

The Burch Charter School of Excellence Policy

Category: Administration
Code: 2131

Name: Lead Person
Board Approval Date: August 14, 2017

The Chief School Administrator shall be the lead person of the Burch Charter School of Excellence. He/she shall serve as chief executive and administrative officer of the school by implementing policies established by the Board of Trustees and by discharging the duties imposed on his/her or her office by law.

The Chief School Administrator shall have a non-voting seat on the Board of Trustees and the right to speak on all educational matters at the Board meetings. He/she shall be the lead person advisor to the Board. He or she may be delegated to an appropriate school official any duty not reserved to the lead person by law, but may not delegate the responsibility for duties mandated by law.

The Board delegates to the Chief School Administrator the function of specifying required actions and designing the detailed arrangements under which the school will be operated. These regulations and detailed arrangements will constitute the regulations governing the schools. They must be in every respect consistent with the policies adopted by the Board. When the Chief School Administrator develops regulations, he/she will provide the Board with copies for informational reasons. The Board itself will formulate and adopt regulations only when required by law, or when the Chief School Administrator recommends board adoption in light of strong community attitudes or probable staff reaction.

The Board of Trustees will evaluate the Chief School Administrator at least annually. Each evaluation shall be in writing, a copy shall be provided to the Chief School Administrator and the Chief School Administrator and the Board shall meet to discuss the findings. Every newly appointed or elected board member shall complete the New Jersey School Board Association's training program on evaluation of superintendents within six months of commencement of his/her term of office. The purpose of the evaluation shall be:

- A. To promote professional excellence and improve the skills of the Chief School Administrator;
- B. To improve the quality of the education received by the students;
- C. To provide a basis for the review of the job performance of the Chief School Administrator.

The role and responsibility of the Board in this evaluation shall be:

- A. To complete a New Jersey School Boards Association training program on the evaluation of the Chief School Administrator within six months of the commencement of newly appointed or elected district board member's term of office.
- B. To review, revise and adopt procedures suggested by the Chief School Administrator for implementation of this policy;
- C. To determine whether the services of a qualified consultant will contribute substantially to the evaluation process, and to engage such a consultant if the Board deems it desirable;
- D. To adopt an individual plan for professional growth and development of the Chief School Administrator based in part upon any needs identified in the evaluation. This plan shall reflect contributions by both the Board and the Chief School Administrator. The duration of the plan will be three to five years, depending on the Chief School Administrator's contract with the school. The Board may determine whether to establish quantitative and/or qualitative merit criteria and the data to be used to establish the Chief School Administrator's achievement of any established merit goal;
- E. To hold an annual summary conference between a majority of the full membership of the Board and the Chief School Administrator. This conference shall include a review of the Chief School Administrator's performance in terms of his/her job description;
 - 1. Performance of the Chief School Administrator based upon the job description;
 - 2. Progress of the Chief School Administrator in achieving and/or implementing the School's goals, programs objectives, policies, instructional priorities, State goals, and statutory requirements; and
 - 3. Indicators of student progress and growth toward program objectives.
- F. To prepare on or about July 1, subsequent to the annual summary conference, a written performance report, approved by a majority of the full membership of the Board. This report shall include:
 - 1. Performance areas of strength;
 - 2. Performance areas needing improvement based upon the job description and evaluation criteria set forth below;
 - 3. Recommendations for professional growth and development;

4. A summary of available indicators of student progress and growth and a statement of how these available indicators relate to the effectiveness of the overall program and the performance of the Chief School Administrator;
 5. Provision for performance data which have not been included in the report prepared by the Board of Trustees to be entered into the record by the Chief School Administrator within 10 working days after the completion of the report.
- G. To add all written performance reports and supporting data, including, but not limited to, indicators of student progress and growth to a chief school administrator's personnel file. The records shall be confidential and not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

The role and responsibility of the Chief School Administrator shall be to provide information and propose procedures to:

- A. Be the primary advocate for the students and parents of the school;
- B. Assure the students expected academic growth;
- C. Create and maintain a community environment that is student centered, inspiring and empowering;
- D. Communicate with parents and guardians;
- E. Motivate teaching staff;
- F. Develop and implement a Professional Development Plan that meets the needs of the teaching staff and support personnel;
- G. Participate in the development and implementation of the curriculum and assure correlation with the Core Curriculum Content Standards and with the Goals and Objectives of the school;
- H. Complete and submit all required reports to the NJDOE in a timely fashion;
- I. Evaluate all teaching staff and support personnel;
- J. Work with teaching staff to monitor lesson planning and implementation;
- K. Work with the Board of Trustees in the evaluation of the school and the development and implementation of Action Plans needed to ensure effective execution of the Charter for the school;
- L. Assure implementation of the vision and mission of the Charter;
- M. Assure that the school community reflects the goals and objectives for the school and that plans and programs are in place to meet the specified objectives;
- N. Assure adherence to the curriculum, effective teaching and implementation of the assessment program;
- O. Analyze, review and make recommendations regarding assessments and student achievement on the NJASK series.

The policy shall be delivered to the Chief School Administrator upon adoption. Amendments to the policy shall be distributed within 10 working days after adoption.

Legal References:

N.J.S.A 18A:4-15	General rulemaking power
N.J.S.A.18A:6-10 through -17	Dismissal and reduction in compensation of persons under tenure in public school system
N.J.S.A. 18A:12-21 et seq.	School Ethics Act
N.J.S.A. 18A:17-20	Tenured and nontenured superintendents; general powers and duties
<u>N.J.S.A.</u> 18A:17-20.3	Evaluation of superintendent's performance
N.J.S.A 18A:17-24	Clerks in superintendent's office
N.J.S.A 18A:17-24.1	Shared Administrators, Superintendents

N.J.S.A 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions
<u>N.J.S.A.</u> 18A:28-3 through -6.1	No tenure for noncitizens
N.J.S.A. 18A:29-14	Withholding increments; causes; notice of appeals
N.J.S.A. 18A:36A-1 et seq.	Charter School Program Act of 1995
N.J.S.A. 40:8A-1 et seq.	Interlocal Services Act
<u>N.J.A.C.</u> 6A:9-3.4	Professional Standards for School Leaders
<u>N.J.A.C.</u> 6A:9B-12.1	Requirements for Administrative Certification
<u>N.J.A.C.</u> 6A:10-8.1	Evaluation of chief school administrators
N.J.A.C. 6A:11-1 et seq.	Charter Schools
N.J.A.C. 6A:28-1.1 et seq.	School Ethics Commission
N.J.A.C. 6A:32-4.1 et seq.	Employment and Supervision of Teaching Staff
N.J.A.C. 6A:32-4.5	Evaluation of nontenured teaching staff members
8 U.S.C. 1101 et seq.	Immigration and Nationality Act

Corresponds to NJSBA Policy No. 2131

The Burch Charter School of Excellence Policy

Category: Administration
Code: 2210

**Name: Administrative Leeway in Absence
of Board Policy**
Board Approval Date: November 22, 2011

In cases where immediate action must be taken within the school when the Board of Trustees has provided no guidelines for administrative action, the Chief School Administrator shall have the power to act, but his or her decisions shall be subject to review by the Board at its next regular meeting.

It shall be the duty of the Chief School Administrator to inform the Board promptly of such action and of the need for policy.

Legal References:

N.J.S.A 18A:11-1

General mandatory powers and duties

N.J.S.A 18A:17-20

Tenured and nontenured superintendents; general powers and duties

Corresponds to NJSBA Policy No. 2210

The Burch Charter School of Excellence Policy

Category: Administration
Code: 2224

Name: Nondiscrimination/Affirmative Action
Board Approval Date: November 22, 2011

State and federal statutes and regulations prohibit the school from discriminatory practices in employment or educational opportunity against any person by reason of race, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, in employment or in educational opportunities. Further state and federal protection is extended on account of disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or family status.

The Board of Trustees will continue to support its Affirmative Action Resolution, and to implement the school's equal educational opportunity policy, school and classroom practices plan and contract/employment practices plan in accordance with law and regulation.

The Board authorizes the Chief School Administrator to develop and implement a multi-year equity plan to ensure the school provides equality in educational programs and to identify and correct, or assess and prevent, all bias, discrimination and impermissible isolation in policies, practices and facilities of the school. Upon approval of this plan by the state department of education, the Board shall adopt it by resolution. The Chief School Administrator shall report to the Board annually on progress toward goals established in the plan. A copy of the school's affirmative action/equity plans and self-evaluation of their achievement shall be available in the office.

Affirmative Action Officer and Team

The Board shall annually appoint a member of the staff as the affirmative action officer and form an affirmative action team, of whom the affirmative action officer is a member. The affirmative action officer shall serve as affirmative action/504 officer and/or desegregation coordinator. The affirmative action officer must have New Jersey certification with an administrative, instructional, or education services endorsement. The Board shall ensure that all members of the school community know who the affirmative action officer is and how to access him/her.

The affirmative action officer shall:

- A. Coordinate the required professional development training for certificated and non-certificated staff;
- B. Notify all students and employees of the school's grievance procedures for handling discrimination complaints; and
- C. Ensure that the school's grievance procedures, including investigative responsibilities and reporting information, are followed.

The affirmative action team shall:

- A. Develop the comprehensive equity plan in compliance with administrative code;
- B. Oversee the implementation of the school's comprehensive equity plan;
- C. Collaborate with the affirmative action office in coordinating the required professional development training;
- D. Monitor the implementation of the comprehensive equity plan; and
- E. Conduct the annual internal monitoring to ensure continuing compliance with state and federal law and code.

Harassment

The Board of Trustees shall maintain an instructional and working environment that is free from harassment of any kind. Administrators and supervisors will make it clear to all staff, students and vendors that harassment is prohibited. Sexual harassment shall be specifically addressed in the affirmative action in-service programs required by law for all staff.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to the conduct or communication is made a term or condition of employment or education;
- B. Submission to, or rejection of, the conduct or communication that is the basis for decisions affecting employment and assignment or education;
- C. The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or education;

- D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the Burch Charter School of Excellence. Harassment by board trustees, employees, parents, students, vendors and others doing business with the school is prohibited. Any child or staff member who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the affirmative action officer or the Chief School Administrator. Anyone else who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the Chief School Administrator or board president. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure, which may result in discipline, up to and including dismissal. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the Chief School Administrator or Board. Law enforcement shall be summoned when appropriate. This policy statement on sexual harassment shall be distributed to all staff members.

Staff or students may file a formal grievance related to harassment on any of the grounds addressed in this policy. The affirmative action officer will receive all complaints and carry out a prompt and thorough investigation, and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination or harassment will result in appropriate disciplinary action.

School and Classroom Practices

In implementing affirmative action, the school shall:

- A. Identify and correct the denial of equality of educational opportunities for students solely on the basis of any classification protected by law;
- B. Continually reexamine and modify, as may be necessary, its school and classroom programs; location and use of facilities; its curriculum development program and its instructional materials; availability of programs for children; and equal access of all eligible students to all extracurricular programs.

Contract/Employment Practices

The Board directs the Chief School Administrator to ensure that appropriate administrators implement the school's affirmative action policies by:

- A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the school's affirmative action policies in their contacts with staff and students;
- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion and personnel-management practices are structured and administered in a manner that furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding in-service programs on affirmative action for all staff in accordance with law.

Disabled

In addition to prohibiting educational and employment decisions based on nonapplicable disabling condition, the school shall, as much as feasible, make facilities accessible to disabled students, employees and members of the community as intended by Section 504 and as specified in the administrative code.

Report on Implementation

The Chief School Administrator shall devise regulations, including grievance forms and procedures to implement the school's affirmative action policies. H/she shall report to the Board annually on the effectiveness of this policy and the implementing procedures.

Legal References:

N.J.S.A. 2C:16-1	Bias Intimidation
N.J.S.A. 2C:33-4	Harassment
N.J.S.A. 10:5-1 et seq.	Law Against Discrimination
N.J.S.A. 18A:6-5	Inquiry as to religion and religious tests prohibited
N.J.S.A. 18A:6-6	No sex discrimination

N.J.S.A. 18A:18A-17	Facilities for handicapped persons
N.J.S.A. 18A:26-1	Citizenship for teachers, etc.
N.J.S.A. 18A:26-1.1	Residence requirements prohibited
N.J.S.A. 18A:29-2	Equality of compensation for male and female teachers
N.J.S.A. 18A:37-14 through -19	Harassment, intimidation, and bullying defined; definitions
N.J.S.A. 18A:36-20	Discrimination; prohibition
N.J.S.A. 26:8A-1 et seq.	Domestic Partnership Act
N.J.A.C. 5:23-7.1 et seq.	Barrier free subcode of the uniform construction code
N.J.A.C. 6A:7-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.7, -1.8	Managing for Equality and Equity in Education
N.J.A.C. 6A:32-12.1	Reporting requirements
N.J.A.C. 6S:32-14.1	Review of mandated programs and services Executive Order 11246 as amended
29 U.S.C.A. 201	Equal Pay Act of 1963 as amended
20 U.S.C.A 1681	Title IX of the Education Amendments of 1972
42 U.S.C.A. 20000e et seq.	Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972
29 U.S.C.A. 794 et seq.	Section 504 of the Rehabilitation Act of 1973
20 U.S.C.A. 1401 et seq.	Individuals with Disabilities Education Act
42 U.S.C.A. 12101 et seq.	Americans with Disabilities Act (ADA)

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

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

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

State v. Mortimer, 15 N.J. 517 (1994)

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

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

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

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

The Comprehensive Equity Plan, New Jersey Department of Education

Corresponds to NJSBA Policy No. 2224