

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4111

**Name: Retention, Selection and Hiring
of Certified Staff**
Board Approval Date: November 22, 2011

The Burch Charter School of Excellence Board of Trustees believes that the quality of the professional staff in large part determines the quality of the education offered to the students. Therefore, the Chief School Administrator shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of the students.

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

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

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

The Chief School Administrator shall take steps to verify the academic credentials of any potential candidate for employment, and ensure any degrees cited, academic coursework or credits completed, or titles claimed by an individual have been granted by an accredited institution of higher education. For Chief School Administrator candidates, the Board shall take similar steps. This includes, but is not limited to, ensuring the candidate supplies official transcripts to verify that credentials are from an accredited institution. The Board secretary shall have responsibility for ensuring the documents are received, verifying credentials, and reporting to the Board on the process. Documents shall not be accepted from non-accredited institutions or any fraudulent source.

The Chief School Administrator shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to race, creed, color, national origin, 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, disability or because of genetic information or refusal to submit to or make available the results of a genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job.

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

The Board shall not pay tuition reimbursement, salary increases, or approve promotions for any employee based on credits earned from a non-accredited institution. If a current employee is found to have obtained employment, tuition reimbursement or increased salary based on documents or credential obtained from a non-accredited institution, the Board will take appropriate action, up to and including the possible discharge of the individual and/or obtaining a refund of the tuition reimbursement or increased salary.

The Chief School Administrator in determining the candidates to be nominated shall seek information whenever possible from the candidate's prior employers.

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

The Board shall appoint all staff members only from nominations made by the Chief School Administrator. Should a nominee be rejected, it shall be the duty of the Chief School Administrator to make other nominations.

Legal References:

N.J.S.A 10:5-1 et seq.

Law Against Discrimination

N.J.S.A 18A:3-15.2

Fraudulently issued, obtained, forged or altered degree or certification; use in connection

	with business or occupation
N.J.S.A 18A:6-5	Inquiry as to religion and religious tests prohibited
N.J.S.A. 18A:6-6	No sex discrimination
N.J.S.A. 18A:6-7.1, -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
N.J.S.A. 18A:6-76.1	Deadline for notification to students of requirements of provisional certificate and induction program ...
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:13-40	General powers and duties of board of newly created regional districts
N.J.S.A. 18A:16-1	Officers and employees in general
N.J.S.A. 18A:26-1, -1.1, -2	Citizenship of teachers, etc. ...
N.J.S.A 18A:27-1 et seq. <u>See particularly:</u> N.J.S.A. 18A:27-4.1	Employment and Contracts
N.J.S.A. 26:8A-1 et seq.	Domestic Partnership Act
N.J.A.C. 6A:7-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:7-1.4, -1.8	Managing for Equality and Equity in Education
N.J.A.C. 6A:9-6.1 et seq.	Types of Certificates
N.J.A.C. 6A:9-8.1 et seq.	Requirements for Instructional Certification
N.J.A.C. 6A:9-11.1 et seq.	Exceptions for the Requirements of the Instructional Certificate
N.J.A.C. 6A:9-12.1 et seq.	Requirements for Administrative Certification
N.J.A.C. 6A:32-4.1	Employment of teaching staff
N.J.A.C. 6A:2-4.8	Support residencies for regularly certified, inexperienced first-year principal or chief school administrator
N.J.A.C. 6A:32-5.1	Standards for determining seniority
42 U.S.C.A. 2000e et seq.	Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972
29 U.S.C.A. 794 et seq.	Section 504 of the Rehabilitation Act of 1973
8 U.S.C.A. 1100 et seq.	Immigration Reform and Control Act of 1986
42 U.S.C.A. 12101 et seq.	Americans With Disabilities Act (ADA)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.	
<u>Old Bridge Education Assn. v. Old Bridge Township Bd. of Ed.</u> , 1986 S.L.D. 1917	
<u>Taxman v. Piscataway Bd. of Ed.</u> , 91 F.3d 1547 (3d Cir. 1996)	

The Comprehensive Equity Plan, New Jersey Department of Education

Corresponds to NJSBA Policy No. 4111

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4111.1/4211.1

Name: Non-Discrimination/Affirmative Action
Board Approval Date: November 22, 2011

Note: Standards apply to both certified (4111.1) and noncertified (4211.1) staff

The Burch Charter School of Excellence Board of Trustees guarantees to all persons equal access to all categories of employment, retention and advancement in the school, regardless of race, creed, 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, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of genetic testing.

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

The Board-designated Affirmative Action Officer shall identify and recommend correction of any existing inequities, and any that occur in the future.

Harassment and Favoritism

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

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

Sexual Harassment

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

Administrators and supervisors will make it clear to all staff that sexual harassment is prohibited. No supervisory employee shall threaten or insinuate, either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment or advancement. No supervisory employee shall promise or suggest, either directly or indirectly, that an employee's submission to sexual advances will result in any improvement or condition of employment of an employee. Sexually harassing conduct committed by non-supervisory personnel is also prohibited.

Staff may file a formal grievance related to sexual harassment. The Affirmative Action Officer will receive all complaints and carry out a prompt and thorough investigation and will protect the rights of both the personnel making the complaint and the alleged harasser. Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

"Whistleblower" Protection

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

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

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

Report on Implementation

The Chief School Administrator shall devise procedures, including grievance forms, to implement this policy. He/she shall be responsible for informing staff annually of the identity and location of the Affirmative Action Officer and the implementing procedures.

Legal References:

N.J.S.A. 10:5-1 et seq. <u>See particularly:</u> N.J.S.A. 10:5-3, -4.1, -12, -27	Law Against Discrimination
N.J.S.A. 18A:6-5	Inquiry as to religion and religious test prohibited
N.J.S.A. 18A:6-6	No sex discrimination
N.J.S.A. 18A:18A-17	Facilities for handicapped persons
N.J.S.A. 18A:26-1	Citizenship of teachers, etc.
N.J.S.A. 18A:26-1.1	Residence requirements prohibited
N.J.S.A. 18A:29-2	Equality of compensation for male and female teachers
N.J.S.A. 26:8A-1 et seq.	Domestic Partnership Act
N.J.S.A. 34:19-1 et seq.	Conscientious Employee Protection Act
N.J.S.A. 6A:7-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:7-1.4, -1.8	Managing for Equality and Equity in Education
N.J.A.C 6A:32-14.1	Review of mandated programs and services
Executive Order 11246 as amended	
29 U.S.C.A. 201	Equal Pay Act of 1963 as amended
20 U.S.C.A. 1681 et seq.	Title IX of the Education Amendment of 1972
42 U.S.C.A. 2000e et seq.	Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972
29 U.S.C.A.	Section 504 of the Rehabilitation Act of 1973
20 U.S.C.A. 1401 et seq.	Individuals with Disabilities Education Act

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

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

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

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

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

The Comprehensive Equity Plan, New Jersey State Department of Education

Corresponds to NJSBA Policy No. 4111.1/4211.1

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4112.2

Name: Certification
Board Approval Date: August 14, 2017

The certification of teachers and other personnel in the public schools of New Jersey is a protective measure for the children, the community, and the staff members themselves. All personnel hired shall have proper certification as required by the state Board of Education. The Chief School Administrator will take appropriate steps to avoid the employment of teachers with revoked or suspended certificates. Where the Chief School Administrator receives formal notice from a state entity that an employee's certificate, as required by the employee's employment title is no longer valid, the employee's employment shall cease, notwithstanding the fact that the term of employment may not have expired. No teaching staff member shall be entitled to any salary unless he is the holder of an appropriate certificate. No teaching staff member, contracted by private agencies that provide educational services by means of public funds, shall provide educational services to Burch Charter School of Excellence's students unless he or she is the holder of a valid certificate.

Validity of certification must be verified with the county office.

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

Reporting of Arrests, Charges and Indictments

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

Failure to comply with these reporting requirements may be deemed "just cause" to revoke or suspend the certificate(s) of any certificate holder pursuant to N.J.A.C. 6A:9B-4.3.

The Chief School Administrator will make these requirements known to all new employees and to all employees on an annual basis.

Provisionally Certified Teachers

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

Mentoring Novice Teachers

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

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

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

Special Education

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

Legal References:

N.J.S.A. 18A:6-38	Powers and duties of the board; issuance and revocation of certificate; rules and regulations
N.J.S.A. 18A:6-39	Issuance of certificates of non-citizens
N.J.S.A. 18A:6-76.1	Deadlines for notification to students of requirements of provisional certificate and induction program; mission of induction program plan to school districts and Department of Education; coordination of mentor training program
N.J.S.A. 18A:26-1, -2, -8.1, -9	Citizenship of teachers, etc.
N.J.S.A. 18A:26.2 et al.	Supervisory certificate required for appointment as director of athletic
N.J.S.A. 18A:27-2	Employment without certificate prohibited
N.J.S.A. 18A:29-1	Uncertified teacher denied salary
N.J.S.A. 18A:40A-4	Preservice training of future teachers; teaching certificate requirements
<u>N.J.S.A.</u> 18A:40A-18	Student Assistance Coordinators
N.J.A.C. 6:30-2.1(a)8	Purpose and program descriptions (adult education programs)
N.J.A.C. 6A:9-1.1 et seq.	Professional Licensure and Standards
<u>See particularly:</u> N.J.A.C. 6A:9-.3, 6A:9-8.4	
N.J.A.C. 6A:9-17 et seq.	Certificate Holders
<u>See particularly:</u>	
N.J.A.C. 6A:14-1.1 et seq.	Special Education
N.J.A.C. 6A:32-4.1(d)	Employment of teaching staff
N.J.A.C. 6A:9B-4.3	School district and candidate reporting responsibility
N.J.A.C. 6A:9B-5.1	Certificate required
N.J.A.C. 6A:9B-5.2	Types of certificates or credentials
N.J.A.C. 6A:9B-5.4	Certification responsibilities of the district board of education

Old Bridge Education Assn. v. Old Bridge Township Bd. of Ed., 1986 S.L.D.

Corresponds to NJSBA Policy No. 4112.2

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4112.8/4212.8

Name: Nepotism
Board Approval Date: November 22, 2011

Note: Standards apply to both certified (4112.8) and noncertified (4212.8) staff

Definitions

"Nepotism" for the purpose of this policy shall be defined as the showing of favoritism to an employee or candidate for employment based on the existence of a relationship as a relative or immediate family member of a board member or Chief School Administrator.

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

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

Employment/Promotion of Relative

The Board of Trustees, in order to avoid both the reality and the appearance of conflict of interest in employment, will not appoint a relative of a board member or of the Chief School Administrator to any employment position in this charter school. The Chief School Administrator shall not recommend to the Board any relative of a board member or of the Chief School Administrator, unless the person is subject to the exception below. Nor shall any person be considered for employment in any position in which he/she would come under the direct or indirect supervision of any relative.

Further, no Chief School Administrator shall supervise, or exercise authority on personnel actions regarding a relative of the administrator. Where it is not feasible to eliminate such a direct or indirect supervisory relationship, appropriate screens and/or alternate supervision/reporting mechanisms shall be put in place.

Exceptions

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

A relative of a board member or the Chief School Administrator may be employed by the charter school provided that the charter school has obtained the approval from the Executive County Superintendent. Such approval shall be granted only upon demonstration by the charter school that it conducted a thorough search for candidates and that the proposed candidate is the only qualified and available person for the position.

Board Member/Lead Person Participation in Negotiations

When a board member or lead person's relative is a member of the bargaining unit, or receives the benefit of the contract, the board member or lead person shall not discuss the proposed collective bargaining agreement with that unit nor participate in any way in negotiations. This includes, but is not limited to, being a member of the negotiating team. Nor shall that board member or lead person be present with the board in closed session when negotiation strategies are being discussed. However, a lead person may provide technical information that is necessary to the collective bargaining process when no one else can provide that information.

When a member of a board member's or lead person's immediate family is a member of the same statewide union with which the board is negotiating, that board member or a lead person shall not participate in any way in negotiations. This includes, but is not limited to: being a member of the negotiating team, prior to the Board's attaining a tentative memorandum of agreement with the bargaining unit, including salary guides and/or the total package of money to be offered.

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

A school official who has such relationship with any employee of the charter school as of the effective date of this policy shall declare such relationship immediately. Per diem substitutes and student employees are excluded from this nepotism policy.

Legal References:

N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:12-2	Inconsistent interests or office prohibited
N.J.S.A. 18A:12-21 et seq.	School Ethics Act
N.J.S.A. 18A:16-1	Officers and employees in general
N.J.S.A. 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions
N.J.S.A. 52:13D-13; 21.2	State conflict of interest law
N.J.A.C. 6A:4-1.1 et seq.	Appealable decisions
N.J.A.C. 6A:23A-1.2 et seq.	Fiscal accountability; definitions
N.J.A.C. 6A:23A-22.10	Financial operations of charter schools; nepotism
N.J.A.C. 6A:28-1.1 et seq.	School Ethics Commission

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

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

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

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

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

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

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

School Ethics Commission, Advisory Opinion, A01-93

School Ethics Commission, Advisory Opinion, A10-93

School Ethics Commission, Advisory Opinion, A021-93

School Ethics Commission, Advisory Opinion, A07-94

School Ethics Commission, Advisory Opinion, A33-95

School Ethics Commission, Advisory Opinion, A14-00

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

Corresponds to NJSBA Policy No. 4112.8/4212.8

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4113/4213

Name: Assignment Transfer
Board Approval Date: November 22, 2011

Note: Standards apply to both certified (4113) and noncertified (4213) staff

The Chief School Administrator shall make certified staff assignments in the manner best calculated, in his/her judgment, to enhance the educational program.

Teaching, supervisory, administrative and support personnel are subject to assignment and transfer after recommendation of the Chief School Administrator and approval by the Board of Trustees. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law. Disciplinary transfers are prohibited. Particular attention shall be paid to ensuring to the extent possible that there shall be equivalence of teachers and administrative staff among the schools. Discrimination in assignment, transfer and promotion shall not be tolerated.

Legal References:

N.J.S.A. 18A:25-1	Transfer of teaching staff members
N.J.S.A. 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
N.J.S.A. 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exception
N.J.S.A. 18A:59-1 through -3	Apportionment and distribution of federal funds; exceptions
N.J.S.A. 34:13A-1 et seq. <u>See particularly:</u> N.J.S.A. 34:13A-23, -25, -27, -29	New Jersey Employer-Employee Relations Act
N.J.A.C. 6A:7-1.1 et seq.	Managing for Equality and Equity in Education
N.J.A.C. 6A:32-14.1	Review of mandated programs and services
42 U.S.C.A. 2000d-2000d4	Title VI of the Civil Rights Act of 1964
20 U.S.C.A. 1681	Title IX of the Education Amendments of 1972
29 U.S.C.A. 794 et seq.	Section 504 of the Rehabilitation Act of 1973
20 U.S.C.A. 1401 et seq.	Individuals with Disabilities Education Act
Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)	
34 CFR 200.1 to 200.89 – Part 200	
34 CFR 204	
<u>Ridgefield Park Education Assn. v. Ridgefield Park Bd. of Ed.</u> , 78 N.J. 144 (1978)	
The Comprehensive Equity Plan, New Jersey State Department of Education	

Corresponds to NJSBA Policy No. 4113/4213

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4114

Name: Supervision of Non-Certified Staff
Board Approval Date: November 22, 2011

The Chief School Administrator shall ensure development of procedures for observation and supervision of all employees so that optimum support is provided for the educational program.

Such observation and supervision shall not be limited to that which is required for effective performance evaluation.

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

Legal References:

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

General mandatory powers and duties

Corresponds to NJSBA Policy No. 4215

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4114.1

Name: Evaluation of Non-Certified Staff
Board Approval Date: November 22, 2011

The Chief School Administrator shall maintain factual personnel records on all support employees and shall direct evaluation procedures.

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

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

Legal References:

N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:17-2	Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees
N.J.S.A. 18A:17-3	Tenure of janitorial employees
N.J.S.A. 18A:38-33	Tenure of attendance officer in city districts

Corresponds to NJSBA Policy No. 4216

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4115

Name: Supervision of Certified Staff
Board Approval Date: November 22, 2011

The Burch Charter School of Excellence Board of Trustees acknowledges that the purpose of supervision is to improve teacher performance in the classroom so that all students have an opportunity to achieve the New Jersey Core Curriculum Content Standards. Each teacher employed at Burch Charter School of Excellence shall be supervised by the Chief School Administrator or his/her designee. At the time of hire, teachers will be provided with the name of their direct supervisor.

Each teacher employed at the Burch Charter School of Excellence shall be responsible for fulfilling requirements for continuing education and for making annual progress toward the goal of 100 clock hours of state-approved professional development every five (5) years. Each teacher's professional improvement plan (PIP) shall incorporate appropriate steps toward this goal and shall be designed to assist teachers in obtaining and maintaining the knowledge and skills essential to student achievement of the state's Core Curriculum Content Standards. The professional improvement plan shall describe specific activities designed to provide guidance for that teacher in improving his/her performance. Such activities may include, but are not limited to, seminars, coursework, daylong workshops, and classes on certain instructional approaches. The Chief School Administrator shall develop professional improvement plans in collaboration with teachers and maintain final authority in determining their appropriate content.

Supervisory assistance and support in achieving the 100 clock hours of state-approved continuing education shall be offered in the context of the school's evaluation process, negotiated agreements, other policies, student safety and well-being, continuity of instruction, and budgetary constraints.

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

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

Legal References:

N.J.S.A. 18:4-15	General rulemaking power
N.J.S.A. 18A:4-16	Incidental powers conferred
N.J.S.A 18A-6-10 et seq.	Dismissal and reduction in compensation of persons under tenure in public school system
N.J.S.A. 118A:11-1	General mandatory powers and duties
N.J.S.A. 18A-27-3.1	Non-tenured teaching staff, observation and evaluation; conference; purpose
N.J.S.A. 18A:28-5	Tenure of teaching staff members
N.J.S.A. 18A:29-14	Withholding increments; causes; notice of appeals
N.J.A.C. 6:30-2.1(a)8	Purpose and program descriptions
N.J.A.C. 6A:9-15.1 et seq.	Required Professional Development for Teachers
N.J.A.C. 6A:32-4.4	Evaluation of tenured teaching staff member
N.J.A.C. 6-A:32-4.5	Supervision of instruction; observation and evaluation of nontenured teaching staff members

Corresponds to NJSBA Policy No. 4115

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4116

Name: Evaluation of Certified Staff
Board Approval Date: August 20, 2013

The Board of Trustees of the Burch Charter School of Excellence believes that the effective evaluation of teaching staff is essential to the achievement of the educational goals of this district, including student achievement of the Common Core State Standards. Therefore, the school must have a coherent and effective system for teacher evaluations tied to the Common Core State Standards. The purpose of this evaluation shall be to promote professional excellence and improve the skills of teaching staff members; improve student learning and growth; and provide a basis for the review of staff performance.

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

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

All teaching staff members shall be evaluated against criteria that evolve logically from the instructional priorities and program objectives of each staff members as specified in the job description for his/her position. Criteria must include, but need not be limited to, consideration of student progress; instructional skills; subject knowledge; professional conduct and growth; human relations skills; classroom management skills. These criteria shall also apply to requirements for continuing education and shall be incorporated into each teacher's professional improvement plan (PIP).

Tenured teaching staff members shall be observed and evaluated at least once each year by properly certified persons. Nontenured teaching staff members shall be observed and evaluated at least three times each year by properly certified district staff.

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

Professional Development Requirements

All evaluation procedures shall include review of each teacher's progress toward achievement of the state-required goal of 100 clock hours of professional development every five years. The purpose of this goal is to assist teaching staff in obtaining and maintaining the knowledge and skill essential to pupil achievement of the Common Core State Standards as well as practicing the teaching strategies and philosophies stated in the Charter. In any instance where an individual teacher fails to make annual progress toward meeting the 100-hour requirement, or where a professional fails to satisfy the requirement fully within the five-year period, the chief school administrator shall take appropriate remedial action, applying accepted procedures of supervision as well as using existing laws and rules to the fullest extent.

At the end of the first five-year cycle, the Chief School Administrator shall annually report all instances of noncompliance with the 100-hour rule, as well as the actions taken to address them to the State Department of Education. The Board shall cooperate with the County Professional Development Board and County Superintendent in evaluating its program and progress toward goals.

Teaching staff members are encouraged to seek out professional development opportunities on their own in accordance with their professional improvement plans and the mission and goals of the school. The school will support teaching staff member participation to the extent feasible within its budget and resources. Attendance at workshops or classes that require missing a regular work day, or that require payment by the school, must be approved in advance by the Chief School Administrator.

The Chief School Administrator may direct teaching staff members to participate in specific workshops or classes, as well as direct them to visit particular schools for observation. Any such directed participation or observations will take place during regular school work hours.

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

Teaching Staff Observations

Formal Observations

Tenured teaching staff members shall be formally observed and evaluated at least three times each year by the Principal or Chief School Administrator/Principal's qualified designee/External Observer Evaluator as prescribed by law. Non-tenured teaching staff members shall be formally observed and evaluated at least three times each year by the Principal or Chief School Administrator/Principal's qualified designee/External Evaluator as prescribed by law.

The evaluation observation procedure shall include the process as stipulated in the Teacher Evaluation System adopted and approved by the Board (The Danielson Teacher Evaluation System). More than one observer will be involved in the process. This will include the chief school administrator, vice-principal, supervisor, and/or the external observer who will support the work of the team of administrators.

1. a conference prior to the observed lesson at which, at minimum, the lesson plan and related materials and strategies will be discussed between the observer and teaching staff member, and a hardcopy of the evaluation framework will be provided to the teaching staff member and discussed;
2. the actual observed lesson at which a peer reviewer should also be present; and
3. a post-observation conference at which the lesson will be de-briefed with feedback from the observer and peer reviewer.

At all points in the process, the established evaluation criteria shall provide the framework for feedback and assessment.

In planning lessons for observation, the Chief School Administrator may require the teaching staff member to develop and present a lesson in a specific curriculum area. The Chief School Administrator may also require the staff member to develop and present a lesson that demonstrates particular instructional strategies or techniques.

Informal Observations

In addition to the required formal observations and evaluations, the Chief School Administrator or his/her designee may make as many informal observations as they deem appropriate. The Chief School Administrator will utilize a brief written form to record such observations and provide feedback to the teaching staff member.

Formal and Informal Observations may be announced or unannounced in accordance with the prescribed observation process.

Written Evaluation Reports

After each formal observation, the Chief School Administrator will prepare a written evaluation using a standardized form that incorporates all the evaluation criteria and responds to all of the pertinent criteria, allowing for the possibility that some of the criteria may not be assessed for a given performance evaluation. At minimum, the report will describe the adequacy of the teacher's planning and organization of the lesson, classroom management, time management, student communications, classroom environment, the use of resources, and the overall effectiveness of the lesson.

All summative written reports shall include an indicator that provides an effectiveness/renewal status that explicitly indicates whether the staff member is:

- a) Highly Effective: currently exceeding all requirements for renewal,
- b) Effective: currently meeting all requirements for renewal,
- c) Partially Effective: meeting most of the requirements,
- d) Ineffective: is considerably short of meeting the requirements and is at substantial risk of non-renewal.

In addition to those observations and evaluations described above, an annual summative evaluation of the teaching staff member's total performance as an employee of the Charter School will be submitted to the teaching staff member and the Board of Trustees prior to the May board meeting at which the Principal or Chief School Administrator will make recommendations for staff rehiring. The summative evaluation will rate the teaching staff member's performance for each of the evaluation criteria and provide a brief summative narrative.

All procedures for the evaluation of teaching staff members shall be in compliance with law and ensuing regulations.

Additional Evaluation Requirements for Teaching Staff Members in Their Fifth (Tenure) Year

The Board of Trustees recognizes the profound significance of its statutory responsibility to grant tenure to teaching staff members who have been rehired for a sixth year. Tenured teachers represent the core educational staff of the Charter School and must be well qualified, having consistently demonstrated excellence both as instructors and community participants over their first five years at the school.

The Chief School Administrator shall implement procedures that ensure that all teaching staff members entering their fifth year are provided with a “Plan for Achieving Tenure” by October 15 of their fifth year of employment. The Plan will provide specific goals and measures that must be met over the course of the year in order for the teaching staff member to be rehired and, consequently, receive tenure. The Plan will also provide a status summary that will indicate explicitly whether the staff member is a) currently meeting all requirements for tenure, b) meeting most of the requirements, c) is considerably short of meeting the requirements, or d) is at substantial risk of non-renewal. The goal of the Plan is to take every reasonable step to help the teaching staff member achieve renewal at the end of the year, and, thus, receive tenure at the outset of the sixth year as specified by law.

Satisfactory completion of a “Plan for Achieving Tenure” is not a guarantee of rehire—at all times, the Chief School Administrator shall exercise his/her discretion in recommending tenure candidates for rehire in accordance with law and ensuing regulations.

The Chief School Administrator or designee shall provide each teaching staff member with a copy of this policy statement, his/her job description, and his/her evaluation criteria annually by October 1, and shall distribute any amendments to those documents within 20 working days of their becoming effective. Evaluations shall be completed before April 30 in compliance with the law.

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

The Chief School Administrator shall, in the implementation of this policy, develop procedures in consultation with teaching staff members for:

- A. The collection and reporting of data that are appropriate to the job description and minimally include the observation of classroom instruction;
- B. Observation conferences between the teaching staff member and the supervisor, the preparation of a written evaluation for each of the three observations of nontenured staff members; and an evaluation for each observation of a tenured staff member;
- C. The preparation of individual professional improvement plans that include specific guidance to the teacher on activities that would contribute to his/her obtaining and maintaining the knowledge and skills essential to student achievement of the state's core curriculum standards;
- D. The preparation by the supervisor of an annual written performance report which shall include the annual evaluation by the teacher, an individual professional improvement plan developed by the staff member and the supervisor, and a summary of the results of the formal and informal assessment of his/her students along with a statement of how these indicators relate to the effectiveness of the overall program and the performance of the staff member;
- E. The conduct of the annual summary conference;
- F. The signing of the annual written performance report by the properly certified supervisor/evaluator and the staff member.

All such procedures shall conform to law.

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

Legal References:

- | | |
|-------------------|-----------------------------|
| N.J.S.A. 18A:4-15 | General rulemaking power |
| N.J.S.A. 18A:4-16 | Incidental powers conferred |

N.J.S.A. 18A:6-10 et seq.	Dismissal and reduction in compensation of persons under tenure in public school system
N.J.S.A. 18A:27-3.1 through -3.3	Nontenured teaching staff; observation and evaluation; conference purpose
N.J.S.A. 18A:27-10 et seq.	Nontenured teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
N.J.S.A. 18A:28-5	Tenure of teaching staff members
N.J.S.A. 18A:29-14	Withholding increments; causes; notice of appeals
N.J.A.C. 6A:30-2.1(a)8	Purpose and program descriptions
N.J.A.C. 6A:9-15.1 et seq.	Required Professional Development for Teachers
N.J.A.C. 6A:32-4(e)(f)	Employment of teaching staff
N.J.A.C. 6A:32-4.4	Evaluation of tenured teaching staff members
N.J.A.C. 6A:32-4.5	Evaluation of nontenured teaching staff members
N.J.A.C. 6A:32-4.6	Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of a notice of non-reemployment
N.J.A.C. 6A:32-5.1 et seq.	Standards for determining seniority

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

Corresponds to NJSBA Policy No. 4116

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4116.1

**Name: Evaluation of the Principal or Chief
School Administrator/Other Administrators**
Board Approval Date: August 20,

2013

The Board of Trustees will annually evaluate the performance of the Chief School Administrator in order to assist both the Board and the Chief School Administrator in the proper discharge of their responsibilities and to enable the Board to provide the school with the best possible leadership.

The objective of the Board's evaluation will be to promote professional excellence and improve the skills of the Chief School Administrator, to improve the quality of the education received by the pupils of this school, and to provide a basis for the review of the Chief School Administrator's performance. The process of the Board's evaluation will be informed by best practices in the education sector, with a focus on providing for a transparent and predictable process.

The Chief School Administrator shall be evaluated annually the Board. The Board may choose to be assisted or advised by a consultant. The evaluation will be based on the job description for the position of the Chief School Administrator and this policy. The evaluation procedures in this policy and the job description and any revisions thereto will be adopted by the Board after consultation with the Chief School Administrator.

This policy will be delivered to the Chief School Administrator upon its adoption, and any amendment to this policy will be developed and adopted by the Board after consultation with the Chief School Administrator. This policy and/or any amendments to this policy will be delivered to the Chief School Administrator within ten working days after its adoption.

Evaluation Criteria

Criteria for the evaluation of the Principal or Chief School Administrator will be based upon the Chief School Administrator's job description and will relate directly to each of the tasks described. Each criterion will be brief and will focus on a major function of the position, be based on observable information rather than on factors requiring subjective judgment, and be written in a consistent format.

The Board shall develop and approve criteria for the evaluation of the Chief School Administrator. Evaluation criteria will be reviewed as necessary and as requested by the Chief School Administrator, but not less than annually and upon any revision of the Chief School Administrator's job description. Evaluation criteria will be adopted before July 1 of each year. Any proposed revision of the evaluation criteria will be provided to the Chief School Administrator for his/her comments before its adoption, and a copy of the adopted revision shall be provided to the Chief School Administrator within ten working days of its adoption.

Collection and Reporting of Evaluation Data

Data for the evaluation of the Chief School Administrator will be gathered by any one or more of the following methods: direct observation, review of a document produced in the performance of the Chief School Administrator's assigned duties; interviews with the Chief School Administrator regarding his/her knowledge of assigned duties; paper and pencil instruments (such as competency tests, staff surveys, and the like); and reference to previous performance reports. The Board will attempt to gather "360-degree" feedback from parents, staff, trustees, and others.

The Chief School Administrator shall be observed in the performance of his/her assigned duties at least once annually.

Preparation Plan for Professional Growth and Development

An individual plan for professional growth and development shall be prepared annually, and before July 1st of each year in cooperation with the Chief School Administrator and will include areas of required growth, methods of achieving that growth, a schedule for implementation, and the responsibility of the Chief School Administrator and Board for implementing the plan. The plan will derive from applicable evaluation criteria and focus on critical areas of professional growth.

A copy of the plan for professional growth and development will be placed in the annual performance report. The degree to which the Chief School Administrator achieved the requirements of the previous plan will be a measure of his/her annual performance evaluation.

It will be the duty of the Chief School Administrator to implement the plan as prepared; his/her failure to do so may result in disciplinary action up to and including dismissal.

Conduct of Annual Performance Conference

An annual summary conference shall be conducted between the Board, with a majority of the total membership of the Board and the Chief School Administrator before the annual performance report is filed. The conference will be held in private, unless the Principal or the Chief School Administrator requests that it be held in public.

The conference shall include but need be limited to a review of the performance of the Chief School Administrator based upon the job description; a review of the Chief School Administrator's progress in achieving and implementing the school's goals, program objectives, policies, instructional priorities, and statutory requirements; and a review of available indicators of pupil progress and growth toward the program objectives.

The purpose of the annual performance conference will be 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 will 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.

Preparation of Annual Performance Report

An annual written performance report shall be prepared, no later than April 30, by a majority of the full membership of the Board. The report will include, but need not be limited to, performance areas of strength; performance areas needing improvement based on the job description and evaluation criteria; the plan for professional growth and development prepared by the Chief School Administrator and the Board; a summary of available indicators of pupil progress and growth and a statement of how these indicators relate to the effectiveness of the overall program and the performance of the Chief School Administrator; and provision for performance data that have not been included in the report prepared by the Board to be entered into the record by the Chief School Administrator within ten working days after the completion of the report.

The annual performance report will be signed by the Board President at the time of the conference and by the Chief School Administrator within five working days of the conference. It will be filed in the Chief School Administrator's personnel file, and a copy will be provided to the Chief School Administrator.

Legal References:

N.J.A.C. 6A:32-4.3

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4117

Name: Tenure Acquisition and Dismissal
Board Approval Date: August 20, 2013

“Streamline tenure” means the tenure process for all charter school teaching staff members, janitors and secretaries who are either newly employed in a charter school or who are employed in a charter school while on leave from district boards of education.

A public school employee, tenured or nontenured, may request a leave of absence of up to three years from the local board of education in order to work at Burch Charter School of Excellence. Approval for a leave of absence shall not be unreasonably withheld. Employees on a leave of absence from another public school working in this charter school shall remain in, and/or continue to make contributions to, their retirement plan during the time of the leave and health benefits plan accordance with N.J.S.A. 18A:36A-14. The Burch Charter School of Excellence shall make any required employer's contribution to the district's health benefits plan during the period the employee is on leave.

Any public school employee on leave from a public school district who leaves or is dismissed from employment at Burch Charter School of Excellence within three years shall have the right to return to their former position provided the employee is otherwise eligible for employment in the public school (N.J.S.A. 18A:36A-14f).

Public school employees on a leave shall not accrue additional tenure during the leave period from the public school. They shall, however, retain their tenure and shall continue to accrue seniority during the leave period if they return to their previous school when the leave ends. Public school employees who resign from their previous schools to take permanent employment at Burch Charter School of Excellence, will receive streamline tenure in the charter school in accordance with the School's policy and procedures as outlined herein.

The lead person of the School shall recommend for tenure only those persons whose evaluation and performance will benefit the school and contribute to Burch Charter School of Excellence attaining its goals and accomplishing its mission as stated in the school's charter.

An employee of the Burch Charter School of Excellence shall be eligible to acquire streamline tenure after five (5) consecutive years of effective employment as determined by the Board of Trustees approved educator evaluation system in use by the School. Current years of service will (not) count toward the five years for employees of Burch Charter School of Excellence hired prior to June 30, 2013 who have not yet acquired tenure.

All teaching staff members, janitors, and secretaries who have acquired streamline tenure prior to June 30, 2013, shall retain streamline tenure status and shall not be dismissed or reduced in compensation except for inefficiency, incapacity, conduct unbecoming or other just cause (N.J.A.C. 6A:11-6.2 a, b).

The School shall specify the security and protection to be afforded to the employee in accordance with the state laws and regulations (N.J.S.A. 18A:36A-14e).

Tenure Disputes

Once streamline tenure is acquired, an employee of the school may only be dismissed or receive reduced compensation for inefficiency, incapacity, unbecoming conduct or other just cause.

The school shall assume the burden of substantiating the charges by a preponderance of competent and credible evidence. Employee evaluations as conducted by the Department of Education approved educator evaluation system in use by the School, shall be used to substantiate the charges.

“Streamline tenure removal” means the process by which an employee who has obtained streamline tenure can be dismissed or reduced in compensation.

The school shall file and certify streamline tenure charges for inefficiency according to the following procedures and timelines:

- A. The Chief School Administrator shall file written charges, executed under oath and accompanied by a record of the case's proceedings, with the board of trustees. The board shall review and consider the record prior to issuing a decision;

- B. The board of trustees shall transmit the charge(s) to the affected streamline tenured employee within five (5) workdays of the date that they were filed with the board of trustees. Proof of mailing or hand delivery shall constitute proof of transmittal.

This notification shall include:

- 1. Guidelines for the tenured employee to respond to the charges;
- 2. Notification of the right to request a hearing to dispute the charges.

Board Hearing

If a hearing is requested, the tenured employee shall be provided with:

- A. An opportunity to be represented by legal counsel;
- B. A list of the charter school administration's witnesses no later than five days (5) before the hearing; and
- C. An opportunity to confront and cross-examine witnesses of the administration and to produce his or her own witnesses or affidavits.

The school shall have the burden of substantiating the charges by a preponderance of competent and credible evidence.

The hearing shall be completed no later than thirty (30) days after board of trustees' receipt of the tenured employee's response to the charges, barring any unforeseen circumstances warranting an extension of such time. Following the hearing, the board of trustees shall determine whether the charges have been substantiated by a preponderance of competent and credible evidence in the record and whether the tenured employee shall be dismissed or reduced in compensation.

The tenured employee shall be issued a written decision of the board of trustees' determination whether to dismiss or reduce in compensation within 10 days of the determination. The written decision shall include, at a minimum:

- A. A summary of evidence considered;
- B. Factual findings relative to each charge; and
- C. A determination whether each charge was substantiated.

Appeals

The employee shall have fifteen (15) days after receipt of the written decision of the board to submit a written appeal to the Commissioner. The employee shall serve the board of trustees with all briefs or papers filed with the Commissioner in connection with the appeal. The Commissioner may extend the time period for filing an appeal upon finding good cause if the request for an extension is received within the fifteen (15) day period provided for filing an appeal.

Upon filing an appeal, the board of trustees may submit a response within ten (10) days of receiving all briefs or papers served by the aggrieved party and shall serve the aggrieved party with a response.

The Commissioner shall render a determination on the appeal within forty-five (45) days of receipt of the board of trustees' response. If no response is filed, the determination shall be issued within forty-five (45) days of the date the board or trustees' response is due.

The Commissioner's decision shall constitute a final agency decision appealable to the New Jersey Superior Court Appellate Division.

Adopted:

Key Words

Tenure, Streamline Tenure, Efficiency, Arbitration, Appeal

Legal References:

N.J.S.A. 2A:24-7 Through -10 award	Application for confirmation, vacation or modification of
N.J.S.A. 18A:12-21 et seq.	School Ethics Act
N.J.S.A. 18A:17-2	Tenure of secretaries, assistant secretaries, school business administrators, business managers and secretarial and clerical employees
N.J.S.A. 18A:17-3 N.J.S.A. 18A:28-5	Tenure of janitorial employees Requirements of tenure
N.J.S.A. 18A:36A-1 et seq. See Particularly:	Charter School Program Act
N.J.S.A. 18A:36A-14	Authority of the board of trustees; employees
N.J.A.C. 6A:11-6.1 et seq.	Tenure acquisition

Possible Cross References:

*2224	Nondiscrimination/affirmative action
*3320	Purchasing procedures
*4111/4211	Recruitment, selection and hiring
*4111.1/4211.1	Nondiscrimination/affirmative action
*4112.8/4212.8	Nepotism
*4115	Supervision
*4116	Evaluation
*4131/4131.1	Staff development
*4215	Supervision
*4216	Evaluation
*4231/4231.1	Staff development

*Indicates policy is included in the Critical Policy Reference Manual.

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4117.1

Name: Tenure Acquisition and Dismissal
Procedures
Board Approval Date: August 20, 2013

Tenure Charges

Once streamline tenure is acquired, an employee of Burch Charter School of Excellence may only be dismissed or receive reduced compensation for inefficiency, incapacity, unbecoming conduct or other just cause.

"Streamline tenure removal" means the process by which an employee who has obtained streamline tenure can be dismissed or reduced in compensation.

Burch Charter School of Excellence shall file and certify streamline tenure charges for inefficiency according to the following procedures and timelines:

- A. The lead administrator shall file written charge(s), executed under oath and accompanied by a supporting statement of evidence, with the board of trustees.
- B. The board of trustees shall transmit the charge(s) to the affected streamline tenured employee within five (5) workdays of the date that they were filed with the board of trustees. Proof of mailing or hand delivery shall constitute proof of transmittal.
- C. A corrective action plan shall be implemented and the employee shall have ninety (90) days to fulfill the requirements of the plan.
- D. Upon completion of the ninety (90) day corrective action period, the lead administrator shall notify the board of trustees in writing whether the inefficiencies were corrected.
- E. The board of trustees shall transmit the notification to the employee within three (3) workdays of the date that it was noticed. Proof of mailing or hand delivery shall constitute proof of transmittal.
- F. The employee shall have the opportunity to respond to the charge(s) in a written statement of position and a written statement of evidence, both of which shall be executed under oath and submitted to the board of trustees within fifteen (15) days of receipt of the inefficiency charge(s).
- G. Upon receipt of the affected employee's response, the board of trustees shall determine within thirty (30) days whether there is probable cause to credit the evidence in support of the charge(s) and whether such charge(s), if credited, are sufficient to warrant a dismissal or reduction of compensation.
- H. The board of trustees must notify, in writing, the affected employee of its determination within fifteen (15) days. Proof of mailing or hand delivery shall constitute proof of notice.
- I. If the board of trustees determines that there is probable cause to credit the charge(s), the board of trustees shall certify the charge(s) to the Commissioner.
- J. If the affected employee wishes to contest the certified charge(s) filed against him or her, he or she shall do so in writing to the Commissioner within fifteen (15) days of receipt of the board of trustees' determination.

Burch Charter School of Excellence shall file and certify streamline tenure charges for all other instances in which dismissal is being pursued according to the following procedures and timelines:

- A. The lead person of the charter school shall file written charge(s), executed under oath, accompanied by a supporting statement of evidence with the board of trustees.
- B. The board of trustees shall transmit the charge(s) to the affected streamline tenured employee within five (5) workdays of the date that they were filed with the board of trustees. Proof of mailing or hand delivery shall constitute proof of transmittal.

- C. The affected tenured employee shall have the opportunity to respond to the charge(s) in a written statement of position and a written statement of evidence, both of which shall be executed under oath and submitted to the board of trustees within fifteen (15) days of receipt of the streamline tenure charge(s).
- D. Upon receipt of the affected employee's response, the board of trustees shall determine within thirty (30) days whether there is probable cause to credit the evidence in support of the charge(s) and whether such charge(s), if credited, are sufficient to warrant a dismissal or reduction of compensation.
- E. The board of trustees must notify, in writing, the affected employee of its determination within fifteen (15) days. Proof of mailing or hand delivery shall constitute proof of notice.
- F. If the board of trustees determines that there is probable cause to credit the charge(s), the board of trustees shall certify the charge(s) to the Commissioner.
- G. If the affected employee wishes to contest the certified charge(s) filed against him or her, he or she shall do so in writing to the Commissioner within fifteen (15) days of receipt of the board of trustees' determination.

Arbitration

If a streamline tenured employee contests the charge(s) to the office of the Commissioner, an arbitrator from a panel of six permanent arbitrators shall be assigned to determine the case. All employees who acquire, streamline tenure in Burch Charter School of Excellence shall be subject to dismissal or a reduction in compensation only upon the determination of an arbitrator.

- A. The hearing shall be held before the arbitrator within thirty (30) days of the Commissioner's assignment of the arbitrator to the case.
- B. All necessary discovery procedures shall be completed fifteen (15) days prior to the hearing. At least ten (10) days prior to the hearing, information and witness lists shall be exchanged between the parties.
- C. The arbitrator shall render a decision within twenty (20) days of the closing of the hearing.

The decision of the arbitrator is final and binding and cannot be appealed to either the Commissioner or the State Board of Education. The decision shall be subject to judicial review and enforcement.

The board of trustees shall forward arbitration decisions to the State Board of Examiners.

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4117.4/4217.4

Name: Reduction in Force/Abolishing a Position
Board Approval Date: November 22, 2011

Note: Standards apply to both certified (4117.4) and noncertified (4217.4) staff

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

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

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

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

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

Legal References:

N.J.S.A. 18A:28-5	Tenure of teaching staff members
N.J.S.A. 18A:28-9	Reduction of force; power to reduce and reasons for reduction
N.J.S.A. 18A:28-10	Reasons for dismissals of persons under tenure on account of reduction
N.J.S.A. 18A:28-11	Seniority; board to determine; notice and advisory opinion
N.J.S.A. 18A:28-12	Dismissal of persons having tenure on reduction; reemployment
N.J.A.C. 6A:9-5.5	Assignment of titles
N.J.A.C. 6A:32-5.1	Standards for determining seniority

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

Primka v. Edison, 93 NJAR 2d (EDU) 91 aff'd State Board 93 NJAR 2d 9EDU) 94 aff'd App. Div. unpub. Op. Dkt. No. A-2427-92T3 Jan. 18, 1994

Impey v. Bd. of Ed. of Shrewsbury, 142 N.J. 388 (1995)

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

Corresponds to NJSBA Policy No. 4117.4/4217.4

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4117.41

Name: Renewal/Non-Renewal of Employment Contracts
for Non-Tenured Employees
Board Approval Date: August 20, 2013

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

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

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

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

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

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

Legal References:

N.J.S.A. 18A:27-3.1	Non-tenured teaching staff; observation and evaluation; conference; purpose
N.J.S.A. 18A:27-3.2	Teaching staff member; notice of termination; statement of reasons; request; written answer
N.J.S.A. 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exceptions
N.J.S.A. 18A:27-10 et seq.	Non-tenure teaching staff member; offer of employment for next succeeding year or notice of termination before May 31
N.J.A.C. 6A:32-4.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:32-4.1(e), -4.1(f)	Employment of teaching staff
N.J.A.C. 6A:32-4.6	Procedure for appearance of nontenured teaching staff members before a district board of education upon receipt of notice of non-reemployment

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

Hicks v. Pemberton Township Bd. of Ed., 1975 S.L.D. 332

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

Corresponds to NJSBA Policy No. 4117.41

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4119.21/4219.21

Name: Conflict of Interest
Board Approval Date: November 22, 2011

Note: Standards apply to both certified (4119.21) and noncertified (4219.21) staff

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

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

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

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

Political Activities of Staff

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

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

Political Activities of Staff

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

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

Disciplinary Action

Violations of this policy may result in disciplinary action.

Legal References:

N.J.S.A. 2C:27-1 et seq. <u>See particularly:</u> N.J.S.A. 2C:27-5, -10, -11	Bribery and Corrupt Influence
N.J.S.A. 18A:6-8	Interest of school officers, etc., in sale of textbooks or supplies; royalties
N.J.S.A. 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:12-21 et seq. <u>See particularly:</u> N.J.S.A. 18A:12-24	School Ethics Act
N.J.S.A. 19:34-15	Electioneering within or about polling place misdemeanor
N.J.A.C. 6A:4-1.1 et seq.	Appeals

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

School Ethics Commission

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

Corresponds to NJSBA Policy No. 4119.21/4219.21

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4119.22/4219.22

Name: Conduct and Dress
Board Approval Date: August 20, 2013

Note: Standards apply to both certified (4119.22) and noncertified (4219.22) staff

The Board of Trustees expects staff conduct and dress to be that of appropriate role models for students.

Dress Code

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

The Board retains the authority to specify the following dress and grooming guidelines for staff, within the law, that will prevent such matters from having an adverse impact on the educational process. All staff members shall, when assigned to district duty:

- A. Be physically clean, neat and well-groomed;
- B. Dress in a manner reflecting their assignments;
- C. Dress in a manner that does not cause damage to district property;
- D. Dress and be groomed in a such a way so as not to cause a health or safety risk;
- E. Dress in a manner that does not violate the student dress code.

The staff dress code ABSOLUTELY FORBIDS wearing of the following:

- Denim (unless there is an arrangement with the Chief School Administrator)
- Tank or strapless tops
- Tight-fitting clothing
- Clothing which reveals or does not fully cover any personal body part
- Short clothing items
- Flip flops

The Board reserves the right to discipline any employee not dressed appropriately for his/her respective assignment. Such discipline may include but not be limited to suspension or termination of employment.

Any employee violating the policy herein shall be directed by Administration to remedy the infraction immediately. Any time spent away from an employment assignment for this purpose shall be unpaid.

For violations of this policy a first offense will result in a warning in writing that will be included in the employee's personnel file; a second offense will give rise to a one (1) day suspension; and a third offense shall warrant termination or tenure charges to be filed.

If a staff member feels that an exception to this policy would enable him/her to carry out assigned duties more effectively, a request shall be made to the Chief School Administrator.

Conduct

- A. All employees shall respect and be considerate of each student, co-worker, parent and members of the public, both in action and words. No verbal or physical abuse of any person will be tolerated.

- B. All employees shall respect the property of the Board, the students, the staff and others with whom they deal in the course of their employment.
- C. Insubordination – the refusal by an employee to follow management policy or instructions concerning a work-related matter – is prohibited.
- D. Pursuant to Policy No. 4111.1/4211.1, a sexual harassment and discrimination is strictly forbidden. The Board maintains an environment free of sexual harassment and discrimination. Staff may file a formal grievance which can be verbal in nature, then reduced to writing. Such grievance shall be directed to the Chief School Administrator/Affirmative Action Officer and a prompt and thorough investigation shall be carried out to protect the interests of the complainant as well as the alleged harasser. No other individual may conduct any investigations related to any complaint. Failure to comply with this mandate will result in disciplinary action. Findings of sexual harassment or discrimination will result in appropriate disciplinary action.
- E. Pursuant to Policy No. 4119.23, use or possession of, or being under the influence of, alcoholic beverages or controlled dangerous substances on Board property or at work is strictly prohibited. The Board reserves the right to conduct “reasonable suspicion testing.” Testing may take place when the administration has a reasonable suspicion that an individual is under the influence of drugs or alcohol. “Reasonable suspicion testing” is testing based on a belief that an employee is using or has used drugs or alcohol or otherwise violated the Board’s policies. Reasonable suspicion is drawn from specific observations and articulated facts and may be based upon the following:
 1. Direct observation of physical symptoms or a manifestation of being under the influence;
 2. Abnormal conduct or erratic behavior which could include but is not limited to absenteeism, tardiness or deterioration in work performance;
 3. A report by a reliable and credible source; or
 4. Employee is found to be in possession or control of each substances or paraphernalia.

Unbecoming Conduct

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

Unbecoming conduct sufficient to warrant board review may result from a single fragrant incident or from a series of incidents.

Legal References:

N.J.S.A. 2C:33-16	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
N.J.S.A. 2C:35-1 et seq.	Comprehensive Drug Reform Act of 1987
N.J.S.A. 18A:6-6	No sex discrimination
N.J.S.A. 18A:6-10	Dismissal and reduction in compensation of persons under tenure in public school system
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:16-2	Physical examinations; requirement
N.J.S.A. 18A:27-4	Powers of boards of education to make rules governing employment of teacher, etc.; employment thereunder
N.J.S.A. 18A:36-32	Cigarette coin-operated vending machines; operation, installation or

maintenance on property used for school purposes; fine

N.J.S.A. 26:3D-55 et seq.

New Jersey Smoke-Free Air Act

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

Reporting students or staff members to law enforcement authorities

N.J.A.C. 6A:16-6.5

Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs

N.J.A.C. 6A:26-12.2(a)4

Policies and procedures for school facility operation

New Jersey Constitution, Art. IV, § VII, par. 2

Anti-Drug Abuse Act of 1988

Drug-Free Workplace Act of 1988

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

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

Hicks v. Pemberton Bd. of Ed., 1975 S.L.D. 332

Quiroli v. Linwood Bd. of Ed., 1974 S.L.D. 1035

Carlstadt Teachers Assn. v. Carlstadt Bd. of Ed., App. Div., unreported decision (Docket No. A-1469-80-T4, decided March 26, 1982), 1982 S.L.D. 1448

Corresponds to NJSBA Policy No. 4119.22/4219.22

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4119.23

Name: Employee Substance Abuse
Board Approval Date: November 22, 2011

General – All Employees

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

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

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

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

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

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

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

Work Performance in Connection with a Federal Grant

In order for the school to qualify for any direct federal grant, the school must certify that it will provide a drug-free workplace and maintain a good faith effort to continue to maintain a drug-free workplace. To this end, employees engaged in school worksites as a result of federal grant monies shall in addition to complying with requirements of the programs shall also be in strict compliance with this policy.

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

Legal References:

N.J.S.A. 2C:33-16	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
N.J.S.A. 2C:35-1 et seq.	Comprehensive Drug Reform Act of 1987
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:16-2	Physical examinations; requirement
N.J.S.A. 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder

N.J.S.A. 18A:36-32	Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
N.J.S.A. 26:3D-55 et seq.	New Jersey Smoke-Free Air Act
N.J.A.C. 6A:16-6.3	Reporting students or staff members to law enforcement authorities
N.J.A.C. 6A:16-6.5	Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
N.J.A.C. 6A:26-12.2(a)4	Policies and procedures for school facility operation
New Jersey Constitution, Art. IV, § VII, par. 2	
Anti-Drug Abuse Act of 1988	
Drug-Free Workplace Act of 1988	
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials	
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.	

Corresponds to NJSBA Policy No. 4119.23

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4122

Name: Student Teachers/Interns
Board Approval Date: November 22, 2011

The Board of Trustees encourages the Chief School Administrator to cooperate with colleges and universities in the placement of student teachers/administrative interns in the school. Student teachers/administrative interns shall be placed with experienced staff members who agree to perform the necessary training and supervision.

The Chief School Administrator shall recommend and the Board approve the selection and placement of student teachers and administrative interns. Student teachers/interns shall comply with the requirements of law regarding health examinations and criminal history checks.

The supervising teacher and the Chief School Administrator shall be responsible for the conduct of student teachers while serving in the school. The Chief School Administrator shall be responsible for administrative interns.

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

The Chief School Administrator shall endeavor to ensure the equitable distribution of student teachers/interns throughout the school.

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

Legal References:

N.J.S.A. 18A:6-7.1 through -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment; exception
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:16-2 through -5	Physical examinations; requirement ...
N.J.S.A. 18A:16-6	Indemnity of officers and employees against civil actions
N.J.S.A. 18A:16-6.1	Indemnity of officers and employees in certain criminal actions
N.J.A.C. 6A:9-10.2	Curriculum for teacher preparation programs
N.J.A.C. 6A:9-10.3	Supervision of practicum students
N.J.A.C. 6A:32-4.1(d)(e) <u>See particularly:</u> N.J.A.C. 6A:32-4.1(d), -4.1(e)	Employment of teaching staff
N.J.A.C. 6A:32-6.1 et seq.	School Employee Physical Examinations

Corresponds to NJSBA Policy No. 4122

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4131/4131.1

**Name: Staff Development; In-Service Education/Visitations/
Conferences**
Board Approval Date: November 22, 2011

The Board of Trustees recognizes its legal obligation to provide in-service activities to further the ability of the teaching staff to progress toward achievement of school goals and objectives. It is of particular concern to the Board that continuing education for teaching staff provide demonstrable contributions toward student achievement of the Core Curriculum Content Standards.

The Chief School Administrator shall develop a comprehensive management system for staff professional improvement and shall assist staff members in the area of professional improvement by providing relevant information regarding workshops, professional meetings and course offerings.

To be in compliance with state requirements, each teacher employed in this school as of the effective date specified in code shall complete 100 clock hours of state-approved continuing professional development and/or in-service every five years. Appropriate steps toward achieving this goal shall be included in the content of each teaching staff member's annual professional improvement plan (PIP). It is the individual teacher's responsibility in accordance with school policies, to assure that a teacher meets the professional development requirement. There is no mandated financial obligation on the part of the school.

The 100-hour requirement may be satisfied through a combination of state-approved experiences including: formal courses and conferences sponsored by colleges, district boards of education, professional associations, training organization or other entities recommended by the Professional Teaching Standards Board and approved by the Commissioner of Education. Part of the entire 100-hour requirement may be satisfied through an in-service program that has been approved by the County Professional Development Board under standards established by the Commissioner based on the recommendation of the Professional Teaching Standards Board. Completion of each actual hour of approved training shall satisfy the requirement for one hour of continuing education.

In accordance with administrative code, the Board shall establish a Professional Development Committee in order to assess in-service needs and professional development opportunities and to plan and implement professional development programs to assure that the students of this school achieve the Core Curriculum Content Standards. This committee shall be comprised of four teachers, elected by the instructional staff through its majority representative and two administrative staff appointed by the Chief School Administrator. The committee shall include the Chief School Administrator as an ex-officio member and shall input from parents, community member and local business leaders. Plans developed by the committee shall be submitted for approval to the County Professional Development Board and then to the Board of Trustees.

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

Staff participation that may require released time and/or financial reimbursement from the Board will be determined by the Board after recommendations by the Chief School Administrator.

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

Mandated In-Service Programs

The Chief School Administrator shall arrange development of appropriate in-service presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, suicide prevention, drug/alcohol abuse awareness, handling blood and body fluids, possible hazardous substances in the workplace, crisis response, school violence and other topics specifically required by federal or New Jersey law. These required presentations, seminars and/or workshops shall not count automatically toward the required 100 clock hours of continuing education every five years.

Legal References:

N.J.S.A. 18A:6-111 et seq. <u>See particularly:</u> N.J.S.A. 18A:6-112	Instruction in Suicide Prevention Instruction in suicide prevention for public school teaching staff
N.J.S.A. 18A:6-113	Instruction in suicide prevention in public school curriculum
N.J.S.A. 18A:7A-11 <u>See particularly:</u> N.J.S.A. 18A:7A-11e	Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills
N.J.S.A. 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report
N.J.S.A. 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
N.J.S.A. 18A:30-7	Power of boards of education to pay salaries
N.J.S.A. 18A:31-2	Attendance at conventions of New Jersey Education Association
N.J.S.A. 18A:40A-3 <u>See particularly:</u> N.J.S.A. 18A:40A-3a, -18c	Initial in-service training programs; curriculum; availability
N.J.S.A. 34:A-10	Retention of workplace surveys
N.J.S.A. 34:A-13	Employee education and training program; certification of instructors
N.J.A.C. 6A:7-1.6	Professional development
N.J.A.C. 6A:14-1.2(b)13	District eligibility for assistance under IDEA Part B
N.J.A.C. 6A:15-1.8	In-service training
N.J.A.C. 6A:9-15.1 et seq.	Required Professional Development for Teachers
N.J.A.C. 6A:16-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:16-3.1(a)4, -5.1(d), -6.2(b)12	Programs to Support Student Development
N.J.A.C. 6A:16-11.1 et seq.	Reporting Allegation of Child Abuse and Neglect
N.J.A.C. 6A:30-1.1 et seq.	Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-4.1	Employment of teaching staff
N.J.A.C. 6A:32-4.4	Evaluation of tenured teaching staff members
N.J.A.C. 6A:32-4.5	Evaluation of nontenured teaching staff members
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.	
The Comprehensive Equity Plan, New Jersey State Department of Education	

Corresponds to NJSBA Policy No. 4131/4131.1

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4138/4238

Name: Non-School Employment
Board Approval Date: November 22, 2011

Note: Standards apply to both certified (4138) and noncertified (4238) staff

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

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

School employees may not engage in any conduct or non-school employment that affects or otherwise disrupts or creates any impediment to an efficient and effective learning environment. This shall be determined on a case-by-case basis by the Chief School Administrator. If such non-school employment shall affect or otherwise disrupt the effective functioning of the Burch Charter School of Excellence, then it will be at the discretion of the Chief School Administrator as to what punitive measures shall be taken.

Legal References:

N.J.S.A. 18A:6-8.1	Leave of certain employees to serve in legislature
N.J.S.A. 18A:6-8.2	Leave of certain employees to serve on board of chosen freeholders
N.J.S.A. 18A:6-8.4	Right to hold elective or appointive state, county or municipal office
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:12-24	School officials; prohibit conduct
N.J.S.A. 18A:17-18	Full time required of superintendents; when
N.J.S.A. 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
N.J.S.A. 52:13D-12 et seq.	New Jersey Conflicts of Interest Law
N.J.A.C. 6A:28-1.1 et seq.	School Ethics Commission

Corresponds to NJSBA Policy No. 4138/4238

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4138.2

Name: Private Tutoring
Board Approval Date: November 22, 2011

The Board of Trustees recognizes that the discharge of its responsibility to provide a thorough and efficient system of education for each child in the school may require special help for some students 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 students in the remediation of individual learning difficulties.

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

To avoid placing a teacher in a position where he/she may have a conflict of interest, teacher shall not tutor, for a fee, students 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 student for pay during regular working hours or on school premises.

School employees may not engage in any conduct, tutoring or non-school employment that affects or otherwise disrupts or creates any impediment to an efficient and effective learning environment. This shall be determined on a case-by-case basis by the Chief School Administrator. If such non-school employment shall affect or otherwise disrupt the effective functioning of the Burch Charter School of Excellence, then it will be at the discretion of the Chief School Administrator as to what punitive measures shall be taken.

Legal References:

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

General mandatory powers and duties

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

Power of boards of education to make rules governing employment of teachers, etc.; employment thereunder

Corresponds to NJSBA Policy No. 4138.2

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4147/4247

Name: Employee Safety
Board Approval Date: November 22, 2011

Note: Standards apply to both certified (4147) and noncertified (4247) staff

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

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

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

Employees shall report all accidents to their supervisor immediately.

Legal References:

N.J.S.A. 2C:7-1 et seq.	Registration of sex offenders; definition; requirements
N.J.S.A. 18A:16-2	Physical examinations; requirements
N.J.S.A. 18A:40-12.1	Protective eye devices required for teachers, students and visitor in certain cases
N.J.S.A. 18A:40-12.2	Rules prescribing kinds, types and quality of devices
N.J.S.A. 14:5A-1 et seq.	Worker and Community Right to Know Act
N.J.S.A. 23A:6A-25 et seq.	New Jersey Public Employees' Occupational Safety and Health Act
N.J.S.A. 34:19-1 et seq.	Conscientious Employee Protection Act
N.J.A.C. 6A:26-12.5	Eye protection in schools
N.J.A.C. 6A:32-12.1 (a)	Reporting requirements
N.J.A.C. 12:100-4.2	Safety and Health Standards for Public Employees
(Adoption by reference)	
29 CFR 1910.1030	Bloodborne Pathogen Standard

Corresponds to NJSBA Policy No. 4147/4247

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4151/4251

Name: Attendance Patterns
Board Approval Date: November 22, 2011

Note: Standards apply to both certified (4151) and noncertified (4251) staff

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

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

The Chief School Administrator shall report on staff attendance and punctuality at every regular monthly board meeting. Provisions shall be made for public acknowledgment of outstanding staff attendance records.

Employees shall record their actual time of arrival and departures. This includes lunch etc. The school register is an official legal document. Recording false information is considered theft of time and violation is cause for disciplinary action.

Employees are expected to be at their work assignment from the time that the work day begins until it ends. Employees being at their respective work posts on time is of utmost importance for the purposes of setting an example and being a role model to students.

Employees are expected to work as scheduled. Employees who know they will be late or absent shall notify the principal or chief school administrator as soon as possible. Improper notification of any absence or delay in reporting to work may result in disciplinary action in addition to loss of compensation which may go beyond the period of absence.

An employee's attendance and punctuality may be considered in an evaluation of the employee performance and may result in the loss of pay for time which is missed for unauthorized absence.

Legal References:

N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder
N.J.S.A. 18A:29-14	Withholding increments; causes; notices of appeal
N.J.S.A. 18A:30-1 et seq.	Sick Leave
N.J.A.C. 6A:32-2.1	Definitions

Montville Education Assn. v. Montville Bd. of Ed., 1984 S.L.D. 550, rev'd St. Bd. 1984 S.L.D. 559, rev'd App. Div., unreported decision (Docket No. A-1178-84T7, decided December 6, 1985) 1985 S.L.D. 1972, decision on remand, St. Bd., 1986 S.L.D. 3113

Burlington Educational Assn. v. Burlington Bd. of Ed., 1985 S.L.D. 889, aff'd St. Bd. 1985 S.L.D. 912

Scotch Plains-Fanwood Bd. of Ed. v. Scotch Plains-Fanwood Bd. of Education Assn., 270 N.J. Super 444 (App. Div. 1994); rev'd 139 N.J. 1441 (1995)

Corresponds to NJSBA Policy No. 4151/4251

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4152

Name: Vacation
Board Approval Date: August 11, 2015

VACATION

Regular 12-month employees are entitled to vacation terms based upon date of hire, length of service and status with the School and in accordance with the procedures established in the BCSE Policy Handbook and are stated in the employee's current contract of employment. Employees working on part-time basis (less than full-time) shall not earn vacation days. Regular 12-month employees shall not be entitled to more than 20 vacation days per year, which includes regularly scheduled Winter and Spring school breaks. A maximum of 3 vacation days may be carried over per year.

Any vacation time taken during the school year or otherwise should be coordinated and cleared by the employee's supervisor subject to scheduling and seniority.

An employee whose employment terminates will be paid based upon a graduated scale for unused vacation days. The scheme regarding vacation payout is as follows:

Days 1-25 – 100%
Days 26-35 – 75%
Days 36-45 – 50%
Days 46-74 – 25%

No employee shall be paid for more than 74 days of accrued vacation time. The highest percentage will be applied to the most recent vacation accrual. As such, days 1-25 will begin based upon the per diem salary earned for the most recent school year.

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4153

Name: Attendance and Tardiness Procedures
Board Approval Date: August 14, 2017

ATTENDANCE AND TARDINESS

Timely and regular attendance is an expectation of performance for all Burch Charter School of Excellence employees. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards throughout the organization, employees will be held accountable for adhering to their workplace schedule. In the event an employee is unable to meet this expectation, he/she must obtain approval from their supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate accruals, as well as late arrivals to or early departures from work. Managers have discretion to evaluate extraordinary circumstances of a tardy and/or absence and determine whether or not to count the incident as an occurrence.

Procedures

I. Absent

An employee is deemed absent when he/she is unavailable for work as assigned/scheduled and such time off was not scheduled/approved in advance as required by department notification procedure. An unexcused absence is defined as an absence that is not previously scheduled and no prior authorization was given by the Administration for such absence. These absences shall not be deemed unexcused if protected by FMLA or ADAAA or any other applicable law. Some absences may be deemed "excused" based upon the discretion of the Administration. (i.e. inclement weather, etc.)

Any employee who is absent the day before or the day after a holiday or extended break for any reason if not previously approved by the Administration must use a personal day. Should this absence occur and the employee has no personal days available, the employee's compensation will be adjusted accordingly.

II. Tardy

An employee is deemed to be tardy when he/she:

- Fails to report for work at the assigned/scheduled work time. In these instances, The Administration, within its discretion, may replace the tardy employee for the full shift and salary may be adjusted accordingly
- Leaves work prior to the end of assigned/scheduled work time without prior Administrative approval.
- Takes an extended meal or break period without approval.
- Arrives to work past his/her scheduled start time, in these instances, may be replaced for the full shift at the discretion of the Administration.

III. Departmental Notification Procedure

Employees are expected to notify their supervisor if they will be late for work, will not be at work, or are requesting planned time away from work. Employees must make a request in advance to their supervisor if they wish to arrive early or leave early from an assigned shift.

At the time of notification/call, the employee must notify their supervisor when an absence is due to a documented/approved leave of absence (e.g. Military Leave, FMLA) in order to ensure appropriate tracking of leave utilization and absenteeism.

An employee who fails to call in and report to work as scheduled for three consecutively scheduled work days will be viewed as having abandoned their position and employment will be terminated. The CSA should consult with the Personnel Committee if this situation occurs.

Incidents of not following the departmental notification procedures, including No-Call/No-Show, will be addressed in accordance with the Progressive Discipline policy.

IV. Progressive Discipline Process

The Administration shall monitor their employees' attendance on a regular basis and address unsatisfactory attendance in a timely and consistent manner. If the Administration notices a pattern of unscheduled usage of accrued time off, they should discuss this concern with the employee, and document the employee's file regarding the discussion.

When an employee has been previously counseled under the Progressive Discipline Policy, the totality of the circumstances will be assessed when determining further action. For situations involving suspension or termination of employment, the CSA should consult with the Personnel Committee prior to implementing disciplinary action.

Timely and regular attendance is a performance expectation of all Burch Charter School of Excellence employees. Consequently, those employees who have exhibited unsatisfactory attendance, which resulted in disciplinary action during the course of the year, shall have the behavior documented in their annual evaluation.

Occurrences

An occurrence is documented as an absence or tardy. While an absence refers to a single failure to be at work, an occurrence may cover 1 absence or 2 unexcused tardiness.

The following grid is designed to provide guidelines when addressing the total number of occurrences in a rolling 12-month period, provided that the reason for an occurrence is not protected under FMLA or ADAAA, or any other applicable law.

	Occurrence/Days	Discipline Step and Action
Occurrence 1 Occurrence is equal to: 1 Absence 2 Tardiness	4 Occurrence (Total)	Step 1: Verbal Warning/ Counseling
	6 Occurrences	Step 2: Written Warning
	8 Occurrences	Step 3: Final Written Warning
	10 Occurrences	Step 4: Termination
Single Day with No Call/No Show	1 Occurrence	Step 2: Written Warning
	2 Occurrences	Step 3: Final Written Warning
	3 Occurrences	Step 4: Termination

NOTE: The total number of days may be a combination of either absences or tardies and do not have to be consecutive. The total number of days an employee is unavailable for work as scheduled and the total number of occurrences are considered when applying discipline.

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4200

Name: Acceptable Use Policy-Technology
Board Approval Date: November 22, 2011

CELL PHONES

Personal use of cellular phones and other communication devices are strictly prohibited on board time unless it is for the purposes of addressing an emergency. The Chief School Administrator shall immediately be informed of such emergency.

ACCEPTABLE USE OF COMPUTER NETWORK/COMPUTERS AND RESOURCES

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

The Board directs the Chief School Administrator or designee to affect training of teaching staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes. The Board reserves the right to monitor all technological activity. The Board also recognizes that telecommunications will allow teaching staff members access to information sources that have not been pre-screened using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer network(s) and declares unethical, unacceptable, and inappropriate of illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges, instituting legal action or taking any other appropriate action as deemed necessary.

The Board provides access to e-mail, voice mail, Internet services, computers, and network(s)/ computers for administrative and educational purposes only. The Board retains the right to restrict or terminate teaching staff member's access to the computer network(s)/ computers at a time, for any reason. The Board retains the right to have the Chief School Administrator or designee, monitor network activity in any form necessary, to maintain the integrity of the network(s) and ensure its proper use. It is imperative that staff not abuse or misuse these technologies and services. Staff must ensure that only business related information is contained or maintained on the district's systems or devices. This is particularly important when using e-mail, the World Wide Web or any other part of the Internet. At minimum, employees must be guided by common sense when using the computer technologies.

Staff should protect themselves and others by not issuing any addresses, telephone numbers or any other personally identifiable information about themselves, students in the district, or others over the Internet or online services, remembering that online communications are not private.

Users of the technology are not allowed to have food and/or drinks in close proximity to computers or other technology equipment or software. Users assume all responsibility for damage to district technology equipment and software cause by food and/or drinks.

Standards for Use of Computer Network(s)

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

- Using the computer network(s)/computer for illegal, inappropriate, fraudulent or obscene purposes, or in support of such activities;
- Using the computer or network for commercial purposes or for financial gain;
- Placement of unlawful, inappropriate or objectionable information or language into the technology system or any component part;
- The inappropriate deletion, addition or alteration of data or information on the district's computer/network;
- Harassment, hate mail, inflammatory or offensive speech;
- Accessing material that is profane or obscene (pornography), advocate's illegal acts or that advocates violence or discrimination

toward other people or the United States government;

- Intentionally disrupting network traffic or crashes the network;
- Degrades or disrupts equipment or system performance;
- Steals data or intellectual property;
- Gains or seeks unauthorized access to the files of others or vandalizes the data or another user;
- Forges electronic mail messages or uses an account owned by others;
- Invades privacy of others;
- Posts anonymous messages;
- Possess any data that is in violation of Board policies;
- Engages in activities that do not advance the educational purposes for which computer network(s)/computer are provided.

Violations

Individuals violating this policy shall be subject to appropriate disciplinary actions, which includes but are not limited to:

- Use of the network(s)/computers only under direct supervision
- Suspension of network privileges
- Revocation of network privileges
- Suspension of computer privileges
- Revocation of computer privileges
- Suspension
- Dismissal from employment position
- Legal action and prosecution by authorities
- Any appropriate action that may be deemed necessary as determined by the Chief School Administrator and approved by the Board of Trustees

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4211

Name: Recruitment, Selection and Hiring
Non-Certified Personnel
Board Approval Date: November 22, 2011

The Board of Trustees of the Burch Charter School of Excellence shall appoint all staff members only from nominations made by the Chief School Administrator. All appointments shall be by recorded roll call majority vote of the full membership of the Board. The Chief School Administrator shall adhere to the following in recruiting and interview candidates:

- A. There will be no discrimination in the employment process in regard to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, nationality, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job.
- B. All candidates must have training and/or actual work experience in the vacant position, and an acceptable level of proficiency; and
- C. It shall be the duty of the Chief School Administrator to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the completion of a criminal history check and proof of citizenship or eligible alien status.

The Chief School Administrator or designee is responsible for the preparation and maintenance of job descriptions that define the duties, responsibilities and qualifications required for each support position. The Board shall adopt those job descriptions required by law or code and others as appropriate.

The employment of any candidate is not official until the contract is approved by the Board of Trustees and signed by the candidate. It shall be the responsibility of the Chief School Administrator or designee to communicate this fact to all candidates.

The Chief School Administrator may make temporary appointments in emergency situations in accordance with law. These must be ratified by the Board of Trustees at the next regular meeting.

Legal References:

N.J.S.A. 10:5-1 et seq.	Law Against Discrimination
N.J.S.A. 18A:6-7.1, -7.5	Criminal history record; employee in regular contact with students; grounds for disqualification from employment
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:16-1	Officers and employees in general
N.J.S.A. 18A:27-4	Powers of boards of education to make rules governing employment of teacher, etc.; employment thereunder
N.J.S.A. 18A:27-4.1	Appointment, transfer, removal or renewal of officers and employees; exceptions
N.J.S.A. 18A:39-17 through -20	Names, social security numbers, and certification of bus driver's license and criminal background check
<u>See particularly:</u> N.J.S.A. 18A:39-19.1	
N.J.S.A. 26:8A-1 et seq.	Domestic Partnership Act
N.J.S.A. 39:3-10.1	Driver of motor vehicle or trackless trolley with capacity over six passengers; special license

N.J.A.C. 6A-7.1.1 et seq. Managing for Equality and Equity in Education

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

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

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

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

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

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

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

The Comprehensive Equity Plan, New Jersey State Department of Education

Corresponds to NJSBA Policy No. 4211

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4231/4231.1

Name: Staff Development; In-Service
Education/Visitations/Conferences
For Non-Certified Staff
Board Approval Date: November 22, 2011

The Board of Trustees recognizes that the skills required of support staff members change with changing technology. In order to ensure both optimum efficiency in school operations, and the continued growth in expertise of the staff, the Chief School Administrator shall ensure that appropriate programs of in-service shall be developed for support staff as necessary.

The Chief School Administrator may recommend to the Board the granting of leave for attendance of personnel at state, regional, and national job-related meetings without pay deduction and with expenses paid by the school system according to established allowances.

Mandated In-Service Programs

The Chief School Administrator shall arrange development of appropriate in-service presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, drug/alcohol abuse awareness, handling blood and body fluids, possible hazardous substances in the workplace, crisis response, school violence and other topics specifically required by federal or New Jersey law.

Legal References:

N.J.A.. 18A-11-1	General mandatory powers and duties
N.J.S.A. 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report
N.J.S.A. 18A:30-7	Power of boards of education to pay salaries
N.J.S.A. 18A:31-2	Attendance at conventions of New Jersey Education Assn.
N.J.S.A. 18A:40A-3 <u>See particularly:</u> N.J.S.A. 18A:40A-3a, -18c	Initial service training programs; curriculum; availability
N.J.S.A. 34:5A-10	Retention or workplace surveys
N.J.S.A. 34:5A-13	Employee education and training program; certification of instructions
N.J.A.C. 6A:7-1.6	Professional development
N.J.A.C. 6A:16-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:16-3.1(a)4, -5.1(d), -6.2(b)12	Programs to Support Student Development
N.J.A.C. 6A:16-11.1 et seq.	Reporting Allegations of Child Abuse and Neglect
N.J.A.C. 6A:32-1.1	Review of mandated programs and services

The Comprehensive Equity Plan, New Jersey State Department of Education

Corresponds to NJSBA Policy No. 4231/4231.1

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4240

Name: Employee Health
Board Approval Date: August 14, 2017

Note: Standards apply to both certified (4112.4) and noncertified (4212.4) staff

Examinations

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

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

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

In the event an employee of the Board shows evidence of deviation from normal physical or mental health, the Board may require additional individual psychiatric or physical examinations of the employee. When an additional psychiatric or physical examination is required:

- A. The Board shall provide the employee with a written statement of reasons for the required additional examination. The Board shall provide the employee with a hearing, if requested;
- B. The determination of the Board hearing if requested shall be appealable to the commissioner;
- C. The employee may, without reprisal, refuse to waive his or her right to protect the confidentiality of medical information.

The report of the required psychiatric or physical examination shall include a statement by the examining physician as to any physical or mental condition noted likely to prevent the person examined from performing all duties and responsibilities of the position sought or occupied, or a statement that no such condition exists.

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

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

Occupational Containment of Blood-Borne Pathogens

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

The ECP is a key document to assist the school in implementing and ensuring compliance with the OSHA bloodborne pathogens in accordance with federal regulations.

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

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

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

Implementation and Dissemination

The Chief School Administrator, in consultation with the school nurse/supervising physician, shall prepare regulations to implement this policy in compliance with law and code. All employees shall receive this policy and be made aware of all requirements for health examinations.

Legal References:

N.J.S.A. 2C:35-1 et seq.	Comprehensive Drug Reform Act of 1987
N.J.S.A. 18A:16-2	Physical examinations; requirement
N.J.S.A. 18A:16-3	Character of examinations
N.J.S.A. 18A:16-4	Sick leave; dismissal
N.J.S.A. 18A:16-5	Records of examinations
N.J.S.A. 18A:40-10	Exclusion of teachers and students exposed to disease
N.J.S.A. 18A:66-39	Disability retirement
N.J.S.A. 26:4-1	“Communicable disease” defined
N.J.S.A. 26:4-6	Prohibiting attendance of teachers or students
N.J.S.A. 26:4-15	Reporting of communicable diseases by physicians
N.J.S.A. 26:5C-1 et seq.	AIDS Assistance Act
N.J.A.C. 6A:16-2.1	Health services policy and procedure requirements
N.J.A.C. 6A:32-6.1 et seq.	School Employee Physical Examinations

N.J.A.C. 8:61-1.1 et seq.	Participation and Attendance at School by Individuals with HIV Infection
N.J.A.C. 12:100-4.2	Safety and Health Standards for Public Employees (Adopted by reference)
42 U.S.C.A. 12101 et seq.	Americans with Disabilities Act (ADA)
29 CFR 1910.1030	Bloodborne Pathogen Standard

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

Elizabeth v. Elizabeth Fire Officers Assn., 10 NJPER 15022

Corresponds to NJSBA Policy No. 4112.4/4212.4

The Burch Charter School of Excellence Policy

Category: Instructional/Support Personnel
Code: 4241

Name: Personnel Records
Board Approval Date: August 14, 2017

Note: Standards apply to both certified (4112.6) and noncertified (4212.6) staff

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

The Chief School Administrator shall consult with the board attorney regarding which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The Chief School Administrator and the board attorney shall be responsible for limiting administrative records to those that are consistent with New Jersey and federal law.

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

The Chief School Administrator shall establish the necessary regulations for maintaining both public and confidential employee records.

Public Record

The public file shall consist of an alphabetic index of all those presently employed by the district in whatever capacity. The information in this file shall be limited to name, title, position, salary, payroll record, length of service, and, if applicable, date of separation and rehire. The chief school administrator shall devise procedures for making this file available to the public in accordance with the Open Public Records Act.

Personnel File

The confidential file, which shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. shall consist of an individual personnel folder for each current employee.

A. The information in this file shall include all records mandated by state and federal law including:

1. Evaluation of performance;
2. Written performance reports and supporting data for tenured staff, including but not limited to written observation reports and additional components of the summative evaluation rating or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed (N.J.A.C. 6A:10-2.4.g);
3. Record of attendance;
4. Original application filed by the employee;
5. Original salary and increments;
6. Date of tenure;
7. Notations of commendation and disciplinary actions consistent with law.

B. The personnel file is available for examination:

1. At any time, by the chief school administrator or the supervisory personnel he/she designates;
2. During regular business hours, by the employee or his/her personally authorized representative, in accordance with regulations;
3. During regular business hours, or at any meeting of the board or any committee thereof, by any member of the board when necessary to make an informed decision regarding any assigned board responsibility or duty.

Health Record

Employee health records shall be maintained separately from other personnel files and in strict confidentiality. Only the employee, the chief medical inspector and the chief school administrator shall have access to an employee's medical file. To assure ready access in a medical emergency, the section of the medical record that contains the health history may also be shared with the building principal or chief school administrator and the school nurse with the consent of the employee.

Emergency Contact Information

Staff emergency contact cards for all employees shall be maintained by the chief school administrator and updated annually.

Legal References:

N.J.S.A. 18A:6-7	Oath of persons employed in teaching capacities
N.J.S.A. 18A:6-7a	Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
N.J.S.A. 18A:6-11	Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
N.J.S.A. 47:1A et seq.	Examination and copies of public records ("Open Public Records Act")
N.J.S.A. 47:3-15 et seq.	Destruction of Public Records Law
<u>N.J.A.C. 6A:10-2.4</u>	Evaluation procedures for all teaching staff members
N.J.A.C. 6A:32-6.1 et seq.	School Employee Physical Examinations
N.J.A.C. 12:100-4.2	Safety and health standards for public employees occupational exposure to bloodborne pathogens (Adoption by reference)
29 CFR 1910.1030	Bloodborne Pathogen Standard

Every Student Succeeds Act of 2015, Pub.L. 114-95, 20 U.S.C.A. 6301 et seq.

Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

Citizens for Better Education v. Camden Bd. of Ed., 124 N.J. Super. 523 (App. Div. 1973)

Trenton Times Corp. v. Trenton Bd. of Ed., 138 N.J. Super. 357 (App. Div. 1976)

Nero v. Hyland, 76 N.J. 213 (1978), rev'd 146 N.J. Super. 46 (App. Div. 1977), 136 N.J. Super. 537 (Law Div. 1975)

Brick Township Education Association v. Brick Township Bd. of Ed., 1974 S.L.D. 111

Sayreville Education Association v. Sayreville Bd. of Ed., S.L.D. 197

White v. Galloway Township Bd. of Ed., 1977 S.L.D. 900, aff'd St. Bd. 1977 S.L.D. 903

Witchel v. Cannici and the Passaic Bd. of Ed., 1966 S.L.D. 159

Mendell v. Cimmino and the Kinnelon Bd. of Ed., 1970 S.L.D. 185

Cordano v. Weehawken Bd. of Ed., 1974 S.L.D. 316, appeal dismissed St. Bd. 1974 S.L.D. 323

Horner v. Kingsway Regional Board of Education, 1990 S.L.D. 752

Lacey Township Bd. of Ed. V. Lacey Township Education Ass'n., 130 N.J. 312 (1992)

Beatty v. Chester, 1999 S.L.D. August 31

Ciambrone v. Bloomingdale, 2000 S.L.D. May 7

Corresponds to NJSBA Policy No. 4112.6/4212.6