

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3111/page 1 of 1
Creating Positions

3111 CREATING POSITIONS

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

The Board shall, upon the Superintendent's recommendation, create new positions as required and approve job titles and job descriptions. The job description shall outline the background experiences and personal qualities, if any, to be required of candidates or preferred among applicants for a particular position.

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

In accordance with the provisions of N.J.A.C. 6A:9B-5.5, titles assigned to teaching staff members shall be recognized by the New Jersey Department of Education. The Department of Education shall maintain and make available a list of approved job titles with corresponding authorized certificates. In the event the Board desires to use an unrecognized title, or if a previously established unrecognized title exists, the Board, prior to appointing a candidate, shall submit to the Executive County Superintendent a written request, including a detailed job description, for permission to use the proposed title. The Executive County Superintendent shall exercise discretion regarding approval of the request and shall determine the appropriate certification and title for the position.

The Executive County Superintendent shall review annually all previously approved unrecognized position titles and shall determine whether the titles will be continued for the next school year. Decisions rendered by the Executive County Superintendent regarding titles and certificates for unrecognized positions shall be binding upon future seniority determinations on a case-by-case basis.

N.J.S.A. 18A:16-1; 18A:28-1 et seq.
N.J.A.C. 6A:9B-5.1; 6A:9B-5.5

Adopted: January 2017

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3112/page 1 of 1
Abolishing Positions

3112 ABOLISHING POSITIONS

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3124/page 1 of 1
Employment Contract

3124 EMPLOYMENT CONTRACT

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

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

The employment contract will also include a provision for termination of the contract by either the teaching staff member or the Board of Education unless the teaching staff member is represented by a collective bargaining agreement and the agreement has termination provisions.

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

N.J.S.A. 18A:27-2 et seq.; 18A:28-8
N.J.A.C. 6A:9B-5.1; 6A:9B-5.4

Adopted: January 11, 2017

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3125/page 1 of 3

Employment of Teaching Staff Members

3125 EMPLOYMENT OF TEACHING STAFF MEMBERS

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

In accordance with the provisions of N.J.S.A. 18A:27-4.1, the Board shall appoint, transfer, remove, or renew a certificated or non-certificated officer or employee only upon the recommendation of the Superintendent of Schools and by a recorded roll call majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons. The Board shall approve the employment, fix the compensation, and establish the term of employment for every teaching staff member employed by this district.

No teaching staff member shall be employed unless he/she is a holder of a valid certificate in accordance with the New Jersey Department of Education and applicable statutes and administrative codes. The Superintendent shall require proof of any candidate's certification or pending application for certification.

The Board will employ substitutes for absent teachers in order to ensure continuity in the instructional program and will annually approve a list of substitutes and rate of pay. The Superintendent or designee shall select substitutes from the list approved by the Board to serve in the place of an absent teaching staff member.

In accordance with the provisions of N.J.S.A. 18A:16-1.1, the Board of Education will provide written notice to a teaching staff member, other than a per diem substitute, of his/her designation as a replacement when the teaching staff member has been designated or appointed by the Board to act in place of any officer or employee during an absence, disability, or disqualification of any such officer or employee subject to the provisions of N.J.S.A. 18A:17-13. Per diem substitutes shall also be informed in their notice of approval that their employment is as a replacement staff member.

The Board may use a private contractor to secure a substitute teacher in accordance with N.J.A.C. 6A:9B-7.1(f).

The Board shall approve the employment, fix the compensation, and set the term of employment for each person employed in a summer school program. The Board will employ only those candidates recommended by the Superintendent. Service as a summer school teacher will not count toward the accrual of tenure or seniority.

The Superintendent shall recommend to the Board the employment of qualified coaches for the district's interscholastic and/or intramural athletic programs. The Board will employ as athletic coaches only those persons who have experience in and knowledge of the specific sport, are

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3125/page 2 of 3

Employment of Teaching Staff Members

properly certified, and possess the personal characteristics that qualify them to serve as role models to students.

In accordance with the provisions of N.J.A.C. 6A:9B-5.16(a), any teaching staff member in the employ of the Board of Education shall be permitted to organize public school students for purposes of coaching or for conducting games, events, or contests in physical education or athletics. The Superintendent may recommend to the Board the employment of a qualified candidate for an interscholastic athletic coaching position who is a holder of either a New Jersey teaching certificate or a substitute credential, pursuant to N.J.A.C. 6A:9B-5.16(b), to work in the interscholastic athletic program provided the position has been advertised. The twenty day limitation noted in N.J.A.C. 6A:9B-7.4(a) shall not apply to coaching situations.

An athletic coach employed by this district who is not a regular employee of this district shall be employed only for the duration of the specific sport season. He/She shall be paid the stipend and no out-of-district athletic coach shall be eligible for tenure or for employment benefits.

An athletic trainer shall possess an educational services certificate issued by the State Board of Examiners pursuant to N.J.S.A. 18A:26-2.4 and 18A:26-2.5.

The Board of Education shall not employ for pay or contract for the paid services of any teaching staff member or any other person serving in a position which involves regular contact with students unless the Board has first determined, consistent with the requirements and standards of N.J.S.A. 18A:6-7.1 et seq., that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify the individual from being employed or utilized in such capacity or position.

An individual employed by the Board in any substitute capacity or position shall be required to undergo a criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.1b.

An individual, except as provided in N.J.S.A. 18A:6-7.1g, shall be permanently disqualified from employment or service in the school district if the criminal history record check reveals a record of conviction for any crime or offense as defined in N.J.S.A. 18A:6-7.1 et seq.

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS 3125/page 3 of 3 Employment of Teaching Staff Members

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

The Board of Education prohibits any relative of a Board member or Superintendent of Schools from being employed in an office or position in the school district in accordance with the provisions of N.J.A.C. 6A:23A-6.2 and Board Policy 0142.1 – Nepotism.

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

N.J.S.A. 18A:6-5; 18A:6-6; 18A:6-7.1; 18A:6-7.1b;
18A:6-7.1c; 18A:6-7.2;
18A:16-1 et seq.; 18A:26-1 et seq.;
18A:27.1 et seq.; 18A:27-4.1; 18A:27-7;
18A:27-8

N.J.S.A. 18A:54-20 [**vocational districts**]
N.J.A.C. 6A:9B-5.16; 6A:9B-7.4

Adopted: January 2017

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3125.2/page 1 of 2

Employment of Substitute Teachers

3125.2 EMPLOYMENT OF SUBSTITUTE TEACHERS

The Board of Education will employ substitutes in order to ensure continuity in the instructional program and will approve a list of substitutes on an annual basis and additional approved substitutes will be added to the approved list throughout the school year. Substitute teachers will be employed from the substitute list recommended by the Superintendent and approved by the Board. The Board shall also approve the substitute rate of pay.

All substitute teachers must possess a substitute credential issued by the New Jersey State Board of Examiners in accordance with the provisions of N.J.A.C. 6A:9B-7.1 et seq. All substitute teachers are required to undergo a criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.1 et seq. and New Jersey Department of Education regulations and procedures for criminal history record checks. In accordance with the provisions of N.J.S.A. 18A:6-7.1b., a substitute teacher who is rehired annually by the Board shall only be required to undergo a criminal history record check as required by N.J.S.A. 18A:6-7.1 et seq. upon initial employment, provided the substitute continues in the employ of at least one of the districts at which the substitute was employed within one year of the approval of the criminal history record check.

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

In accordance with the provisions of N.J.S.A. 18A:16-1.1b. and N.J.A.C. 6A:9B-7.4(c), a vacant teaching position may only be filled by one or more individuals employed as substitute teachers and holding an instructional certificate of eligibility (CE), certificate of eligibility with advanced standing (CEAS), or standard certificate issued by the New Jersey State Board of Examiners with an endorsement within the scope of the subject being taught for no more than sixty instructional days in the same classroom per year. The sixty day limit may be extended if the Executive County Superintendent is notified of an extension by the school district which shall demonstrate:

1. The school district was unable to hire an appropriately certified teacher for the vacant position;
2. The school district is filling the position subject to the limitations in a local contract or N.J.A.C. 6A:9B-7.1; and
3. Holders of an instructional CE or CEAS with an endorsement within the scope of the subject being taught meet the following provisions:
 - a. CE or CEAS holders obtain a provisional certificate;

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3125.2/page 1 of 2

Employment of Substitute Teachers

- b. CE or CEAS holders are enrolled in a district mentoring program upon obtaining a provisional certificate;
- c. CE holders are accepted into a CE educator program and will begin coursework in the program's next available cohort.

In the event that one individual employed pursuant to the provisions of N.J.S.A. 18A:16-1.1b. is employed in the same position for more than sixty days, the substitute shall be compensated by the school district on a pro-rata basis consistent with the salary provided to a teacher with similar credentials in the school district.

In accordance with the provisions of N.J.S.A. 18A:16-1.1c. and N.J.A.C. 6A:9B-7.4(b), a vacant teaching position may only be filled by one or more individuals employed as substitute teachers and holding an instructional CE, or a CEAS, or a standard certificate issued by the New Jersey State Board of Examiners with an endorsement not within the scope of the subject being taught for no more than forty instructional days in the same classroom per year. The Executive County Superintendent of Schools shall be notified by the Superintendent or designee if a holder of an instructional CE or CEAS substitutes for more than twenty instructional days in the same classroom.

Holders of a career and technical education substitute credential pursuant to N.J.A.C. 6A:9B-7.5 shall be permitted to substitute for no more than forty instructional days in the same classroom per year in accordance with the provisions of N.J.A.C. 6A:9B-7.4(b)2.

In accordance with the provisions of N.J.S.A. 18A:16-1.1a. and N.J.A.C. 6A:9B-7.4(a), a vacant teaching position may only be filled by one or more individuals holding a substitute credential or holding an administrative or educational services certificate without an instructional CE, CEAS, or standard certificate issued by the New Jersey State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-38 for no more than twenty instructional days in the same classroom per year. The Commissioner of Education may grant an extension of up to an additional twenty school days upon written application from the school district demonstrating the district's inability to hire an appropriately certified teacher for the vacant position within the original twenty-day time limit.

N.J.S.A. 18A:6-7.1 et seq.; 18A:16-1.1a.; 18A:16-1.1b.;
18A:16-1.1c.; 18A:16-1.1d.

N.J.A.C. 6A:9B-7.1; 6A:9B-7.2; 6A:9B-7.3; 6A:9B-7.4;
6A:9B-7.5

Adopted: January 2017

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3126 / Page 1 of 2

Induction Program for Provisional Teachers

3126 DISTRICT MENTORING PROGRAM

The Board of Education shall develop a district mentoring program to provide nontenured teachers, including novice professional teachers who hold a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) with an induction to the teaching profession and to the school community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.

The goals of the district mentoring program shall be to enhance teacher knowledge of, and strategies related to, the Core Curriculum Content Standards to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist first-year teachers in performing their duties and adjusting to the challenges of teaching. The Board of Education shall determine how each nontenured teacher in his or her first year of employment shall be provided with supports as outlined in N.J.A.C. 6A:9C-5.1(c). The Board shall provide an individual mentor to work one-on-one with a novice provisional teacher in accordance with N.J.A.C. 6A:9C-5.1(d). The Superintendent shall oversee the mentor selection process and ensure the individual mentor meets the minimum requirements required in N.J.A.C. 6A:9C-5.2(a).

In accordance with the provisions of N.J.A.C. 6A:9C-5.4, an approved agency and its designated staff shall be authorized to provide the services, evaluations, and recommendations specified within N.J.A.C. 6A:9B-8.6, 8.7, and 8.9 for provisional Teachers of Supplemental Instruction in Reading and Mathematics, Grades K-8 in their employ.

The district's local mentoring plan shall be in accordance with the requirements as outlined in N.J.A.C. 6A:9C-5.1 et seq.

The Superintendent of Schools or designee shall develop the district mentoring plan in accordance with the requirements outlined in N.J.A.C. 6A:9C-5.3 as part of the school district's professional development plan (PDP) pursuant to N.J.A.C. 6A:9C-4.4. The district mentoring plan shall include logistics for its implementation and describe the school district's responsibilities pursuant to N.J.A.C. 6A:9C-5.1 et seq.

The Board of Education shall budget State funds appropriated for the novice teacher mentoring program in accordance with the provisions of N.J.A.C. 6A:9C-5.1(f). The Board shall ensure that State funds appropriated for this program shall supplement, and not supplant, any Federal, State or local funds already devoted to planning and implementing a novice teacher mentor program. The Board of Education shall ensure that State funds shall be used for one or more of the following: stipends for mentor teachers; the costs associated with release time; substitutes for mentor

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3126 / Page 2 of 2
Induction Program for Provisional Teachers

teachers and novice teachers; and professional development and training activities related to the program.

Evaluations for a provisional teacher shall be completed in accordance with the requirements of N.J.A.C. 6A:9B-8.6.

N.J.S.A. 18A:26-2; 18A:26-2a
N.J.A.C. 6A:9B-8.4; 6A:9B-8.5; 6A:9B-8.6;
6A:9C-5.1

Adopted: January 2017

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3130/Page 1 of 1
Assignment and Transfer

3130 ASSIGNMENT AND TRANSFER

The Board of Education and the Superintendent will strive to assign teaching staff members to positions in which their service will best benefit the educational program of the district. Each teaching staff member must possess the certificate and endorsement appropriate to the position to which he/she is appointed. The Superintendent shall require each newly employed or reassigned teaching staff member to exhibit the appropriately endorsed certificate before the member assumes responsibility for the duties of the position.

The Board will approve an assignment that requires a teaching staff member's transfer to a different building, to a different seniority employment category, to a different tenure position, or to a nontenurable position only upon the recommendation of the Superintendent and by a roll call majority vote of the full membership of the Board. The Board will not withhold its approval of the Superintendent's recommendation for arbitrary and capricious reasons. A teaching staff member may be transferred without the teaching staff member's consent, except that no tenured teaching staff member will be transferred to a different tenure position or to a nontenurable position without the member's consent.

The Superintendent shall recommend such teaching staff member transfers as will contribute to the provision of a thorough and efficient educational system. No teaching staff member shall be transferred for disciplinary reasons. The Board will consider and may grant the request of a teaching staff member who requests transfer to a new position.

Teaching staff members shall be given written notice of their annual assignments no later than required as per the negotiated agreement, but nothing in this policy shall preclude the reassignment of a teaching staff member at any time.

N.J.S.A. 18A:25-1; 18A:27-4.1; 18A:28-6

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3134/page 1 of 1
Assignment of Additional Duties

3134 ASSIGNMENT OF ADDITIONAL DUTIES

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

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

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

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

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

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3141/page 1 of 1
Resignation

3141 RESIGNATION

The Board of Education will enter a contract with each nontenured teaching staff member providing, in part, for the termination of employment by either party on proper notice in accordance with Policy 3124.

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

A member who offers insufficient notice of resignation will be paid only through the last day of service. In addition, the Board may notify the Commissioner of Education of any tenured teaching staff member who terminates his/her position without having given sixty days written notice to the Board unless the Board approves the tenured teaching staff member's release on shorter notice. The Commissioner of Education may suspend the tenured teaching staff member's certificate for not more than one year for failure to give such notice.

N.J.S.A. 18A:26-10; 18A:28-8
N.J.A.C. 6A:9B-4.8

Adopted: January 2017

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3142/page 1 of 2
Nonrenewal of Nontenured Teaching Staff Member

3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

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

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

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

Whenever the nontenured teaching staff member has requested in writing and received a written statement of reasons for non-reemployment, the nontenured teaching staff member shall have the right to an informal appearance before the Board to permit the staff member an opportunity to convince the members of the Board to offer reemployment. The staff member must request the appearance before the Board within ten calendar days of the nontenured teaching staff member's receipt of the statement of reasons. The informal appearance before the Board shall be held in accordance with the provisions of N.J.A.C. 6A:10-8.1.

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

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**

TEACHING STAFF MEMBERS

3142/page 2 of 2

Nonrenewal of Nontenured Teaching Staff Member

nontenured teaching staff member will be notified of the Board's final determination within three days following the informal appearance before the Board.

N.J.S.A. 18A:27-3.1; 18A:27-3.2; 18A:27-4.1; 18A:27-10 et seq.
N.J.A.C. 6A:10-8.1

Adopted: January 2017

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3143/page 1 of 1
Dismissal

3143 DISMISSAL

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

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

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

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

3144 TEACHING STAFF MEMBERS

3144/page 1 of 2

Certification of Tenure Charges

3144 CERTIFICATION OF TENURE CHARGES

Tenure charges may be instituted against a tenured staff member of the district in accordance with the provisions of N.J.A.C. 6A:3-5.1 et seq. In all instances of the filing and certification of tenure charges, except charges filed against a teacher, Principal, Assistant Principal, or Vice Principal for reasons of inefficiency pursuant to N.J.S.A. 18A:6-17.3, the procedures and timelines outlined in N.J.A.C. 6A:3-5.1(b) shall be observed. In the event the tenure charges are charges of inefficiency pursuant to N.J.S.A. 18A:6-17.3, except in the case of Principals, Assistant Principals, and Vice Principals in school districts under full State intervention, where procedures are governed by the provisions of N.J.S.A. 18A:7A-45 and such rules as may be promulgated to implement it, the procedures and timelines outlined in N.J.A.C. 6A:3-5.1(c) shall be observed.

Filing and service of petition of appeal as outlined in N.J.A.C. 6A:3-1.3, shall not apply in a case of charges filed with the Commissioner of Education against an employee of a Board of Education or of a school district under full State intervention. In place of the usual petition, the Board of Education or the State District Superintendent shall file written charges and the required certificate of determination with the Commissioner together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or State District Superintendent and proof of service upon the employee and the employee's representative, if known. Such service shall be at the same time and in the same manner as the filing of charges with the Commissioner.

In accordance with N.J.S.A. 34:13A-24, fines and suspensions imposed as minor discipline shall not constitute a reduction in compensation pursuant to the provisions of N.J.S.A. 18A:6-10 where the negotiated agreement between the Board of Education and the majority representative of the employees in the appropriate collective bargaining unit provides for such discipline. In these cases, tenure charges shall not be filed to impose minor discipline on a person serving under tenure.

The Board of Education or the State District Superintendent shall determine whether there is probable cause to credit the evidence in support of the charges and whether such charges, if credited, are sufficient to warrant a dismissal or reduction of salary. Pursuant to N.J.S.A. 18A:6-11, all deliberations and actions of the Board of Education with respect to such charges shall take place at a closed/executive session meeting. In the event the Board of Education or the State District Superintendent finds probable cause exists and that the charges, if credited, are sufficient to warrant a dismissal or reduction of salary, then the Board or the State District Superintendent shall file, within fifteen days, written charges with the Commissioner. The charge(s) shall be stated with specificity as to the action or behavior underlying the charges or the nature of the alleged inefficiency and shall be accompanied by the required certificate of determination together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or State District Superintendent and proof of service upon the employee

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

3144 TEACHING STAFF MEMBERS

3144/page 2 of 2

Certification of Tenure Charges

and the employee's representative, if known. Such service shall be at the same time and in the same manner as the filing of charges with the Commissioner.

The certificate of determination that accompanies the written charges shall contain a certification by the Board Secretary or the State District Superintendent including that a determination was made of the charges and the evidence in support of the charges are sufficient, if true in fact, to warrant dismissal or a reduction in salary; of the date, place, and time of the meeting at which such determination was made and whether or not the employee was suspended and, if so, whether such suspension was with or without pay; that such determination was made by a majority vote of the whole number of members of the Board of Education or by the State District Superintendent in accordance with N.J.S.A. 18A:7A-39.

An individual against whom tenure charges are certified shall file a written response to the charges in accordance with the provisions of N.J.A.C. 6A:3-5.3 et seq. The Commissioner shall determine whether such charge(s) are sufficient, if true, to warrant dismissal or reduction in salary in accordance with the provisions of N.J.A.C. 6A:3-5.5. Any withdrawal, settlement, or mooted of tenure charges shall be in accordance with the provisions of N.J.A.C. 6A:3-5.6.

Certification of tenure charges for Charter School employees shall be governed by N.J.A.C. 6A:11-6.1 et seq.

N.J.S.A. 18A:6-8.3; 18A:6-10; 18A:6-11;

18A:6-13; 18A:6-14;

18A:6-16; 18A:25-6; 18A:25-7

N.J.A.C. 6A:3-5.1; 6A:3-5.2; 6A:3-5.3; 6A:3-5.5;

6A:3-5.6

Adopted: January 2017

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3144.12/page 1 of 2
Certification of Tenure Charges - Inefficiency
Aug 13
M

[See POLICY ALERT No. 200]

3144.12 CERTIFICATION OF TENURE CHARGES - INEFFICIENCY

In accordance with the provisions of N.J.S.A. 18A:6-17.3 and notwithstanding the provisions of N.J.S.A. 18A:6-11 or any other section of law to the contrary, in the case of a teacher, Principal, Assistant Principal, and Vice Principal, the Superintendent shall promptly file with the Secretary of the Board of Education a charge of inefficiency whenever the employee is rated ineffective or partially effective in an annual summative evaluation and the following year is rated ineffective in the annual summative evaluation.

If the teacher, Principal, Assistant Principal, or Vice Principal is rated partially effective in two consecutive annual summative evaluations or is rated ineffective in an annual summative evaluation and the following year is rated partially effective in the annual summative evaluation, the Superintendent shall promptly file with the Secretary of the Board of Education a charge of inefficiency, except that the Superintendent upon a written finding of exceptional circumstances may defer the filing of tenure charges until after the next annual summative evaluation. If the employee is not rated effective or highly effective on this next annual summative evaluation, the Superintendent shall promptly file a charge of inefficiency.

Within thirty days of the filing, the Board of Education shall forward a written charge to the Commissioner of Education, unless the Board of Education determines the evaluation process has not been followed.

Notwithstanding the provisions of N.J.S.A. 18A:6-16 or any other section of law to the contrary, upon receipt of a charge pursuant to N.J.S.A. 18A:6-17.3.a, and this Policy, the Commissioner of Education shall examine the charge. The individual against whom the charges are filed shall have ten days to submit a written response to the charges to the Commissioner of Education. The Commissioner of Education shall, within five days immediately following the period provided for a written response to the charges, refer the case to an arbitrator and appoint an arbitrator to hear the case, unless the Commissioner determines the evaluation process has not been followed.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3144.12/page 2 of 2

Certification of Tenure Charges - Inefficiency

The only evaluations which may be used for purposes of N.J.S.A. 18A:6-17.3 are those evaluations conducted in accordance with a rubric adopted by the Board of Education and approved by the Commissioner of Education pursuant to P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.

N.J.S.A. 18A:6-11; 18A:6-17.3

Adopted: July 19, 2016

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3146/page 1 of 1
Conduct of Reduction in Force

3146 CONDUCT OF REDUCTION IN FORCE

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

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

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

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

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3150/page 1 of 1
Discipline

3150 DISCIPLINE

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

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

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3152/page 1 of 1
Withholding an Increment

3152 WITHHOLDING AN INCREMENT

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

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

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

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

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3159/ page 1 of 2

TEACHING STAFF MEMBER/

SCHOOL DISTRICT REPORTING RESPONSIBILITIES

3159 TEACHING STAFF MEMBER/SCHOOL DISTRICT REPORTING RESPONSIBILITIES

All certificate holders shall report their arrest or indictment for any crime or offense to the Superintendent of Schools within fourteen calendar days of the arrest or indictment in accordance with the provisions of N.J.A.C. 6A:9B-4.3. For purposes of this policy, “certificate holders” shall include all individuals who hold certificates, credentials, certificates of eligibility (CEs), and certificates of eligibility with advance standing (CEASs) issued by the State Board of Examiners. For purposes of this Policy, the term “certificate” shall include all standard, emergency and provisional certificates, all credentials, and all CEs and CEASs issued by the State Board of Examiners.

The report submitted to the Superintendent shall include the date of arrest or indictment and charge(s) lodged against the certificate holder. Such certificate holders shall also report to the Superintendent the disposition of any charge within seven calendar days of the disposition. Failure to comply with these reporting requirements may be deemed “just cause” for revocation or suspension of certification pursuant to N.J.A.C. 6A:9B-4.4. The school district shall make these reporting requirements known to all new employees upon initial employment and to all employees on an annual basis.

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

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

In the event the New Jersey State Board of Examiners issues an order to show cause based on the information that the school district provided about the certificate holder, it shall be the

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3159/ page 2 of 2

TEACHING STAFF MEMBER/

SCHOOL DISTRICT REPORTING RESPONSIBILITIES

responsibility of the school district to cooperate with the Board of Examiners in any proceeding arising from the order to show cause.

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

N.J.S.A. 18A:16-1.3

N.J.A.C. 6A:9B-4.3; 6A:9B-4.4

Adopted: January 2017

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3160/page 1 of 2
Physical Examination
M

3160 PHYSICAL EXAMINATION

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

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

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

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

All staff members' medical and health records, including computerized records, will be secured and will be stored and maintained separately from other personnel files. The information contained in medical records will be kept confidential.

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3160/page 2 of 2
Physical Examination**

Only the staff member, the Superintendent, and the school medical inspector shall have access to medical information regarding an individual employee. The section of the medical record that contains the health history may be shared with the staff member's Building Principal and the school nurse with the consent of the staff member.

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3161/page 1 of 2
Examination for Cause

3161 EXAMINATION FOR CAUSE

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

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

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

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

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

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3161/page 2 of 2
Examination for Cause

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

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

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

42 U.S.C.A. 12101

N.J.S.A. 18A:6-10; 18A:16-2; 18A:16-4; 18A:25-7; 18A:28-5;
18A:30-1 et seq.

N.J.A.C. 6A:32-6.3

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3211/page 1 of 3
Code of Ethics

3211 CODE OF ETHICS

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

Preamble

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

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

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

Principle I -- Commitment to the Pupil

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

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

1. Shall not unreasonably restrain the pupil from independent action in the pursuit of learning.
2. Shall not unreasonably deny the pupil access to varying points of view.

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3211/page 2 of 3
Code of Ethics

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

Principle II -- Commitment to the Profession

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

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

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3211/page 3 of 3
Code of Ethics

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3211.3/page 1 of 1
Consulting Outside the District

3211.3 CONSULTING OUTSIDE THE DISTRICT

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

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

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

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3212/page 1 of 1
Attendance
M

3212 ATTENDANCE

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

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

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

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

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3214/page 1 of 1
Conflict of Interest

3214 CONFLICT OF INTEREST

The Board considers the presentation of gifts to staff members by pupils and their parents an undesirable practice, because it tends to embarrass pupils with limited means and gives the appearance of currying favor.

Based on the foregoing premise, it is the policy of the Board that staff members may accept gifts of nominal value from pupils or parents.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Upon the recommendation of the Superintendent, the Board shall consider as appropriate, the presentation of token gifts to retiring members of the staff who have rendered outstanding service for an extended period of time and who have earned the high regard of other staff members and the community.

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3216/page 1 of 3
Dress and Grooming

3216 DRESS AND GROOMING

Faculty members and employees of the Rockaway Borough School District serve as role models for the pupils with whom they work and as leaders in the community. Consistent with these roles, all faculty and employees shall dress in a manner that is professional and appropriate with the environment in which they work, the duties of their jobs, and the impressionable youth they serve.

The dress code for faculty and staff is as follows:

Female Personnel

1. Dresses and/or Suits - skirts/pants. Skirts/dresses should be no higher than 4" above kneecap or mid-thigh, including slits.
2. Skirt with blouses, shirts, turtlenecks, and/or sweaters.
3. Slacks with blouses, shirts, turtlenecks, and/or sweaters.
4. Casual slacks (i.e. Dockers, Chinos, Corduroys) with blouses, shirts, turtlenecks, and/or sweaters.
5. The waistline of all clothing, pants/trousers shall be located on the waistline of the employee so that a blouse, shirt, turtleneck, and/or sweater worn tucked in or outside the slacks will not reveal any skin.

Male Personnel

1. Suits with shirts - with or without tie.
2. Casual suits with or without tie.
3. Slacks with turtleneck/shirt/sweater with or without jacket.
4. Casual Slacks (i.e. Dockers, Chinos, Corduroys) with turtleneck/shirt/sweater with or without jacket.
5. The waistline of all clothing, pants/trousers shall be located on the waistline of the employee so that a shirt, turtleneck, and/or sweater worn tucked in or outside the slacks will not reveal any skin.

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3216/page 2 of 3
Dress and Grooming

The following attire will be unacceptable in the workplace:

1. Sweat pants/jogging suits/sweatshirts (may be worn by Physical Education Instructors).
2. Shorts (may be worn by Physical Education Instructors).
3. Slippers (may be worn for medical reason with doctor's note).
4. Flip-flops intended for beach or shower, shower shoes.
5. Skirts/dresses more than 4 inches above kneecap.
6. Spandex and other excessively tight clothing.
7. Blue Jeans (may be worn when pupils are not present i.e. in-service, summer hours and certain field trips if appropriate).
8. Bare halters/midriff tops.
9. Muscle shirts, undershirt.
10. Tank tops, see through/sheer shirts or blouses and spaghetti straps.

Casual attire such as jogging suits and sweatshirts may be worn by instructional staff during in-service days.

Custodial staff shall wear the uniforms provided by the Rockaway Borough Board of Education.

Maintenance staff shall be permitted to wear blue jeans/denims and sweatshirts as approved by Superintendent.

Playground Aides will be permitted to wear blue jeans/denims and sweatshirts. Playground Aides may also wear shorts when deemed appropriate by the Building Principal. Shorts should be no higher than four inches above kneecap or mid-thigh.

A staff member may request a waiver of this dress code for the performance of particular duties with approval from the Superintendent or Building Principal.

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3216/page 3 of 3
Dress and Grooming

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3217/page 1 of 1
Use of Corporal Punishment

3217 USE OF CORPORAL PUNISHMENT

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

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

A teaching staff member who:

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

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3218/page 1 of 2

Substance Abuse

Feb 15

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3218 SUBSTANCE ABUSE

The Board of Education recognizes a teaching staff member who reports to work under the influence of drugs or alcohol poses a significant threat to their health, safety, and welfare and the health, safety, and welfare of others, including students and other staff members. The Board strongly advises any teaching staff member that has a dependency on a substance as defined in this Policy to seek appropriate treatment. The Board has an obligation and the right to maintain a safe and healthy work environment and adopts this Policy as an important component toward maintaining a safe environment in the school district. A teaching staff member is prohibited from possession, use, distribution, or being under the influence of any substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.

For the purposes of this Policy, “substance” or “substances” means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

Any teaching staff member who reports to work or attends a school-sponsored function where the teaching staff member has assigned job responsibilities under the influence of or in possession of any substance will be subject to appropriate discipline, which may include termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.

A teaching staff member shall be required to submit to an immediate medical examination to include a substance test if the Principal or designee has reasonable suspicion to believe a teaching staff member is under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities. Refusal of a teaching staff member to consent to the medical examination and substance test will be determined to be a positive result.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3218/page 2 of 2

Substance Abuse

In the event a teaching staff member's medical examination and substance test results are negative for a substance, any documents or records pertaining to the requirement for the examination and test and results will not be maintained by the school district. Any required examination and testing shall be paid for by the Board. The teaching staff member will be afforded the opportunity to have any test results confirmed using acceptable test confirmation practices. This confirming test shall be paid for by the teaching staff member.

In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any teaching staff member who, in the course of their employment, has reason to believe a school staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal, or in the absence of the Principal, to the staff member responsible at the time of the alleged violation. Either the Principal or the staff member shall notify the Superintendent of Schools who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the staff member involved.

In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)3, the Superintendent or designee shall not disclose the identity of a teaching staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the teaching staff member is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by a teaching staff member in response to questioning initiated by the Principal or designee or following the discovery by the Principal or designee of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

42 CFR Part 2

N.J.A.C. 6A:16-6.3; 6A:32-6.3

Adopted: July 19, 2016

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3221/page 1 of 2

Evaluation of Teachers

Oct 13

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3221 EVALUATION OF TEACHERS

The Board of Education recognizes the importance of teacher effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3221 for the evaluation of teachers consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for teacher evaluations consistent with TEACHNJ and AchieveNJ.

For the purposes of Policy and Regulation 3221, “teacher” means a teaching staff member holding the position of teacher and holding a valid and effective standard, provisional, or emergency instructional certificate.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives. All information contained in written performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The Board shall annually adopt evaluation rubrics for teachers which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of teachers and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all teachers. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS
3221/page 2 of 2
Evaluation of Teachers

The minimum requirements for the evaluation procedures for teachers as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each teacher rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5. A School Improvement Panel shall be established in accordance with N.J.A.C. 6A:10-3.1 with the responsibilities outlined in N.J.A.C. 6A:10-3.2.

The components of the teacher evaluation rubrics as described in N.J.A.C. 6A:10-4.1 shall apply to teachers. Measures of student achievement, as outlined in N.J.A.C. 6A:10-4.2, shall be used to determine impact on student learning. Teacher observations shall be conducted in accordance with the provisions of N.J.A.C. 6A:10-4.4. Observers shall conduct the observations pursuant to N.J.S.A. 18A:6-123.b.(8) and N.J.A.C. 6A:10-2.5 and 3.2, and they shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).

The teacher practice instrument approved by the Department of Education shall meet the criteria as outlined in N.J.A.C. 6A:10-6.2.

The Superintendent shall annually notify all teachers of the adopted evaluation policies and procedures/regulations no later than October 1. If a teacher is hired after October 1, the Superintendent shall notify the teacher of the policies and procedures/regulations at the beginning of his or her employment. All teachers shall be notified of amendments to the policy and procedures/regulations within ten teacher working days of adoption.

N.J.S.A. 18A:6-117 et seq.

N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5

N.J.A.C. 6A:10-3.1 and 3.2; N.J.A.C. 6A:10-4.1 through 4.4

N.J.A.C. 6A:10-6.1 and 6.2

Adopted: July 19, 2016

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3222/page 1 of 2

Evaluation of Teaching Staff Members, Excluding
Teachers and Administrators

Oct 15

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3222 EVALUATION OF TEACHING STAFF MEMBERS, EXCLUDING TEACHERS AND ADMINISTRATORS

The Board of Education recognizes the importance of teaching staff member effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3222 for the evaluation of teaching staff members consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for teaching staff member evaluations consistent with TEACHNJ and AchieveNJ.

For the purposes of Policy and Regulation 3222, “teaching staff member” includes, but is not limited to, educational services staff members, guidance counselors, school nurses, library/media specialists, occupational therapists, and other teaching staff members working under an educational services certificate. For the purposes of Policy and Regulation 3222, “teaching staff member” does not include teachers, Principals, Vice Principals, Assistant Principals, and administrators, including, but not limited to, directors and/or supervisors.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives. All information contained in written performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The Board shall annually adopt evaluation rubrics for teaching staff members which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3222/page 2 of 2

Evaluation of Teaching Staff Members, Excluding Teachers and Administrators

meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of teaching staff members and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all teaching staff members. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

The minimum requirements for the evaluation procedures for teaching staff members as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each teaching staff member rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5.

Observations and evaluations for nontenured teaching staff members shall be in accordance with the provisions of N.J.S.A. 18A:27-3.1. Evaluations for nontenured teaching staff members shall **take place before April 30 each year** prior to the May 15 notice requirement date for continued employment. Evaluations for tenured teaching staff members shall be completed prior to June 30.

The Superintendent shall annually notify all teaching staff members of the adopted evaluation policies and procedures/regulations no later than October 1. If a teaching staff member is hired after October 1, the Superintendent shall notify the teaching staff member of the policies and procedures/regulations at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy and procedures/regulations within ten teaching staff member working days of adoption.

N.J.S.A. 18A:6-117 et seq.; N.J.S.A. 18A:27-3.1

N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5; **6A:10-6.2**

Adopted: March 2016

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3223/page 1 of 2

Evaluation of Administrators, Excluding Principals,
Vice Principals, and Assistant Principals

Oct 15

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3223 EVALUATION OF ADMINISTRATORS, EXCLUDING PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

The Board of Education recognizes the importance of administrator effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3223 for the evaluation of administrators consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for administrator evaluations consistent with TEACHNJ and AchieveNJ.

For the purposes of Policy and Regulation 3223, “administrator” means an appropriately certified staff member, as defined in N.J.S.A. 18A-1.1, employed in the school district in an administrative and/or supervisory role and capacity, and holding a valid and effective standard, provisional, or emergency administrative certificate. An “administrator” may be a director, supervisor, or any other administrative or supervisory position in the district. For the purposes of Policy and Regulation 3223 and N.J.A.C. 6A:10-1.1 et seq., “administrator” is not a Principal, Vice Principal, or Assistant Principal.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives. All information contained in written performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3223/page 2 of 2

Evaluation of Administrators, Excluding Principals, Vice Principals, and Assistant Principals

The Board shall annually adopt evaluation rubrics for administrators which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of administrators and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all administrators. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

The minimum requirements for the evaluation procedures for administrators as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each administrator rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5.

Observations and evaluations for nontenured administrators shall be in accordance with the provisions of N.J.S.A. 18A:27-3.1. Evaluations for nontenured administrators shall **take place before April 30 each year** prior to the May 15 notice requirement date for continued employment. Evaluations for tenured administrators shall be completed prior to June 30.

The Superintendent annually shall notify all administrators of the adopted evaluation policies and procedures/regulations no later than October 1. If an administrator is hired after October 1, the Superintendent shall notify the administrator of the policies and procedures/regulations at the beginning of his or her employment. All administrators shall be notified of amendments to the policy and procedures/regulations within ten administrator working days of adoption.

N.J.S.A. 18A:6-117 et seq.; N.J.S.A. 18A:27-3.1
N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5

Adopted: March 2016

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3224/page 1 of 2

Evaluation of Principals, Vice Principals,
and Assistant Principals

Oct 15

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3224 EVALUATION OF PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

The Board of Education recognizes the importance of Principal, Vice Principal, and Assistant Principal effectiveness to further the development of a professional corps of educators and to increase student achievement. The Board of Education adopts Policy and Regulation 3224 for the evaluation of Principals, Vice Principals, and Assistant Principals consistent with the Teacher Effectiveness and Accountability for the Children of New Jersey Act (TEACHNJ) and the AchieveNJ administrative codes. This Policy and Regulation provides the provisions and requirements for Principal, Vice Principal, and Assistant Principal evaluations consistent with TEACHNJ and AchieveNJ.

The rules in N.J.A.C. 6A:10 – Educator Effectiveness shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts in effect on July 1, 2013 and no collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives. All information contained in written performance reports and all information collected, compiled, and/or maintained by employees for the evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq. shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The Board shall annually adopt evaluation rubrics for Principals, Vice Principals, and Assistant Principals which shall be submitted to the Commissioner by June 1 for approval by August 1 of each year. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The Board shall meet the requirements as outlined in N.J.A.C. 6A:10-2.2(a) for the annual evaluation of Principals, Vice Principals, and Assistant Principals and shall ensure the training procedures as outlined in N.J.A.C. 6A:10-2.2(b) are followed when implementing the evaluation rubrics for all Principals, Vice Principals, or Assistant Principals. A District Evaluation Advisory Committee shall be established in accordance with the requirements of N.J.A.C. 6A:10-2.3.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3224/page 2 of 2

Evaluation of Principals, Vice Principals,
and Assistant Principals

The minimum requirements for the evaluation procedures for Principals, Vice Principals, and Assistant Principals as outlined in N.J.A.C. 6A:10-2.4 shall be followed. For each Principal, Vice Principal, or Assistant Principal rated ineffective or partially effective on the annual summative evaluation rating, as measured by the evaluation rubrics, a corrective action plan shall be developed in accordance with the provisions of N.J.A.C. 6A:10-2.5.

The components of the principal evaluation rubrics as described in N.J.A.C. 6A:10-5.1 shall apply to Principals, Vice Principals, and Assistant Principals. Measures of student achievement, as outlined in N.J.A.C. 6A:10-5.2, shall be used to determine impact on student learning. Principal, Vice Principal, and Assistant Principal observations shall be conducted in accordance with the provisions of N.J.A.C. 6A:10-5.4. The Superintendent or **designated supervisor** shall conduct observations for the evaluation of Principals pursuant to N.J.S.A. 18A:6-121 and he or she shall be trained pursuant to N.J.A.C. 6A:10-2.2(b). A Principal, or the Superintendent or **designated supervisor**, shall conduct observations for the evaluation of Vice Principals and Assistant Principals pursuant to N.J.S.A. 18A:6-121.

The principal practice instrument approved by the Department of Education shall meet the criteria as outlined in N.J.A.C. 6A:10-76.3.

The Superintendent annually shall notify all Principals, Vice Principals, or Assistant Principals of the adopted evaluation policies and procedures/regulations no later than October 1. If a Principal, Vice Principal, or Assistant Principal is hired after October 1, the Superintendent shall notify the Principal, Vice Principal, or Assistant Principal of the policies and procedures/regulations at the beginning of his or her employment. All Principals, Vice Principals, and Assistant Principals shall be notified of amendments to the policy and procedures/regulations within ten Principal, Vice Principal, or Assistant Principal working days of adoption.

N.J.S.A. 18A:6-117 et seq.

N.J.A.C. 6A:10-1.1 through 1.4; 6A:10-2.1 through 2.5

N.J.A.C. 6A:10-5.1 through 5.4

N.J.A.C. 6A:10-76.1 and 76.3

Adopted: March 2016

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3230/page 1 of 2
Outside Activities

3230 OUTSIDE ACTIVITIES

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

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

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

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3230/page 2 of 2
Outside Activities

5. Teaching staff members should not as a practice tutor pupils currently enrolled in their grade level privately for compensation;
6. Copyrights and patents to materials or equipment developed, written, prepared, processed, or tested by teaching staff members in the performance of their professional duties reside with and may be claimed by the Board.

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

Adopted: January 19, 2012

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3231/page 1 of 1
Outside Employment as Athletic Coach

3231 OUTSIDE EMPLOYMENT AS ATHLETIC COACH

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

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

N.J.A.C. 6A:9B-5.16

Adopted: January 11, 2017

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3233/page 1 of 2
Political Activities

3233 POLITICAL ACTIVITIES

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

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

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

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

A certificated staff member employed by this district who is a member of the Board of Chosen Freeholders of any county of New Jersey shall be entitled to time off from his/her duties, without pay, during the periods of his/her attendance at regular or special meetings of the Board and of any committee thereof and at

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3233/page 2 of 2
Political Activities

such other times as he/she shall be engaged in performing the necessary functions and duties of his/her office as a member of the Board.

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

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

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

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

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

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3240/page 1 of 2

Professional Development for Teachers
and School Leaders

Apr 14

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3240 PROFESSIONAL DEVELOPMENT FOR TEACHERS AND SCHOOL LEADERS

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

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

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

All active teachers, defined as staff whose positions require possession of the instructional or educational services certificates in accordance with N.J.A.C. 6A:9C-8 through 11 and 13 and all active school leaders serving on a permanent or interim basis whose positions require possession of the Chief School Administrator, Principal, or Supervisor endorsement in accordance with N.J.A.C. 6A:9B-12 shall comply with the professional development requirements as outlined in N.J.A.C. 6A:9C-4.1 et seq.

To meet the professional development requirement, each teacher shall be guided by an individual Professional Development Plan (PDP), which shall include at least twenty hours per year of qualifying activities as outlined in N.J.A.C. 6A:9C-4.4. The PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3. The PDP shall be effective for one year, updated annually, and shall include at least the minimum requirements outlined in N.J.A.C. 6A:9C-4.4(c).

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3240/page 1 of 2

Professional Development for Teachers
and School Leaders

Apr 14

M

District-level and school-level professional development planning and implementation shall be in accordance with the requirements of N.J.A.C. 6A:9C-4.2.

Implementation of the professional development requirement for school leaders shall be in accordance with N.J.A.C. 6A:9C-4.3.

The Board of Education shall comply with the monitoring and assistance requirements as outlined in N.J.A.C. 6A:9C-4.4.

The Board shall monitor and enforce the professional development requirements for teachers and school leaders set forth in N.J.A.C. 6A:9C-4.1 et seq. and shall actively assist and support the provision of opportunities and resources, and the efforts by teachers and school leaders to meet the professional development requirements.

N.J.S.A. 18A:31-2; 18A:6-111

N.J.A.C. 6A:9-3.3; 6A:13-2.1; 6A:9B-12; 6A:9C-3.3;
6A:9C-4.1 et seq.; 6A:9C-8 through 11 and 13

Adopted: January 2017

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3244/page 1 of 1
In-Service Training
M

3244 IN-SERVICE TRAINING

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

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

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3245/page 1 of 1
Research Projects By Staff Members

3245 RESEARCH PROJECTS BY STAFF MEMBERS

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

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

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3270/page 1 of 1
Professional Responsibilities

3270 PROFESSIONAL RESPONSIBILITIES

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

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

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

1. During the work day, teaching staff members may be assigned extra or alternative duties by the Building Principal in accordance with Board Policy No. 3134;
2. Teaching staff members are expected to attend every faculty meeting unless expressly excused by the Building Principal;
3. Teaching staff members may leave the school grounds during mealtime if they sign out in the main office.

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3280/page 1 of 2
Liability for Pupil Welfare

3280 LIABILITY FOR PUPIL WELFARE

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

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

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

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3280/page 2 of 2
Liability for Pupil Welfare

9. A teaching staff member must immediately report any instance of substance abuse, violence, vandalism, accidents, or suspected child abuse in accordance with Policy Nos. 8442, 8461, and 8462.

N.J.S.A. 9:6-8.8 et seq.

N.J.S.A. 18A:25-2

N.J.S.A. 59:1-1 et seq.

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3281/page 1 of 2
Inappropriate Staff Conduct

3281 INAPPROPRIATE STAFF CONDUCT

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

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

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

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

The Commissioner of Education has determined inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but are not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to pupils or for public display.

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3281 / Page 2 of 2

Inappropriate Staff Conduct

by the New Jersey State Board of Education, the New Jersey Commissioner of Education and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.

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

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

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

N.J.S.A. 18A:28-5 et seq.

N.J.A.C. 6A:16-10.1 et seq.

Adopted: February 16, 2010

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3310/page 1 of 1
Academic Freedom

3310 ACADEMIC FREEDOM

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

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3321/page 1 of 3

Acceptable Use of Computer Network(s)/Computers and
Resources by Teaching Staff Members

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

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

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

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

Standards for Use of Computer Network(s)

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3321/page 2 of 3

Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members

1. Using the computer network(s)/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities which violate federal, state, local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the network(s). Obscene activities shall be defined as a violation of generally accepted social standards for use of publicly owned and operated communication vehicles.
2. Using the computer network(s)/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.
3. Using the computer network(s) in a manner that:
 - a. Intentionally disrupts network traffic or crashes the network;
 - b. Degrades or disrupts equipment or system performance;
 - c. Uses the computing resources of the school district for commercial purposes, financial gain or fraud;
 - d. Steals data or other intellectual property;
 - e. Gains or seeks unauthorized access to the files of others or vandalizes the data of another user;
 - f. Gains or seeks unauthorized access to resources or entities;
 - g. Forges electronic mail messages or uses an account owned by others;
 - h. Invades privacy of others;
 - i. Posts anonymous messages;
 - j. Possesses any data which is a violation of this policy; and/or

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS**

3321/page 3 of 3

Acceptable Use of Computer Network(s)/Computers and
Resources by Teaching Staff Members

- k. Engages in other activities that do not advance the educational purposes for which computer network(s)/computers are provided.

Violations

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

1. Use of the network(s)/computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension;
7. Dismissal;
8. Legal action and prosecution by the authorities; and/or
9. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3322/page 1 of 1
Staff Member's Use of Cellular Telephones

3322 STAFF MEMBER'S USE OF CELLULAR TELEPHONES

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

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

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3362/page 1 of 1
Sexual Harassment
M

3362 SEXUAL HARASSMENT

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

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

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

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

29 C.F.R. 1604.11

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3370/page 1 of 1
Teaching Staff Member Tenure

3370 TEACHING STAFF MEMBER TENURE

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

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

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

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

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3381/page 1 of 1
Protection Against Retaliation

3381 PROTECTION AGAINST RETALIATION

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

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

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

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

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3420/page 1 of 1
Benefits

3420 BENEFITS

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3425/page 1 of 1
Work Related Disability Pay

3425 WORK RELATED DISABILITY PAY

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

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

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

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3425.1/page 1 of 2
Modified Duty Early Return to Work
Program – Teaching Staff Members

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

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

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

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

1. The workers' compensation physician's examination and evaluation report;
2. The injured staff member's capabilities to assume modified duties or responsibilities;

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3425.1/page 2 of 2
Modified Duty Early Return to Work
Program – Teaching Staff Members

3. The availability of modified duties and responsibilities within the district at the time; and/or
4. Other issues that may impact the district's ability to assign modified duties and responsibilities.

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3431/page 1 of 2
Uncompensated Leave

3431 UNCOMPENSATED LEAVE

The Board of Education recognizes, under certain circumstances, that the interests of the school district and of an individual employee may be served by the employee's extended absence from the school district for a purpose other than disability.

Except as may be otherwise provided by negotiated agreement, the Board reserves the right to establish the conditions under which uncompensated leaves of absence may be taken. An extended leave of absence may be granted for the purpose of study, childcare, recuperation, a special work assignment, or such other purpose as will tend to serve the best interests of the school district. No leave will be granted for a period of time longer than one school year, but may be extended following annual consideration by the Board.

The Board reserves the right to require that the commencement and termination of an extended leave be such as to cause the least interruption to the instructional program of the schools. Wherever possible, partial year leaves of absence will begin and end at a division in the academic calendar and will cause not more than one interruption in teaching continuity during the school year in which the leave is taken.

A person absent from district service on an extended leave of absence does not enjoy a direct employment relationship with the Board, and the period of the leave will not accrue toward tenure and seniority, except as expressly permitted by law. No such person will receive compensation or benefits during the period of the leave.

Nontenured teaching staff member granted an uncompensated leave of absence of one year's duration or more shall be informed that such leave will invalidate prior service for the purpose of the accrual of tenure.

Whenever possible, an uncompensated leave of absence will be granted for a time certain. When an employee cannot foretell the date on which the leave will terminate, the employee shall inform the Board not less than eight weeks in advance of the anticipated date of return to district employment.

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3431/page 2 of 2
Uncompensated Leave

A change in the purpose of a leave which has been granted must be reported to the Superintendent. The Board reserves the right to terminate any uncompensated leave of absence for which the purpose has been altered by the employee without permission.

At the expiration of the uncompensated leave of absence, the employee may return to district employment in a position for which he/she is appropriately certified.

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 1 of 33

Family Leave

Oct 15

M

3431.1 FAMILY LEAVE

Table of Contents

- A. Introduction
- B. Applicability
- C. Definitions
 - 1. Federal Family and Medical Leave Act
 - 2. New Jersey Family Leave Act
- D. Eligibility
 - 1. Federal Family and Medical Leave Act
 - 2. New Jersey Family Leave Act
- E. Types of Leave
 - 1. Federal Family and Medical Leave Act
 - a. Intermittent and/or Reduced Leave for **B**irth or **P**lacement of **S**on/**D**aughter
 - b. Intermittent and/or Reduced Leave for **M**edical **T**reatment of a **R**elated **S**erious **H**health **C**ondition
 - c. Intermittent Leave for **S**erious **H**health **C**ondition
 - d. Reduced Leave
 - e. Holidays
 - f. “Instructional Employee” **L**imitations
 - g. **S**ervicemember **Q**ualifying **E**xigency Leave
 - h. **M**ilitary **C**aregiver Leave
 - 2. New Jersey Family Leave Act
 - a. Intermittent Leave
 - b. Reduced Leave
 - c. Holidays

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 2 of 33

Family Leave

- F. Notice
 - 1. Federal Family and Medical Leave Act
 - a. Foreseeable Leave
 - b. Unforeseeable Leave
 - 2. New Jersey Family Leave Act
 - a. Foreseeable Leave
 - b. Unforeseeable Leave
- G. Leave Designation
- H. Benefits
- I. Returning from Leave
- J. Ineligible Staff Members
 - 1. Federal Family and Medical Leave Act
 - 2. New Jersey Family Leave Act
- K. Verification of Leave
 - 1. Federal Family and Medical Leave Act
 - 2. New Jersey Family Leave Act
- L. Interference with Family Leave Rights
- M. Non-Tenured Teaching Staff
- N. Record Keeping
- O. Processing of Complaints**

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 3 of 33

Family Leave

A. Introduction

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

FMLA leave for eligible staff members shall be up to twelve weeks leave of absence in ~~a any~~ twelve month period upon advance notice to the district for the birth of a son or daughter of the staff member and in order to care for such son or daughter; for the placement of a son or daughter with the staff member for adoption or foster care; in order to care for the spouse, son, daughter, or parent of the staff member if such spouse, son, daughter, or parent has a serious health condition; or for a serious health condition that makes the staff member unable to perform the functions of the position of such staff member, **or because of any qualifying exigency arising out of the fact that the staff member's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty).** In addition, eligible staff members may take up to a combined total of twenty-six workweeks in a single twelve month period to care for a covered servicemember with a serious injury or illness.

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

B. Applicability

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 4 of 33

Family Leave

1. If the staff member is eligible for leave for reasons provided under the FMLA and NJFLA, then the time taken shall be concurrent and be applied to both laws.
2. The NJFLA provides twelve weeks leave in a twenty-four month period while the FMLA provides twelve weeks leave in a twelve-month period. A staff member is eligible for up to twelve weeks leave in the first twelve months of the twenty-four month period under the NJFLA. A staff member is eligible for up to twelve weeks leave in the second twelve-month period under the FMLA.
3. In the event the reason for the family leave is recognized under one law and not the other law, the staff member is eligible for each law's leave entitlements within one twelve-month period. (Example: A staff member may use their FMLA leave for a twelve week family leave for their own pregnancy, which is considered a "serious health condition" under FMLA, and upon conclusion of the twelve week FMLA leave, the staff member would be eligible for a twelve week NJFLA leave to care for their newborn or any other reasons pursuant to the NJFLA.)

C. Definitions

1. Federal Family and Medical Leave Act (FMLA)

"Contingency operation" means a military operation that results in the call or order to, or retention on, active duty of members of the uniformed services during a war or during a national emergency declared by the President or Congress.

"Covered active duty" or "call to covered active duty" means duty during deployment of a member with the Armed Forces to a foreign country and, in the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 5 of 33

Family Leave

“Covered servicemember” means a current member of the Armed Forces (including National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

“Covered veteran” means an individual who was a member of the Armed Forces (including National Guard or Reserves), discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible staff member takes FMLA leave to care for the covered veteran. For a veteran discharged prior to March 8, 2013, the effective date of the FMLA Final Rule, the period between October 28, 2009 and March 8, 2013 will not count towards the determination of the five-year period. 29 CFR §825.127(b)(2)

“Military caregiver leave” means leave taken to care for a covered servicemember with a serious injury or illness under FMLA. 29 CFR §825.127

“Next of kin of a covered servicemember” means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 6 of 33

Family Leave

designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 29 CFR §825.122(k). 29 CFR §825.127(d)(3)

“Outpatient status” means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. 29 CFR §825.127(b)(1)

“Parent” means a the biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents “in law.”

“Parent of a covered servicemember” means a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 7 of 33

Family Leave

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider. **“Serious health condition” may include treatment of substance abuse pursuant to 29 CFR §825.119.**

“Serious injury or illness,” only in the case of a veteran or current member of the Armed Forces, means:

- a. **In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; and**
- b. **In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:**
 - (1) **A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or**

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 8 of 33

Family Leave

- (2) **A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of fifty percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or**
- (3) **A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or**
- (4) **An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. 29 CFR §825.127(c)**

“Single twelve-month period” means that a military caregiver’s leave begins on the first day the staff member takes FMLA leave and ends twelve months after that date, regardless of the twelve-month period established by the district for other FMLA leave reasons. 29 CFR §825.127(e)(1)

“Son” or “daughter” means a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen or age eighteen or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

“Son or daughter of the covered servicemember” means a covered servicemember's biological, adopted or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. 29 CFR §825.127(d)(1)

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 9 of 33

Family Leave

“Son or daughter on covered active duty or call to covered active duty status” means the staff member's biological, adopted or foster child, stepchild, legal ward, or a child for whom the staff member stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. 29 CFR §825.126(a)(5)

“Spouse” means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex marriage or common law marriage. 29 CFR §825.122

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

“Week” or “Workweek” means the number of days a staff member normally works each calendar week.

2. New Jersey Family Leave Act (NJFLA)

“Child” means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but incapable of self-care because of a mental or physical impairment.

“Continuing medical treatment” or “continuing supervision by a health care provider” means a period of incapacity or a period of absence in accordance with N.J.A.C. 13:14.

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 10 of 33

Family Leave

“Serious health condition” **means** 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.

“Spouse” **means a person to whom a staff member is lawfully married as defined by New Jersey law.**

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

“Week” or “Workweek” **means the number of days a staff member normally works each calendar week.**

D. Eligibility

1. Federal Family and Medical Leave Act (FMLA)

A staff member shall become eligible for FMLA leave after he/she has been employed at least twelve months in this district and employed for at least 1250 hours of service during the twelve-month period immediately preceding the commencement of the leave. The twelve months the staff member must have been employed need not be consecutive months pursuant to 29 CFR §825.110(b). The minimum 1250 hours of service shall be determined according to the principles established under the Fair Labor Standards Act (FSLA) for determining compensable hours of work pursuant to 29 CFR ~~Part~~ §785. Entitlement to FMLA leave taken for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care shall expire at the end of the twelve-month period beginning on the date of such birth or placement.

Pursuant to 29 CFR §.201, a husband and wife both employed by the district are limited to a combined total of twelve weeks of leave during the twelve-month period if the leave is taken for the birth of a son or daughter of the staff member or to care for such son or daughter after birth; for placement of a son or daughter with the staff member for adoption or foster care or in order to care for the, son, **or daughter after placement;** or **to care for the staff member’s parent** with a serious health condition.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 11 of 33

Family Leave

The method to determine the twelve-month period in which the twelve weeks of FMLA leave entitlement occurs will be

[Select one option

___ - the calendar year.

___ - a school year.

___ - the staff member's employment anniversary date.

___ - the twelve month period measured forward from when the staff member's first leave begins.

___ - a "rolling" twelve month period measured backward from the date a staff member uses any family leave.]

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

2. New Jersey Family Leave Act (NJFLA)

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

TEACHING STAFF MEMBERS

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

3431.1/page 12 of 33
Family Leave

The district shall grant a family leave under NJFLA to more than one staff member from the same family (for example, a husband and a wife, or a brother and a sister) at the same time, provided such staff members are otherwise eligible for the leave. N.J.A.C. 13:14-1.12

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

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

[Select one option

___ - the calendar year.

___ - a school year.

___ - the staff member's employment anniversary date.

___ - the twenty-four month period measured forward from when the staff member's first leave begins.

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

E. Types of Leave

1. Federal Family and Medical Leave Act (FMLA)

A staff member may take FMLA leave **to include servicemember qualifying exigency leave or military caregiver 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.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 13 of 33

Family Leave

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 14 of 33

Family Leave

provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

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

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

- f. "Instructional employees" as defined in 29 CFR §825.600(c) are those staff members whose principal function is to teach and instruct students in class, a small group, or in an individual setting. This term includes teachers, athletic coaches, driving instructors, and special education assistants, such as signers for the hearing impaired. Teacher assistants or aides who do not have as their principal job actual teaching or instructing, guidance counselors, child study team members, curriculum specialists, cafeteria workers, maintenance workers and/or bus drivers are not considered instructional employees for the purposes of this policy. Semester as defined in 29 CFR §825.602(a)(3)(b) means the school semester that typically ends near the end of the calendar year and the end of the spring each school year. A school district can have no more than two semesters in a school year.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 15 of 33

Family Leave

- (1) Leave taken at the end of the school year and continues into the beginning of the next school year is considered consecutive leave.
- (2) In accordance with 29 CFR §825.601(a)(1), eligible instructional staff members that need intermittent or reduced leave to care for a family member, or for the staff member's own serious health condition which is foreseeable based on planned medical treatment and the staff member would be on leave more than twenty percent of the total number of working days over the period the leave would extend, the district:
 - (a) May require the staff member to take the leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
 - (b) Transfer the staff member temporarily to an available alternative position for which the staff member is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the staff member's regular position.
- (3) **In accordance with 29 CFR §825.601, if** the instructional staff member does not give the required notice for leave that is foreseeable and desires the leave to be taken intermittently or on a reduced leave schedule, the district may require the staff member to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the district may require the staff member to delay taking the leave until the notice provision is met.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 16 of 33

Family Leave

- (4) In accordance with 29 CFR §825.602, if an instructional staff member begins leave more than five weeks before the end of the school year, the district may require the staff member to continue taking leave until the end of the semester if:
 - (a) The leave will last three weeks; and
 - (b) The staff member would return to work during the three-week period before the end of the semester.
- (5) In accordance with 29 CFR §825602, if an instructional staff member begins leave for a purpose other than the staff member's own serious health condition during the five-week period before the end of the semester, the district may require the staff member to continue taking leave until the end of the semester if:
 - (a) The leave will last more than two weeks; and
 - (b) The **staff member** would return to work during the two-week period before the end of the semester.

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

- (6) In accordance with 29 CFR §825.602, if an instructional staff member begins leave for a purpose other than the staff member's own serious health condition during the three week period before the end of a semester, the district may require the staff member to continue taking leave until the end of the semester if the leave will last more than five working days.

TEACHING STAFF MEMBERS

3431.1/page 17 of 33

Family Leave

- (7) In the event the district requires the instructional staff member to take additional leave to the end of the semester in

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

accordance with (4), (5), or (6) above, the additional leave days shall not be counted as FMLA leave.

- g. Servicemember qualifying exigency leave may arise out of the foreign deployment of the staff member's spouse, child, or parent 29 CFR §§825.122 and 126:**
 - (1) The district must grant an eligible staff member up to twelve work weeks of unpaid, job-protected leave during any twelve-month period for qualifying exigencies that arise when the staff member's spouse, child, or parent is on covered active duty, or has been notified of an impending call or order to covered active duty.**
 - (2) The military member must be the spouse, son, daughter, or parent of the staff member taking FMLA exigency leave.**
 - (3) FMLA leave can be granted for one or more of the following exigencies:**
 - (a) Short-notice deployment:**
 - i. Notification of duty seven or less calendar days prior to date of deployment;**
 - ii. Leave can be used for a period of seven calendar days beginning on the date the military member is notified.**

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 18 of 33

Family Leave

- (b) **Military events and related activities, including official ceremonies, programs, or events sponsored by the military and related to the covered active duty or call to covered active duty status of the military member; and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross.**
- (c) **Childcare and school activities including arranging for alternative childcare; providing childcare on an urgent, immediate need basis (not routine, regular, or everyday basis); to enroll in or transfer to a new school or day care facility; or to attend meetings with staff at a school or day care facility:**

 - i. **The son or daughter must be the son or daughter of the covered servicemember.**
- (d) **Financial and legal arrangements made to address the military member's absence while on covered active duty or call to covered active duty status.**
- (e) **Counseling, provided by someone other than a health care provider for oneself, for the military member, or qualified child, if the need arises from the covered active duty or call to covered active duty status of the military member.**

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 19 of 33

Family Leave

- (f) **Rest and Recuperation (R&R) to spend time with the military member on short-term, temporary R&R leave during a term of deployment:**
 - i. **Can be used for a period of fifteen calendar days beginning on the date the military member commences each instance of R&R leave.**
- (g) **Post-deployment activities such as ceremonies or briefings including any that arise from the death of the military member while on covered active duty.**
- (h) **Parental care for one meeting the definition of a “parent” and incapable of self care including: arranging alternative care; providing care on an immediate need basis; and to attend meetings or arrange services at a care facility.**
- (i) **Additional activities in accordance with 29 CFR §825.126(b)(9).**
- h. **Military caregiver leave provides care for a covered servicemember with a serious injury or illness 29 CFR §§825.122 and 127:**
 - (1) **The district must grant up to a total of twenty-six workweeks of unpaid, job-protected leave during a “single twelve-month period” to care for a covered servicemember with a serious injury or illness.**
 - (a) **The eligible staff member must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.**

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 20 of 33

Family Leave

- (b) **The staff member is limited to a combined total of twenty-six workweeks for any FMLA-qualifying reasons during the single twelve-month period. Up to twelve of the twenty-six weeks may be for an FMLA-qualifying reason other than military caregiver leave.**
 - (c) **Spouses who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of twenty-six workweeks of leave during a single twelve-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full twenty-six workweeks of FMLA leave.**
- (2) **Leave entitlement is applied on a per-covered-servicemember, per-injury basis.**
- (a) **The staff member may take an additional twenty-six weeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than twenty-six weeks of leave may be taken within any single twelve-month period.**

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 21 of 33

Family Leave

- (b) **An eligible staff member may take military caregiver leave to care for more than one current service member or covered veteran at the same time or for the same family member with the same serious injury or illness both when the family member is a current servicemember and when the family member is a veteran.**
- (c) **Military caregiver leave may be taken by eligible staff members whose family members are recent veterans with serious injuries or illnesses incurred or aggravated in the line of duty on active duty, and that manifested before or after the veteran left active duty.**

2. New Jersey Family Leave Act (NJFLA)

A staff member may take NJFLA leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program. **The district shall not require a staff member to take a leave of absence beyond the period of time the staff member requests family leave. N.J.A.C. 13:14-1.5(f)**

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 22 of 33

Family Leave

- b. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule for a period not exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave on a reduced leave schedule without an agreement between the staff member and the district if the leave is taken for the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.

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

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 23 of 33

Family Leave

F. Notice

1. Federal Family and Medical Leave Act (FMLA)

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

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

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 24 of 33

Family Leave

- b. Unforeseeable Leave - When the approximate timing of the need for leave is not foreseeable, a staff member should give notice to the _____ for leave as soon as practicable under the facts and circumstances of the particular case. It is expected the staff member will give notice to the _____ within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not foreseeable. The staff member should provide notice to the employer either in person or by telephone, telegraph, facsimile machine or other electronic means.
2. New Jersey Family Leave Act (NJFLA)
- a. Foreseeable Leave - A staff member eligible for NJFLA leave must give at least a thirty day advance written notice to the _____ of the need to take family leave except where the need to take family leave is not foreseeable.
 - i.(1) Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave, except that if the date of the birth or adoption requires leave to begin in less than thirty days, the ~~employee~~ **staff member** shall provide such notice that is reasonable and practicable.
 - ii.(2) Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of leave, except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 25 of 33

Family Leave

~~iii.~~(3) When the _____ is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide timely notice within two business days of returning to work to have the time considered for family leave in accordance with the Family Leave Act.

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

G. Leave Designation

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

H. Benefits

Whether a staff member is required to use sick time or any other accrued leave time concurrent with FMLA or NJFLA leave time will depend upon either the district’s practice or a provision in the district’s collective bargaining agreement, if applicable. 29 CFR §825.100

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3431.1/page 26 of 33
Family Leave

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

I. Returning from Leave

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

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

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 27 of 33

Family Leave

The Board may, in accordance with the provisions of 29 CFR §825.312 delay restoration of employment of a staff member using FMLA leave for the staff member's serious health condition until the staff member submits a fitness-for-duty examination from his/her health care provider indicating that the staff member is able to resume work. In the event the Board requires such a fitness-for-duty examination before restoration of the staff member after leave, the Board will provide the staff member specific notice either at the time the staff member gives notice of the need for leave or immediately after the leave commences and the staff member advises the Board of the medical circumstances for the leave.

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

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

J. Ineligible Staff Members

1. Federal Family and Medical Leave Act (FMLA)

The district may deny job restoration after FMLA leave if the staff member is a "key employee" as defined in 29 CFR §825.217 if such denial is necessary to prevent substantial and grievous economic injury to the district or the district may delay restoration to a staff member who fails to provide a fitness for duty certificate to return to work for leave that was the staff member's own serious health condition. A "key employee" is a salaried, staff member who is among the highest paid ten percent of the school district staff employed by the district within 75 miles of the worksite. No more than ten percent of the school district staff within 75 miles of the worksite may be "key employees."

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 28 of 33

Family Leave

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

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

2. New Jersey Family Leave Act

The district may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school district staff or one of the seven highest paid employees of the district, whichever is greater, if the denial is necessary to prevent substantial and grievous economic injury to the school district's operations. The _____ shall

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 29 of 33

Family Leave

notify the staff member of the intent to deny the leave at the time the _____ determines the denial is necessary. If the leave has already commenced at the time of the district's notification of denial, the staff member shall be permitted to return to work within ten working days of the date of notification.

K. Verification of Leave

1. Federal Family and Medical Leave Act (FMLA)

The Board requires a staff member's FMLA leave to care for the staff member's seriously ill spouse, son, daughter, or parent; **or for a servicemember's qualifying exigency or serious injury; or for illness** due to the staff member's own serious health condition, that makes the staff member unable to perform one or more of the essential functions of the staff member's position, be supported by a certification issued by the health care provider of the staff member or the staff member's ill family member. **The medical certification required encompasses both physical and psychological care and includes situations where a family member is unable to care for his/her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself/herself to the doctor. It can also include providing psychological comfort and reassurance beneficial to a child, spouse, or parent with a serious health condition who is receiving inpatient or home care and can include situations where the staff member may be needed to substitute for others who normally care for the family member or covered servicemember or to make arrangements for changes in care. The staff member need not be the only individual or family member available to care for the family member or covered servicemember. 29 CFR §825.124**

The certification must meet the requirements of 29 CFR §§825.306, **309, and 310** to include: which part of the definition of "serious health condition" applies; the approximate date the serious health condition commenced and its probable duration; whether it will be necessary for the staff member to take intermittent and/or reduced leave; whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity; if

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 30 of 33

Family Leave

additional treatments will be required for the condition; and/or if the patient's incapacity will be intermittent or will require reduced leave. The certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement.

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

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 31 of 33

Family Leave

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

2. New Jersey Family Leave Act

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

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

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.1/page 32 of 33

Family Leave

L. Interference with Family Leave Rights

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

M. Non-Tenured Teaching Staff

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

N. Record Keeping

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

O. Processing of Complaints

1. Federal Family and Medical Leave Act (FMLA) 29 CFR §§825.400-401

- a. **If there is a dispute between the district and a staff member as to whether leave qualifies as FMLA leave, it should be resolved through discussion between the staff member and the district. Such discussions and the decision shall be documented by the school district.**

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION TEACHING STAFF MEMBERS

3431.3/page 1 of 2
New Jersey's Family Leave Insurance Program

3431.3 NEW JERSEY'S FAMILY LEAVE INSURANCE PROGRAM

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

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

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

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

An employee will be required to use up to ten workdays of earned vacation, personal, or other earned leave in connection with a period of paid leave from the NJFLI. In accordance with N.J.S.A. 18A:30-1, sick leave is only to be used for personal disability due to illness or injury and therefore may not be used for NJFLI purposes.

POLICY

ROCKAWAY BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3431.3/page 1 of 2

New Jersey's Family Leave Insurance Program

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

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

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

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

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

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

Adopted: February 16, 2010

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3432/page 1 of 1
Sick Leave

3432 SICK LEAVE

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3433/page 1 of 1
Vacations

3433 VACATIONS

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

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3435/page 1 of 1
Anticipated Disability

3435 ANTICIPATED DISABILITY

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

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

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

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

42 U.S.C. 2000e-2

29 C.F.R. 1604-1 et seq.

N.J.S.A. 10:5-12

N.J.S.A. 18A:6-6; 18A:16-2; 18A:30-1 et seq.

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3436/page 1 of 1
Personal Leave

3436 PERSONAL LEAVE

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

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

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

Adopted: 15 January 2008

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3437/page 1 of 2
Military Leave

3437 MILITARY LEAVE

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

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

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

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3437/page 2 of 2
Military Leave

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

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

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3439/page 1 of 1
Jury Duty

3439 JURY DUTY

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

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

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

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

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

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

Adopted: 15 January 2008

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3440/page 1 of 5
Travel Expenses
M

3440 TRAVEL EXPENSES

The Board of Education will reimburse teaching staff members for travel expenses in accordance with applicable New Jersey Statutes.

For the purpose of this Policy:

1. Travel Expenditures - means those costs paid by the school district using local, State, or Federal funds, whether paid directly by the school district or by employee reimbursement, for travel by school district employees and/or Board of Education members to training and seminars, conventions and conferences, regular school district business, and retreats.
2. Training and Seminars - means all regularly scheduled, formal residential or non-residential training functions conducted at a hotel, motel, convention center, residential facility, or any educational institution or facility.
3. Conventions and Conferences - means general programs, sponsored by professional associations on a regular basis, which address subjects of particular interest to a school district or are convened to conduct association business. The primary purpose of employee attendance at conferences and conventions is the development of new skills and knowledge or the reinforcement of those skills and knowledge in a particular field related to school district operations. These are distinct from formal staff training and seminars although some training may take place at such events.
4. Regular School District Business - means all regular official business travel, including attendance at meetings, conferences, and any other gatherings which are not covered by the definitions for training and seminars and convention and conferences above.
5. Retreats - means meetings with school district employees and Board members held away from the normal work environment at which organizational goals and objectives are discussed. If available, school district facilities shall be utilized for this type of event.

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3440/page 2 of 5
Travel Expenses

School district travel expenditures include, but are not limited to, all costs for transportation, meals, lodging, and registration or conference fees to and from the travel event. School district travel expenditures include costs for all required training and all travel authorized in existing school district employee contracts and school Board policies. This includes, but is not limited to, required professional development and other staff training, required training for new school Board members, and attendance at specific conferences authorized in existing employee contracts.

The school district shall not bear costs for car rentals, limousine services, and/or chauffeuring costs to or during the event, as well as costs for employee attendance for coordinating other attendees' accommodations at the travel event.

All travel by district teaching staff members shall be educationally necessary and fiscally prudent and all travel expenditures shall be directly related to and within the scope of the teaching staff member's current responsibilities and the school district's professional development plan. All travel expenditures must be for travel that is critical to the instructional needs of the school district or furthers the efficient operation of the school district and is in compliance with State travel payment guidelines as established by the Department of the Treasury and with guidelines established by the Federal Office of Management and Budget; except that those guidelines that conflict with the provisions of Title 18A of the New Jersey Statutes shall not be applicable, including, but not limited to, the authority to issue travel charge cards.

A teaching staff member shall submit to Direct Supervisor within 4 calendar days of incurring the travel expense(s) a brief report that includes the primary purpose for the travel and the key issues that were addressed at the event and their relevance to improving instruction or the operation of the school district.

The detailed documentation that demonstrates compliance with the school Board's travel policy including travel approvals, reports, and receipts for all school district funded expenditures, as appropriate, shall be maintained in the Business office.

Travel for teaching staff members may occur only upon prior written approval of the Superintendent of Schools and prior approval by a majority of the full voting membership of the Board.

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3440/page 3 of 5
Travel Expenses**

For regular school district business travel only, the Board authorizes an annual maximum amount per employee for regular business travel in the amount of \$1200.00 for which Board approval is not required.

The Board may approve, at any time prior to the event, travel for multiple months as long as the Board approval, detailed in Board Meeting minutes, itemizes the approval by event, total cost, and number of employees and/or school Board members attending the event. General or blanket pre-approval for travel is not authorized. Approval shall be itemized by event, event total cost, and number of employees and school Board members attending the event.

Travel payments will be paid only upon compliance with P.L. 2007, c. 53 and this Policy's provisions and approval requirements.

The Board will not ratify or approve payments or reimbursements for travel after completion of the travel event. An employee or organization shall not receive an amount for travel and/or travel-related expenses in advance of the travel pursuant to N.J.S.A. 18A:19-1 et seq.

A Board member shall recuse himself/herself from voting on travel if the Board member, a member of his immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial involvement that may reasonably be expected to impair his/her objectivity or independence of judgment. A Board member shall not act in his/her official capacity in any matter in which he/she or a member of his/her immediate family has a personal involvement that is or creates some benefit to the school official or member of his/her immediate family; or undertake any employment or service, whether compensated or not, which may reasonably be expected to prejudice his/her independence of judgment in the execution of his/her official duties.

POLICY

**ROCKAWAY BOROUGH
BOARD OF EDUCATION**
TEACHING STAFF MEMBERS
3440/page 4 of 5
Travel Expenses

One-day trips that do not involve overnight lodging are not eligible for a subsistence payment or reimbursement except in limited circumstances authorized in the Department of the Treasury guidelines. Overnight travel is eligible for a subsistence payment or reimbursement as authorized in Department of the Treasury guidelines, except as otherwise superseded by the following provisions:

1. Per diem payment or reimbursement for lodging and meals will be actual reasonable costs, not to exceed the Federal per diem rates as established in the Federal register for the current year;
2. Lodging expenses may exceed the Federal per diem rates if the hotel is the site of the convention, conference, seminar, or meeting and the going rate of the hotel is in excess of the Federal per diem rate. If the hotel at the site of the convention, conference, seminar, or meeting is no longer available, lodging may be paid for similar accommodations at a rate not to exceed the hotel rate for the event;
3. Receipts are required for hotel expenses;
4. In any case in which the total per diem reimbursement is greater than the Federal per diem rate, except as stated in 2. above, the costs will be considered to be excessive and shall not be paid by school district funds;
5. The school district shall patronize hotels and motels that offer special rates to government employees unless alternative lodging offers greater cost benefits; and
6. Payment or reimbursement is approved for the full cost of an official convention meal that the employee or school Board member attends, when the meal is scheduled as an integral part of the convention or conference proceedings. If a meal is included in the registration fee, the allowance for the meal is not eligible for reimbursement.

POLICY

ROCKAWAY BOROUGH
BOARD OF EDUCATION
TEACHING STAFF MEMBERS
3440/page 5 of 5
Travel Expenses

Annually in the pre-budget year, the Board shall establish by Board resolution, a maximum travel expenditure amount for the budget year, which the school district shall not exceed in that budget year. The Board resolution shall also include the maximum amount established for the pre-budget year and the amount spent to date. The maximum school district travel expenditure amount shall include all travel in accordance with P.L. 2007 c. 53 supported by local and State funds.

The school district shall maintain separate accounting for school district travel expenditures as necessary to ensure compliance with the school district's maximum travel expenditure amount. This may include, but need not be limited to, a separate or offline accounting of such expenditures or expanding the school district's accounting system. The tracking system shall be sufficient to demonstrate compliance with the Board's policy and P.L. 2007 c. 53, and shall provide auditable information.

Any Board of Education that violates its established maximum travel expenditure as set forth in P.L. 2007 c. 53, or that otherwise is not in compliance with the travel limitations set forth in P.L. 2007 c. 53 may be subject to sanctions by the Commissioner as authorized pursuant to N.J.S.A. 18A:4-23 and N.J.S.A. 18A:4-24, including reduction of State aid in an amount equal to any excess expenditure.

A person who approves any travel in violation of the P.L. 2007 c. 53 or this Policy shall be required to reimburse the school district in an amount equal to three times the cost associated with attending the event. An employee or Board member who travels in violation of the Board's policy or P.L. 2007 c. 53 shall be required to reimburse the school district in an amount equal to three times the cost associated with attending the event.

P.L. 2007 c. 53

Adopted: 15 January 2008