regarding Employment

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

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

Participation in Employment Related Matters

Conflicted Board Members may not participate in employment matters concerning the Superintendent of Schools, principal or any administrator or supervisor(s) in the chain of command between the employee and Superintendent of Schools.

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

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

Board Member/Superintendent of Schools Participation in Negotiations

In-District Bargaining Units

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

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

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Out-of-District Similar Statewide Bargaining Units

When a Board Member or school administrator is in a conflicted relationship with an individual who is a member of an out-of-district similar statewide union with which the Board is negotiating, that Board Member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to: being a member of the negotiating team, and receiving confidential negotiations information updates prior to the Board's attaining a tentative memorandum of agreement with the bargaining unit, including salary guides and/or the total compensation package.

Once such tentative memorandum of agreement is established, including salary guides and/or the total package of money to be offered, the Board Member or school administrator may fully participate in the process, including Board Member voting, absent other conflicts. Prior to that time, the Board Member or school administrator shall not be present with the Board in closed session when negotiation strategies are being discussed. However, a school administrator may provide technical information that is necessary to the collective bargaining process when no one else in the district can provide that information.

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

Doctrine of Necessity

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

Implementation

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

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Legal References

NJSA 18A:12-2 Inconsistent interests or office prohibited□
18A:12-21 et seq. School Ethics Act□
18A:16-1 Officers and employees in general
18A:27-4.1 Appointment, transfer, removal or renewal of officers and employees;
exceptions□

NJAC 6A:4-1.1 et seq. Appealable decisions□
6A:23A-1.2 et seq. Fiscal accountability; definitions□
6A:23A-6.2 et seq. Fiscal accountability; nepotism□
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
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,
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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Assignment / Transfer

Policy 4113 / 4114 [M]

Date Adopted: November 20, 2008

Date Revised:

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Date Reviewed:

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

Teaching, supervisory and administrative personnel are subject to assignment and transfer after recommendation of the Superintendent of Schools and approved by the Board of Education. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law.

In accordance with the law of New Jersey, the Board of Education directs the Superintendent of Schools to assign teachers, administrators and auxiliary personnel to the school in such a way that equivalence of personnel is ensured within the school.

The Superintendent of Schools may use his/her discretion to make temporary assignments of existing employees to cover long-term absences of other staff members. It is the policy of the Board that these temporary assignments will be in the best interest of the school district and its pupils.

It is the policy of the Board that twelve-month employees are expected to work a full school day on such days as school is in session less than full time due to a scheduled non-emergency activity (workshop, in-service, staff meeting, etc.). The Superintendent of Schools may dismiss twelve-month employees after less than a full school day's work in any situation where he/she deems their continued attendance to be of little or no value to the educational program being considered at that time.

Part-time teachers shall be scheduled by the Superintendent of Schools and in the case of emergency school closings, part-time teachers may be scheduled to work on alternate days than those on which they would have been scheduled in order to affect no loss of instructional time due to school closing.

Any staff member appointed to an extra duty position is expected to serve unless excused for extenuating circumstances. A refusal to serve or resignation from extra duty service without permission may constitute an act of insubordination and subject the employee to disciplinary procedures.

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Legal References

- NJSA 18A:25-1 Transfer of teaching staff members□
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder□
18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions□
18A:59-1□through -3 Apportionment and distribution of federal funds; exceptions□
34:13A-1 et seq. New Jersey Employer-Employee Relations Act□
- NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education□
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
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 Division Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Supervision & Evaluation

Policy 4115 / 4116 [M]

Date Adopted: April 19, 1983

Date Revised:

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Date Reviewed:

Supervision

The Superintendent of Schools shall develop procedures for the supervision of the teaching 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 Board 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.

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 100 clock hours of state-approved professional development every five years. Each teacher's professional improvement plan (PIP) 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. The professional improvement 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, daylong workshops, and classes on certain instructional approaches. Although supervisors shall develop professional improvement plans in collaboration with teachers, the Superintendent of Schools shall maintain final authority in determining their appropriate content.

Supervisory assistance and support in achieving the 100 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 Superintendent of Schools 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 improvement plan.

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

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Evaluation

The 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 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 Board encourages a positive working environment in which the professional growth that results from staff participation in the evaluation process is considered of major importance. Therefore, the administration shall develop evaluation instruments flexible enough to identify the needs, strengths, and improvement objectives of each staff member.

The Superintendent of Schools 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 Board for approval.

All teaching staff members shall be evaluated against criteria that evolve logically from the instructional priorities and program objectives of each staff member as specified in the job description for his/her position.

Criteria must include but need not be limited to consideration of pupil progress; instructional skills; subject knowledge; professional conduct and growth; human relations skills; classroom management skills. These criteria shall also apply to requirements for continuing education and shall be incorporated into each teacher's professional development plan. The individual professional improvement plans shall be aligned to professional development standards for teachers.

Tenured and nontenured teaching staff members shall be observed and evaluated in accordance with the provisions of current New Jersey statutes and regulations.

The evaluation procedures shall provide continuous, constructive, cooperative interaction and communication between the teaching staff member and his/her supervisor/evaluator, thus ensuring a valid basis for performance review. All procedures for the evaluation of teaching staff members shall be in compliance with law and regulation.

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All evaluative procedures shall include review of each teacher's progress toward achievement of the state-required goal of 100 clock hours of professional development every five years. Evaluative procedures shall recognize that the purpose of this goal is to assist teaching staff in obtaining and maintaining the knowledge and skills essential to student achievement of the NJ Core Curriculum Content Standards. In any instance where an individual teacher fails to make annual progress toward meeting the 100-hour requirement, or where a professional fails to satisfy the requirement fully within the five-year period, the district administration shall take appropriate remedial action, applying sound and accepted principles of progressive supervision as well as by using existing laws and rules to the fullest extent.

The district administration shall recognize each teacher's fulfillment of the continuing education requirement. For evaluative purposes, a teacher has fulfilled his/her professional improvement plan when his/her students have demonstrated satisfactory progress toward achievement of the curriculum standards, as well as the educational goals of this district.

At the end of the first five-year cycle, the district administration shall annually report all instances of noncompliance and actions taken to address them to the State Department of Education. The Board of Education shall cooperate with the County Professional Development Board and the Executive County Superintendent in evaluating its program and progress toward goals.

The Superintendent of Schools shall provide each teaching staff member with a copy of this policy statement, his/her job description, and his/her evaluation criteria annually and shall distribute any amendments to those documents in accordance with state law. Evaluations shall be completed in compliance with law.

The Superintendent of Schools shall report at least annually on the effectiveness of the evaluation system and shall recommend means to improve it whenever desirable.

The Superintendent of Schools shall, in the implementation of this policy, develop procedures in consultation with teaching staff members for:

1. The collection and reporting of data that are appropriate to the job description and minimally include the observation of classroom instruction;
2. Observation conferences between the teaching staff member and the supervisor; the preparation of a written evaluation for each of the three observations of nontenured staff members; and an evaluation for each observation of a tenured staff member;
3. The preparation of individual professional improvement plans that include specific guidance to the teacher on activities that would contribute to his/her obtaining and maintaining the knowledge and skills essential to student achievement of the state's core curriculum standards;

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4. The preparation by the supervisor of an annual written performance report which shall include the annual evaluation of the teacher, an individual professional improvement plan developed by the staff member and the supervisor, and a summary of the results of the formal and informal assessment of his/her pupils along with a statement of how these indicators relate to the effectiveness of the overall program and the performance of the staff member;
5. The conduct of the annual summary conference;
6. The signing of the annual written performance report by the properly certified supervisor/evaluator and the staff member.

All such procedures shall conform to law.

This policy and related procedures shall be reviewed at least yearly, and any necessary revisions made before re-adoption by the Board.

Legal References

NJSA 18A:4-15 General rule-making power
18A:4-16 Incidental powers conferred
18A:6-10 et seq. Dismissal and reduction in compensation of persons under tenure
18A:11-1 General mandatory powers and duties
18A:27-3.1 through -3.3 Non-tenured teaching staff; observation and evaluation; conference;
18A:27-10 et seq. Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
18A:28-5 Tenure of teaching staff members
18A:29-14 Withholding increments; causes; notice of appeals

NJAC 6:30-2.1(a)8 Purpose and program descriptions
6A:32-4.1(e) (f) Employment of teaching staff
6A:32-4.4 Evaluation of tenured teaching staff members
6A:32-4.6 Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of nonreemployment
6A:32-5.1 et seq. Standards for determining seniority
6A:9-15.1 et seq. Required Professional Development for Teachers
6A:32-4.4 Evaluation of tenured teaching staff member
6A:32-4.5 Supervision of instruction: observation and evaluation of nontenured teaching staff

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)

Manual for the Evaluation of Local School Districts

New Jersey Quality Single Accountability Continuum (NJQSAC)

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Retirement

Policy 4117.1

Date Adopted: April 18, 1983

Date Revised:

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Date Reviewed:

Retirement shall be at the option of the employee in accordance with the rules and regulations of the Teachers Pension and Annuity Fund or P.E.R.S. The Board will abide by state law in the matter of retirement agreements. In the event that the Board has any jurisdiction, it will decide on a case-by-case basis.

At the discretion of the Superintendent of Schools, employees retiring from the district may be required to participate in an "exit interview," the purpose of which is to ascertain pertinent information from the employee that will be useful in recruitment and retention of employees.

Each year, paid employees who are retiring may be recognized by the Board at the conclusion of the school year.

Legal References

- NJSA 18A:27-9 Teaching after notice of termination of contract
- 18A:28-8 Notice of intention to resign required
- 18A:66-43 Retirement of service age limits
- 18A:66-44 Service retirement allowances

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Withholding an Increment

Policy 4117.26

Date Adopted: April 18, 1983

Date Revised:

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Date Reviewed:

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

The Board of Education may determine, by recorded roll call majority vote of the full membership and at any time prior to the commencement of the school year or contract year in which the employee's salary will vest, to withhold any or all of the increments indicated by the salary guide or by Board policy. In no case will the Board withhold a portion of an increment. The Board shall, within ten days of its formal action to withhold an increment, give written notice to the affected employee of both the action and the reason or reasons for which it was taken.

It is the intent of the Board that the withholding increments be a measure employed for the improvement of the educational program of this district and for the encouragement of the highest possible professional performance of its employees. Accordingly, the Board directs that efforts be made to inform employees of any deficiencies that may result in the withholding of an increment and to assist them in the correction of those deficiencies.

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

Legal References

NJSA 18A:25-7 Appearance of teaching staff member before board or member when written notice required

18A:29-14 Withholding increments; causes; notice of appeal

NJAC 6A:32-4.1 et seq. Withholding salary increment

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

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Resignation**

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Policy 4117.3**

Date Adopted: April 18, 1983

Date Revised:

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A certified employee shall submit his resignation in writing to the Superintendent of Schools at least 60 days prior to the effective date of resignation. This date shall be approved unless the Board of Education desires to accept the resignation sooner.

The resignation becomes effective upon its formal approval by the Board of Education, and may be withdrawn by the employee at any time prior to Board action.

Any employee of the school district who terminates his employment of his own volition with exception of retirees or if released by the Board will forfeit Board granted benefits accrued during his employment.

If an employee returns to the employ of the Board of Education after having had prior service, said employee will begin with the same benefits as any other new employee, except as covered by New Jersey State law, and/or the contracted agreement between the employee and the Board of Education.

At the discretion of the Superintendent of Schools, employees retiring from the district may be required to participate in an "exit interview," the purpose of which is to ascertain pertinent information from the employee that will be useful in recruitment and retention of employees.

Legal References

- NJSA 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
- 18A:27-9 Teaching after notice of termination of contract
- 18A:27-10 et seq. Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
- 18A:28-8 Notice of intention to resign required
- 18A:66-43 Retirement of service age limits
- 18A:66-44 Service retirement allowances
- NJAC 6A:32-4.1 et seq. Employment of teaching staff

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Personnel Reduction / Abolishing a Position

Policy 4117.4

Date Adopted: April 18, 1983

Date Revised:

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The Board of Education has the right under the 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 Superintendent of Schools shall prepare guidelines for restructuring positions and for determining objectively which employees are to be dismissed as a result, and shall present his/her recommendations to the Board for action.

Legal References

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

NJAC 6A:9-5.5 Assignment of titles
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)

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Academic Freedom

Policy 4118.21

Date Adopted: April 18, 1983

Date Revised:

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Date Reviewed:

In considering a new course of study or a revision to an existing course, the Board weighs, among other considerations, whether such course meets the Board's goals for children and whether it matches the maturity level of the students for whom it is intended. To insure that proposed curricula reflect these criteria, it is the policy of the Board to require that a guide be prepared for each course of study prior to Board approval.

It is the responsibility of the Superintendent to see that the currently approved guides are applied in the schools of this district, and it is the responsibility of the teaching staff to utilize the material so provided as the core of the courses they have been assigned to teach.

The Board recognizes that some deviation from the assigned curriculum guide is necessary in the free exchange of the classroom. However, the Board specifies for the guidance of the Superintendent and, through the Superintendent's directives, the guidance of the staff, that any discussion of controversial issues in the classroom shall be conducted in an unprejudiced and dispassionate manner designated to foster a spirit of inquiry, and further, that such discussion shall not:

- A. Disrupt the educational process,
- B. Fail to match the maturity level of students,
- C. Be unrelated to the goals of the Board and the appropriate curriculum guide, and
- D. Tend toward the doctrinaire.

Legal References

NJSA 18A:11-1 General mandatory powers and duties□

18A:27-4 Power of boards of education to make rules governing employment

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Grooming, Appearance & Dress

Policy 4119.22

Date Adopted: November 20, 2008

Date Revised:

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Date Reviewed:

The Board of Education believes that the appearance and dress of teaching staff members is an important component of the educational program of the School District. The attitude of staff members about their professional responsibilities and the importance of education are reflected in their dress and appearance. The Board retains the authority to specify dress and grooming guidelines for staff within law that will prevent such matters from having an adverse impact on the educational process. The Board expects all staff members to be neatly groomed and dressed in clothing suitable for the subject of instruction, the work being performed, or the occasion.

All staff members shall, when assigned to district duty

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

Acceptable dress for all personnel:

- A. For female staff members, business length dresses or skirts, pant suits, slacks with blouses, and/or sweater, and shoes.
- B. For male staff members, suits, slacks, shirts with collars, shirts with collars and ties, sweaters, and dress shoes.

The Board lists the following as unacceptable attire:

- A. Torn, dirty, or wrinkled clothing
- B. Sneakers, flip-flops, bedroom slippers, work boots
- C. See-through clothing
- D. Tight fitting clothing such as spandex
- E. Inappropriately low, plunging or deep "V" necklines
- F. Midriff, halters, tanks, spaghetti straps, or tube tops
- G. Shorts or clothing considered beach attire
- H. Short skirts (finger tip length)
- I. T-shirts or undershirts as outerwear
- J. Sweatshirts, sweat pants, and sweat suits (accept as appropriate for PE staff and extra assignments as deemed appropriate by the building principal.)
- K. Observable jewelry in body piercings must be limited to the ears only
- L. Denim blue or black
- M. Exposed skin or undergarments and/or low rise pants that expose skin or undergarments

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Physical education teachers may wear clothing, which is conducive to their subject area. Athletic jackets, pullover skirts with collars, slacks, jogging suits, shorts, and T-shirts in gym or outdoors are acceptable. Physical education staff must wear sweat pants, jogging pants or warm-up type pants and a collared shirt when out of the gym and in health class, working in an office, on duty in the cafeteria or in the hallway. When not in the gym all teachers come under the regular dress policy.

Practical arts teachers, science teachers, and related-arts teachers may wear appropriate clothing to accommodate special teaching situations after discussion and approval from the principal.

Para-professionals are expected to adhere to the same dress code as the professional staff.

When necessary, in a consistent manner, the building principal may relax the dress code for members of the faculty (i.e. field trips, unique school activities, inclement weather and heat advisories).

The building principal or the teacher staff's supervisor, as appropriate, shall determine whether a violation of this dress code has occurred and shall discuss the violation with the teaching staff member concerned. Where a single violation so warrants or violations recur, the principal or supervisor may enter a reprimand in the teaching staff member's file and may recommend more stringent disciplinary measures.

In order to provide for consistent enforcement throughout the District, and to provide an understanding of the standards and expectations set forth by the Board of Education, the Superintendent of Schools will review the Staff Dress and Grooming Policy with the building principals and supervisors each August and April.

This policy shall be reviewed annually by the Board of Education in collaboration with a committee consisting of teachers, administrators, a BTEA officer, and the Superintendent of Schools.

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Legal References

NJSA 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system□

18A:11-1 General mandatory powers and duties□

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

Hicks v. Brick 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

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**Instructional Personnel
Liability for Pupil Welfare**

**Series 4000
Policy 4119.31**

Date Adopted: April 18, 1983

Date Revised:

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Date Reviewed:

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

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

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

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.;
employment thereunder
59:1-1 et seq NJ Tort Claims Act

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Student Teachers / Interns

Policy 4122

Date Adopted: April 19, 1988

Date Revised:

Page 1 of 1

Date Reviewed:

The Board of Education encourages the Superintendent of Schools to cooperate with colleges and universities in the placement of teachers/administrative interns in the district school. Student teachers/administrative interns shall be placed with experienced staff members who agree to perform this service.

Student teachers/administrative interns shall comply with the requirements of law regarding health examinations.

The supervising teacher and administration shall be responsible for the conduct of student teachers while serving in the district school. The Superintendent of Schools shall be responsible for administrative interns.

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

The Superintendent of Schools shall ensure the equitable distribution of student teachers/administrative interns throughout the school.

No remuneration will be provided to student teachers or administrative interns by the Board of Education.

Legal References

NJSA 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:11-1 General mandatory powers and duties
18A:16-2 through -5 Physical examinations; requirement
18A:16-6 Indemnity of officers and employees against civil actions
18A:16-6.1 Indemnity of officers and employees in certain criminal actions

NJAC 6A:9-10.2 Curriculum for teacher preparation programs
6A:9-10.3 Supervision of practicum students
6A:32-4.1(d)(e) Employment of teaching staff
6A:32-6.1 et seq. School Employee Physical Examinations

Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Employment of Summer School Staff

Policy 4124

Date Adopted: April 18, 1988

Date Revised:

Page 1 of 1

Date Reviewed:

The Board recognizes that it is vital to the success of the summer school program that those positions created by the Board, be filled with highly qualified and competent personnel.

The Board shall approve the employment, fix the compensation and establish the term of employment for each person employed in the summer school of this district. Such approval shall be given only to those candidates recommended by the Superintendent.

Primary consideration will be given to candidates for summer school employment who are members of the staff of the school district. Secondary consideration will be given to candidates who have successful experience in teaching summer school.

Staff vacancies for summer school employment shall be made known to district personnel so that they may apply for such positions.

Legal References

NJSA 18A:11-1 General mandatory powers and duties□

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

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Series 4000

**Unpaid Volunteer Coaches / Unpaid Volunteer
Paraprofessional Athletic Aides**

Policy 4128

Date Adopted: December 11, 2003

Date Revised:

Page 1 of 3

Date Reviewed:

The Board of Education welcomes community member involvement in the athletic programs and the assistance that volunteers provide to staff and students. Volunteer coaches and volunteer paraprofessional athletic aides are community members who provide assistance to staff without compensation.

General Provisions

The Brick Township Board of Education will conform to the provisions of NJAC 6:11-3.24 for employing volunteer coaches. Specifically, the provision of NJAC 6:11-3.24 states that no person without a standard certificate or substitute certificate may hold the position of coach whether paid or unpaid. No uncertified person may serve as a “volunteer coach”.

Use Of Unpaid / Volunteer Paraprofessional Aides

The provision of NJAC 6:11-4.6 does not preclude the use of unpaid volunteer paraprofessional athletic aides in the athletic program. The use of an unpaid volunteer paraprofessional aide in the athletic program must be approved by the Board of Education upon the recommendation of the Superintendent of Schools. The recommendation of the Superintendent will be based upon a justification for the use of an unpaid volunteer paraprofessional athletic aide by the school administration and Athletic Director.

Limits of Use of Unpaid Paraprofessional Aides

An unpaid volunteer paraprofessional athletic aide must work under the direct supervision of a certified coach. No unpaid volunteer paraprofessional athletic aide may independently undertake coaching duties or any other duties requiring educational certification. All unpaid volunteer paraprofessional coaches are subject necessary to the criminal history record check law as well as a Mantoux Test.

Application Process

Applications for unpaid volunteer paraprofessional athletic aides can be obtained in any of the school buildings or the district administration office.

The Athletic Director will process all applications for unpaid volunteer paraprofessional athletic aides and will arrange for the scheduling of the Mantoux Test and the New Jersey Security Clearance procedure.

The Athletic Director, in coordination with the appropriate head coach, will provide a general orientation for prospective unpaid volunteer paraprofessional athletic aides. The orientation will include an overview of the appropriate coaches’ athletic aides. The orientation will include an overview of the appropriate coaches’ and team handbook, team rules, emergency procedures, and NJSIAA sportsmanship rules and regulations.

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Paraprofessional Athletic Aides**

Policy 4128

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Assignment

Unpaid volunteer paraprofessional athletic aides will only be assigned upon Board of Education approval and the recommendation of the Superintendent of Schools. The recommendation of the Superintendent will be based upon a justification for the use of an unpaid volunteer paraprofessional athletic aide by the school administration and Athletic Director.

Requirements

In order to become an unpaid volunteer paraprofessional athletic aide, a person must be twenty – one (21) years of age or older. The prospective unpaid volunteer paraprofessional athletic aide must demonstrate an understanding of the applicable sport and possesses either past coaching experience or the necessary direct experience in the sport to adequately support the efforts of a certified coach applicant.

Prospective unpaid volunteer paraprofessional athletic aides will need to pass a Mantoux Test. A school nurse will administer and coordinate the test at no cost to the volunteer. A prospective unpaid volunteer paraprofessional athletic aide may choose to have tests administered at their own expense by a personal health care provider or the county health department and must provide documentation to the Board of their evaluated test.

Prospective unpaid volunteer paraprofessional athletic aides are required to pass a New Jersey Security clearance. Prospective aides will be reimbursed for security clearance costs upon submission of proper documentation.

Unpaid volunteer paraprofessional athletic aides are expected to conduct themselves in a manner that is supportive of students, staff, school programs and aides and the policies of the Brick Township Board of Education.

Prohibition of District Administrators as Volunteer Coaches

In order to be able to meet the educational needs of the district, administrators are not permitted to coach any sports or volunteer to coach any sports programs in or out of district.

The demands of coaching would interfere with the administrator's duties, including, but not limited to: student discipline; district personnel matters and parent meetings. As a coach, the administrator may find himself/herself in conflict with his/her duties as a coach and a school administrator, in that the administrator may be required to supervise crowd control at games and/or practices while performing the role of an athletic coach.

An administrator serving as a volunteer athletic coach for an out of district athletic program might have similar conflicts between the role of a district administrator and a coach.

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Paraprofessional Athletic Aides**

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Legal References

- NJSA 10:5-1 et seq. Law Against Discrimination□
18A:11-1 General mandatory powers and duties□
18A:11-3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals□
18A:19-14 Funds derived from student activities□
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:35-20 Participation in courses in which verbalization unessential to understanding of subject matter; location of and children in bilingual programs□
18A:42-5, -6 Certain student organizations declared harmful
34:13A-1 et seq. New Jersey Employer-Employee Relations
- NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:8-3.2 Career education and counseling□
6A:9-5.19 Athletics personnel□
6A:16-2.2 Required health services□
6A:30-1.1 et seq. Evaluation of the Performance of School Districts□
6A:32-9.1 et seq. Athletics Procedures□
6A:32-14.1 Review of mandated programs and services□□
- 20 U.S.C.A. 4071-4074 - Equal Access Act□□
20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972□□
Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31□(App. Div. 1994) cert. den. 140 N.J. 277 (1994)□□
Good News Club v. Milford Central School, 121 U.S. 2093 (2001)□□
NJSIAA Constitution, Bylaws, Rules and Regulations

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Instructional Personnel

Series 4000

**Staff Development; In-service Education /
Visitations, Conferences**

Policy 4131/4131.1 [M]

Date Adopted: April 18, 1983

Date Revised:

Page 1 of 6

Date Reviewed:

The Board of Education recognizes its legal obligation to provide inservice activities that are aligned with student learning and educator development needs, and school, district, and/or State improvement goals. It is the Board 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 Superintendent of Schools 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

For the purposes of this policy, "school leader" shall be defined as 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 as required by NJSA 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.

School Leaders

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

- A. Aligns with the Professional Standards for School Leaders and the Standards for Professional Learning;
- B. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the Superintendent of Schools, principals, or supervisors;
- C. Identifies professional goals that address specific individual, school, or district goals; and,
- D. 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.

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Professional Development for the Chief School Administrator

The Board of Education shall oversee and review the Superintendent of Schools' 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 Board of Education shall review the professional development plan. The Superintendent of Schools shall provide to the 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 Superintendent of Schools' contract with the Board of Education.

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

Professional Development for Principals, Supervisors and Other Administrators

The Superintendent of Schools 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 Superintendent of Schools, or designee holding a Superintendent of Schools endorsement. Leaders whose positions require a Superintendent of Schools' endorsement but who do not serve as a Superintendent of Schools of the district shall have an annual plan developed in collaboration with the Superintendent of Schools, or designee holding a Superintendent of Schools endorsement.

The Superintendent of Schools, or designee holding a Superintendent of Schools 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 Superintendent of Schools, or designee holding a Superintendent of Schools 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.

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.

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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 as described in NJAC 6A:9-3.3 and the Standards for Professional Learning in NJAC 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;
 - Evaluating student learning needs through ongoing reviews of data on student performance; and
 - 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.

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

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 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 Superintendent of Schools 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.)

In accordance with the provisions of NJAC 6A:9-15.6, the Superintendent of Schools:

- 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 as noted in NJAC 6A:9-15.3 and the Professional Standards for Teachers and School Leaders in NJAC 6A:9-3.3 and 3.4; and
- D. Develop and update, as necessary, the district mentoring plan for new teachers as required by Policy 4112.2 Certification and NJAC 6A:9-8.4.

The Superintendent of Schools 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 Superintendent of Schools shall be responsible for the content and implementation of the district professional development plan. The Superintendent of Schools shall present the plan to the Board of Education to review for fiscal impact.

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The 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 of Education 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 Board of Education will be determined by the Board of Education after recommendation by the Superintendent of Schools.

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

Mandated Inservice Programs

The Superintendent of Schools 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.

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Legal References

- NJSA 18A:7A-11 Annual report of local school district; contents
18A:7A-11e improvement of basic skills
18A:17-46 Act of violence; report by school employee; notice of action taken; annual report
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.;
employment thereunder
18A:30-7 Power of boards of education to pay salaries
18A:31-2 Attendance at conventions of New Jersey Education Association
18A:40A-3 Initial inservice training programs; curriculum
34:5A-10 Retention of workplace surveys
34:5A-13 Employee education and training program; certification of instructors

- NJAC 6A:7-1.6 Professional development
6A:14-1.2(b)13 District eligibility for assistance under IDEA Part B
6A:15-1.8 Inservice training
6A:9-15.1 et seq. Required Professional Development for Teachers
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing
Efficiency in Abbott School Districts
6A:16-1.1 et seq. Programs to Support Student Development
6A:16-11.1 et seq. Reporting Allegations of Child Abuse and Neglect
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 Employment of teaching staff
6A:32-4.4 Evaluation of tenured teaching staff members
6A:32-4.5 Evaluation of nontenured teaching staff members

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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Soliciting & Selling

Policy 4137

Date Adopted: December 5, 1985

Date Revised:

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Date Reviewed:

School employees shall not use school or school facilities in connection with any personal activity for financial profit. Furthermore, school employees shall not engage in the promotion of travel activities, recreational activities, social activities and the like on school time, using school facilities not shall they communicate with students relative to same or their parents without prior approval of the Board of Education.

The Board of Education will not assume any liability for violation of this policy as the Board does not endorse or support such conduct. The Board shall post this policy in each building.

Legal References

NJSA 18A:11-1 General mandatory powers and duties□

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

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Employee Safety

Policy 4147

Date Adopted: December 8, 1988

Date Revised:

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Date Reviewed:

Through its overall safety program and various policies pertaining to school personnel, the Board shall seek to ensure the safety of employees during working hours.

The Board shall be vigorous in maintaining safe working conditions for employees. It 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 and shifting of heavy weights.

Accidents must be reported immediately to the nurse or the supervisor if the nurse is not available. An accident investigation report must be submitted in-detail to the Superintendent of Schools' office by the following working day.

Legal References

NJSA 2C:7-1 et seq. Registration of sex offenders; definition; requirements
18A:16-2 Physical examinations; requirement
18A:40-12.1 Protective eye devices required for teachers, pupils and visitors in certain cases
18A:40-12.2 Rules prescribing kinds, types and quality of devices
34:5A-1 et seq. Worker and Community Right to Know Act
34:6A-25 et seq. New Jersey Public Employees' Occupational Safety and Health Act
34:19-1 et seq. Conscientious Employee Protection Act

NJAC 6A:26-12.5 Eye protection in schools
6A:32-12.1(a) Reporting requirements
12:100-4.2 Safety and Health Standards for Public Employees (Adoption by reference)

29 CFR 1910.1030 - Bloodborne Pathogen Standard
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Leaves of Absence

Policy 4150

Date Adopted:

Date Revised:

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Date Reviewed:

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

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:30-1 through -6 Sick leave
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

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Military Leave

Policy 4150.5

Date Adopted: April 18, 1983

Date Revised:

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Date Reviewed:

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

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

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

Military leave with pay is not authorized for Inactive Duty Training as defined in NJAC 5A:2-2.1.

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

The military leave requirements in this policy are the minimum requirements of applicable Federal and State laws. The district, at its option, may provide additional military leave with pay and related benefits.

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

Legal References

NJSA 18A:11-1 General mandatory powers and duties □
18A:29-11 Credit for military service
38:23-1 et seq Military leave of absence
38A:1-1 Definitions
38A:4-4 Paid military leave of absence
52:13H-2.1 Military leave of absence benefits
47:1A-1 et seq Examination and copies of public records ("Open Public Records Act") □

NJAC 5A:2-2.1. Uniformed Services Employment and reemployment Rights Act

Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC Section 4301 et seq

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Attendance Patterns

Policy 4151

Date Adopted: March 12, 1986

Date Revised:

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Date Reviewed:

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

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

A doctor's certificate is required for all illnesses and injuries for those employees who are absent more than three days. A doctor's certificate may be requested in cases of questionable use of sick leave benefits, even if an employee has been absent for one day.

If it has been determined that an employee has utilized sick leave benefits without just cause, he/she shall be subject to disciplinary action.

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

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
18A:29-14 Withholding increments; causes; notice of appeals
18A:30-1 et seq. Sick Leave

NJAC 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
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)

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Family Leave

Policy 4152.3

Date Adopted: August 18, 2011

Date Revised:

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Date Reviewed:

In accordance with the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA), the Board of Education will grant staff members up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the district so that the staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

A staff member shall not be discriminated against for having exercised his/her rights under the FLA or the FMLA, nor shall the staff member be discouraged from the use of family leave.

Definitions

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

- A. "Child" means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but is incapable of self-care because of a mental or physical condition.
- B. "Parent" means a biological, adoptive or foster parent, stepparent, parent-in-law, legal guardian having a "parent-child relationship" with a child as defined by law, or any person who has sole or joint legal or physical custody, care, guardianship or visitation with a child.
- C. "Serious health condition" is an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.
- D. "Week" is the number of days an employee normally works each calendar week.
- E. "Family leave" is taken pursuant to the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA).
- F. "Staff member" is an employee eligible for family leave in accordance with the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA).
- G. "Reduced leave" means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than the staff member's usual number of hours worked per workday.

Eligibility

A staff member shall become eligible for family under FLA after he/she has been employed at least twelve months in this district for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. A staff member shall become eligible for family leave under FMLA after he /she has been employed in this district for not less than 1,250 hours, excluding overtime, during the immediate preceding twelve-month period. The calculation of the twelve-month period to determine eligibility shall commence with the commencement of the family leave. Leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

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Family leave shall run concurrently under the FLA and the FLMA. When family leave is requested under the FMLA for the individual staff member's personal illness or injury, all accumulated sick and personal days must be utilized first. Thereafter, said days will be deducted from the maximum twelve-week entitlement under the FMLA.

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

Types of Leave

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

In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary if the total time within which the leave is taken does not exceed a twelve-month period for each serious health condition episode, the staff member will provide the district with prior notice of the leave in a manner that is reasonable and practicable, and the staff member makes a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the Superintendent of Schools/designee.

A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule except the staff member is not entitled to a reduced leave schedule for a period exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave or a reduced leave without an agreement between the staff member and the Superintendent of Schools/designee if leave is taken upon the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

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

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

Notice

A staff member eligible for family leave must give at least a thirty day advance written notice to the Superintendent of Schools/designee of the need to take family leave, except where the need to take family leave is not foreseeable. When the need is not foreseeable, the staff member must provide notice as soon as practicable which shall be at least verbal notice to the Superintendent of Schools/designee within one or two working days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the Superintendent of Schools/designee, but any verbal notice must be followed by written notice delivered within three working days.

Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave except that if the date of the birth or adoption requires leave to begin in less than thirty days, the staff member shall provide such notice that is reasonable and practicable.

Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of the leave except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.

When the Superintendent of Schools/designee is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide written notice within two working days of returning to work to have the time considered family leave in accordance with the FLA and FMLA.

Benefits

Family leave shall be unpaid leave as per the FLA and the FMLA.

In accordance with law, the Board of Education will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued in employment continuously from the date the staff member commenced leave until the date the staff member returned to work or the date on which the staff member's coverage would have expired had the staff member not been on leave, whichever is sooner. A staff member who receives benefits while on family leave must return to the district for a minimum of one year or, at the discretion of the Board of Education, until the end of the fiscal

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year, whichever is deemed to be in the best interest of the district. Staff members who do not comply with this provision shall be required to reimburse the district for the full cost of all medical, prescription and dental benefits provided during the family leave.

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

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

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

The district may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school district staff or one of the seven highest paid employees of the district, whichever is greater. This denial is necessary to prevent substantial and grievous economic injury to the school district's operations. The Board of Education shall notify the staff member of the intent to deny the leave at the time determination is made that the denial is necessary. If the leave has already commenced at the time of the district's notification of denial, the staff member shall return to work within ten working days of the date of notification.

Verification of Leave

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

In the event the Superintendent of Schools doubts the validity of the certification for the serious health condition of a family member of the staff member, the district may require, at the district's

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expense, the staff member to obtain an opinion regarding the serious health condition for a second health care provider designated or approved, but not employed on a regular basis, by the Board of Education. If the second opinion differs for the certification, the Board of Education may require at the district's expense, that the staff member obtain an opinion of a third health care provider designated or approved jointly by both the staff member and the Board of Education. The opinion of the third health care provider shall be final and binding on the Board of Education and the staff member.

In order that a staff member's entitlement to family leave can be properly determined, the Superintendent of Schools shall ensure that keeping of accurate attendance records that distinguish family leave from other kinds of leave.

Legal References

NJSA 18A:16-2 through -5 Health examinations
18A:11-1 General mandatory powers and duties□
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.;
employment thereunder
18A:30-1, -2 Sick leave
18A:30-16 Prolonged absence beyond sick leave
34:11B-1 et seq. Federal Family Medical Leave Act

29 USCA 2601 et. seq. (Family Medical Leave Act)
Nevada Dept. Human Resources, et. al v. William Hibbs, et. al, 538 US 721

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Support Personnel

**Policies Numbered
4200 - 4299**

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Support Personnel

Series 4000

Creating & Abolishing Positions

Policy 4210.7

Date Adopted: November 20, 2008

Date Revised:

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Date Reviewed:

Creating Positions

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

The Board shall create new positions (in compliance with Civil Service Law, where applicable) as they are required, approve job titles, and specify the number of positions required to staff adequately each employment category. On a careful review of the position, the Board shall establish the background experiences and personal qualities, if any to be required of candidates or preferred among applicants for a particular position. Any such local qualifications shall be flexibly applied.

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

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

All newly-created positions must be brought to the Board for approval at a regularly scheduled Board meeting.

Abolishing Positions

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

Legal References

NJSA 18A:16 Employment in general
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.;
employment thereunder
18A:28-9 Reduction in force

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Recruitment, Selection & Hiring

Policy 4211 [M]

Date Adopted: November 20, 2008

Date Revised:

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Date Reviewed:

The Board believes that the quality of the support staff in large part determines the quality of the education offered district pupils. Therefore, the Superintendent of Schools shall have the responsibility of locating and recruiting the best-qualified candidates to provide for the identified needs of district pupils.

The Civil Service Commission shall conduct examinations and submit certified lists of eligible persons to the school district for the employment of classified personnel. Selection must be made from this list. All applications shall be made to the Office of the Board Secretary, in accordance with procedures established by the Civil Service Laws and the Board.

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

The Superintendent of Schools shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes. The Superintendent of Schools, in determining the candidates to be nominated shall seek information from the candidate's prior employers.

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

In his/her recommendation of candidates for employment, the Superintendent of Schools will include the results of the required criminal background investigations and share it with the entire Board of Education. He/she shall not, however, divulge any information uncovered in the criminal background checks of individuals he/she is not recommending for employment.

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

The Board will appoint employees only from nominations made by the Superintendent of Schools.

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Legal References

- NJSA 10:5-1 et seq. Law Against Discrimination
- 18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
- 18A:6-5 Inquiry as to religion and religious tests prohibited
- 18A:6-6 No sex discrimination
- 18A:6-7.1, -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
- 18A:6-76.1 Deadline for notification to students of requirements of provisional certificate and induction program
- 18A:11-1 General mandatory powers and duties
- 18A:13-40 General powers and duties of board of newly created regional districts
- 18A:16-1 Officers and employees in general
- 18A:26-1, -1.1, -2 Citizenship of teachers, etc.
- 18A:27-1 et seq. Employment and Contracts
- 26:8A-1 et seq. Domestic Partnership Act
- NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
- 6A:9-6.1 et seq. Types of Certificates
- 6A:9-8.1 et seq. Requirements for Instructional Certification
- 6A:9-11.1 et seq. Exceptions for the Requirements for the Instructional Certificate
- 6A:9-12.1 et seq. Requirements for Administrative Certification
- 6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
- 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
- 6A:32-4.1 Employment of teaching staff
- 6A:32-4.8 Support residencies for regularly certified, inexperienced first-year principals
- 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

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Support Personnel

Series 4000

Nondiscrimination / Affirmative
Action / Sexual Harassment

Policy 4211.1 [M]

Date Adopted: August 11, 1988

Date Revised:

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Date Reviewed:

The Board of Education guarantees to all persons equal access to all categories of employment, retention and advancement in this district, regardless of any and all conditions or any of the protected classes as proscribed in NJSA 10:5-1 et. seq or any other federal or state law(s) and/or statutes.

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; layoff or termination; rates of pay or other forms of compensation including fringe benefits; employment selection or selection for training and apprenticeships; promotion; or tenure.

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

Harassment and Favoritism

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

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

Sexual Harassment

The Board of Education shall maintain a working environment that is free from sexual harassment.

- A. Sexual harassment shall consist of unwelcomed sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when made by any member of the school staff to a student when made by any member of the school staff to another staff member or when made by any student to another student or when made by a student to a staff member, when:

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- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or when
 - b. Submission to or rejection of such conduct by an individual is used as the basis of academic or employment decisions affecting that individual, or when
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or education environment.
- B. Sexual harassment, as set forth in Section A, may include, but is not limited to the following:
1. verbal harassment or abuse
 2. pressure for sexual activity
 3. repeated remarks to a person with sexual demeaning implications
 4. unwelcomed touching suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.

The Board of Education 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. Such accommodations that cause an undue hardship in the operation of the school district are not required.

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 non-supervisory personnel is also prohibited.

Staff may file a formal grievance related to sexual harassment. The Board 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.

Students may also file formal grievances related to sexual harassment (refer to Parent Handbook – grievance policy).

A substantiated charge against a staff member in the school district shall subject such staff member to disciplinary action, such as a letter of reprimand, withholding of an increment or possible discharge.

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A substantiated charge against a student in the school district shall subject that student to student disciplinary action, including suspension or expulsion, consistent with the student disciplinary code.

Notice of this policy will be circulated to the school and departments of the school district on an annual basis and incorporated in teacher and parent handbooks. It will also be distributed to all originations in the community having cooperative agreements with the public schools. Failure to comply with this policy may result in termination of the cooperative agreement. Training sessions on this policy and the preventions of sexual harassment shall be held for teachers and students in the school on an annual basis.

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

“Whistleblower” Protection

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

1. Disclose or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the Board that the employee reasonably believes is in violation of a law, or a rule or regulation established pursuant to law;
2. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, rule or regulation established pursuant to law by the Board; or
3. Objects to, or refuses to participate in any activity, policy, or practice which the employee reasonable believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare.

The Board 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 Superintendent of Schools 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.

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Legal References

- NJSA 10:5-1 et seq. Law Against Discrimination
18A:6-5 Inquiry as to religion and religious tests prohibited
18A:6-6 No sex discrimination
18A:18A-17 Facilities for handicapped persons
18A:26-1 Citizenship of teachers, etc.
18A:26-1.1 Residence requirements prohibited
18A:29-2 Equality of compensation for male and female teachers
26:8A-1 et seq. Domestic Partnership Act
34:19-1 et seq. Conscientious Employee Protection Act
- NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Support Personnel

Series 4000

Residency Requirements

Policy 4211.4

Date Adopted: May 24, 2012

Date Revised:

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Date Reviewed:

In accordance with the provisions of NJSA 52:14-7 (PL 2011, c. 70), otherwise known as the “New Jersey First Act,” which became effective on September 1, 2011, employees are expected to have their primary residences within the confines of the State of New Jersey, with the exceptions noted within this policy.

A candidate for employment within this district is granted up to 365 days of the effective date of hire to establish his/her principal residence in the State of New Jersey and maintain this principal residence throughout their employment.

For the purposes of this policy, a principal residence shall be defined as:

- A. The primary domicile or home location of the employee or employment candidate;
- B. The location that is designated as his/her legal address and legal residence for voting;
- C. The place where he/she spends the majority of his/her non-working time;
- D. The place that is most clearly the center of his/her domestic life;

A New Jersey mailing address shall not, by itself, constitute a principal address in New Jersey.

Current Employees

Any current employee who relocates his/her principal residence outside of the State of New Jersey, shall forfeit his/her employment with this district.

New Employees and/or Employment Candidates

Any and all newly hired or contracted employee of this district must, as a condition of employment, be a resident of the State of New Jersey.

Exemptions

Current employees living outside of the State of New Jersey as of September 1, 2011 are exempted from the residency requirements of this law and as long as the current employee remains an employee of this district, he/she will continue to be exempted from these residency requirements.

A newly hired employee shall be granted up to 365 days to establish his/her principal residence in New Jersey.

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Current employees, new employees and/or employment candidates may apply for an exemption on the basis of “critical need or hardship” to the residency requirements of this policy and state law by filing an “Application for Exemption from the Provisions of NJSA 52:14-7a. of the New Jersey First Act” with the Employee Residency Review Committee, NJ Department of Labor and Workforce Development, Office of Legal and Regulatory Services, PO Box 110, Trenton, NJ 08625-0110. Copies of this application shall be available from the appropriate District Office.

Legal References

- NJSA** 10:5-1 et seq. Law Against Discrimination
18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
18A:6-6 No sex discrimination
18A:6-7.1, -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:13-40 General powers and duties of board of newly created regional districts 18A:16-1 Officers and employees in general
18A:26-1, -1.1, -2 Citizenship of teachers, etc.
18A:27-1 et seq. Employment and Contracts
52:14-7 New Jersey First Act
52:14-7a Exemptions
- NJAC** 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:9-8.1 et seq. Requirements for Instructional Certification
6A:9-11.1 et seq. Exceptions for the Requirements for the Instructional Certificate
6A:9-12.1 et seq. Requirements for Administrative Certification
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-4.1 Employment of teaching staff
6A:32-4.8 Support residencies for regularly certified, inexperienced first-year principals
6A:32-5.1 Standards for determining seniority

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Support Personnel

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Employee Health

Policy 4212.4 [M]

Date Adopted: April 18, 1983

Date Revised:

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Date Reviewed:

Health Examinations

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

Employees may be required to undergo an annual physical examination.

The results of all required employee medical examinations shall be made known to the Superintendent of Schools 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 School Physician as confidential information but shall be available to and reported to appropriate health agencies as required by law.

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

In 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 members who have been identified as having a communicable disease shall not be permitted continued employment unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine and reporting.

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

In the event that the prospective employee in question had, as a condition of employment in another NJ school district during the same school year, undergone an identical physical examination and can provide the Superintendent of Schools a copy of a certificate to verify this, then, in that case, the Superintendent of Schools, at his/her discretion, may excuse the prospective from obtaining a new physical examination.

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Each school employee shall submit an updated health history with an assurance statement presented within a time frame established by the Board of Education.

An employee who refuses to submit an updated health history with an assurance statement shall undergo a physical examination pursuant to applicable state laws and regulations.

Confidentiality of employee medical records including computerized records shall be assured. The school district shall regulate access, compilation and maintenance of employee health records in compliance with federal and state statutes governing the collection, maintenance, disclosure and security of employee medical records. It shall be the responsibility of the Superintendent of Schools to establish procedures to ensure the security of employee health records maintained in this school district.

The section of the medical record, which contains the health history, e.g. medications or current health status to assure ready access in a medical emergency, may be shared with the Superintendent of Schools/designee and school nurse with the consent of the employee.

When an employee is requested to submit to any physical examination, he/she shall be provided with:

- A. A written statement of reasons for the request;
- B. An opportunity for a Board hearing, if so requested (said hearing shall be in private and confidential unless the employee requests otherwise);
- C. Adequate prior notice of the date of the hearing;
- D. Copies of statements or affidavits relied on by the Board prior to the hearing;
- E. An opportunity to be represented at the hearing by counsel or other persons of the employee's choice;
- F. An opportunity to present witnesses on his/her behalf.

Reports of these examinations shall include a statement by the examining physician as to any physical or mental condition noted likely to prevent the person examined from performing all duties and responsibilities of the position sought or occupied, or creating a risk to the health or welfare of pupils or other employees, or a statement that no such condition exists.

All records and report of such examinations shall be filed with the School Physician as confidential information but shall be available to and reported to appropriate health agencies as required by law.

Occupational Containment of Bloodborne Pathogens

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

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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:

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

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

Implementation and Dissemination

The Superintendent of Schools in consultation with the School Physician 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.

Legal References

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

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Support Personnel

Series 4000

Personnel Records

Policy 4212.6

Date Adopted: April 18, 1983

Date Revised:

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Date Reviewed:

Orderly administration of the school district and compliance with state and federal law require the compilation of information about all employees of the district. The Board of Education recognizes that there is a distinction between those personnel records which 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 NJ Commission of Education or the courts.

The Superintendent of Schools may consult with the Board Attorney regarding which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The Superintendent of Schools and the Board Attorney shall be responsible for limiting administrative records to those that are consistent with New Jersey and federal law.

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

The Superintendent of Schools 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 Superintendent of Schools 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; transcript of certification; 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 Superintendent of Schools or the supervisory personnel he/she designates;
 2. During regular business hours, by the employee or his personally authorized representative, in accordance with regulations;
 - A. During regular business hours, or at any meeting of the Board or any committee thereof, by any member of the Board in connection with any assigned Board responsibility or duty.

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- C. Employee health records shall be maintained separately from other personnel files and in strict confidentiality. Only the employee, the School Physician and the Superintendent of Schools shall have access to an employee's medical file. To assure ready access in a medical emergency, the section of the medial 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 Superintendent of Schools/designee and updated annually.

Legal References

- NJSA 18A:6-7a Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded□
18A:6-11 Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice□
18A:11-1 General mandatory powers and duties□
18A:54-20 Powers of board (county vocational schools)□
47:1A et seq. Examination and copies of public records ("Open Public Records Act")□
47:3-15 et seq. Destruction of Public Records Law□
- NJAC 6A:32-6.1 et seq. School Employee Physical Examinations□
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 Association, 130 N.J. 312 (1992) Beatty v. Chester 1999 S.L.D. August 31□□ Ciambrone v. Bloomingdale 2000 S.L.D. May 7
Manual for the Evaluation of Local School Districts
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**Brick Township Board of Education
District Policy Manual 2**

Support Personnel

Series 4000

Nepotism

Policy 4212.8 [M]

Date Adopted: November 20, 2008

Date Revised:

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Date Reviewed:

In order to avoid the reality and the appearance of conflict of interest in its employment, and in accordance with NJAC 6A:23A-6.2, the Board of Education will not appoint a relative of a Board Member or of an Administrator, as defined by statute, to any employment position in this district, and directs that no person who is a relative of a Board Member or administrator shall be placed in nomination for any vacant position. 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.

Definitions

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

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

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

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

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

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

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

A person employed by the district on the effective date of this policy or the date a relative becomes a Board Member or administrator shall not be prohibited from continuing to be employed in the person’s current position or, in the case of a reduction in force, in any position to which that person has a legal entitlement.

The district may seek approval from the Executive County Superintendent to promote such an existing employee where such promotion is justified by the needs of the district to ensure implementation of the Core Curriculum Content Standards and upon a demonstration that the existing employee is the most qualified candidate for the position after full advertising and interviewing has occurred;

Pursuant to NJSA 18A:27-4.1, the Superintendent of Schools shall not recommend to the Board of Education any relative of a Board Member or Superintendent of Schools unless the person is subject to the exception noted above.

Employment and Supervision of a Relative

The Board of Education, in order to avoid both the reality and the appearance of conflict of interest in employment, will not initially appoint a relative of a Board Member or of the Superintendent of Schools to any employment position in this district.

The Superintendent of Schools shall not recommend to the Board for initial hire any relative of a Board Member or of the Superintendent of Schools, 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 Board Member shall deliberate or vote on a matter involving the member’s conflicted relationship. Nor should the Board Member be present for any confidential discussion of employment matters in which they have a conflict. Neither should the Board Member receive confidential information pertaining to a matter in which they have a conflict.

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Exceptions Regarding Employment

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

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

Participation in Employment Related Matters

Conflicted Board Members may not participate in employment matters concerning the Superintendent of Schools, principal or any administrator or supervisor(s) in the chain of command between the employee and Superintendent of Schools.

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

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

Board Member/Superintendent of Schools Participation in Negotiations

In-District Bargaining Units

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

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

Out-of-District Similar Statewide Bargaining Units

When a Board Member or school administrator is in a conflicted relationship with an individual who is a member of an out-of-district similar statewide union with which the Board is negotiating, that Board Member or school administrator shall not participate in any way in negotiations. This includes, but is not limited to: being a member of the negotiating team, and receiving confidential negotiations information updates prior to the Board's attaining a tentative memorandum of agreement with the bargaining unit, including salary guides and/or the total compensation package.

Once such tentative memorandum of agreement is established, including salary guides and/or the total package of money to be offered, the Board Member or school administrator may fully participate in the process, including Board Member voting, absent other conflicts. Prior to that time, the Board Member or school administrator shall not be present with the Board in closed session when negotiation strategies are being discussed. However, a school administrator may provide technical information that is necessary to the collective bargaining process when no one else in the district can provide that information.

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

Doctrine of Necessity

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

Implementation

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

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Legal References

- NJSA 18A:12-2 Inconsistent interests or office prohibited□
18A:12-21 et seq. School Ethics Act□
18A:16-1 Officers and employees in general
18A:27-4.1 Appointment, transfer, removal or renewal of officers and employees;
exceptions□
- NJAC 6A:4-1.1 et seq. Appealable decisions□
6A:23A-1.2 et seq. Fiscal accountability; definitions□
6A:23A-6.2 et seq. Fiscal accountability; nepotism□
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
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,
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
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Support Personnel

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Assignment / Transfer

Policy 4213/4214 [M]

Date Adopted: December 8, 1988

Date Revised:

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Date Reviewed:

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

Support personnel are subject to assignment and transfer after recommendation of the Superintendent of Schools and approved by the Board of Education. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law.

In accordance with the law of New Jersey, the Board of Education directs the Superintendent of Schools to assign personnel to the school in such a way that equivalence of personnel is ensured within the school.

The Superintendent of Schools may use his/her discretion to make temporary assignments of existing employees to cover long-term absences of other staff members. It is the policy of the Board that these temporary assignments will be in the best interest of the school district and its pupils.

It is the policy of the Board that twelve-month employees are expected to work a full school day on such days as school is in session less than full time due to a scheduled non-emergency activity (workshop, in-service, staff meeting, etc.). The Superintendent of Schools may dismiss twelve-month employees after less than a full school day's work in any situation where he/she deems their continued attendance to be of little or no value to the educational program being considered at that time.

Part-time employees shall be scheduled by the Superintendent of Schools and in the case of emergency school closings, part-time employees may be scheduled to work on alternate days than those on which they would have been scheduled in order to affect no loss of instructional time due to school closing.

Any staff member appointed to an extra duty position is expected to serve unless excused for extenuating circumstances. A refusal to serve or resignation from extra duty service without permission may constitute an act of insubordination and subject the employee to disciplinary procedures.

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Legal References

- NJSA 18A:25-1 Transfer of teaching staff members□
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder□
18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions□
18A:59-1□through -3 Apportionment and distribution of federal funds; exceptions□
34:13A-1 et seq. New Jersey Employer-Employee Relations Act□
- NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education□
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
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 Division Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Support Personnel

Series 4000

Supervision & Evaluation – Support Staff

Policy 4215/4216 [M]

Date Adopted: April 18, 1983

Date Revised: April 30, 2009

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Date Reviewed:

The Principal and/or the immediate supervisor shall be responsible for supervising all classified employees under his jurisdiction. The purpose of supervision shall be to:

- A. Aid the employee to attain and maintain maximum effectiveness in skills, attitudes and characteristics which pertain to his assigned duties and the educational system;
- B. Promote closer, better understanding among personnel of the role on the educational team;
- C. Evaluate performance according to planned program.

The Supervision shall direct the assignment and supervision of all classified employees. The Superintendent shall assume control of classified employees when their assignment is such that they are not under the direct supervision of a building principal or other immediate supervisor.

Each employee shall be informed as to the immediate supervisor and/or any joint supervision over the employee.

Evaluation

The Superintendent of Schools shall maintain factual personnel records on all support employees and shall direct evaluation procedures.

Before increments for support staff members are approved for succeeding years, administrative and supervisory personnel in the schools shall submit to the Superintendent of Schools a report on the work and attitude of each employee under their jurisdiction.

The employee's supervisor has the responsibility for seeing that each employee knows the basis upon which he is to be evaluated in advance of the evaluation.

Legal References

- NJSA 18A:6-10 et seq. Dismissal and reduction in compensation of persons under tenure in public school system
18A:27-3.1 through -3.3 Non-tenured teaching staff; observation and evaluation; conference
18A:29-14 Withholding increments; causes; notice of appeals
- NJAC 6A:32-4.4 Evaluation
6A:32-5.1 et seq. Standards for determining seniority
6A:9-15.1 et seq. Required Professional Development for Teachers
6A:32-4.4 Evaluation of tenured teaching staff member
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)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Support Personnel

Series 4000

Resignation, Separation & Removal

Policy 4217.2

Date Adopted: April 14, 1983

Date Revised:

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Date Reviewed:

Resignation

Any member of the support staff may resign in good standing by giving the appointing authority at least 14 days' written notice, unless the appointing authority consents to a shorter notice.

If an employee resigns without giving the required notice, she/he shall be held as having resigned not in good standing.

Separation

Separation may be by resignation, suspension, or by dismissal.

The Superintendent or designee may suspend without pay or with reduced pay, fine or demote an employee due to inefficiency, incompetence, misconduct, negligence, insubordination or for other sufficient cause.

Removal

A member of the support staff may not be removed except for just cause upon written charges. Notice of the removal shall be sent to the employee on the form prescribed by the Civil Service Commission, and a copy of said notice shall be sent to the Civil Service Department at the same time.

A provisional or temporary employee may be terminated at any time at the discretion of the appointing authority. A provisional or temporary employee who has been terminated shall have no right of appeal.

Causes for Removal

Any one to the following shall be cause for removal from the service, although removals may be made for sufficient causes other than those listed:

- A. Neglect of duty;
- B. Incompetency or inefficiency;
- C. Incapacity due to mental or physical disability;
- D. Insubordination or serious breach of discipline;
- E. Intoxication while on duty;
- F. Chronic or excessive absenteeism;
- G. Disorderly or immoral conduct;
- H. The conviction of any criminal act or offense;
- I. Negligence of or willful damage to public property or waste of public supplies;
- J. Conduct unbecoming an employee in the public service; or

- K. The use or attempt to use one's authority or official influence to control or modify the political action of any person in the service or engaging in any form of political activity during working hours.

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The Civil Service Commission shall grant a hearing on the causes for removal if the employee sought to be removed appeals to the Commission for such a hearing as prescribed in Civil Service Rule 4:1-5.3. The Commission in its decision may revoke or modify the action of the appointing authority.

Legal References

- NJSA 18A:27-3.1 Non-tenured teaching staff; observation and evaluation; conference; purpose
18A:27-3.2 Teaching staff member; notice of termination; statement of reasons; request; written answer
18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions
18A:27-9 Teaching after notice of termination of contract
18A:27-10 et seq. Nontenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
18A:28-8 Notice of intention to resign required
18A:66-43 Retirement of service age limits
18A:66-44 Service retirement allowances
- NJAC 6A:32-4.1 et seq. Employment of teaching staff
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. Brick 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)

Brick Township Board of Education District Policy Manual 2

Support Personnel

Series 4000

Grooming, Appearance & Dress

Policy 4219.22

Date Adopted: November 20, 2008

Date Revised:

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Date Reviewed:

The Board of Education believes that the appearance and dress of teaching staff members is an important component of the educational program of the School District. The attitude of staff members about their professional responsibilities and the importance of education are reflected in their dress and appearance. The Board retains the authority to specify dress and grooming guidelines for staff within law that will prevent such matters from having an adverse impact on the educational process. The Board expects all staff members to be neatly groomed and dressed in clothing suitable for the subject of instruction, the work being performed, or the occasion.

All staff members shall, when assigned to district duty

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

Acceptable dress for all personnel:

- A. For female staff members, business length dresses or skirts, pant suits, slacks with blouses, and/or sweater, and shoes.
- B. For male staff members, suits, slacks, shirts with collars, shirts with collars and ties, sweaters, and dress shoes.

The Board lists the following as unacceptable attire:

- A. Torn, dirty, or wrinkled clothing
- B. Sneakers, flip-flops, bedroom slippers, work boots unless specifically required by job requirement / OSHA safety;
- C. See-through clothing
- D. Tight fitting clothing such as spandex
- E. Inappropriately low, plunging or deep "V" necklines
- F. Midriff, halters, tanks, spaghetti straps, or tube tops
- G. Shorts or clothing considered beach attire
- H. Short skirts (finger tip length)
- I. T-shirts or undershirts as outerwear
- J. Sweatshirts, sweat pants, and sweat suits (accept as appropriate for PE staff and extra assignments as deemed appropriate by the building principal.)
- K. Observable jewelry in body piercings must be limited to the ears only
- L. Denim blue or black
- M. Exposed skin or undergarments and/or low rise pants that expose skin or undergarments

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When necessary, in a consistent manner, the building principal may relax the dress code for members of the faculty (i.e. field trips, unique school activities, inclement weather and heat advisories).

The building principal or the staff member's supervisor, as appropriate, shall determine whether a violation of this dress code has occurred and shall discuss the violation with the teaching staff member concerned. Where a single violation so warrants or violations recur, the principal or supervisor may enter a reprimand in the teaching staff member's file and may recommend more stringent disciplinary measures.

In order to provide for consistent enforcement throughout the District, and to provide an understanding of the standards and expectations set forth by the Board of Education, the Superintendent of Schools will review the Staff Dress and Grooming Policy with the building principals and supervisors each August and April.

This policy shall be reviewed annually by the Board of Education in collaboration with a committee consisting of teachers, administrators, a BTEA officer, and the Superintendent of Schools.

Legal References

- NJSA 18A:6-10 Dismissal and reduction in compensation of persons under tenure in public school system □
18A:11-1 General mandatory powers and duties □
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc., employment thereunder □
- Hicks v. Brick 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

Brick Township Board of Education District Policy Manual

Support Personnel

Series 4000

Commercial Driver Controlled Drug / Alcohol Testing

Policy 4219.233

Date Adopted: August 17, 2006

Date Revised: April 30, 2009

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Date Reviewed:

The Board of Education is committed to a safe, efficient and drug-free workplace, which protects the district's most valuable resource, its pupils -- as well as the health and safety of its employees and the general public. The Board requires that all drivers performing any safety-sensitive function are free of drugs and alcohol. Safety-sensitive function means any on duty function as defined by 49 C.F.R. 395.2 including:

- All time at the terminal facility or any public property waiting to be dispatched unless relieved from duty;
- All time inspecting equipment;
- All driving time;
- All off duty time for drugs and 4 hours prior to beginning of scheduled work for alcohol;
- All time loading and unloading;
- All time spent performing driver requirements related to accidents, and
- All time repairing, obtaining assistance or remaining in attendance with the vehicle.

The Omnibus Transportation Employee Testing Act, requires all operators of commercial motor vehicles subject to the Commercial Drivers License requirements to be tested for drug/alcohol. Federal regulations of the U. S. Department of Transportation require that school bus drivers as well as drivers of private carriers of passengers contracted by the Board be required to submit to drug/alcohol testing. The Board designates the Supervisor of Transportation as the officer of the Board responsible for the implementation of this policy.

Prohibited Substances

The presence of any of the following drugs/alcohol in the body, as evidenced by the results of the initial testing and subsequent confirmatory analysis provided in the policy, is prohibited for any employee assigned to a classification covered by this policy.

No driver at any work site shall possess, manufacture, use, sell, or distribute any quantity of any drugs/alcohol, lawful or unlawful, which in sufficient quantity could result in impaired of performance, with the exception of substances administered by or under the instructions of a physician.

Definitions

"Work Site" means any motor vehicle, office, building, yard or other location at which the driver is to perform work.

"Possess" means either in or on the driver's person, personal effects, motor vehicle or areas substantially entrusted to the control of the driver.

Any violation of this policy may result in discipline, up to and including termination.

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Prohibited substances include:

- marijuana;
- cocaine;
- opium or opiates (including heroin, morphine and codeine);
- phencyclidine (pcp);
- amphetamines or methamphetamines;
- other controlled substance, or;
- alcohol;
- a prescription drug for which the employee does not have a current, valid, personal prescription or which is not authorized or approved for use while operating a motor vehicle.

The Board retains the right to add or delete substances from the above list.

Categories of Testing

For the purpose of this policy, the occurrence of the following circumstances/instances shall require an employee to submit to a fitness-for-duty drug/alcohol screening:

Pre-Employment

An individual who has applied for and has been selected to operate a Board vehicle requiring a CDL license shall, before beginning employment with the Board, submit to a fitness-for-duty drug/alcohol test in conjunction with the required physical exam, Policy 4160. Such testing shall be conducted in accordance with the procedures set forth in this policy. No individual receiving a positive result from such test shall be employed by the Board.

An exception to the pre-employment test may be made if the prospective employee:

- Has participated in a drug/alcohol testing program within thirty days prior to the date of the application for employment, and;
- Has participated in a drug/alcohol testing program within six months prior to the date of the application for employment or participated in a random drug/alcohol testing program within twelve months of the date of application for employment.

If an individual is so exempted, the Supervisor of Transportation shall contact the alcohol and/or drug/alcohol testing program in which the driver participated and obtain the following information:

- Name and address of the program.
- Verification of the driver's participation.
- Verification that the program conforms to federal guidelines.
- Verification the driver qualified and did not refuse to be tested for either alcohol or drug/alcohol.
- The date the driver was last tested for drugs/alcohol.

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- The results of any tests taken within the last six months and any other violations.
- Previous employers will be contacted within 14 days of employment regarding previous drug/alcohol testing program involvement and violations.

Random Testing

A covered employee shall be subject to submit to a discretionary fitness-for-duty drug/alcohol test on an unannounced and random basis resulting from the selection by a random generation methodology. Random testing shall be spread reasonably throughout any given calendar year. The minimum annual percentage rate for random alcohol testing shall be 25% of the average number of drivers. The minimum rate of random drug/alcohol testing shall be 50% of the average number of drivers. These rates may be adjusted as determined by the FHWA (Federal Highway Administration) Administrator.

Drivers shall only be random tested just prior, during or just after performing CDL functions.

Post-Accident Testing

An employee involved in an accident while performing CDL functions shall be subject to drug/alcohol testing if:

- The accident results in a fatality;
- A moving violation is charged to Board employee;
- Medical assistance is given to an accident victim away from the scene of the accident;
- A vehicle involved in an accident needs to be towed from the accident scene.

A driver who is subject to post-accident testing shall remain readily available for such testing or be deemed to have refused testing. Nothing herein shall be construed to prevent the driver from leaving the scene of the accident for the period required to obtain necessary assistance or to obtain emergency medical care.

When the testing for drugs and alcohol has not occurred within 2 hours following an accident, the Board designated official shall prepare a record stating the reason why the testing was not promptly administered. After 8 hours following an accident all attempts to administer an alcohol test shall cease, and a record made stating the reason for not promptly administering the test. After 32 hours following an accident all attempts to administer a drug test shall cease, and a record made stating the reason for not promptly administering the test.

Reasonable Suspicion Testing

Observed conduct of an employee just prior, during or just after duty which is reasonably determined to be suspicious or extraordinary for that employee shall result in a drug/alcohol test for reasonable suspicion. Such observed conduct may be physical symptoms including but not limited to slurred or other than the employee's usual speech, irregular or unsteady gate, flushed or agitated appearance, blood shot eyes, dilated pupils, nonsensical or irrational behavior or a smell

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to the likeness of alcohol or marijuana. Such conduct must be observed and documented in writing by a trained supervisor and the documentation should be placed in the employee's file within twenty-four hours of submission to a fitness-for-duty drug/alcohol test.

Supervisors shall be trained to observe whether reasonable suspicion exists. Such training shall consist of at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover physical, behavioral, speech and performance indicators of probable misuse of drugs/alcohol. In no case shall the training constitute less than 120 minutes.

Medical Review Officer Notifications

The Board or its Third Party Administrator shall employ or contract with a medical review officer who is a licensed physician (MD or DO) and shall designate the Medical Reviewer Officer as the individual responsible for receiving laboratory results generated by the testing program. The individual designated as the medical review official shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate the individuals confirmed positive test together with his/her medical history and other biomedical data.

Employer Notification

The Medical Review Officer may report drug/alcohol test results to the employer by any means of communication; however, a signed, written notification must be forwarded within three business days of the completion of the Medical Review Official's evaluation.

The Medical Review Official must report to the employer the following:

- That the drug/alcohol test being reported was in accordance with 49 CFR Part 40.
- The name of the individual for whom the test results are being reported.
- The type of test indicated on the custody and control form (random, pre-employment, etc.)
- The date and location of the test collection.
- The identification of the persons or entities performing the collection, analysis of the specimens, and serving the Medical Review Official for the specific test.
- The verified results of the drug/alcohol test (positive or negative), and if positive, the identity of the drug/alcohol(s) for which the test was verified positive.
- That the Medical Review Official has made every reasonable attempt to contact the driver within 5 days of receiving a positive test result.

Employee Notification

Prior to verifying a "positive" result, the Medical Review Official shall make every reasonable effort to contact the driver (confidentially), and afford him/her the opportunity to discuss the test result. If after making all reasonable efforts and documenting them, the Medical Review Official is unable to reach the driver directly, the Medical Review Official shall contact a designated management official, who shall direct the driver to contact the Medical Review Official as soon as possible (within 24 hours).

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Under split-sample collection procedures, the driver has 72 hours following notification of a positive result to request the secondary sample be analyzed. In the event a split-sample was not taken, or was of inadequate quantity, the original test would be voided, and the driver would not be subject to a result. If the employee does not direct the Medical Review Officer to have the split sample, the Medical Review Officer shall report the final test result as positive.

Designated Collection Facility

The Board shall designate the facility to be used for the collection of the specimen; provided, however, that the designated facility shall possess all required licenses and permits and shall have a written procedure for ensuring employee privacy, health and safety, the security, and the chain-of-custody of fluid samples. Such written procedures shall be available to an affected employee, and the Board shall discontinue use of any facility it learns has materially violated mandated procedures, which compromised a testing.

Designated Screening Laboratory

The Board shall designate the laboratory to which collected fluid samples shall be forwarded for drug/alcohol testing; provided, however, that such a designated laboratory must be certified by the Department of Health and Human Services as meeting the standards of the Mandatory Guideline for Federal Workplace Drug Programs.

Screening Procedure

The Board's designated testing laboratory shall employ methods of initial testing and confirmatory testing which comply with the standards promulgated by Department of Transportation/Federal Highway Administration. A secondary laboratory may not be used unless authorized.

Specimens

The normal testing methodology for drugs/alcohol shall be urinalysis, collected by a representative of the Board at a designated site. The presence of alcohol shall be determined by a breathalyzer, administered by a Breath Alcohol Technician.

Report of a Positive Screening Result

Positive results of an initial screening which has subsequently been confirmed shall be reported to the Supervisor of Transportation by its designated Medical Review Officer (MRO) as provided in the standards promulgated by the Department of Transportation/Federal Highway Administration.

Refusal to Submit

A driver shall be deemed as refusing to submit when the driver:

- Fails to provide adequate breath for testing without a solid medical explanation after notice of the requirement for breath testing and/or
- Fails to provide adequate urine for a drug/alcohol test after notice of the requirement for a drug/alcohol test
- Engages in conduct that clearly obstructs the testing process.

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Employee Status Pending Receipt of Results

An employee who is required to submit to a fitness-for-duty testing shall not be assigned to operate a Board vehicle pending the outcome of such testing. Until said time the employee shall be suspended without pay. An employee whose fitness-for-duty testing produces a negative result shall be promptly returned to duty and made whole for any regular wages lost while on suspension.

Record of Negative Screening

An employee required to submit to a fitness-for-duty testing as provided in this policy and whose test results are negative may, at their option, have their personnel file documented to reflect the negative result.

Prescription Drugs

All bus drivers shall notify the Superintendent of Schools/designee of the use of any prescription drugs. The Board may require certification from the prescribing physician that the use of the prescription drug shall not have an adverse affect on the driver's ability to properly perform safety-sensitive functions.

Consequences to Drivers Engaging in Prohibited Conduct

An employee whose fitness-for-duty test produces a positive result for a drugs/alcohol shall be terminated, unless having a documented disability covered under the ADA (Americans with Disability Act).

Maintenance and Retention of Records

The Board and its Third Party Administrator shall maintain and retain all records as required by federal regulation. Records shall include at least the following records related to the collection process:

- Collection logbooks (if used);
- Documents related to the random selection process;
- Calibration documentation for EBT's;
- Documentation of Breath Alcohol Technician (BAT) training;
- Documentation of reasoning for reasonable suspicion testing;
- Documentation of reasoning for post-accident testing;
- Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing; and
- Consolidated annual calendar year summaries.
- Records related to the driver's test results:
 - Employer's copy of the alcohol test form, including results;
 - Employer's copy of the drug test chain of custody and control form;
 - Documents sent to the employer by the Medical Review Officer;
 - Documentation of any driver's refusal to submit to a required alcohol or drug test; and
 - Documents provided by a driver to dispute results of test.

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- Documentation of any other violations of drug use or alcohol misuse rules

Records related to evaluations and training:

- Records pertaining to Substance Abuse Professional's (SAP's) determination of driver's need for assistance;
- Records concerning a driver's compliance with SAP's recommendations, and records related to education and training;
- Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol misuse;
- Documentation of compliance with requirement to provide drivers with educational material, including driver's signed receipt of materials;
- Documentation of supervisor training; and
- Certification that training conducted under this rule complies with all requirements of the rule.

Records related to drug testing:

- Agreements with collection site facilities, laboratories, Medical Review Officers (MRO's) and consortia;
- Names and positions of officials and their role in the employer's drug/alcohol testing program;
- Monthly statistical summaries of urinalysis; and
- The employer's drug testing policy and procedures.

Required period of retention:

Documents to be Maintained	Period Required to be Maintained
Alcohol test results indicating a breath alcohol concentration of 0.02 or greater	5 Years
Verified positive drug/alcohol test results	5 Years
Refusals to submit to required alcohol or drug/alcohol tests	5 Years
Required calibration of Evidential Breath Testing Devices (EBT's)	5 Years
Substance Abuse Professional's (SAP's) evaluations and referrals	5 Years
Annual calendar year summary	5 Years
Records related to the collection process (except calibration) and required training	2 Years
Negative and cancelled drug/alcohol test results	1 Year
Alcohol test results indicating a breath alcohol concentration of less than 0.02	1 Year

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Location of Records

All required records shall be maintained and secured on Board of Education property according to Board policy. Records shall be made available for inspection at the Board Offices within two business days after a request has been made by an authorized representative of the Federal Highway Administration.

Annual Calendar Year Summary

The Board and its Third Party Administrator shall prepare and maintain an annual calendar year summary of the results of its drug/alcohol testing programs. The summary shall be completed no later than March 15th of each year covering the previous calendar year. The Board and its Third Party Administrator upon request of the Federal Highway Administration (FHWA) shall provide the annual summary to that agency in the required format.

Employee Information Program

The Board shall provide an employee information program. The Board and its Third Party Administrator shall be responsible for implementing the program and shall insure that each driver receives information in the manner specified below:

- By receiving a copy of this policy and any subsequent revisions.
- Though attendance at a meeting at which a detailed discussion of the following is conducted:
 - a. The identity of the person designated by the employer to answer driver questions about the materials.
 - b. Which drivers are subject to the drug/alcohol misuse requirements.
 - c. Explanation of what constitutes a safety-sensitive function, so as to make clear what period of the work day the driver is required to be in compliance.
 - d. Specific information concerning driver conduct that is prohibited.
 - e. The circumstances under which a driver will be tested for drugs/alcohol.
 - f. The procedures that shall be used to test for the presence of drugs/alcohol.
 - g. The requirement that a driver submit to a drug/alcohol test.
 - h. An explanation of what constitutes a refusal to submit to a drug/alcohol test.
 - i. The consequences for drivers found to have violated the prohibitions of this rule, including the immediate removal of the driver from safety-sensitive functions.
 - j. The consequences for drivers found to have an alcohol concentration level of 0.02 or greater but less than 0.04.
 - k. Information concerning the effects of the use of drugs/alcohol on an individual's health, work, and personal life. Signs and symptoms of a drug/alcohol problem, and available methods of intervening when a drug/alcohol problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.

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Legal References

- NJSA 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
- 2C:35-1 et seq. Comprehensive Drug Reform Act of 1987
- 18A:11-1 General mandatory powers and duties
- 18A:16-2 Physical examinations; requirement
- 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
- 18A:36-32 Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
- 18A:54-20 Powers of board (county vocational schools)
- 26:3D-55 et seq. New Jersey Smoke-Free Air Act
- NJAC 6A:16-6.3 Reporting students or staff members to law enforcement authorities
- 6A:16-6.5 Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
- 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.
- Bayonne Teachers' Assoc v BOE, City of Bayonne Office Admin Law
- Fairlawn Education Assoc v Fairlawn BOE 79 NJ 574 (1979)
- Manual for the Evaluation of Local School Districts
- New Jersey Quality Single Accountability Continuum (NJQSAC)

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Probationary Period for New Employees

Policy 4220

Date Adopted: April 18, 1983

Date Revised:

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Date Reviewed:

All support staff employees shall be considered as probationary employees for the first 90 days of their employment during their probationary period at the sole discretion of the Board, without recourse to the provisions of a grievance procedure.

Upon completion of the probationary period, seniority will be calculated from the date of the commencement of employment. In the event that two employees commence employment on the same date, their respective seniority shall be determined by alphabetical order of their last names.

A provisional employee is entitled to all employment benefits (medical insurance, vacation, sick leave and personal days). A temporary employee receives no employment benefits. A provisional or temporary employee may not join the Pension Program until permanent status is given.

Legal References

- NJSA 18A:6-7.1 through -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
18A:16-1.1 May appoint temporary officers and employees□
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder□
18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions□
18A:29-16 Emergency certificates; day-by-day basis substitute□
- NJAC 6A:9-6.5 County substitute credential□
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 Ass'n v. Sayreville Bd. of Ed., App. Div., unreported decision (docket no. A-4899-82T2, decided April 12, 1984)□□
Lammers v. Bd. of Ed. of Borough of Point Pleasant, Ocean County, S/B□(June 5, 1991)
Manual for the Evaluation of Local School Districts New Jersey Quality Single
Accountability Continuum (NJQSAC)

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Soliciting & Selling

Policy 4237

Date Adopted: December 5, 1985

Date Revised:

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Date Reviewed:

School employees shall not use school time or school facilities in connection with any personal activity for financial profit. Furthermore, school employees shall not engage in the promotion of travel activities, recreational activities, social activities and the like on school time, using school facilities nor shall they communicate with students relative to same or their parents without prior approval of the Board of Education. Any violations of this provision could be held to be willful insubordination.

The Board of Education will not assume any liability for violation of this policy as the Board does not endorse or support such conduct. The Board shall post this policy in each building.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

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

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Employee Protection

Policy 4248

Date Adopted: April 18, 1983

Date Revised:

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Date Reviewed:

The law requires that the employer and the employee shall cooperate with the insurance carrier to provide the best medical aid and services to the patient. To this end, the Board is designating approved doctors to whom any employee of this district shall report, when practical, for examination and treatment.

All employees are requested to apply to the district approved doctors for examination and treatment in the event of accident or disease resulting from employment with the district, except when emergencies dictate otherwise.

Legal References

NJSA 18A:16-1.1. May appoint temporary officers and employees

18A:11-1 General mandatory powers and duties□

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Leaves of Absence

Policy 4250

Date Adopted: August 18, 2011

Date Revised:

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Date Reviewed:

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

Legal References

- NJSA 18A:11-1 General mandatory powers and duties
18A:30-1 through -6 Sick leave
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

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Family Leave

Policy 4252.3

Date Adopted: August 18, 2011

Date Revised:

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Date Reviewed:

In accordance with the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA), the Board of Education will grant staff members up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the district so that the staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

A staff member shall not be discriminated against for having exercised his/her rights under the FLA or the FMLA, nor shall the staff member be discouraged from the use of family leave.

Definitions

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

- A. "Child" means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but is incapable of self-care because of a mental or physical condition.
- B. "Parent" means a biological, adoptive or foster parent, stepparent, parent-in-law, legal guardian having a "parent-child relationship" with a child as defined by law, or any person who has sole or joint legal or physical custody, care, guardianship or visitation with a child.
- C. "Serious health condition" is an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.
- D. "Week" is the number of days an employee normally works each calendar week.
- E. "Family leave" is taken pursuant to the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA).
- F. "Staff member" is an employee eligible for family leave in accordance with the New Jersey Family Leave Act (FLA) and the Federal Family and Medical Leave Act (FMLA).
- G. "Reduced leave" means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than the staff member's usual number of hours worked per workday.

Eligibility

A staff member shall become eligible for family under FLA after he/she has been employed at least twelve months in this district for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. A staff member shall become eligible for family leave under FMLA after he /she has been employed in this district for not less than 1,250 hours, excluding overtime, during the immediate preceding twelve-month period. The calculation of the

twelve-month period to determine eligibility shall commence with the commencement of the family leave. Leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

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Family leave shall run concurrently under the FLA and the FLMA. When family leave is requested under the FMLA for the individual staff member's personal illness or injury, all accumulated sick and personal days must be utilized first. Thereafter, said days will be deducted from the maximum twelve-week entitlement under the FMLA.

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

Types of Leave

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

In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary if the total time within which the leave is taken does not exceed a twelve-month period for each serious health condition episode, the staff member will provide the district with prior notice of the leave in a manner that is reasonable and practicable, and the staff member makes a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the Superintendent of Schools/designee.

A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule except the staff member is not entitled to a reduced leave schedule for a period exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave or a reduced leave without an agreement between the staff member and the Superintendent of Schools/designee if leave is taken upon the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

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

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

Notice

A staff member eligible for family leave must give at least a thirty day advance written notice to the Superintendent of Schools/designee of the need to take family leave, except where the need to take family leave is not foreseeable. When the need is not foreseeable, the staff member must provide notice as soon as practicable which shall be at least verbal notice to the Superintendent of Schools/designee within one or two working days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the Superintendent of Schools/designee, but any verbal notice must be followed by written notice delivered within three working days.

Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave except that if the date of the birth or adoption requires leave to begin in less than thirty days, the staff member shall provide such notice that is reasonable and practicable.

Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of the leave except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.

When the Superintendent of Schools/designee is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide written notice within two working days of returning to work to have the time considered family leave in accordance with the FLA and FMLA.

Benefits

Family leave shall be unpaid leave as per the FLA and the FMLA.

In accordance with law, the Board of Education will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued in employment continuously from the date the staff member commenced leave until the date the staff member returned to work or the date on which the staff member's coverage would have expired had the staff member not been on leave, whichever is sooner. A staff member who receives benefits while on family leave must return to the district for a minimum of one year or, at the discretion of the

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Board of Education, until the end of the fiscal year, whichever is deemed to be in the best interest of the district. Staff members who do not comply with this provision shall be required to reimburse the district for the full cost of all medical, prescription and dental benefits provided during the family leave.

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

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

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

The district may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school district staff or one of the seven highest paid employees of the district, whichever is greater. This denial is necessary to prevent substantial and grievous economic injury to the school district's operations. The Board of Education shall notify the staff member of the intent to deny the leave at the time determination is made that the denial is necessary. If the leave has already commenced at the time of the district's notification of denial, the staff member shall return to work within ten working days of the date of notification.

Verification of Leave

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

In the event the Superintendent of Schools doubts the validity of the certification for the serious health condition of a family member of the staff member, the district may require, at the district's

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expense, the staff member to obtain an opinion regarding the serious health condition for a second health care provider designated or approved, but not employed on a regular basis, by the Board of Education. If the second opinion differs for the certification, the Board of Education may require at the district's expense, that the staff member obtain an opinion of a third health care provider designated or approved jointly by both the staff member and the Board of Education. The opinion of the third health care provider shall be final and binding on the Board of Education and the staff member.

In order that a staff member's entitlement to family leave can be properly determined, the Superintendent of Schools shall ensure that keeping of accurate attendance records that distinguish family leave from other kinds of leave.

Legal References

NJSA 18A:16-2 through -5 Health examinations
18A:11-1 General mandatory powers and duties
18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.;
employment thereunder
18A:30-1, -2 Sick leave
18A:30-16 Prolonged absence beyond sick leave
34:11B-1 et seq. Federal Family Medical Leave Act

29 USCA 2601 et. seq. (Family Medical Leave Act)
Nevada Dept. Human Resources, et. al v. William Hibbs, et. al, 538 US 721