

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
TEACHING STAFF MEMBERS  
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Induction Program For Provisional Teachers

## R 3126 INDUCTION PROGRAM FOR PROVISIONAL TEACHERS

The Board of Education is authorized to employ a holder of a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) after its mentoring plan has been approved pursuant to N.J.A.C. 6A:9-8.4.

### A. Definitions

1. “Certificate of Eligibility or CE” means a credential with lifetime validity issued to persons who have completed degree, academic study, and applicable test requirements for certification. The CE permits the applicant to seek and accept employment in positions requiring certification.
2. “Certificate of Eligibility with Advanced Standing or (CEAS) means a credential with a lifetime validity issued to persons who have completed degree, academic study, applicable test requirements, and traditional professional preparation programs for certification. The CEAS permits the applicant to seek and accept employment in positions requiring certification.
3. “Mentor teacher” means a New Jersey certified experienced teacher who is assigned to provide support and guidance to a novice teacher.
4. “Novice teacher” means any full-time or part-time teacher who has not completed one year of full-time teaching under a valid State teaching certificate.
5. “Professional Development Committee” means the local district committee established by the Board of Education pursuant to N.J.A.C. 6A:9-15.3(d) to plan and implement local district professional development programs.
6. “Professional Standards for Teachers” means the knowledge, skills, and dispositions that all new teachers must acquire and describes what all teachers should know and be able to do.

### B. State-Approved District Training Program

1. The State-approved district training program shall provide essential knowledge and skills through the following training:

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- a. On-going mentoring of the provisional teacher shall take place over a period of thirty weeks or proportionally longer if the provisional teacher holds a part-time teaching position in accordance with the district's mentor plan pursuant to N.J.A.C. 6A:9-8.4 and in accordance with the Professional Standards for Teachers.
- b. The Building Principal or an appropriately certified school administrative designee shall observe and formally evaluate the provisional teacher in accordance with N.J.A.C. 6A:9-8.6 and 8.7.
- c. Except for d. and e. below, a minimum of two hundred hours of formal instruction in professional education aligned with the Professional Standards for Teachers shall be completed by the provisional teacher concurrently with the requirements of a. and b. above. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9-8.1(c).
- d. For provisional teachers who are holders of a career and technical education CE, a minimum of two hundred hours of formal instruction in a State-approved career and technical education professional education program that is aligned with the Professional Standards for Teachers and that includes the essential knowledge and skills regarding the delivery of career and technical education programs shall be completed concurrently with the requirements of a. and b. above. This requirement shall not apply to provisional teachers who hold a CEAS pursuant to N.J.A.C. 6A:9-8.1(b). The effective date of this requirement shall be February 1, 2010.
- e. For provisional teachers who are holders of an elementary school (Kindergarten through grade five) endorsement, a minimum of two hundred ninety hours of formal instruction over no more than two years in a State-approved program of formal instruction that is aligned with the Professional Standards for Teachers shall be completed. This instruction must include in the first calendar year of a teacher's employment a minimum of forty-five hours of study in the teaching of language arts/literacy at the Kindergarten through grade five level and a minimum of forty-five hours of study in teaching mathematics at the Kindergarten through grade five level. The effective date of this requirement shall be October 31, 2009. Provisional teachers holding an elementary school (Kindergarten to grade five) certificate of eligibility may be exempted

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from completing forty-five hours of study in the teaching of language arts/literacy at the Kindergarten through grade five level as well as from completing forty-five hours of study in the teaching of language arts/literacy at the Kindergarten through grade five level if:

- (1) For each area of study, they have completed forty-five hours of study in that area within the three years prior to receiving their certificate of eligibility as documented by a New Jersey Department of Education approved alternate route regional training center or through equivalent coursework on the transcript of a regionally accredited four-year college or university; or
  - (2) For each area of study, they document the equivalent of at least one year of successful experience as a full-time teacher during which the subject area is regularly taught, among the other subjects for which a Kindergarten through grade five teacher would be responsible. This experience must take place within the three years prior to receiving their certificate of eligibility and documented by submitting a completed, original form provided by the Department of Education.
2. Districts or consortia of districts, in conjunction with a college or university, shall provide formal instruction to the provisional teachers they employ pursuant to B.1.d. above. The district or consortium shall submit a written plan for the department's approval. In the event that joint sponsorship with a college or university cannot be achieved, the department may authorize the district or consortium to provide the formal instruction independently or in joint sponsorship with a non-collegiate entity. The district or consortium's written plan shall include documentation of its efforts to secure college or university participation.
  3. Districts unable to provide formal instruction to provisional teachers in their employ shall provide access to formal instruction through a network of department-authorized providers.

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C. Requirements for Local Mentor Plan

1. A “novice teacher” means any full-time or part-time teacher who has not completed one year of full-time teaching under a valid State teaching certificate. All novice teachers are required to participate in a mentoring program that takes place over a period of thirty weeks for provisional teachers holding a CEAS and thirty-four weeks for provisional teachers holding a CE.

Provisional teachers shall participate for a proportionally longer period of time if in a part-time teaching position. The mentoring program shall be implemented by the mentor teacher, supervised by the school Principal, and conducted within the parameters of a school district's local mentor plan and the requirements of N.J.A.C. 6A:9-8.3.

- a. In the event that no State funds are available to pay the costs of mentoring fees, candidates who are required to complete a provisional year of teaching in order to obtain standard certification shall be responsible for payment of mentoring fees during the provisional year (See Mentor Stipend Procedure).
  - b. All novice teachers whose positions require possession of instructional certificates in accordance with N.J.S.A. 18A:26-2 and N.J.A.C. 6A:9-5.1(a) shall comply with the requirements of the district's mentoring plan.
2. Novice teachers in positions requiring the possession of instructional certificates shall comply with the provisions of N.J.A.C. 6A:9-8 and shall ensure the following:
    - a. The rigorous mentoring shall be provided to novice teachers by developing a local mentor plan in which experienced teachers give confidential support and guidance to novice teachers in accordance with the Professional Standards for Teachers;
    - b. That each novice teacher is assigned a mentor at the beginning of the contracted teaching assignment;

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- c. That the district's mentor plan includes in-person contact between the mentor teacher and the novice teacher over the course of thirty weeks or proportionally longer if the novice teacher holds a part-time teaching assignment;
  - d. That the local Professional Development Committee established pursuant to N.J.A.C. 6A:9-15.3(d) develops the district's mentor plan; and
  - e. That the Board of Education shall report annually the implementation of the district's mentor plan as required by the Department of Education.
3. The district's Professional Development Committee shall ensure the development of a district mentor plan as follows:
- a. The district's Professional Development Committee shall develop a district mentor plan that includes:
    - (1) Goals that at a minimum enhance teacher knowledge of and strategies related to the CCCS in order to facilitate pupil achievement; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist novice teachers in the performance of their duties and adjustment to the challenges of teaching;
    - (2) An application process for selecting mentor teachers;
    - (3) Criteria for mentor teacher selection;
    - (4) Provisions for comprehensive mentor training;
    - (5) Identification of mentor teacher responsibilities;
    - (6) Logistics for mentor plan implementation;
    - (7) Consideration of collaborative arrangements with colleges and universities;

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- (8) Provisions for the use of State funds; and
    - (9) An addendum with criteria and guidelines for the twenty-day clinical experience pursuant to N.J.A.C. 6A:9-8.3(b)1.
  - b. The Professional Development Committee shall submit the district's mentor plan to the Board of Education for initial approval.
  - c. The Professional Development Committee shall submit the addendum for the twenty-day clinical experience pursuant to N.J.A.C. 6A:9-8.3(b)1 to the Board of Education for initial approval and to the Executive County Superintendent for final approval.
  - d. After the mentor plan is reviewed, the Board shall submit the plan to the Executive County Superintendent for final review and approval. The Executive County Superintendent shall notify the Department of plan approval.
  - e. Every three years, the district's mentor plan shall be revised and re-submitted to the Executive County Superintendent based on program evaluation.
- 4. The Board of Education shall be responsible for the implementation of the district's mentor plan through the following:
  - a. The plan shall provide criteria for selection of mentor teachers. At a minimum, the criteria shall include the following:
    - (1) The Board may select a certified teacher with at least three years of experience who is actively teaching in the district to serve as a mentor teacher;
    - (2) The mentor teacher applicant is committed to the goals of the local mentor plan;
    - (3) The mentor teacher applicant has agreed to maintain the confidential nature of the mentor teacher/novice teacher relationship;

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- (4) The mentor teacher applicant has demonstrated exemplary command of content area knowledge and of pedagogy;
  - (5) The mentor teacher applicant is experienced and certified in the subject area in which the novice teacher is teaching, where possible;
  - (6) The mentor teacher applicant is knowledgeable about the social and workplace norms of the school district and the community the Board of Education serves;
  - (7) The mentor teacher applicant is knowledgeable about the resources and opportunities in the district and able to act as a referral source to the novice teacher;
  - (8) The mentor teacher applicant provides letters of recommendation as determined by the district mentor plan from those who are familiar with the mentor teacher applicant's work; and
  - (9) The mentor teacher applicant agrees to complete a comprehensive mentor training program.
- b. Annually, the district shall submit a report on the effectiveness of the district's mentor plan to the Department of Education. The report, using data collected on a Department of Education developed form, shall include program impact on job satisfaction, adequacy of time and training, and recommended program changes and additions.
  - c. The district shall align the mentor plan with the Professional Standards for Teachers.
5. The Board of Education shall be responsible to budget any State funds appropriated for the novice teacher mentoring program.
    - a. Subject to the availability of funds, the department shall appropriate State funds based on the number of novice teachers employed each year in a given public school district.

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- b. The Board of Education 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.
- c. The Board of Education shall ensure that State funds shall be used for one or more of the following:
  - (1) Stipends for mentor teachers;
  - (2) The costs associated with release time;
  - (3) Substitutes for mentor teachers and novice teachers; and
  - (4) Professional development and training activities related to the program.

#### D. Evaluation of Provisional Teachers

- 1. An appropriately certified Building Principal or administrative designee authorized to supervise instructional staff shall observe and evaluate the provisional teacher three times during the first year of mentoring for purposes of certification. All performance evaluations shall be aligned with the Professional Standards for Teachers as defined in N.J.A.C. 6A:9-3.3 and reported on State-developed forms. Performance evaluations for career and technical education teachers shall also include career and technical education knowledge and skills.
  - a. The first formative evaluation shall be completed at the end of ten weeks, or proportionally longer if the teacher is part-time, after the provisional teacher assumes full responsibility of a classroom.
  - b. The second formative evaluation shall be completed at the end of twenty weeks, or proportionally longer for part-time teachers, after the provisional teacher assumes full responsibility of a classroom.



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- c. The final summative evaluation shall be completed at the end of thirty weeks, or proportionally longer for part-time teachers, after the provisional teacher assumes full responsibility of a classroom. This final, summative evaluation shall be completed by the Building Principal who shall make one of three recommendations for certification pursuant to N.J.A.C. 6A:9-8.7(b).
  2. Within fifteen days following each evaluation, the evaluator pursuant to a. above shall provide a copy of the evaluation to the provisional teacher.
  3. Mentor teachers shall not assess or evaluate the performance of provisional teachers. Interactions between provisional teachers and experienced mentor teachers are formative in nature and considered a matter of professional privilege. Mentor teachers shall not be compelled to offer testimony on the performance of provisional teachers.
- E. Recommendation for Certification of Provisional Teachers
  1. Within thirty days after the conclusion of the State-approved district training program, the Building Principal shall submit the final evaluation directly to the Secretary of the New Jersey State Board of Examiners that shall contain a recommendation regarding standard certification for each provisional teacher.
  2. The final evaluation for each provisional teacher shall include one of the following recommendations:
    - a. Approved: Recommends issuance of a standard certificate;
    - b. Insufficient: Recommends that a standard certificate not be issued but that the candidate be permitted to seek entry on one more occasion into a State-approved district training program. A second rating of "insufficient" shall be deemed a "disapproved" in accord with c. below; or
    - c. Disapproved: Recommends that a standard certificate not be issued and that the candidate not be allowed to enter into another State-approved district training program.

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3. Candidates who receive a recommendation of "disapproved" or two recommendations of "insufficient" may petition the Board of Examiners for approval of additional opportunities to seek provisional employment in districts other than those in which they received unfavorable recommendations pursuant to N.J.A.C. 6A:9-17.18.

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### ROCKAWAY BOROUGH SCHOOL DISTRICT MENTORING PROGRAM/MENTOR STIPEND PAYMENT PROCEDURE

#### I. Introduction

The Rockaway Borough Mentor Program helps novice teachers successfully enter the profession of teaching. The program matches novice teachers with mentors who guide their induction and professional development.

A novice teacher is defined as any full-time or part-time teacher who has not completed one year of full-time teaching under a valid state teaching certificate.

Mentor teachers must be tenured and work one-on-one with the novice teacher. Mentors share their skills, offer novices teachers school-based support and provide guidance with classroom management, lesson planning, standards-based instruction, and subject-specific instructional practices.

#### II. Procedure

Payment of mentoring fees is the responsibility of the novice teacher. Stipend amounts for the mentor teachers are established by the State of New Jersey and are as follows:

1. Provisional Teacher holding a Certificate of Eligibility
  - \$450.00- Initial 20 day practical support mentor
  - \$550.00- Professional Support Team mentor
2. Provisional Teacher holding a Certificate of Eligibility with Advanced Standing
  - \$550.00- Professional Support Team mentor

Mentor teachers will be paid in two installments. The first installment is due to the mentor teacher on or before February 1 and the second installment is due to the mentor teacher on or before June 1.

**All mentor stipend payment checks should be made payable to the mentor teacher.** The novice teacher will make all payments through the Office of the School Business Administrator according to the following schedule:

1. Provisional Teacher holding a Certificate of Eligibility
  - \$450.00 to the Initial 20 day practical support mentor upon completion of 20 day support period.
  - \$275.00 to the Professional Support Team mentor on or before February 1.
  - \$275.00 to the Professional Support Team mentor on or before June 1.
2. Provisional Teacher holding a Certificate of Eligibility with Advanced Standing
  - \$275.00 to the Professional Support Team mentor on or before February 1.
  - \$275.00 to the Professional Support Team mentor on or before June 1.

Checks for stipends provided by the novice teacher to the Business Administrator for distribution will be made out to the mentor teacher.

Issued: February 16, 2010

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## R 3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

### A. Evaluations

1. Each nontenured teaching staff member shall be evaluated in strict compliance with statute, N.J.S.A. 18A:27-3.1, rules of the State Board of Education, N.J.A.C. 6A:32-4.1 et seq., and the policies and procedures of this district. At least three evaluations shall be conducted annually and at least one evaluation shall be conducted in each semester.
2. Evaluations shall set forth both the strengths and weaknesses of the teaching staff member in order to provide an accurate assessment of his/her performance and to encourage the improvement of that performance.
3. Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured teaching staff members in the improvement of professional skills.

### B. Nonrenewal Recommendation

1. When a nontenured teaching staff member's performance does not meet the standards of the district, the Principal shall recommend to the Superintendent, no later than February 1, that the teaching staff member should not be reemployed in the following school year.
2. The nontenured teaching staff member shall be informed by the Superintendent of Schools, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the staff member on or before May 15.
3. A recommendation by the Superintendent for nonrenewal may be based upon the teaching staff member's evaluations, job performance, or any factor affecting his/her employment in this district. Nonrenewal shall not be recommended for any reasons that are trivial and insubstantial; unsupported by facts; based upon the teaching staff member's race, color, creed, religion, national origin, ancestry, age, marital status,

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affectational or sexual orientation or sex, social or economic status, or disability, if any; or is based upon the teaching staff member's exercise of his/her protected right of free expression and association. Expressions or associations that interfere with the operation of the district may not rise to the level of protected activity.

4. Nontenured teaching staff members' contracts can only be renewed upon the Superintendent's recommendation and a majority vote of the full Board. The Board may not withhold its approval for arbitrary and capricious reasons.

## C. Nonrenewal Action

1. The Board will meet in executive session no later than May 10 to review the Superintendent's recommendation(s) for nonemployment of nontenured teaching staff members. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those employees whose possible nonrenewal will be discussed at the meeting. If any such employee requests that the discussion take place in public, the recommendation for his/her nonrenewal will be severed from the rest and scheduled for discussion at a public meeting to be held no later than May 10.
2. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board's vote is not required on the Superintendent's recommendation(s) to not renew a nontenured staff member.

## D. Notice of Nonrenewal

1. Notice of the Superintendent's decision not to renew shall be given to each nontenured teaching staff member not recommended for renewal on or before May 15 in accordance with N.J.S.A. 18A:27-10. The Board may delegate the Superintendent or the Board Secretary to give written notice of nonrenewal.

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2. Notice shall be in writing and provided to the nontenured teaching staff member not recommended for renewal on or before May 15. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the employee's address of record.

E. Request for Statement of Reasons

1. A nonrenewed teaching staff member will be given a written statement of the reasons for which he/she was not renewed provided the staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the teaching staff member received written notice of his/her nonrenewal. N.J.S.A. 18A:27-3.2.
2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the employee's evaluations and the employee has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.
3. The statement of reasons may be prepared by the Superintendent or the Board Secretary and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee's request.

F. Nonrenewal Appearance

1. A teaching staff member who has requested a statement of reasons for his/her nonrenewal will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Superintendent a written request for such an appearance no later than ten calendar days after he/she has received the written statement of reasons. N.J.A.C. 6A:32-4.6(a).

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2. A date shall be set for an informal appearance, which shall be held within thirty calendar days of the employee's receipt of the Board's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13. The Board will determine a reasonable length of time to be devoted to the appearance, taking into account the circumstances of the nonrenewal and the statement of the reasons given to the employee. N.J.A.C. 6A:32-4.6(a). The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.A.C. 10:4-12(b)(8).
3. The teaching staff member requesting the appearance shall be given written notice, no later than seventy-two hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.
4. The purpose of the appearance shall be to permit the nonrenewed teaching staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured teaching staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding and the appearance will not become an adversary proceeding.
5. The teaching staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on in his/her behalf. Witnesses need not be sworn under oath, and their statements will be recorded. The Board will simply hear witnesses and will not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and shall be excused from the meeting after making their statements.

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## G. Final Determination

1. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured teaching staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment to the voting members of the Board. The voting members of the Board, by a majority vote of the full Board in public session, must approve the reemployment based on the Superintendent's recommendation.
2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the teaching staff member reemployment after an informal hearing.
3. The final determination will be delivered to the teaching staff member, in writing, no later than three days after the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.



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## R 3144 CERTIFICATION OF TENURE CHARGES

### Filing of Written Charges and Certificate of Determination

#### A. Definition

1. For the purposes of Policy 3144 and this regulation, “day” means business day when the period specified is less than seven days, and calendar day when the period specified is seven days or more; provided however, that calculations do not include the day of the action from which they are computed but do not include the last day of the period being computed unless such day falls on a Saturday, Sunday or holiday, in which case the last day shall be deemed the next business day immediately following. Filings received after the close of business (4:15 p.m.) shall be deemed filed on the next business day.

#### B. Procedures and Timelines

1. In all instances of the filing and certification of tenure charges, other than for reasons of inefficiency, the following procedures and timelines shall be observed:
  - a. Charges shall be stated with specificity as to the action or behavior underlying the charges and shall be filed in writing with the Secretary of the Board of Education or the State District Superintendent, accompanied by a supporting statement of evidence, both of which shall be executed under oath by the person or persons instituting such charges.
  - b. Charges along with the required sworn statement of evidence shall be transmitted to the affected tenured employee and the employee's representative, if known, within three working days of the date they were filed with the Secretary of the Board of Education or the State District Superintendent. Proof of mailing or hand delivery shall constitute proof of transmittal.

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- c. The affected tenured employee shall have an opportunity to submit to the Board of Education or the State District Superintendent a written statement of position and a written statement of evidence, both of which shall be executed under oath with respect thereto within fifteen days of receipt of the tenure charges.
- d. Upon receipt of the tenured employee's written statements of position and evidence under oath, or upon expiration of the allotted fifteen-day time period, the Board of Education shall determine by a majority vote of its full membership, or the State District Superintendent shall determine, within forty-five days 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.
- e. The Board of Education or the State District Superintendent shall, within three working days, provide written notification of the determination to the employee against whom the charge has been made, in person or by certified mail to the last known address of the employee and the employee's representative, if known.
- f. In the event the Board of Education or the State District Superintendent finds that such probable cause exists and the charges, if credited, are sufficient to warrant a dismissal or reduction of salary, then the Board or the State District Superintendent shall, within fifteen days, file such written charges with the Commissioner. The charges shall be stated with specificity as to the action or behavior underlying the charges 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 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.

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- g. 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.
2. In the event the tenure charges are charges of inefficiency, except in the case of Building 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 following procedures and timelines shall be observed:
  - a. Initial charges of inefficiency shall be stated with specificity as to the nature of the inefficiency alleged and filed by the appropriate administrator with the Secretary of the Board of Education or the State District Superintendent along with a statement of evidence in support thereof executed under oath. In the event the charges are against the Chief School Administrator, they shall be filed, along with the required statement of evidence, by a designated Board member(s) upon the direction of the Board of Education as ascertained by majority vote of the full Board.
  - b. The Board of Education, through its Board Secretary, or the State District Superintendent, upon receipt of the charges of inefficiency and the written statement of evidence in support thereof shall cause a copy of same to be transmitted to the affected employee and the employee's representative, if known, within three working days. Proof of mailing or hand delivery shall constitute proof of transmittal.
  - c. The Board of Education, through its Board Secretary, or the State District Superintendent shall direct that the employee be informed in writing that, unless such inefficiencies are corrected within the minimal ninety-day period, or any longer period provided by the Board of Education or State District Superintendent, the Board or the State District Superintendent intends to certify those charges of inefficiency to the Commissioner pursuant to N.J.S.A. 18A:6-11.

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- d. Concurrent with notifying the employee of such charges of inefficiency, the Board of Education or the State District Superintendent shall direct that there be a modification of the individual professional development plan mandated by N.J.A.C. 6A:32-4.3 or 4.4, to assure that such plan addresses the specific charges of inefficiency and complies with the timelines established for correction.
- e. Upon completion of the minimal ninety-day period for improvement, or such longer period as may be provided by the Board of Education or the State District Superintendent, the administrator(s) responsible for bringing such charges to the attention of the Board or the State District Superintendent shall notify the Board or the State District Superintendent in writing of what charges, if any, have not been corrected. In the event the charges are against a Chief School Administrator, the Board of Education shall determine by majority vote of the full Board what charges, if any, have not been corrected.
- f. The Board of Education or the State District Superintendent, upon receipt of the written notification or upon the Board's determination in the case of a Chief School Administrator, shall notify the affected employee in writing that all of the inefficiencies have been corrected or, in the alternative, which of the inefficiencies have not been corrected. The time from the expiration of the minimal ninety-day period, or such longer period as may be provided by the Board of Education or the State District Superintendent, to the notification of the employee by the Board of Education or the State District Superintendent shall not exceed thirty calendar days.
- g. In the event that certain charges of inefficiency have not been corrected, the affected employee shall have an opportunity to respond within fifteen days of the receipt of said notification of inefficiency by filing a statement of evidence under oath in opposition to those charges.

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- h. Upon receipt of such written statement of evidence under oath or upon expiration of the allotted fifteen-day time period, the Board of Education shall determine by a majority vote of its full membership, or the State District Superintendent shall determine, within forty-five days, whether there is probable cause to credit the evidence in support of the charges and that such charges, if credited, are sufficient to warrant a dismissal or reduction in salary.
          - i. In the event the Board of Education or the State District Superintendent finds that such 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, within fifteen days, file such written charges with the Commissioner. The charge(s) shall be stated with specificity as to the nature of the inefficiency alleged, 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 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.
          - j. 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.
3. The provisions of this section shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A:11-6.
- C. Format of Certificate of Determination
1. The certificate of determination which accompanies the written charges shall contain a certification by the Board of Education Secretary or the State District Superintendent:

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- a. That the Board of Education or the State District Superintendent has determined the charges and the evidence in support of the charges are sufficient, if true in fact, to warrant dismissal or a reduction in salary;
  - b. 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;
  - c. That such determination was made by a majority vote of the full Board or by the State District Superintendent in accordance with N.J.S.A. 18A:7A-39; and
  - d. In the case of a charge of inefficiency, that the employee was given at least ninety days prior written notice of the nature and particulars of the alleged inefficiency.
2. The provisions of this section shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A:11-6.
- D. Filing and Service of Answer to Written Charges
1. An individual against whom tenure charges are certified shall have fifteen days from the date such charges are filed with the Commissioner to file a written response to the charges. Except as to the time for filing, the answer shall conform to the requirements of N.J.A.C. 6A:3-1.5(a) through (d).
    - a. Consistent with N.J.A.C. 6A:3-1.5(g), nothing in N.J.A.C. 6A:3-5.3 precludes the filing of a motion to dismiss in lieu of an answer to the charges, provided that such motion is filed within the time allotted for the filing of an answer. Briefing on the motions shall be in the manner and within the time fixed by the Commissioner, or by the Administrative Law Judge (ALJ) if the motion is to be briefed following transmittal to the Office of Administrative Law (OAL).

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2. Upon written application by the person against whom charges are filed, the Commissioner may extend the time period for the filing of an answer upon a finding of good cause shown consistent with the provisions of N.J.S.A. 18A:6-16. Such application shall be received prior to the expiration of the fifteen-day answer period, and a copy shall be served upon the charging Board of Education or the State District Superintendent. The Board of Education or State District Superintendent shall promptly notify the Commissioner of any opposition to the request.
    - a. A request for extension which is not filed within the fifteen-day period allotted for answer to tenure charges will be considered only in the event of demonstrated emergency or other unforeseeable circumstance such that the request could not have been made within the requisite filing period.
  3. Where no answer is filed within the requisite time period and no request for extension is made, or such request is denied by the Commissioner, or where the charged employee submits an answer or other responsive filing indicating the employee does not contest the charges, the charges shall be deemed admitted by the charged employee.
  4. The provisions of this section shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A:11-6.
- E. Determination of Sufficiency and Transmittal for Hearing
1. Within fifteen days of receipt of the charged party's answer or expiration of the time for its filing, the Commissioner shall determine whether such charge(s) are sufficient, if true, to warrant dismissal or reduction in salary. Where the charges are determined insufficient, they shall be dismissed and the parties shall be notified accordingly. Where the charges are determined sufficient, the matter shall, within ten days of such determination, be transmitted to the OAL for further proceedings, unless the Commissioner retains the matter pursuant to N.J.A.C. 6A:3-1.11 or 1.12.

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- a. A notice of transmittal shall be issued to the parties by the Department of Education on the same date as the matter is transmitted to the OAL.
  2. Where a party to a tenure matter so requests, the Commissioner may agree to hold the matter in abeyance at any time prior to transmittal to the OAL. Thereafter, requests to hold the matter in abeyance shall be directed to the OAL Clerk or the ALJ in accordance with the rules of the OAL. Any request for abeyance, whether directed to the Commissioner or the OAL, shall be consistent with the intent of N.J.S.A. 18A:6-16 as amended by P.L. 1998, c.42.
- F. Withdrawal, Settlement, or Mooting of Tenure Charges
1. Once tenure charges are certified to the Commissioner, such charges may be withdrawn or settled only with the Commissioner's approval. Any proposed withdrawal or settlement, whether submitted to the Commissioner or to the ALJ, shall address the following standards established by the State Board of Education in the matter entitled *In re Cardonick*, State Board decision of April 6, 1983 (1990 *School Law Decisions (S.L.D.)* 842, 846):
    - a. Accompaniment by documentation as to the nature of the charges;
    - b. Explication of the circumstances justifying settlement or withdrawal;
    - c. Consent of both the charged and charging parties;
    - d. Indication that the charged party entered into the agreement with a full understanding of his or her rights;
    - e. A showing that the agreement is in the public interest; and
    - f. Where the charged party is a teaching staff member, a showing that the teaching staff member has been advised of the Commissioner's duty to refer tenure determinations resulting in loss of position to the State Board of Examiners for possible suspension or revocation of certificate.



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2. A settlement agreement shall not propose terms that would restrict access to information or records deemed public by law or result in misrepresentation of the reason for an employee's separation from service. Where tenure charges have been certified to the Commissioner by a Board of Education, any proposed settlement shall indicate, by signature of the Board Attorney or inclusion of a Board of Education resolution authorizing settlement, that the Board of Education has consented to the terms of the settlement.
3. A proposed withdrawal or settlement of tenure charges shall be submitted to the Commissioner prior to transmittal of such charges to the OAL; thereafter, it shall be submitted to the ALJ in accordance with applicable rules of the OAL.
4. Where tenure proceedings against a teaching staff member are concluded prior to adjudication because the charged party has unilaterally resigned or retired, the Commissioner may refer the matter to the State Board of Examiners for action against the charged party's certificate as it deems appropriate, when such referral is warranted under the provisions governing resignation or retirement prior to conclusion of tenure charges as set forth in N.J.A.C. 6A:9-17.4.
5. Where a proposed settlement requires the tenured employee to relinquish a certificate issued by the State Board of Examiners, upon approval of the settlement agreement, the Commissioner shall forward the matter to the State Board of Examiners for proceedings in accordance with N.J.A.C. 6A:9-17.11.

# REGULATION

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Conduct of Reduction in Force

## R 3146 CONDUCT OF REDUCTION IN FORCE

### A. Seniority Lists

In order to determine the teaching staff member(s) affected by a reduction in force, a seniority list will be prepared for each seniority category. The Superintendent will

1. Determine the category or categories of employment in which each teaching staff member has served by reference to positions held and qualifying certification.
2. Determine whether the member has earned tenure in the district and in the position in which the category falls, in accordance with N.J.S.A. 18A:28-6. Tenure is earned in the positions of Assistant Superintendent, School Business Administrator, Principal, Assistant Principal, Vice Principal, supervisor, educational services personnel, school nurse, and teacher.
3. Calculate length of service in each category within a tenure position in which the employee has earned tenure.
  - a. Length of service may be expressed in calendar months and days or in calendar years and portions of years, to two decimal places.
  - b. Length of service commences from the day on which the employee began service in the category and ends with the end of the current school year or, in the case of previously rified employees, the day on which the employee's district service was terminated.
4. Deduct from time of service in the category any periods of unpaid absence taken for any purpose other than study or research, except that the first thirty days, consecutive and aggregate, of such unpaid absence taken within any one school year will not be deducted.
5. Add periods of prior active military service, to a maximum of four years, to the member's length of service in the first category of district employment. Each full year of military service equals one year of seniority; a fraction of a year, ten months or longer, equals one year of seniority for a ten month employee.

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6. Enter the total amount of service for the member's initial category of employment.
  7. If the member has been transferred to a second category or successive categories, calculate the service time of each category in accordance with paragraph A1 through paragraph A4 and enter separately.
    - a. Service in succeeding categories is included in the member's seniority in each earlier category.
    - b. Each seniority list must clearly indicate the category or categories in which the member has earned seniority and the total accrued time in each.
- B. RIF Procedures
1. Determine the category or categories of employment to be reduced in number in a reduction in force.
  2. Transfer or dismiss nontenured teaching staff members in the reduced category, in accordance with Policy No. 3146.
  3. If no nontenured member remains in the category, the least senior tenured member shall be transferred to a previous seniority category in the same tenure position over a nontenured member or a less senior member in that category.
  4. If there are no positions within his/her seniority categories in the same tenure position to which the member may be transferred, the member shall be transferred to a position outside his/her seniority categories but within the same tenure position, provided the member is appropriately certified for the position and the position is held by a nontenured employee.
  5. If there are no positions to which he/she can be transferred by right of seniority or tenure in the same tenure position, the member shall revert in reverse chronological order to each seniority category and tenure position in which he/she was previously employed in the district, in accordance with the procedure set forth in paragraph B3 through paragraph B4 above.

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6. When there are no positions which the tenured member affected by a reduction in staff can claim over other tenured employees by superior seniority or over nontenured employees by tenure, he/she shall be dismissed, shall receive sixty days notice of such dismissal or pay in lieu thereof, and shall be placed on a preferred eligible list for each category in which he/she was employed by the district.

Issued: 15 January 2008

# REGULATION

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## R 3160 PHYSICAL EXAMINATION

### A. Definitions

1. “Employee assurance statement” means a statement signed by the employee certifying that information supplied by the employee is true to the best of the employee’s knowledge.
2. “Employee” or “staff member” means the holder of any full-time or part-time position of employment.
3. “Health history” means the record of a person’s past health events obtained in writing, completed by the individual or their physician.
4. “Health screening” means the testing of people, using one or more diagnostic tools, to determine the presence or precursors of a particular disease.
5. “Medical evaluation” means the examination of the body by the school medical inspector or by any physician licensed to practice medicine.
6. “Physical examination” means the assessment of an individual’s health.
7. “Psychiatric examination” means an examination for the purpose of diagnosis and treatment of mental disorders.

### B. Employees’ Initial Physical Examination

Each newly employed teaching staff member shall be required to undergo a physical examination. The physical examination shall include, but is not limited a health history, health screenings, and medical evaluation.

1. A health history shall be completed by the employee or by his/her physician which shall include the employee’s:
  - a. Past serious illnesses and injuries;
  - b. Current health problems;
  - c. Allergies; and
  - d. Record of immunizations.

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2. The employee shall submit to health screenings which shall include his/her:
  - a. Height and weight;
  - b. Blood pressure;
  - c. Pulse and respiration rate;
  - d. Vision screening;
  - e. Hearing screening.
  
3. Health screening shall also include a Mantoux test for the presence of tuberculosis.
  - a. A newly employed member will be exempt from the Mantoux test if he/she presents satisfactory documentation of a test
    - (1) Administered in a New Jersey school district from which the member has transferred, or
    - (2) Administered in any place within the six months previous to the member's initial employment in this district.
  
  - b. Procedures for the administration of the Mantoux test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines issued by the State Department of Health and titled School Tuberculin Testing in New Jersey.
  
  - c. If the results of the Mantoux test so indicate, the employee shall be referred for a chest X-ray and medical evaluation to determine the presence of tuberculosis at the employee's expense. The employee shall submit the report of the X-ray and evaluation to the school medical inspector. If the school medical inspector does not receive the report within four weeks of the referral or is unwilling to accept the findings of the report, he/she may direct the employee to submit to a chest X-ray examination at Board expense, the results of which will be reported directly to the school medical inspector.

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- d. An employee who presents a physician's or nurse practitioner's documentation, acceptable to the school medical inspector, showing significant tuberculin reaction and a subsequent negative chest X-ray will be exempt from the Mantoux test.
  4. A medical evaluation that shall be limited to those assessments or information necessary to determine the employee's physical and mental fitness to perform with reasonable accommodation in the position which the employee seeks or currently holds and to detect any health risks to pupils and other employees. The employee's medical evaluation shall include, but not be limited to, a record of immunizations. Guidance regarding immunizations for adults may be found in "Adult Immunization: Recommendations of the Immunization Practices Advisory Committee (ACIP)", available from the Immunization Program, Centers for Disease Control, Public Health, U.S. Department of Health and Human Services, Atlanta, GA 30333.
  5. 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.
- C. Health Records
1. All employee medical records, including computerized records, shall be secured, and shall be stored and maintained separate from other personnel files.
  2. Only the employee, the Superintendent, and the school medical inspector shall have access to the medical information in that individual's file.
  3. The portion of the employee's medical record containing a health history may be shared with the Principal and the school nurse with the consent of the employee, as provided in B.5.above.

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D. Employees' Physical Examination and Medical Updates

School employee physical, examinations and/or annual medical updates shall not require disclosure of HIV status.

E. Candidates Records

1. All records regarding pre-employment physicals and drug tests will be maintained in separate medical files and treated as confidential medical records. These records will be:
  - a. Kept separate from a candidate's personnel file;
  - b. Kept in a locked cabinet in a central school district location; and
  - c. Accessible only to the Superintendent and/or designee.
2. The records of a candidate's physical examination will be submitted to the school medical inspector, who will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he/she has made application. That determination will be made a part of the candidate's application.
3. A candidate's medical records will be maintained separately from his/her application and will be kept confidential in accordance with ¶D.
  - a. If and when the candidate is employed by this district, the records will be kept in the person's medical file.
  - b. If the candidate is not employed by this district within three years, the records will be destroyed.

Adopted: 15 January 2008



# REGULATION

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Consulting Outside the District

## R 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, private business organizations and other entities may desire. Recognizing that the school district will request the expertise from teaching staff members from other school districts, agencies, private business organizations and other entities the Board supports sharing of its teaching staff members with other school districts and agencies to the extent it does not interfere with the efficient operation of the school district.

### A. Definitions

1. Agency - A public or private agency requesting the services of the school district's teaching staff member.
2. Other school districts - A school district other than the school district that employs the teaching staff member, including all supervisory and administrative personnel.
3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.
4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the teaching staff member, except out-of-pocket expenses.
5. Staff member - A contracted member of the school district's teaching staff, including all supervisory and administrative personnel.

### B. Procedure - Consulting For No Additional Remuneration

1. The teaching staff member or the agency requesting the expertise and knowledge of the teaching staff member must submit a written request to the Superintendent or designee. The written request must include the following:
  - a. The date(s) the teaching staff member will be away from the district;

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- b. The time of day the teaching staff member's will be away from the school district;
  - c. Any out-of-pocket costs to the school district;
  - d. Any reimbursements that the teaching staff member is entitled to from the other school district or agency;
  - e. The specific services requested of the teaching staff member; and
  - f. The location where the services will be provided.
2. The Superintendent or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school district for reciprocal services, a reduction in the future or existing cost of services to the school district, the teaching staff member's attendance record and the impact of the teaching staff member being out of the school district for the requested time.
3. The Superintendent or designee will determine and recommend each request on a case-by-case basis and the decision is final. The Superintendent may require the other district or agency to pay the cost of any substitute personnel related to the request.
4. If deemed to be in the best interest of the school district, the Superintendent's recommendation will be submitted to the Board for approval.
5. The Board's approval of the Superintendent's recommendation will permit the teaching staff member's consulting activity attendance and the teaching staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the teaching staff member if the request is approved by the Board.

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Consulting Outside the District

6. The teaching staff member must normally complete any paid consulting activities on his/her own time which would include vacation days, evenings, weekends, and/or school holidays. The teaching staff member may be granted an unpaid leave of absence to perform the consulting activity when such leave is recommended by the Superintendent and approved by the Board.

C. Reporting Activities

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.

# REGULATION

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Professional Staff Attendance Review and  
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R 3212 PROFESSIONAL STAFF ATTENDANCE REVIEW  
AND IMPROVEMENT PLAN

A. Review of Attendance Data

1. A record shall be kept of the attendance of each teaching staff member, including teachers, educational services personnel, and administrators. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. The record will distinguish sick leave, professional days, unpaid leaves of absence, personal leave, and other approved leaves. The employee's attendance record will include notation of verification of an absence where such verification is required by Policy No. 3432. The employee's rate of absence shall be calculated every pay period and entered on his/her attendance record. An employee's attendance record shall be part of the employee's personnel file.
2. At the end of each year, a cumulative attendance record shall be assembled for each school and for the district.
3. An attendance summary shall be prepared from the cumulative attendance record. The attendance summary shall show the rate of absence for each school and for the district. The attendance summary shall be posted in each school of the district.
4. A record shall be made of the appointment of substitutes for absent employees and the wages paid to substitutes.

B. Attendance Improvement Plan

1. Planning

The Superintendent will meet with Building Principals and appropriate administrators to discuss the attendance summary. The attendance summary shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year. Specific strategies for reducing the rate of absence shall be developed.

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Professional Staff Attendance Review and  
Improvement Plan

## 2. Implementation

- a. The Building Principal shall be responsible for implementing the district's plan for the improvement of professional staff member attendance in his/her school building.
- b. The Principal shall encourage the regular attendance of the teaching staff members in his/her building. He/She shall maintain contact with absent employees and confer personally with each employee who returns from an absence of any duration, impressing upon employees the district's concern for their health and well-being. The Principal shall, by appropriate means, recognize teaching staff members whose attendance is exemplary.
- c. The Principal shall incorporate, and shall direct other supervisors to incorporate, a teaching staff member's attendance record in his/her evaluation.
- d. The Principal may require teachers to evaluate the work done by substitutes in their absence.
- e. The Principal shall report to the Superintendent any teaching staff member whom he/she suspects of misusing sick leave or falsifying the reasons for absence.

## 3. In-service Training

The Principal shall meet with the teaching staff members assigned to his/her building at the beginning of each school year to inform employees of Board policy and district regulations on attendance, to familiarize employees with the forms to be used in reporting and verifying absences, to review with employees the cost of absenteeism to the district and the value of accumulated sick leave to the employee, and to acquaint employees with the degree to which attendance will affect evaluation reports.

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4. Counseling

- a. The Building Principal may, in his/her discretion, call a conference with a teaching staff member where the number and/or pattern of the members' absences or the reasons offered for the member's absences indicate a misunderstanding of the teaching staff member's responsibility to the school district or the possible misuse of the privilege of paid leave.
- b. Prior to the giving of any admonition or reprimand or imposition of discipline of any kind, the Principal shall determine the nature of the absences and consider any extenuating circumstances.
- c. A written report of any attendance conference shall be prepared and retained with the teaching staff member's evaluations. The member shall, in accordance with Board policy on teaching staff member evaluation, be permitted to examine the report and affix his/her comments, if any, to the report.

# REGULATION

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TEACHING STAFF MEMBERS  
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Substance Abuse  
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## R 3218 SUBSTANCE ABUSE

### Procedures

- A. Basic procedures to be used when an employee is suspected of having a dependency upon or illegal use of a controlled dangerous substance.
1. The employee's behavior shall be observed and documented by concerned staff. Such behavior as poor working performance, negative personality changes, and poor attendance could be symptomatic of a substance abuse problem. The concerned staff member shall make this report to the Building Principal or a designee of the Building Principal, the school physician (school medical inspector), or the school nurse.
  2. The school physician (school medical inspector) or the school nurse shall notify the Building Principal upon receiving any such report(s). The Principal will notify the Superintendent of any such report(s). The Principal and Superintendent, and school nurse when appropriate, will discuss their concern for the employee's health and performance to determine if further pursuance is appropriate and necessary.
  3. The Principal or school nurse, as determined by the Superintendent, shall discuss the suspected behavior with the employee as to the extent of the problem. The Superintendent shall keep accurate and detailed official written records of all incidents related to suspected substance abuse.
  4. If the suspected dependency or use is confirmed, the employee shall be required to obtain professional counseling or complete an appropriate rehabilitation program.
- If necessary, an immediate leave of absence may be granted to the employee by the Superintendent. The school nurse will recommend at least two certified counseling agencies or a rehabilitation program to the Superintendent.

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- B. Procedures to be followed when an employee confides to a colleague or administrator that he/she has a substance abuse problem:
1. The staff member shall encourage the employee to seek help.
  2. Report the concern about the potential substance abuse problem to the Building Principal.
  3. The school physician or the school nurse must report the substance abuse problem to the Principal. The Principal will then follow paragraph C2 of this regulation.
- C. Procedures to be followed when an employee is suspected of being under the influence of a substance during working hours:
1. Whenever it appears to any teaching staff member, school nurse, or any other employee of the school district that an employee may be under the influence of a controlled dangerous substance as defined by the New Jersey Statutes, or any chemical (including alcohol/anabolic steroids) or chemical compound which releases vapor or fumes causing condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, this situation shall be immediately reported to the Principal, the school physician, or the school nurse.
  2. The school physician or school nurse shall notify the Principal when they receive a report. The Principal shall:
    - a. Notify the Superintendent of Schools.
    - b. Arrange for the immediate examination of the employee by the school doctor or a doctor selected by the employee, or if such doctor is not immediately available, then arrange transportation to the local hospital. The employee shall be accompanied to the doctor or emergency room by a member of the school staff designated by the Building Principal and/or the Superintendent.



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- c. A report shall be requested from the examining physician which shall set forth whether or not the employee is under the influence of a controlled dangerous substance, or any chemical, which includes alcohol, anabolic steroids, or chemical compound. This test must be made within twenty-four hours of the initial report made by the Principal.
- d. The employee shall not be permitted to resume work until he/she has submitted to the Building Principal a written report from his/her personal physician or the physician who initially examined him/her certifying that he/she is physically and mentally able to return to work.
- e. If the report indicates a positive diagnosis, a Violence, Vandalism, and Substance Abuse Incident Report shall be completed by the Principal.
- f. If the report indicates a positive diagnosis, the following sanctions apply:

First offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for three required sessions. A report from the agency must be submitted to the Superintendent within one week after the third counseling session. A warning letter from the Superintendent will be placed in the employee's personnel folder.

Second offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for five sessions. A report from the agency must be submitted to the Superintendent within one week after the fifth counseling session. A letter of reprimand will be placed in the employee's personnel folder advising him/her that a third incident will result in a suspension without pay and a loss of an increment for the following year.

Third offense: Provided the employee is not dismissed, the employee must enroll in a certified rehabilitation program. A letter must be sent to the Superintendent at the conclusion of the treatment programs. Also, the employee will be suspended for a week without pay and lose his/her increment the following year.

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Substance Abuse

Fourth offense: Provided the employee is not dismissed, the employee will have a hearing before the Board in which a decision will be rendered by the Board relating to the continued employment of the employee.

- g. If the employee is suspected of substance abuse or use and, in the judgment of the Board of Education, and/or its agents, shows evidence of deviation from normal, physical or mental health, the Board may require the employee to undergo a physical examination in accordance with N.J.S.A. 18A:16-2, 18A:16-3 and N.J.A.C. 6:29-7.4(f). An employee who fails to comply with this requirement shall be subject to discipline.
  3. If the employee refuses to be examined for suspected substance abuse, the supervisor will notify the Superintendent immediately, or in his/her absence, his/her designee. The Superintendent or designee shall request the school employee leave the school premises immediately. If the school employee refuses to leave the school premises when required, the appropriate law enforcement agency will be called and a police report will be filed.
- D. Procedures to be followed when an employee is found in possession of, and/or selling/distributing alcohol, anabolic steroids, and/or a controlled dangerous substance as defined by New Jersey Statutes and/or Codes.
  1. A report will be immediately filed with the appropriate law enforcement agency if any employee is found to be using, be in possession of, or selling illicit drugs, alcohol, or anabolic steroids on the school's premises or as part of any school function.
  2. If in the course of any investigation by the appropriate law enforcement agency, an employee is arrested by the police, he/she will be immediately suspended from work with pay until a Board hearing can be arranged for further disciplinary action.
  3. Should the employee be found guilty of a criminal offense, he/she will have a Board hearing at which time the Board will render a decision regarding disciplinary action. He/she may be suspended without pay, lose an increment, be required to attend a rehabilitation program, or be terminated from employment.

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Substance Abuse

- E. Any school staff member(s) who in good faith reports an employee to the Principal or the school medical inspector or the school nurse in an attempt to help such person cure his/her dependency upon or illegal use of controlled dangerous substance(s) as defined by N.J.S.A. 2A:170-25-9 and N.J.S.A. 24:21-2 shall not be liable in civil damages as a result of making any such report as specified in N.J.S.A. 2A:62A-4. Alcohol and anabolic steroids are not listed as a controlled, dangerous substance by statute or code.

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

# REGULATION

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Evaluation of Nontenured Teaching Staff Members  
M

## R 3221 EVALUATION OF NONTENURED TEACHING STAFF MEMBERS

The observation and evaluation of nontenured teaching staff members will be conducted by members of the administrative and supervisory staff who hold appropriate certification for the supervision of instruction and have been appointed by the Board of Education to observe and evaluate teaching staff members. Evaluation will be conducted in accordance with the following procedures.

### A. Evaluation Criteria

1. Evaluation criteria for each position will derive from the job description for the position and will relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:
  - a. Briefly stated and focused on major criteria of the position,
  - b. Based on observable information rather than on factors requiring subjective judgment,
  - c. Generic, covering a number of specific positions, and
  - d. Written in the same format and in a direct, simple style.
2. Maintenance of job evaluation criteria will be the responsibility of the Building Principal. Evaluation criteria will be reviewed annually and
  - a. Whenever the corresponding job description is revised,
  - b. On the request of a single job holder, or
  - c. On the request of a majority of persons holding a particular job.
3. Each nontenured teaching staff member will be sent a copy of the current evaluation criteria for his/her position by the Building Principal. Any revisions thereto shall be provided to each holder of that job within thirty working days of its adoption. Suggested revisions to evaluation criteria by job holders shall be referred initially to the job holder's immediate supervisor for review.

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B. Collection of Evaluation Data

Data will be gathered any one or more of the following evaluation methods:

1. Direct observation of the teaching staff member in the course of performing an assigned duty;
2. Review of a product from the teaching staff member that results from the performance of his/her assigned duties;
3. Interviews of the teaching staff member regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments (such as competency tests, pupil surveys, and the like);
5. Audio-visual monitoring of the teaching staff member in the performance of his/her assigned duties; and
6. Reference to previous performance reports.

C. Observations

1. Nontenured teaching staff members will be evaluated no fewer than three times in every school year and at least once during each semester. A nontenured teaching staff member employed fewer than sixty days in the school year may be observed and evaluated only once during the school year, and a nontenured teaching staff member employed fewer than one hundred twenty days in the school year may be observed and evaluated only twice during the school year.
2. Classroom instructors will be observed in the performance of their duties by a visitation to the assigned work station. The visit will not be less than one class period (secondary level) or for the duration of one complete subject lesson (elementary level). There shall be no fewer than three such observations annually and at least one in each semester.
3. In the case of the nontenured teaching staff member who is not regularly assigned to classroom instruction, the evaluator shall confer with the employee at the beginning of each three month period, the first of such

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periods commencing at the beginning of the school year. They shall together determine the job performance that will be observed. The period of the observation will be appropriate to the performance to be observed and will be conducted in as few separate sessions as possible. The evaluator shall record each separate instance of observation and the activity observed.

4. Wherever possible, multiple observations that focus on different areas of responsibility are desirable. Multiple observations should be spread over time to allow time for improvement.
5. Each observation will be recorded on a separate form and a copy sent to the nontenured teaching staff member within twenty-four hours prior to the observation conference.

D. Evaluations

1. A written evaluation of each nontenured teaching staff member in the performance of his/her duties will be prepared within fifteen calendar days of each observation or before the end of each three-month period during which a nontenured teaching staff member not regularly assigned to classroom instruction has been evaluated.
2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare a written evaluation of each nontenured teaching staff member's total performance as an employee of the school district. This evaluation will be submitted to the Building Principal sufficiently in advance of the conference to enable the Building Principal or the Superintendent to amend it. It will be appended to the evaluation based on performance observation and will be presented to the employee at the conference.

E. Post Observation Conferences

1. No later than fifteen calendar days after the observation of each classroom instructor and no later than the end of each three-month period of observation of non-classroom instructors, the teaching staff member and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with paragraph D1 and paragraph D2 above.

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### Evaluation of Nontenured Teaching Staff Members

2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the teaching staff member whenever the need for such aid is indicated. In addition, the evaluator must point up the effects of the observation (if any) on the teaching staff member's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.
3. Two copies of the written evaluation will be prepared and both the supervisor and the nontenured teaching staff member shall sign each copy and retain one copy.
4. If the nontenured teaching staff member so wishes, he/she may prepare a written disclaimer to the evaluation. Any disclaimer will be appended to the evaluation, provided it is received not more than ten calendar days after the conference.
5. Each observation report will be filed in the teaching staff member's personnel file. A copy will be provided to the teaching staff member within seventy-two hours of the conference.

#### F. Annual Performance Conference And Report

1. An annual performance conference will be held with each nontenured teaching staff member by the administrator or supervisor who prepared the annual performance report (whenever possible) before the staff member's annual performance report is filed.
2. The annual performance conference will include a review of the:
  - a. Staff member's performance based upon his/her job description,
  - b. Staff member's progress toward the objectives of his/her Individual Performance Improvement Plan developed at the previous annual conference (if applicable), and
  - c. Available indicators of pupil progress and growth toward their program objectives.

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### Evaluation of Nontenured Teaching Staff Members

3. The purpose of the annual performance conference is to provide for a total review of the year's work, to identify strategies for improvement where necessary, and to recognize achievement and good practice. Adequate time should be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
4. The annual performance report will be signed by the evaluator at the time of the conference and by the nontenured teaching staff member within five working days of the conference. The signature of the staff member will not necessarily be construed to indicate assent with the report.
5. The teaching staff member shall have up to ten working days following the conference to add material to the report not included by the evaluator.
6. Each annual performance report shall be filed in the teaching staff member's personnel file. A copy will be provided to the staff member within ten working days of the conference.

#### G. Review of Pupil Progress and Growth

1. A review will be conducted, at least annually, of pupil progress and growth in each class, for the purpose of determining whether or not changes in the performance of the teacher or in the program would lead to improved results by the pupils during the subsequent school year.
2. The review of pupil progress and growth will be made by a supervisor who is familiar with the pupils involved and the school context against indicators previously determined by the teacher and agreed upon by his/her immediate supervisor.
3. A summary of the pupil progress and growth data and its implications will be placed in the teacher's annual performance report. The pupil progress and growth report will be one measure of the teacher's annual performance evaluation.



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4. If the review of the pupil data reveals that pupils have not made the progress expected, the supervisor and staff member shall jointly determine what changes should be made to improve pupil performance. Any such changes are subject to approval of the Superintendent before being implemented.

## H. Individual Performance Improvement Plan

1. An Individual Performance Improvement Plan will be prepared annually for each nontenured teaching staff member to correct deficiencies and to continue professional growth. The plan will derive from the applicable evaluation criteria and focus on the most important areas of professional growth for each staff member as determined from weaknesses identified in his/her evaluation.
2. The Performance Improvement Plan will be prepared in cooperation with the teaching staff member whenever possible and shall include:
  - a. Areas of required growth,
  - b. Methods of achieving that growth,
  - c. A schedule for implementation of those methods, and
  - d. The responsibility of the teaching staff member and the district for implementing the plan.
3. At the time the Performance Improvement Plan is prepared, a review will also be made of the staff member's efforts to achieve the prior year's plan.
4. Copies of the Individual Performance Improvement Plan will be placed in the teaching staff member's annual performance report and given to the teaching staff member. The degree to which the teaching staff member achieved the requirements of the previous plan will be a measure of the staff member's annual performance evaluation.
5. It is the duty of the teaching staff member to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including dismissal.

Adopted: 15 January 2008

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## R 3222 EVALUATION OF TENURED TEACHING STAFF MEMBERS

The observation and evaluation of tenured teaching staff members will be conducted by members of the administrative and supervisory staff who hold appropriate certification for the supervision of instruction and have been appointed by the Board of Education to observe and evaluate teaching staff members. Evaluation will be conducted in accordance with the following procedures.

### A. Evaluation Criteria

1. Evaluation criteria for each position shall derive from the job description for the position and relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:
  - a. Briefly stated and focused on major criteria of the position,
  - b. Based on observable information rather than on factors requiring subjective judgment,
  - c. Generic, covering a number of specific positions, and
  - d. Written in the same format and in a direct, simple style.
2. Maintenance of job evaluation criteria shall be the responsibility of the Building Principal. Evaluation criteria will be reviewed annually, and
  - a. Whenever the corresponding job description is revised,
  - b. On the request of a single job holder, or
  - c. On the request of a majority of persons holding a particular job.
3. Each tenured teaching staff member will be sent a copy of the current evaluation criteria for his/her position by the Building Principal. Any revisions will be provided to each holder of that job within thirty working days of its adoption.

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Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.

## B. Collection of Evaluation Data

Data will be gathered any one or more of the following evaluation methods:

1. Direct observation of the teaching staff member in the course of performing an assigned duty;
2. Review of a product from the teaching staff member that results from the performance of his/her assigned duties;
3. Interviews of the teaching staff member regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments (such as competency tests, pupil surveys, and the like);
5. Audio visual monitoring of the teaching staff member in the performance of his/her assigned duties; and
6. Reference to previous performance reports.

## C. Observations

1. Tenured teaching members will be evaluated at least once during each school year.
2. Classroom instructors will be observed in the performance of their duties by a visitation to the classroom that will not be less than one class period (secondary level) or for the duration of one complete subject lesson (elementary level).
3. In the case of the tenured teaching staff member who is not regularly assigned to classroom instruction, the evaluator will confer with the employee at the beginning of each school year. They shall together determine those general duties in the performance of which the employee will be observed. Actual observation will total not less than one hour's time and will be conducted in as few separate sessions as possible. The evaluator shall record each separate instance of observation and the activity observed.

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4. Each observation will be recorded on a separate form and a copy sent to the tenured teaching staff member within seventy-two hours prior to the observation conference.

## D. Evaluations

1. A written evaluation of each tenured teaching staff member in the performance of his/her duties will be prepared within fifteen calendar days of each observation.
2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare a written evaluation of each tenured teaching staff member's total performance as an employee of the school district. This evaluation shall be submitted to the Building Principal sufficiently in advance of the conference to enable the Building Principal or the Superintendent to amend it. It will be appended to the evaluation based on performance observation and will be presented to the employee at the conference.

## E. Post Observation Conferences

1. No later than fifteen calendar days after the observation of each classroom instructor, the teaching staff member and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with paragraph D1 and paragraph D2 above.
2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the teaching staff member whenever the need for such aid is indicated. In addition, the evaluator must point up the effects of the observation (if any) on the teaching staff member's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.
3. Two copies of the written evaluation will be prepared and both the supervisor and the tenured teaching staff member shall sign each copy and retain one copy.

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4. If the tenured teaching staff member so wishes, he/she may prepare a written disclaimer to the evaluation. Any such disclaimer will be appended to the evaluation, provided it is received not more than ten calendar days after the conference.
  5. Each observation report will be filed in the teaching staff member's personnel file. A copy will be provided to the teaching staff member within ten working days of the conference.
- F. Annual Performance Conference and Report
1. An annual performance conference will be held with each tenured teaching staff member by the administrator or supervisor who prepared the annual performance report (whenever possible) before the staff member's annual performance report is filed.
  2. The annual performance conference will include a review of the:
    - a. Staff member's performance based upon his/her job description,
    - b. Staff member's progress toward the objectives of his/her Individual Performance Improvement Plan developed at the previous annual conference, and
    - c. Available indicators of pupil progress and growth toward their program objectives.
  3. The purpose of the annual performance conference is to provide for a total review of the year's work, to identify strategies for improvement where necessary, and to recognize achievement and good practice. Adequate time should be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
  4. The annual performance report shall be signed by the evaluator at the time of the conference and by the tenured teaching staff member within five working days of the conference. The signature of the staff member shall not necessarily be construed to indicate assent with the report.

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5. The teaching staff member will be allowed up to ten working days following the conference to add material to the report not included by the evaluator.
  6. Each annual performance report will be filed in the teaching staff member's personnel file. A copy will be provided to the staff member within ten working days of the conference.
- G. Review of Pupil Progress and Growth
1. A review will be made, at least annually, of pupil progress and growth in each class, for the purpose of determining whether or not changes in the performance of the teacher or in the program would lead to improved results by the pupils during the subsequent school year.
  2. The review of pupil progress and growth will be made by a supervisor who is familiar with the pupils involved and the school context against indicators previously determined by the teacher and agreed upon by his/her immediate supervisor.
  3. A summary of the pupil progress and growth data and its implications are to be placed in the teacher's annual performance report. The pupil progress and growth report will be one measure of the teacher's annual performance evaluation.
  4. If the review of the pupil data reveals that pupils have not made the progress expected, the supervisor and staff member shall jointly determine what changes shall be made to improve pupil performance. Any such changes are subject to approval of the Superintendent before being implemented.
- H. Individual Performance Improvement Plan
1. An Individual Performance Improvement Plan will be prepared annually for each tenured teaching staff member to correct deficiencies and to continue professional growth. The plan will derive from the applicable evaluation criteria and focus on the most important areas of professional growth for each staff member as determined from weaknesses identified in his/her evaluation.

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Evaluation of Tenured Teaching Staff Members

2. The Individual Performance Improvement Plan will be prepared in cooperation with the teaching staff member whenever possible and shall include:
  - a. Areas of required growth,
  - b. Methods of achieving that growth,
  - c. A schedule for implementation of those methods, and
  - d. The responsibility of the teaching staff member and district for implementing the plan.
3. At the time of preparation of a Performance Improvement Plan, a review will also be made of the effort by the staff member to achieve the prior year's plan.
4. Copies of the Individual Performance Improvement Plan will be placed in the teaching staff member's annual performance report and given to the teaching staff member. The degree to which the teaching staff member achieved the requirements of the previous plan will be a measure of the staff member's annual performance evaluation.
5. It is the duty of the teaching staff member to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including certification of tenure charges.

Adopted: 15 January 2008

# REGULATION

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Evaluation of Nontenured Administrators  
M

## R 3223.1 EVALUATION OF NONTENURED ADMINISTRATORS

The observation and evaluation of nontenured administrators will be conducted by appropriate administrative staff members. Evaluation will be conducted in accordance with the following procedures.

### A. Evaluation Criteria

1. Evaluation criteria for each administrative position will derive from the job description for the position and will relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:
  - a. Briefly stated and focused on major criteria of the position,
  - b. Based on observable information rather than on factors requiring subjective judgment,
  - c. Generic, covering a number of specific positions, and
  - d. Written in the same format and in a direct, simple style.
2. Maintenance of administrative job evaluation criteria will be the responsibility of the Superintendent. Evaluation criteria will be reviewed annually, and
  - a. Whenever the corresponding job description is revised, or
  - b. On the request of a single job holder.
3. Each nontenured administrator will be sent a copy of the current evaluation criteria for his/her position annually by the Superintendent. Any revisions thereto shall be provided to each holder of that job within thirty working days of its adoption. Suggested revisions to evaluation criteria by job holders shall be referred initially to the job holder's immediate supervisor for review.



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## B. Collection of Evaluation Data

Data will be gathered any one or more of the following evaluation methods:

1. Direct observation of the administrator in the course of performing an assigned duty;
2. Review of a product from the administrator that results from the performance of his/her assigned duties;
3. Interviews of the administrator regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments (such as competency tests, pupil surveys, and the like);
5. Audio-visual monitoring of the administrator in the performance of his/her assigned duties; and
6. Reference to previous performance reports.

## C. Observations

1. Nontenured administrators will be evaluated no fewer than three times in every school year and at least once during each semester. A nontenured administrator employed fewer than sixty days in the school year may be observed and evaluated only once during the school year, and a nontenured administrator employed fewer than one hundred twenty days in the school year may be observed and evaluated only twice during the school year.
2. The evaluator shall confer with the administrator at the beginning of each three month period, the first of such periods commencing at the beginning of the school year. They shall together determine the job performance that will be observed. The period of the observation will be appropriate to the performance to be observed and will be conducted in as few separate sessions as possible. The evaluator shall record each separate instance of observation and the activity observed.
3. Wherever possible, multiple observations that focus on different areas of responsibility are desirable. Multiple observations should be spread over time to allow time for improvement.

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4. Each observation will be recorded on a separate form and a copy sent to the nontenured administrator within seventy-two hours prior to the observation conference.

## D. Evaluations

1. A written evaluation of each nontenured administrator in the performance of his/her duties will be prepared before the end of each three-month period during which a nontenured administrator has been evaluated.
2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare a written evaluation of each nontenured administrator's total performance as an employee of the school district. This evaluation will be submitted to the administrator sufficiently in advance of the conference to enable the administrator or the Superintendent to amend it. It will be appended to the evaluation based on performance observation and will be presented to the administrator at the conference.

## E. Post Observation Conferences

1. No later than the end of each three-month period of observation, the administrator and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with paragraph D1 and paragraph D2 above.
2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the administrator whenever the need for such aid is indicated. In addition, the evaluator must point up the effects of the observation (if any) on the administrator's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.
3. Two copies of the written evaluation will be prepared and both the supervisor and the nontenured administrator shall sign each copy and retain one copy.

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4. If the nontenured administrator so wishes, he/she may prepare a written disclaimer to the evaluation. Any disclaimer will be appended to the evaluation, provided it is received not more than ten calendar days after the conference.
  5. Each observation report will be filed in the administrator's personnel file. A copy will be provided to the administrator within ten working days of the conference.
- F. Annual Performance Conference and Report
1. An annual performance conference will be held with each nontenured administrator by the evaluator who prepared the annual performance report (whenever possible) before the administrator's annual performance report is filed.
  2. The annual performance conference will include a review of the:
    - a. Administrator's performance based upon his/her job description,
    - b. Administrator's progress toward the objectives of his/her Individual Performance Improvement Plan developed at the previous annual conference (if applicable), and
    - c. Available indicators of pupil progress and growth toward their program objectives (if applicable).
  3. The purpose of the annual performance conference is to provide for a total review of the year's work, to identify strategies for improvement where necessary, and to recognize achievement and good practice. Adequate time should be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
  4. The annual performance report will be signed by the evaluator at the time of the conference and by the nontenured administrator within five working days of the conference. The signature of the administrator will not necessarily be construed to indicate assent with the report.

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5. The administrator shall have up to ten working days following the conference to add material to the report not included by the evaluator.
  6. Each annual performance report shall be filed in the administrator's personnel file. A copy will be provided to the staff member within ten working days of the conference.
- G. Review of Pupil Progress and Growth
1. A review will be conducted, at least annually, of pupil progress and growth in each class, for the purpose of determining whether or not changes in the performance of the administrator or in the program would lead to improved results by the pupils during the subsequent school year.
  2. The review of pupil progress and growth will be made by an evaluator who is familiar with the pupils involved and the school context against indicators previously determined by the administrator and agreed upon by the Superintendent.
  3. A summary of the pupil progress and growth data and its implications will be placed in the administrator's annual performance report. If applicable, the pupil progress and growth report will be one measure of the administrator's annual performance evaluation.
  4. If the review of the pupil data reveals that pupils have not made the progress expected, the supervisor and staff member shall jointly determine what changes should be made to improve pupil performance. Any such changes are subject to approval of the Superintendent before being implemented.
- H. Individual Performance Improvement Plan
1. An Individual Performance Improvement Plan will be prepared annually for each nontenured administrator to correct deficiencies and to continue professional growth. The plan will derive from the applicable evaluation criteria and focus on the most important areas of professional growth for each administrator as determined from weaknesses identified in his/her evaluation.

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2. The Individual Performance Improvement Plan will be prepared in cooperation with the administrator whenever possible and will include:
  - a. Areas of required growth,
  - b. Methods of achieving that growth,
  - c. A schedule for implementation of those methods, and
  - d. The responsibility of the administrator and the district for implementing the plan.
3. At the time the Individual Performance Improvement Plan is prepared, a review will also be made of the administrator's efforts to achieve the prior year's plan.
4. Copies of the Individual Performance Improvement Plan will be placed in the administrator's annual performance report and given to the administrator. The degree to which the administrator achieved the requirements of the previous plan will be a measure of his/her annual performance evaluation.
5. It is the duty of the administrator to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including dismissal.

Adopted: 15 January 2008

# REGULATION

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Evaluation of Tenured Administrators  
M

## R 3223.2 EVALUATION OF TENURED ADMINISTRATORS

The observation and evaluation of tenured administrators will be conducted by appropriate administrative staff members. Evaluation will be conducted in accordance with the following procedures.

### A. Evaluation Criteria

1. Evaluation criteria for each administrative position will derive from the job description for the position and will relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:
  - a. Briefly stated and focused on major criteria of the position,
  - b. Based on observable information rather than on factors requiring subjective judgment,
  - c. Generic, covering a number of specific positions, and
  - d. Written in the same format and in a direct, simple style.
2. Maintenance of administrative job evaluation criteria will be the responsibility of the Superintendent. Evaluation criteria will be reviewed annually, and
  - a. Whenever the corresponding job description is revised, or
  - b. On the request of a single job holder.
3. Each tenured administrator will be sent a copy of the current evaluation criteria for his/her position annually by the Superintendent. Any revisions will be provided to each holder of that job within thirty working days of its adoption. Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.

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## B. Collection of Evaluation Data

Data will be gathered any one or more of the following evaluation methods:

1. Direct observation of the administrator in the course of performing an assigned duty;
2. Review of a product from the administrator that results from the performance of his/her assigned duties;
3. Interviews of the administrator regarding his/her knowledge of assigned duties;
4. Paper and pencil instruments (such as competency tests, pupil surveys, and the like);
5. Audio-visual monitoring of the administrator in the performance of his/her assigned duties; and
6. Reference to previous performance reports.

## C. Observations

1. Tenured administrators will be evaluated at least once during each school year.
2. The evaluator shall confer with the administrator at the beginning of each school year. They shall together determine the job performance that will be observed. The observation period will occupy not less than one hour's time.
3. Each observation will be recorded on a separate form and a copy sent to the tenured administrator within seventy-two hours prior to the observation conference.

## D. Evaluations

1. A written evaluation of each tenured administrator in the performance of his/her duties will be prepared within fifteen calendar days of the observation.
2. In addition to the evaluation following each observation or period of observation, the evaluator shall prepare a written evaluation of each tenured administrator's total performance as an employee of the school district. This evaluation will be submitted

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to the administrator sufficiently in advance of the conference to enable the administrator or the Superintendent to amend it. It will be appended to the evaluation based on performance observation and will be presented to the administrator at the conference.

## E. Post Observation Conferences

1. No later than fifteen days after the observation, the administrator and the evaluating supervisor shall hold a conference to discuss the evaluation reports prepared in accordance with paragraph D1 and paragraph D2 above.
2. The post observation conference will be conducted for the purpose of confirming the accuracy of the material collected, providing a forum for feedback, and providing assistance to the administrator whenever the need for such aid is indicated. In addition, the evaluator must point up the effects of the observation (if any) on the administrator's annual evaluation. Sufficient time should be scheduled for a full discussion of the issues involved.
3. Two copies of the written evaluation will be prepared and both the supervisor and the tenured administrator shall sign each copy and retain one copy.
4. If the tenured administrator so wishes, he/she may prepare a written disclaimer to the evaluation. Any disclaimer will be appended to the evaluation, provided it is received not more than ten calendar days after the conference.
5. Each observation report will be filed in the administrator's personnel file. A copy will be provided to the administrator within ten working days of the conference.

## F. Annual Performance Conference and Report

1. An annual performance conference will be held with each tenured administrator by the evaluator who prepared the annual performance report (whenever possible) before the administrator's annual performance report is filed.



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2. The annual performance conference will include a review of the:
    - a. Administrator's performance based upon his/her job description,
    - b. Administrator's progress toward the objectives of his/her Individual Performance Improvement Plan developed at the previous annual conference (if applicable), and
    - c. Available indicators of pupil progress and growth toward their program objectives (if applicable).
  3. The purpose of the annual performance conference is to provide for a total review of the year's work, to identify strategies for improvement where necessary, and to recognize achievement and good practice. Adequate time should be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
  4. The annual performance report will be signed by the evaluator at the time of the conference and by the tenured administrator within five working days of the conference. The signature of the administrator will not necessarily be construed to indicate assent with the report.
  5. The administrator shall have up to ten working days following the conference to add material to the report not included by the evaluator.
  6. Each annual performance report shall be filed in the administrator's personnel file. A copy will be provided to the staff member within ten working days of the conference.
- G. Review of Pupil Progress and Growth
1. A review will be conducted, at least annually, of pupil progress and growth in each class, for the purpose of determining whether or not changes in the performance of the administrator or in the program would lead to improved results by the pupils during the subsequent school year.

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2. The review of pupil progress and growth will be made by an evaluator who is familiar with the pupils involved and the school context against indicators previously determined by the administrator and agreed upon by the Superintendent.
3. A summary of the pupil progress and growth data and its implications will be placed in the administrator's annual performance report. If applicable, the pupil progress and growth report will be one measure of the administrator's annual performance evaluation.
4. If the review of the pupil data reveals that pupils have not made the progress expected, the supervisor and administrator shall jointly determine what changes should be made to improve pupil performance. Any such changes are subject to approval of the Superintendent before being implemented.

## H. Individual Performance Improvement Plan

1. An Individual Performance Improvement Plan will be prepared annually for each tenured administrator to correct deficiencies and to continue professional growth. The plan will derive from the applicable evaluation criteria and focus on the most important areas of professional growth for each administrator as determined from weaknesses identified in his/her evaluation.
2. The Performance Improvement Plan will be prepared in cooperation with the administrator whenever possible and will include:
  - a. Areas of required growth,
  - b. Methods of achieving that growth,
  - c. A schedule for implementation of those methods, and
  - d. The responsibility of the administrator and the district for implementing the plan.
3. At the time the Performance Improvement Plan is prepared, a review will also be made of the administrator's efforts to achieve the prior year's plan.

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4. Copies of the Individual Performance Improvement Plan will be placed in the administrator's annual performance report and given to the administrator. The degree to which the administrator achieved the requirements of the previous plan will be a measure of his/her annual performance evaluation.
5. It is the duty of the administrator to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including certification of charges.

Adopted: 15 January 2008

# REGULATION

ROCKAWAY BOROUGH  
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Outside Activities

## R 3230 OUTSIDE ACTIVITIES

### A. Outside Employment

1. A full-time employee may engage in outside employment only when such employment does not:
  - a. Constitute a conflict of interest,
  - b. Occur at a time when the employee has assigned district duties, or
  - c. Diminish the employee's efficiency in performing assigned district duties.
2. A full-time employee who engages in employment outside the district shall report that employment to the Building Principal.

### B. Private Enterprise

1. No employee may conduct activities on school district property designed to advance a private enterprise without the express permission of the Building Principal. Permission will not be given for solicitations or collections on behalf of a private enterprise.
2. No employee may, on school premises, advertise, recruit, or finance trips for pupils other than those expressly approved by the Board of Education. School property may not be used as the point of departure or arrival for any such privately arranged trip.

### C. Outside Associations

Employees should avoid conduct and associations outside the classroom that, if known, would have an adverse or harmful effect upon pupils or the instructional program.

# REGULATION

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Tutorial Services

## R 3232 TUTORIAL SERVICES

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

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

In certain cases where extra help is desirable and the parent(s) or legal guardian(s) request such assistance, a teacher or administrator may recommend that the parent(s) or legal guardian(s) secure tutorial services for the pupil.

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

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

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Political Activities

## R 3233 POLITICAL ACTIVITIES

### A. Prohibited Activities

The following political activities are prohibited on school district premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;
2. The distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;
3. Collection of and solicitation for campaign funds;
4. Solicitation for campaign workers;
5. Use of pupils for writing or addressing political materials or the distribution of such materials to or by pupils;
6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a district facility used as a polling place; and
7. 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.

### B. Permitted Activities

The following political activities are permitted on school premises.

1. Conduct of pupil and employee elections and any campaigning connected with those elections.
2. Classroom discussion and study of politics and political issues, when such discussion and study are appropriate to studies such as history, current events, or political science.

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Political Activities

3. Distribution of political materials when approved by the Building Principal and when relevant to the class, curriculum, and maturity of the pupils. Any such material shall be presented by the teacher without bias or discrimination.
- C. Nothing in this Regulation shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or pupil.

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Professional Development

## R 3240 PROFESSIONAL DEVELOPMENT

### A. Professional Development Plans

The school district will develop and implement professional development plans for teachers aligned with the requirements and the Professional Development Standards set forth in N.J.A.C. 6A:9. The district's professional development activities shall:

1. Improve teachers' understanding of the content and pedagogy related to their teaching assignment;
2. Promote individual and collaborative professional learning with adequate and consistent time for teachers, including English as a second language, gifted and talented, bilingual and special education teachers, to work together in and across content areas and grade levels to review pupil work, analyze classroom assessments and other achievement data, critique lesson plans, and solve instructional problems;
3. Include evaluation and analysis of professional development results in order to improve professional development by reviewing the following:
  - a. Pupil test scores, work products, and attitudinal measures;
  - b. Progress made in achieving professional development goals;
  - c. Staff feedback on the effectiveness of professional learning activities and Professional Development Plans;
  - d. Analysis of the costs associated with professional development opportunities in relation to the impact on pupil achievement and district goals;
4. Include ongoing analysis by administrators and teachers regarding the effectiveness of implementation of professional development initiatives; and
5. Include school district support through policies and adequate resources.

All school leaders shall develop and implement a professional growth plan aligned with the requirements and the Professional Development Standards set forth in N.J.A.C. 6A:9.



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- B. Professional Development Programs
1. Teaching staff members may be excused from the performance of their duties, without loss of compensation, for participation in relevant professional development programs, provided such participation:
    - a. Meets the requirements of Policy No. 3240 and this regulation; and
    - b. Has received final advance approval in accordance with paragraph B.5. below.
  2. The use of school district funds for travel expenditures for professional development activities shall be 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 pertaining to travel, meals, events, and entertainment, and the additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.
  3. A written request for permission to participate in a professional meeting must be submitted to the Superintendent of Schools or designee thirty working days prior to the meeting when possible. The request will include:
    - a. The date, time, and place of the meeting;
    - b. The name and address of the sponsoring organization; and
    - c. The purpose of the meeting and its anticipated value to the school or district.
  4. The request will be evaluated considering:
    - a. The member's participation in other professional meetings;
    - b. Other requests for participation in the same meeting;
    - c. The value to the school and/or district of the member's participation;
    - d. The requirements as outlined in N.J.A.C. 6A:23A-7 et seq.; and
    - e. Remaining available budgetary allocations for professional development activities.

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Professional Development

5. The Superintendent or designee will grant or deny permission to attend the activity pending Board approval. The Board of Education must approve all travel expenditures in accordance with N.J.S.A. 18A:11-12 and 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 pertaining to travel, meals, events and entertainment, and the additional requirements set forth in N.J.A.C. 6A:23A-7 et seq.
  6. Each teaching staff member excused from his/her duties to attend a professional development program or activity shall prepare and submit to the Superintendent or designee, with a copy to the School Business Administrator/Board Secretary, within 5 days after the program or activity, an original, written summary report of the meeting that includes:
    - a. The primary purpose of the travel;
    - b. The key issues addressed at the event; and
    - c. The relevance to improving instruction or the operations of the school district.
  7. Copies of the member's report will be distributed to such other teaching staff members as will benefit from the shared experience and information. The participant may be required to meet with other teaching staff members to discuss the meeting.
  8. Any vouchers and claims for payment to be reimbursed pursuant to Policy No. 3240 shall be submitted to the Business Administrator, along with supporting receipts and other appropriate documentation, no later than five working days after the meeting.
- C. Required Professional Development for Teachers
1. Each active teacher shall be required to complete 100 clock hours of approved professional development every five years in accordance with the requirements of N.J.A.C. 6A:9-15.2. At least two hours of instruction in suicide prevention must be part of the 100 clock hours of professional development in accordance with the provisions of N.J.S.A. 18A:6-111.
  2. The content of each teacher's professional development shall be specified in a Professional Development Plan and shall be developed in accordance with N.J.A.C. 6A:32-4.4 and 4.5 to meet the needs of the individual teacher in the context of his or her job.

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3. The content of each teacher's professional development shall align with the Professional Standards for Teachers as set forth in N.J.A.C. 6A:9-3.3.
4. The activities in each teacher's Professional Development Plan shall align with the Professional Development Standards in N.J.A.C. 6A:9-15.2(d). Professional development experiences may include experiences as outlined in N.J.A.C. 6A:9-15.2(f).
5. The Board will establish a Professional Development Committee, pursuant to N.J.A.C. 6A:9-15.3(e), comprised of four teachers elected by the Board's instructional and educational services staff through their majority representative and two administrative staff members appointed by the Superintendent of Schools. Election of teacher representatives shall conform to the procedures as outlined in N.J.A.C. 6A:9-15.3(g). School level committees shall consist of the Principal or designee and at least three teachers who will be elected through the majority representative. The school level committees shall oversee the development of school level plans for professional development. The school level plan shall include a description of school level and team-based learning in the school and will be based on identified school goals and pupil and teacher needs. Plans developed by the district's local Professional Development Committee shall be presented to the Board of Education for review and then to the County Professional Development Board for approval. Once the district's Professional Development Plan has been approved by the County Professional Development Board, the Board of Education has responsibility for final approval.
6. The 100 clock hours of approved professional development is legally binding and it shall be each active individual teacher's responsibility, in conjunction with the Board policies, to take whatever steps are necessary in order to meet the requirement. The State and the Board will actively assist and support a teacher's efforts to meet this requirement. The Building Principal, through the Professional Development Plan process, is responsible to monitor the teacher's efforts continuously through progressive supervision where the teacher's progress is inadequate.
7. Accrued professional development hours shall be portable between schools and districts. The Superintendent shall certify in writing to a new school district the accrued professional development hours for any teacher leaving the school district.

# REGULATION

ROCKAWAY BOROUGH  
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In-service Training

## R 3244 IN-SERVICE TRAINING

In-Service programs shall be the responsibility of the Superintendent. He/She shall solicit from teachers and staff input on the need for in-service instruction and shall develop an appropriate program, establish a schedule and notify the appropriate individuals and inform the Superintendent of Schools, who shall apprise the Board of Education regarding the in-service program for teachers and staff.

N.J.A.C. 6:8-2.8(a)4

Issued: 15 January 2008

# REGULATION

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Lesson Plans and Plan Books

## R 3270 LESSON PLANS AND PLAN BOOKS

### A. Lesson Plans

1. Each teaching staff member assigned specific instructional responsibilities shall prepare regular lesson plans.
2. Each lesson plan must include the:
  - a. Name of the unit or area of learning;
  - b. Goals and objectives;
  - c. New Jersey Core Curriculum Content Standards;
  - d. Content outline;
  - e. Duration of the lesson;
  - f. Instructional methodology;
  - g. Evaluation procedures;
  - h. Progress Indicators;
  - i. Any seat work or activity center assignments;
  - j. Homework assignments; and
  - k. Resource materials.
3. Lesson plans must be completed at least one week in advance.
4. Lesson plans will follow the format established at the building or departmental level, as appropriate. Lesson plans will ordinarily be prepared on a daily basis, but, if the format so dictates, may be prepared on a long-range unit basis.
5. Lesson plans must be prepared with clarity and in sufficient detail to permit a person unacquainted with the classroom to conduct the lesson efficiently and effectively.

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Lesson Plans and Plan Books

## B. Plan Books

1. A plan book will be kept by each teacher as a master plan for instruction in the classroom. In addition, the plan book will permit administrators to monitor classroom instruction and will give direction to substitutes.
2. Plan books will include:
  - a. Lesson plans,
  - b. A seating chart of pupils in the classroom,
  - c. Daily class schedules, and
  - d. The names of pupils receiving remedial instruction or removed from the classroom for specialized instruction during the school day.
3. Plan books will be submitted to the Principal or subject supervisor every week for review.
4. Plan books must be available for use by a substitute in an unforeseen situation. Plan books will not be removed from the classroom overnight.
5. Plan books will be turned in to the Principal at the end of the school year.

## C. Substitute Lesson Plans

Each teacher shall submit a substitute folder to the Principal or Assistant Principal that contains the following:

1. Special plans and hints for the substitute;
2. Helpful pupils for each selection;
3. Procedure for opening exercises;
4. Explanation sheet on taking daily attendance;
5. Special lessons to be used by the substitute when you are absent;

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Lesson Plans and Plan Books

6. Procedure for dismissal of each class and dismissal at the end of the day;
7. Special subjects schedule-art, music, physical education, pupils leaving for instrumental lessons and remedial reading;
8. Fire drill forms;
9. Seating charts;
10. Room rules and regulations;
11. Names of pupils with special problems, such as physical disabilities.

Substitute folders should be reviewed and updated periodically. Special plans in the substitute folder will only be necessary should the teacher want a substitute not to follow their regular lesson plans. To help the substitute and to provide meaningful work for the children when they are absent, prepare a folder of subject related seatwork activities or ideas which a substitute can utilize if needed for each class assignment. Every attempt should be made to have the substitute follow the teachers' plan books so that the children's education will not be interrupted during the teacher's absence, particularly if it is an extended absence.

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Liability for Pupil Welfare

## R 3280 LIABILITY FOR PUPIL WELFARE

- A. A 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.
1. A class or activity must never be left unattended while pupils are in the room, except that a teacher may stand immediately outside the door of the room as pupils are entering.
  2. A class or activity must never be left with an unqualified person in charge of pupils.
  3. Younger pupils should be accompanied to assigned places of instruction and monitored until supervision is assumed by another qualified, responsible person.
  4. Pupils shall not be allowed to inflict bodily harm on one another. Teaching staff members are responsible for preventing and stopping pupil fights and assaults, whatever the cause or intent; if necessary, responsible assistance must be quickly summoned. Teaching staff members may restrain a pupil only with the reasonable amount of force necessary to:
    - a. Quell a disturbance,
    - b. Obtain possession of weapons or dangerous objects,
    - c. Offer self defense, or
    - d. Protect persons or property.
- B. 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.
- C. A teaching staff member must provide proper instruction in safety wherever course guides so provide.
- D. A teaching staff member must report immediately to the Building Principal any accident or safety hazard the member detects.



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Liability for Pupil Welfare

- E. A teaching staff member must not send pupils on personal errands.
- F. A teaching staff member must never transport pupils in a personal vehicle without the approval of the Building Principal. Any transportation of pupils by private vehicle is subject to Policy No. 8660.
- G. A teaching staff member must not require a pupil to perform tasks that may be detrimental to the pupil's health or well being.
  - 1. Pupils may be permitted to use only items of equipment that have been provided by the Board.
  - 2. Equipment shall not be used for purposes other than the instructional purposes for which the equipment was provided; equipment may never be operated in a hazardous manner.
  - 3. Power tools and other inherently hazardous equipment may be used only by pupils to whom the tools or equipment have been assigned for instructional purposes and who have received instruction for their safe use.
  - 4. Pupils will be permitted to work in a shop, kitchen, or laboratory only during the period scheduled for instruction and only in accordance with safety rules.
  - 5. Classroom materials and equipment should be organized so as to minimize the danger of injury to pupils.
  - 6. Teachers must exercise good judgment when assigning tasks to pupils to prevent bodily harm and damage to property.
  - 7. Safety equipment provided for use in potentially hazardous situations must be properly and promptly utilized when necessary.
- H. A teaching staff member must render prompt reports when so required by law and Board policy.
  - 1. Instances of substance abuse will be reported in accordance with Policy No. 5530.
  - 2. Instances of violence and/or vandalism will be reported in accordance with Policy No. 8461.

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Liability for Pupil Welfare

3. Accidents will be reported in accordance with Board Policy No. 8442.
4. Instances of suspected child abuse will be reported in accordance with Policy Nos. 8461 and 8462.
5. Missing children will be reported in accordance with Policy No. 8464.

Issued: 15 January 2008

# REGULATION

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Inappropriate Staff Conduct

## R 3281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. Policy No. 3281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to pupils.

### A. Definitions

1. “Building Principal” is the Principal of the building where the staff member is assigned.
2. “Grievance Procedure” is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.
3. “Hostile Environment Sexual Harassment” is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a pupil’s ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
4. The “immediate supervisor” for teaching staff members may be a Building Principal, a member of the school district’s non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.
5. “Inappropriate comments” includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a pupil’s clothing or physical appearance, comments with sexual overtones, comments regarding a pupil’s dating partner or comments about the staff member’s personal life that are not relevant to the professional responsibility of the school staff member.
6. “Inappropriate conduct” includes, but is not limited to, sexual misconduct, a request by a school staff member to a pupil for a social relationship outside the school staff/pupil relationship, sexually harassing conduct, inappropriate touching by the staff member to a pupil or permitting a pupil to inappropriately touch a

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Inappropriate Staff Conduct

staff member, corporal punishment, requesting a pupil to expose private parts of their body, other than for school medical purposes, and a staff member exposing their own private parts of their body to a pupil. Inappropriate conduct also includes physical contact between a staff member and pupil that is beyond the staff member/pupil professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/pupil professional relationship. “Inappropriate conduct” does not include a hug initiated by a pupil as a sign of the pupil’s appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

7. “Inappropriate language or expression” includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.
8. “Inappropriate staff conduct” is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.
9. “Quid Pro Quo Sexual Harassment” is when a school employee explicitly or implicitly conditions a pupil’s participation in an educational program or activity or bases an educational decision on the pupil’s submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
10. “Professional responsibility responsibilities” is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.

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11. “Promptly report” is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Building Principal no later than seventy-two hours after the required reporting time.
12. “Sexual Harassment” is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.
13. “Staff member” or “school staff member” is a compensated and/or uncompensated member of the school district’s staff, including any agents and/or representatives of the school district.
14. “Unannounced or uninvited visit” is a pupil visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member’s residence and/or other place where the staff member may be when not performing school related professional responsibilities.

## B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal or immediate supervisor.
2. Any staff member who believes, or has reason to believe, a pupil is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a pupil beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal or immediate supervisor.
3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal or immediate supervisor.
4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.

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5. Any pupil, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Principal.
6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.
7. School staff 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.

## C. Investigation of Reports

1. An immediate supervisor or Building Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Superintendent of Schools.
2. The Building Principal/Designee will begin a prompt and thorough investigation of every report.
3. The Building Principal/Designee or the Superintendent will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services if there is 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 and in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

## D. Preliminary Investigation of Reports by Others

1. The Building Principal/Designee will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the Building Principal/Designee received the report.

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2. The Building Principal/Designee's preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any pupils who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and pupil(s) reported to have engaged in conduct prohibited by this Policy and Regulation.
3. The Building Principal/Designee will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.
4. If, based on a preliminary investigation, the Building Principal/Designee determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. The Building Principal/Designee will maintain a separate file for all such reports and the report will not be included in the staff member's personnel file.
5. If, based on a preliminary investigation, the Building Principal/Designee deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the pupil indicated in the report upon request.

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E. Full Investigation

1. The Building Principal/Designee, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 and/or local law enforcement.
2. The Building Principal/Designee will conduct the full investigation if the Division of Youth and Family Services and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-10.2 et seq. for reporting to the Division of Youth and Family Services and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.
3. The full investigation will include, but not be limited to, interviews with the staff member(s), pupils, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.
4. The Building Principal/Designee will accept testimony and evidence from the staff member(s), pupil(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.
5. All persons that provide information, testimony and evidence to the Building Principal/Designee relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Superintendent of Schools.
6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the Building Principal/Designee will prepare a written report to the Superintendent of Schools. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the Building Principal/Designee.



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7. If the Building Principal/Designee's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur and the Superintendent concurs with the report's findings, the Building Principal/Designee will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the pupil(s) investigated to review the findings.
8. If the Building Principal/Designee's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred and the Superintendent concurs with the report's findings, the Superintendent may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:
  - a. Provide the staff member an opportunity to rebut the findings of the Building Principal/Designee's full investigation report and findings;
  - b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;
  - c. Not recommend the staff member be re-appointed for the next school year;
  - d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;
  - e. Institute tenure charges (if applicable) in accordance with N.J.A.C. 6A:3-5 – Charges Under Tenure Employees' Hearing Act; and/or
  - f. Recommend to the Board of Education any other disciplinary measures as the Superintendent of Schools determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.

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9. If the Superintendent does not concur with the findings of the Building Principal/Designee's full investigation, the Superintendent may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the Building Principal/Designee, a discussion with the pupil(s) and parent(s)/legal guardian(s) and any activity the Superintendent believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Superintendent will proceed consistent with paragraph 7. and 8. above.
10. Any person who is not satisfied with the Superintendent's determination may appeal to the Board of Education.

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

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

The school district provides computer equipment, computer services, and Internet access to its pupils and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The “system administrators” referred to herein as employees of the school district who administer the school district computer network(s)/computers and the system administrators reserve the right to monitor all activity on network(s)/computer facilities/computers.

Because of the complex association between so many government agencies and computer network(s)/computers must adhere to strict regulations. Regulations are provided here so that teaching staff members are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Teaching staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing teaching staff members behavior and communications apply. The school district’s network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to teaching staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the district computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with district standards. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

Computer network(s)/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network(s)/computer administrators may review files and communications to maintain system integrity and ensure that users

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are using the system responsibly. Users should not expect that files stored on district servers will always be private. Users should expect all files stored on district servers will be available for review by the Educational Technology Coordinator and/or school administrators.

Within reasonable limits, freedom of speech and access to information will be honored. During school, teaching staff members will guide pupils toward appropriate materials.

Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/computers;
5. Violating copyright laws;
6. Using another's password;
7. Trespassing in another's folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

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### Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any non-school related business or solicit the performance of any activity which is prohibited by law or non-educational.

While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide pupil access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Teaching staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise pupil use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Teaching staff members should discipline pupils knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform pupils that such activities may result in termination of such pupils' accounts on the computer network(s) and their independent use of computers.

### On-line Conduct

Any action by a teaching staff member or other user of the school district's computer network(s)/computers that is determined by a system administrator to constitute an inappropriate use of computer network(s)/computers resources or to improperly restrict or inhibit other members from using and enjoying those resources is strictly prohibited and may result in limitation on or termination of an offending member's account and other action in compliance with the Board policy and regulation. The user specifically agrees not to submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially

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offensive, or otherwise illegal material; nor shall a user encourage the use, sale, or distribution of controlled substances. Transmission of material, information or software in violation of any local, state or federal law is also prohibited and is a breach of the Consent and Waiver Agreement.

Users agree to indemnify the Rockaway Borough School District and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network(s)/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.

### Software Libraries on the Network(s)

Software libraries on the network(s) are provided to teaching staff members as an educational resource. No teaching staff member may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network(s)/computers (e.g., computer viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

### Copyrighted Material

Copyrighted material must not be placed on any system connected to the network(s)/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation No. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

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### Public Posting Areas (Message Boards/Usenet Groups)

Usenet and Internet Relay Chat Room messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network(s). The system administrators or the school administration, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators or the school administration, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

### Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network(s)/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat) etc.

### Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

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#### Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A member who exceeds his/her quota of disk space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.

#### Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network(s), the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network(s)/computers or may be terminated as a user and be subject to other disciplinary action.

#### Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network(s)/computers that are connected to the Internet backbone or of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.



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### Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

### Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation No. 3321, Teaching Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy No. 3150, Teaching Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

### Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Educational Technology Coordinator in matters relating to the use of computer network(s)/computers and by the Superintendent or designee in matters of discipline or employee suspension or actions by the authorities are the appropriate course of action.

Individuals violating this policy shall be subject to the consequences as indicated in Policy No. 2361 and other appropriate discipline which includes but are not limited to:

1. Use of Computer 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 from employment;
7. Legal action and prosecution by the authorities; and/or

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8. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

Decisions of the Educational Technology Coordinator may be appealed in accordance with the appropriate employee grievance procedure.

Issued: 15 January 2008

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R 3362 SEXUAL HARASSMENT OF TEACHING STAFF MEMBERS  
COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.
2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.
3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

1. Reporting of Sexual Harassment Conduct

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- a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.
  - b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or telephone call.
  - c. A report to the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
  - d. In the event the report alleges conduct by the Building Principal or the Affirmative Action Officer, the Superintendent will designate a school official to assume the Building Principal's or Affirmative Action Officer's responsibilities as outlined in Policy No. 3362 and this Regulation.
2. Affirmative Action Officer's Investigation
- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
  - b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.

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- c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.
  - d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.
  - e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation No. 3362 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.
  - f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
  - g. The Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if there is potential criminal conduct by any party.
  - h. The school district administration may take interim measures during an Affirmative Action Officer's investigation of a complaint.
  - i. The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.
3. Investigation Results
    - a. Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the person(s) providing notice to the school district and the staff member(s) who was alleged to be sexually harassed.

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- b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
- c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
- d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.
- e. In the event the Affirmative Action Officer determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The school district may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.
- f. In some situations, the school district may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.

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- g. The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.
  - h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.
4. Affirmative Action Officer's Investigation Appeal Process
- a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.
  - b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.
- C. Office of Civil Rights (OCR) Case Resolution
- Persons not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.
- 1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).

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Sexual Harassment of Teaching Staff  
Members Complaint Procedure

2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of school staff members, OCR will consider whether:
  - a. The school district has a policy prohibiting sexual harassment and a grievance procedure;
  - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
  - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

Issued: 15 January 2008



# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
TEACHING STAFF MEMBERS  
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Modified Duty Early Return to Work  
Program – Teaching Staff Members

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

The Modified Duty Early Return to Work Program shall be administered by the School Business Administrator/Board Secretary, the district's designated Workers' Compensation Coordinator.

A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office in each school building and in the Coordinator's office.
2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or to the workers' compensation physician.
  - a. In the event the injury requires immediate medical treatment, the staff member may be directed to the school physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.
  - b. In the event the staff member gets injured when schools are closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:
    - (1) Go to the hospital emergency room; and
    - (2) Notify their immediate supervisor as soon as possible after the injury.
  - c. In the event the injured staff member goes to the hospital emergency room when schools are closed, the staff member must report the injury to the Coordinator the next business

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## ROCKAWAY BOROUGH SCHOOL DISTRICT

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Modified Duty Early Return to Work  
Program – Teaching Staff Members

- day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.
- d. In the event the staff member gets injured when schools are closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:
    - (1) Immediately notify their immediate supervisor; and
    - (2) Notify the Coordinator's office the next business day.
  3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.
    - a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.
  4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.
  5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.

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Modified Duty Early Return to Work  
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B. Physician's Workers' Compensation Examination and Evaluation

1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school district.
2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.
3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.

C. Modified Duty Restriction

1. There is no permanent modified duty and all modified duty positions are temporary.
2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.
3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.

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4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.
5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.
6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.

D. Assignment of Job Tasks

1. Assigning modified duty to staff members will be decided on a case-by-case basis.
2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.
3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.
4. There is no restriction on the school district location or the type of modified duties assigned to the staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.
5. 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.

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E. Staff Member Requirements

1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.
2. Staff members are required to follow the Coordinator's directives regarding:
  - a. Job assignments and tasks;
  - b. Attending scheduled doctors' appointments; and
  - c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.

F. Compliance With Laws

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

Adopted: 15 January 2008

# REGULATION

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Sick Leave

## R 3432 SICK LEAVE

### A. Eligibility for Sick Leave

1. Each person steadily employed by this district will be paid in full, to the limit of his/her entitlement, for days on which the employee is absent from work because of:
  - a. Personal disability due to the employee's illness or injury,
  - b. The employee's exclusion from school by the school district's medical authorities on account of a contagious disease, or
  - c. The employee's having been quarantined for a contagious disease in his/her immediate household.
2. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee:
  - a. Has engaged in or prepared for gainful employment with an employer other than the Board,
  - b. Has participated in a concerted work stoppage, or
  - c. Has engaged in any activity, vocational or avocational, that clearly refutes the employee's claim of disability or quarantine.

### B. Call in Procedures

1. An employee who anticipates a day of disability should make every reasonable effort to so notify the Building Principal no later than the day before the absence, to allow sufficient time for the securing of substitute services.
2. Notice of the disability should include a reasonable estimate of the duration of the disability.
3. An employee who becomes aware of his/her disability on the morning of the absence must call the substitute caller between the hours of 6:30 a.m. and 7:00 a.m.

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Sick Leave

4. An employee who becomes disabled during the school day must so inform the Principal as promptly as possible and request permission to leave the school premises.
5. In all instances, the employee himself/herself should call the Principal to report sick leave. An agent may be appointed to call in sick leave only when the employee is so incapacitated as to make a personal call inadvisable or impossible.

## C. Sick Leave Charges

1. A sick leave absence commences when the absence is called in pursuant to paragraph B. An employee who leaves school early because of a disability will not be charged with a sick leave day provided the absence commences after the hour of 2:00 p.m.
2. A sick leave day once commenced may be reinstated as a working day only with the approval of the Superintendent.
3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.
4. An employee scheduled for a sick leave absence on a day on which the schools do not open because of an emergency (such as a snow day) will not be charged with a sick leave day.

## D. Verification of Sick Leave

1. An employee absent for reasons of disability more than five consecutive working days or more than ten cumulative working days in any one month shall submit the signed statement of his/her physician indicating:
  - a. The reason for the employee's absence, as personally known to the physician; and
  - b. If the employee is not immediately returning to work, the anticipated duration of the employee's disability.

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2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.
3. If the results of the examination conducted pursuant to paragraph D2 are inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's disability on days claimed for sick leave.

E. Readmission After Disability

1. An employee who wishes to return to work after sick leave of more than five consecutive working days or more than ten cumulative working days in any one month shall submit the signed statement of his/her physician indicating the employee's fitness to perform his/her duties.
2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.
3. If the results of the examination conducted pursuant to paragraph E2 are inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's fitness to return to service.

F. Exhaustion of Sick Leave

1. The Superintendent will monitor each employee's sick leave bank and charge the employee's bank of accumulated sick leave with sick leave days in accordance with Policy No. 3432 and this regulation.
2. When it is apparent that an employee on extended sick leave will utilize the last sick leave day to which he/she is entitled within five working days, the Superintendent will so inform the employee by written notice. The notice will include a statement of the employee's right to request the Board for an extension of sick leave.



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3. A request for the extension of sick leave should be submitted to the Superintendent at least five working days in advance of the next Board meeting. The request must be accompanied by a physician's signed statement setting forth the nature and anticipated duration of the employee's disability.
4. An employee who anticipates an extended period of disability may apply to the Board for a disability leave of absence pursuant to Policy No. 3431.
5. Employees are reminded that sick leave extensions and disability leaves of absence are not entitlements and will be granted or denied by the Board on a case-by-case basis.
6. Employees will receive no compensation or benefits during an unpaid leave of absence, except the continuation of health insurance coverage for which the employee must recompense the district.

## G. Accumulation of Sick Leave

1. Sick leave will be charged, first, to the sick leave newly available in the employee's current contract year and, when that sick leave entitlement is exhausted, to the employee's bank of accumulated sick leave.
2. At the beginning of each contract year, up to twelve days of sick leave newly available but unused in the prior contract year will be carried forward and credited to a full-time employee's bank of sick leave.
3. The unused sick leave of part-time employees will be accumulated on the basis of hours of work rather than days of work.
  - a. At the close of each school year, the number of sick leave days not used by a part-time employee will be multiplied by the number of hours the employee worked in each day or, if the employee worked irregular hours, the average number of hours in each contract day.

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- b. At the beginning of the following school year, the total number of hours accumulated will be divided by the number of hours, or average number of hours, to be worked in each contract day. The result constitutes the number of accrued sick leave days the employee may claim when he/she has exhausted the sick leave days available in the current contract year.
- c. When a part-time employee, continuously employed in the district, is employed full-time, his/her accumulated sick leave hours will be divided by the number of hours in a full working day, and the dividend will be multiplied by the number of days he/she worked each week as a part-time employee. The product will be divided by five, the number of days in a full-time week. The resulting number, rounded up to the next full day, represents the number of accrued sick leave days in the employee's sick leave bank.

## H. Records

1. The personnel file of each person employed by this district will include an accurate record of the employee's attendance in accordance with Policy No. 3212.
2. Each employee's attendance record will record the reason for any absence.
3. The attendance record will include the number of accumulated unused sick leave days in the employee's sick leave bank.

# REGULATION

ROCKAWAY BOROUGH  
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Travel Expenses  
M

## R 3440 TRAVEL EXPENSES

### A. Approval of Travel Expense Reimbursement

The following procedure shall be implemented for a teaching staff member seeking to receive travel expense reimbursement:

1. A Request for Travel Expense Report must be submitted to the Superintendent of Schools prior to the travel date(s) and at least 4 calendar days before a Board meeting. The request shall include supporting documentation to include: the type of travel; location of the travel; occurrences of the travel; date(s) of travel; and all related costs including transportation expenses, parking, tolls, lodging, registration fees, meals, and other expenses.
2. The Superintendent of Schools shall review and may approve or deny each request for travel. The Superintendent's signature designating approval is required on the request for travel expenses.
3. All requests for travel expenses approved by the Superintendent of Schools shall be forwarded to the School Business Administrator/Board Secretary, or designee, to determine if the expenses as outlined in the request are in compliance with State travel payment guidelines established by the Department of the Treasury and with guidelines established by the Federal Office of Management and Budget.
  - a. If the requested travel expenses are in compliance with the guidelines the Superintendent of Schools will include the travel expense information on the Board of Education Approval of Travel Expense Form for submission to the Board of Education for approval.
  - b. If any travel expenses are not in compliance with the guidelines the School Business Administrator/Board Secretary or designee, will return the request to the Superintendent of Schools. The Superintendent may

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Travel Expenses

deny the returned request or approve the request conditioned upon the teaching staff member assuming the financial responsibility for those travel expenses not in compliance with the guidelines. If the Superintendent of Schools approves the request the Superintendent of Schools will include a summary of this documentation on the Board of Education Approval of Travel Expense Form.

4. The Board of Education Approval of Travel Expense Form shall be presented to the Board of Education for approval. Approval by a majority of the full voting membership of the Board at a Board meeting is required.

## B. Reimbursement of Travel Expenses

All travel expenses that receive prior written approval of the Superintendent of Schools and prior approval of the Board shall be reimbursed by the Board of Education in accordance with the following procedures:

1. The teaching staff member, within 30 calendar days after incurring the approved travel expenses, shall be required to submit to the School Business Administrator/Board Secretary receipts documenting all prior Board approved travel expenses paid by the teaching staff member during the travel. Reimbursement to the teaching staff member will be made in accordance with the district's payment procedures. Travel payments will be paid only upon compliance with P.L. 2007 c. 53 and Policy 3440 provisions and approval requirements.
2. Receipts for the approved expenses to be paid directly to a vendor(s) accepting the school district's purchase order will be obtained directly from the vendor by the Business office. Payment directly to the vendor will be made in accordance with the district's payment procedures.

Adopted: 15 January 2008